



Agenda

Council Meeting

6.30pm, Tuesday 20 June 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 Claudia Nguyen Mayor
- Cr Edward Crossland Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Herschel Landes Councillor
- Cr Anab Mohamud 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
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

Leave of absence

- Cr Stephen Jolly Councillor

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 16 May 2023 be confirmed.

That the minutes of the Extraordinary Council Meeting held on Monday 5 June 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 2023/24 Annual Plan	9	12	Wei Chen – Chief Financial Officer
7.2 Review of Council Order - under the Domestic Animal Act 1994	13	22	Stewart Martin - Manager Compliance and Parking Services
7.3 Grants Administration Guide Adoption	23	26	Malcolm McCall – Manager Equity and Community Development
7.4 Street Garden Guidelines Process Update	27	31	Susan Stanes – Coordinator Design and Place Making
7.5 Yarra Leisure Off Peak Fees and Charges	32	39	Sally Jones - Manager Property and Leisure
7.6 Sportsground and Facilities Allocation Policy	40	44	Sally Jones - Manager Property and Leisure
7.7 Palmer Street Fitzroy streetscape proposal	45	49	Susan Stanes – Coordinator Design and Place Making
7.8 PLN21/0984 - 492 Queens Parade, Fitzroy North	50	71	Lara Fiscalini - Principal Planner
7.9 Governance Report - June 2023	77	79	Phil De Losa – Manager Governance and Integrity

8. Notices of motion

Item	Page	Rec. Page	Report Presenter
8.1 Notice of Motion No. 3 of 2023 - Department of Transport Delays	80	81	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

Nil

7.1 2023/24 Annual Plan

Executive Summary

Purpose

To present the 2023/24 Annual Plan to Councillors for endorsement.

Key Issues

Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan 2021-25.

The 2023/24 Annual Plan includes 56 actions aligned under the six Strategic Objectives in the Council Plan.

Financial Implications

Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

PROPOSAL

Council endorses the 2023/24 Annual Plan.

7.1 2023/24 Annual Plan

Reference	D23/208125
Author	Shane Looney - Corporate Planner
Authoriser	Chief Financial Officer

Purpose

1. To present the 2023/24 Annual Plan (Annual Plan) to Councillors for endorsement.

Critical analysis

History and background

2. Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan 2021-25.
3. The Annual Plan is the organisation's annual response to Initiatives contained in the four-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Council Plan 2021-25 was adopted on 19 October 2021.

Discussion

5. The attached Annual Plan (Attachment 1) includes 56 Actions.
6. The Actions respond to the Council Plan 2021-25 Strategic Objectives and Initiatives:

Strategic Objective	Number of actions
Climate and environment	7
Social equity and health	17
Local economy	5
Place and nature	15
Transport and movement	5
Democracy and governance	7
Total	56

7. The Annual Plan is built primarily from Initiatives in the adopted Council Plan 2021-25. Noting that the Council Plan is a four-year document and not all Initiatives will feature in every Annual Plan over its four-year term.
8. Actions in the Annual Plan are funded in the 2023/24 Budget (Annual Budget). Any change to the Annual Budget may have a consequent change in the Annual Plan.
9. Progress of the Annual Plan Actions is monitored and reported to Council quarterly in the Annual Plan Progress Report.
10. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.

Options

11. This report does not consider any options.

Community and stakeholder engagement

12. The Annual Plan is informed by Initiatives in the adopted Council Plan 2021-21 and community engagement was undertaken during the development of the Council Plan 2021-25.
13. Consideration is given to the community feedback received during the Annual Draft Budget community engagement feedback.
14. Projects in the Annual Plan are subject to community consultation and engagement on a project-by-project basis.

Policy analysis

Alignment to Community Vision and Council Plan

15. The structure of the Annual Plan is aligned to the six Strategic Objectives of the Council Plan 2021-25 that respond to Yarra 2036 Community Vision.
16. Actions in the Annual Plan are closely aligned to Initiatives in the Council Plan.

Climate emergency and sustainability implications

17. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The Annual Plan includes seven actions that respond to Initiatives in this Strategic Objective.
18. Actions in the Annual Plan include work to transition Council buildings off gas, supporting and engaging households and business to transition to zero carbon, progress zero carbon development and programs and initiatives to reduce organic and plastic waste and support circular economy solutions.
19. The Council Plan 2021-25 includes a Strategic Objective 'Transport and movement' that is an integral part of our climate emergency response to reduce transport emissions. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.
20. Actions in the Annual Plan include adoption of the Transport Action Plan, delivering active transport projects, advocacy for public transport and Transition to Zero emissions Transport.

Community and social implications

21. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.
22. Actions in the Annual Plan include Richmond Youth Hub, programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ communities and sporting clubs.
23. The Council Plan 2021-25 includes a Strategic Objective 'Place and nature' which recognises the important role that public places, streets and green open space have in bringing our community together. The Annual Plan includes fifteen actions that respond to Initiatives in this Strategic Objective.
24. Actions in the Annual Plan include the Cremorne Urban Design Framework, new parks in Cambridge Street, Otter Street and Charlotte Street, the redevelopment of Brunswick Street Oval Precinct, renewing Yambla Street Pavilion, direct seeding and cultural burning bushland management and greening initiatives including tree planting.
25. The Council Plan 2021-25 incorporates the Municipal Health and Wellbeing Plan that guides how Council will promote health and wellbeing across the municipality.

Economic development implications

26. The Council Plan 2021-25 includes a Strategic Objective 'Local economy' that addresses economic development implications. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.
27. Actions in the Annual Plan include promotion of arts and culture, precinct activation program, night time economy and local safety and wellbeing.

Human rights and gender equality implications

28. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses human rights and gender equality implications. The Annual Plan includes eleven actions that respond to Initiatives under this Strategic Objective.
29. Actions in the Annual Plan include programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ+ communities.

Operational analysis

Financial and resource impacts

30. Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

Legal Implications

31. There are no legal implications.

Conclusion

32. The 2023/24 Annual Plan has been developed following a rigorous process and is presented to Council for endorsement.

RECOMMENDATION

1. That:
 - (a) Council endorses the 2023/24 Annual Plan.

Attachments

- 1 Attachment 1 - 2023/24 Annual Plan

7.2 Review of Council Order - under the Domestic Animal Act 1994

Executive Summary

Purpose

To seek the endorsement to begin community engagement on proposed changes to the Council Order including.

- (a) The proposed introduction of a timed cat curfew (between 7pm & 7am the next day); and
- (b) New additions to clause 5 'Owner's obligations in a Designated Reserve' and other minor changes and additions to the Council Order.

Key Issues

Council has the authority under the *Domestic Animals Act 1994* pursuant to sections 25 and / or 26 to create a Council Order detailing the control of domesticated dogs and cats within a public space. It is designed to ensure the ongoing safety and amenity of the community.

A year one action of the adopted Domestic Animal Management Plan 2021-25 was to review the Council Order and consider the introduction of a cat curfew.

This report recommends that Council endorses for public consultation, the introduction of a timed cat curfew (between 7pm & 7am the next day).

Other minor proposed changes and additions to the Council Order include:

- (a) New additions to clause 5 '*Owner's obligations in a Designated Reserve*':
 - (i) The dog does not dig or otherwise damage a Designated Reserve'; and
 - (ii) 'dogs must be on lead when Council or any contractor is conducting maintenance including mowing of the lawn, oval or any other area';
- (b) Addition of a newly created park to Schedule One; '*O'Connell Reserve*' and conversion of '*Cairns Reserve*' to a dog on lead park; and
- (c) Address any anomalies or inconsistencies as required within the current Council Order.

The fundamentals of the Council Order will remain the same, however some changes are proposed to the wording and language within the Order to ensure that it is both enforceable and easy to understand by the community.

Financial Implications

The proposed Council Order review and implementation process will be managed within existing budget.

PROPOSAL

To commence community engagement on the proposed changes to the Council Order including the proposed introduction of a timed cat curfew (between 7pm & 7am the next day).

7.2 Review of Council Order - under the Domestic Animal Act 1994

Reference	D23/170429
Author	Samantha Hall - Special Projects Officer
Authoriser	General Manager City Sustainability and Strategy

Purpose

1. To seek the endorsement to begin community engagement on proposed changes to the Council Order including.
 - (a) The proposed introduction of a timed cat curfew (between 7pm & 7am the next day); and
 - (b) New additions to Clause 5 'Owner's obligations in a Designated Reserve' and other minor changes and additions to the Council Order.

Critical analysis

History and background

2. Council has the authority under the *Domestic Animals Act 1994* pursuant to sections 25 and / or 26 to create a Council Order detailing the control of domesticated dogs and cats within a public space. It is designed to ensure the ongoing safety and amenity of the community.
3. The current Council Order was adopted by Council in 2015. This Order outlines the requirements for the keeping of the domestic cats and dogs within the municipality, including the mandatory desexing of all cats first introduced 1 March 2010.
4. A year one action of the adopted Domestic Animal Management Plan 2021-25 was to review the Council Order and consider the introduction of a cat curfew.

Discussion

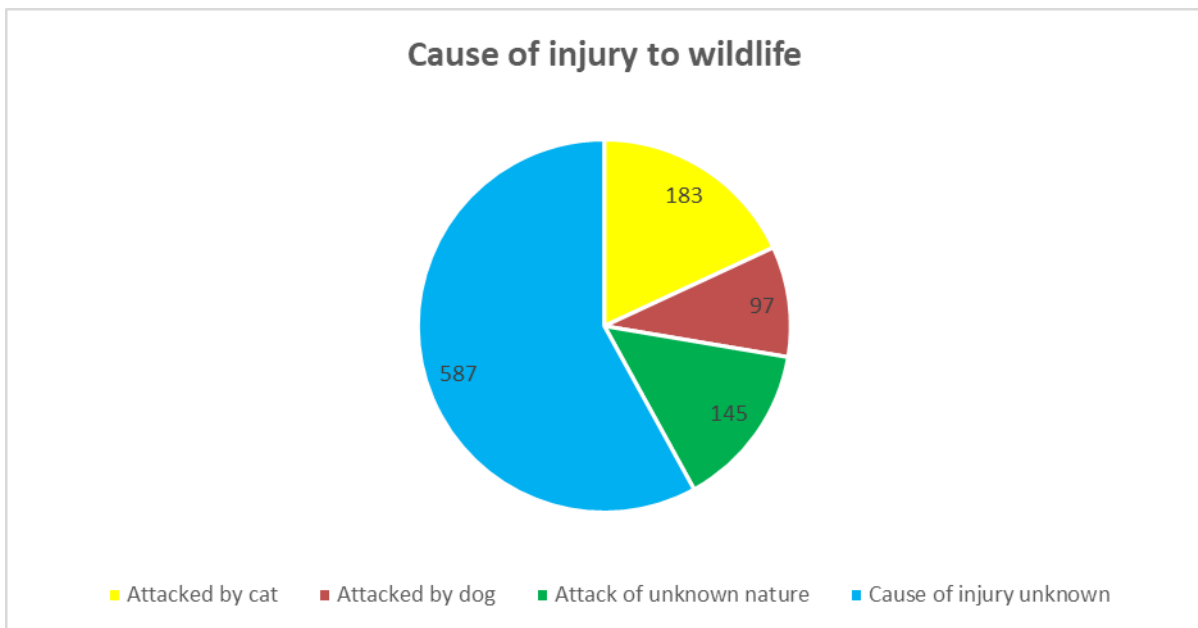
Proposed changes to the Council Order

5. The key issues proposed under this review include:
 - (a) Introduction of a timed cat curfew proposed to be introduced between 7pm & 7am the next day;
 - (b) To ensure dogs and cats in a public space are suitably controlled and do not impact the enjoyment of other members of the community or the environment around them;
 - (c) New additions to clause 5 '*Owner's obligations in a Designated Reserve*':
 - (i) The dog does not dig or otherwise damage a Designated Reserve'; and
 - (ii) 'dogs must be on lead when Council or any contractor is conducting maintenance including mowing of the lawn, oval or any other area';
 - (d) Addition of a newly created park to Schedule One; '*O'Connell Reserve*' and conversion of '*Cairns Reserve*' to a dog on lead park; and
 - (e) Address any anomalies or inconsistencies as required within the current Council Order.
6. The fundamentals of the Council Order will remain the same, however some changes are proposed to the wording and language within the Order to ensure that it is both enforceable and easy to understand by the community.
7. A change to the Order specifies that Cairns Reserve that has been signed as a dog on lead park for a number of years and functioned as such, is proposed to be updated to reflect this status and change the designation of the park from dogs prohibited to dog on lead.

8. No other changes to the designation of existing Council parks are being considered.

Cats in the City of Yarra

9. The most significant proposed change to the Council Order relates to the proposed cat curfew.
10. The City of Yarra is home to 3,049 registered cats (June 2023).
11. Council introduced mandatory desexing for all cats on 1 March 2010 and has over a number of years encouraged cat owners to keep their cats confined at night. Officers believe that introducing a night time cat curfew is the next logical step to protect both cats and wildlife within the municipality.
12. Statistical data for the City of Yarra was provided to us by Wildlife Victoria in 2022. This shows that 183 animals were confirmed as being attacked by a cat in the last five years (1 July 2017 – 30 June 2022).
13. To provide further context, a further breakdown follows:
- (a) 183 were confirmed cat attacks;
 - (b) 97 were confirmed dog attacks;
 - (c) 145 were attacks of an unknown nature; and
 - (d) 587 had injuries sustained from an unknown cause.



14. It should be noted that a cat curfew will not address the issue of feral cats.
15. An ongoing extensive education program around the dangers of semi-owned and feral cats will be required for cat owners and residents in Yarra regardless of any curfew. This program would include the impact of feral, semi-owned and domestic cats on native wildlife and is planned to commence in conjunction with the proposed cat curfew.

Cat Management outside the City of Yarra

16. The introduction of a cat curfew will bring the City of Yarra into line with some other Councils in Victoria. A table showing the current cat containment requirements for the M9 Councils is below.

Council	Category	Cat curfew	Introduced
Darebin	Metro	Sunset to sunrise (7pm to 7am)	Jan 2021
Melbourne	Metro	No current curfew (confirmed April 2023)	
Stonnington	Metro	No current curfew (confirmed April 2023)	
Maribyrnong	Metro	No current curfew (confirmed April 2023) DAMP 2021-2025 states that they will investigate community support for the introduction of a cat curfew in 2022, but no evidence of this on the website.	
Merri-bek	Metro	No current curfew (confirmed April 2023)	
Hobsons Bay	Metro	No current curfew (confirmed April 2023)	
Moonee Valley	Metro	Sunset to sunrise (no specific times)	2011
Port Philip	Metro	Sunset to sunrise (9pm to 6am)	April 2022

17. Other metro and interface Councils to recently introduce or announce plans to introduce a cat curfew include Manningham, Knox, Monash, Whitehorse, and Whittlesea. Knox commenced a 24-hour curfew in April 2022 after beginning with a night-time curfew in January 2020.
18. Manningham has announced plans to go straight to a 24-hour curfew however the implementation date for Manningham has not been confirmed.
19. Whittlesea announced plans (July 2022) to introduce a 24-hour curfew beginning in August 2023.

Council	Category	Cat curfew	Introduced
Whittlesea	Interface	(Planned) 24 hours	Beginning August 2023
Knox	Metro	24 hours	April 2022 (Night curfew pilot from Jan 2020)
Monash	Metro	Sunset to sunrise	April 2021
Manningham	Metro	Decision made to move to 24 hours.	Implementation date not yet confirmed
Whitehorse	Metro	Sunset to sunrise (8pm to 6am)	Jan 2020

20. Officers understand that statistics from recent public consultations at other Councils shows support from cat owners for a night-time curfew.
 - (a) The Monash City Council website states that survey results demonstrated that 74% of cat owners supported a night-time curfew, with the majority of owners already bringing their pet inside at night;
 - (b) Discussions with the City of Port Philip indicate that they received positive feedback, with approximately 85% of cat owners already keeping their cats inside at night; and

- (c) Manningham City Council provided information at their Council meeting that 78% of respondents supported a night-time curfew, while 52% supported a 24-hour curfew.
21. RSPCA Victoria recently released their election priorities including priority three ‘to develop a holistic cat management plan’. They stated that:
- (a) *“There are inconsistencies in how cats are managed in Victoria. Cat management is regulated at both the state and local government level, with each of the 79 local government areas able to create their own cat management by-laws. A lack of consistency across local jurisdictions means that cats are not being managed according to best practice and this is having an impact on cat welfare, wildlife welfare and public nuisance.”*
22. The State Government have announced a 10-year plan (May 2022) in relation cats and the protection of wildlife in Victoria. Details of the plan have not been published yet, however discussions with a representative of Animal Welfare Victoria has indicated that the strategy is expected to take about two years to develop and four years to implement.

A curfew could benefit both cats and wildlife

23. RSPCA Australia and the Zoo and Aquarium Association (ZAA) have created a joint initiative called ‘Safe Cat, Safe Wildlife’. Keeping cats at home gives them a better chance to enjoy a longer and healthier life.
24. The RSPCA’s Victorian campaign, *Safecat.org*, states that keeping cats contained will reduce the risk of:
- (a) Traumatic Injury:
- (i) *With greater numbers of roadways and increased traffic, the risk of being hit by cars is a very real possibility. So too is the risk of attack by other animals, including dogs and also other cats, as cat territories do not always coincide with human boundaries. Cat bite abscesses are a very common presenting complaint to veterinarians, are painful for the cat and costly for the owner.*
- (b) Infectious and parasitic disease:
- (i) *Roaming also presents the risk of contracting common feline diseases such as cat flu, ringworm, and ear mites but the greatest risk by far is contracting Feline Immunodeficiency Virus (FIV) which causes similar symptoms to HIV in humans (though it is not transferable to humans). FIV is transmitted via cat bites from fighting – there is a vaccine available, but it is not 100% effective so keeping your cat from roaming and getting into fights is the best way to keep your cats safe.*
- (c) Poisoning:
- (i) *Roaming allows access and exposure to many sources of toxins - including toxic plants (such as lilies), garden pesticides, being bitten by poisonous snakes, spiders etc. If your cat decides to hunt, they also face the real possibility of exposure to rodent poisons by eating mice or rats that have ingested these.*
- (d) Entrapment / Getting lost:
- (i) *With their curious nature and habit of exploring, it is not uncommon for cats to get lost in unfamiliar territory or even become locked in neighbours’ garages or sheds; and*
- (e) Exposure to weather extremes:
- (i) *Cats can sometimes roam far from home, and this puts them at risk of being exposed to thunderstorms, frost and the harsh Australian sun which can cause sunburn. The risk of skin cancer is high, particularly for white and light-coloured cats.*
25. The *Safe Cat, Safe Wildlife* website states that “Around 46% of Australia’s endangered wildlife can be found in towns and cities (Ives et al. 2015).”

26. Further to this the RSPCA encourages the containment of cats in an enclosed area (within the owner's property boundaries). The RSPCA believes that containment of cats can help to protect cats from disease and injury through fighting and accidents, increase the opportunity for owner-animal interaction and reduce the impact of hunting by cats and disturbance caused to neighbours.
27. The RSPCA advises that keeping cats at home benefits *'not just the individual cat, but our wider community'*:
- (a) *"Numerous studies show that cats have a significant negative impact on native wildlife. Roaming pet cats kill 390 million animals per year in Australia, including reptiles, birds, and mammals. That's an average of 186 animals, mostly native species, per roaming domestic cat each year. Roaming cats also pose a concern to animal shelters. RSPCA shelter staff are faced with the daily challenge of finding homes for a continuing intake of stray cats and kittens. The intake of cats into shelters and rescue groups is just one of the many symptoms that characterise the problem of cat overpopulation in Australia."*
28. It is accepted that cats have an impact on native fauna. There is some conjecture as to whether the impact is predominantly caused by feral or domestic cats, and how to reduce the impact from domestic cats specifically. There are varying studies, statistics, and information available on the subject:
- (a) A recent study undertaken for the Australian Parliament, *"Project Noah"*, states that in Australia it is estimated that one feral cat can kill app. 1,100 animals each year; and
- (b) The following extracts are from the 2020 study *"We need to worry about Bella and Charlie: the impacts of pets cats on Australian Wildlife"*:
- (i) *"An average pet cat kills fewer animals than does a feral cat: a pet's predation rate is 14–25% that of a feral cat, depending on whether all pet cats, or only the subset of pets that roam and hunt, are considered. On average, a roaming and hunting pet cat kills 186 mammals, birds, and reptiles each year (including 115 native animals), which is about a quarter of what an average feral cat kills in the bush (748 mammals, birds, and reptiles, including 576 native) per year. But pets occur at a high density in small areas, so local predation pressure can be substantial; in those areas in which they occur..."*
- (ii) *"Detrimental impacts to wildlife populations from pet cat predation have also been reported from Australia, but the evidence is patchier. Pet cats were blamed for the decline of a local population of superb lyrebirds, *Menura novaehollandia*, at Sherbrooke Forest, Victoria; consequent changes to pet cat management regulations were associated with a recovery in lyrebird numbers. However, the improved pet cat management coincided with fox and feral cat control programs, so the relative contributions of pet cats versus introduced predators to the lyrebird declines are hard to disentangle"*.
- (iii) *"Night-time curfews are widely perceived as protecting wildlife. For example, studies in Victoria and in South Australia both found that pet cat owners were more likely to contain their pets overnight than during the day"*.
- (iv) *"Some cat owners have successfully trained their cats to be walked on a leash, but not all cats enjoy this or 'agree' to be walked. Containment could incur costs to the cat owners, if they build containment structures outdoors, and purchase cat toys and other equipment for behavioural enrichment"; and*

(v) *“Local governments with cat curfew or containment regulations have generally been unable to demonstrate reductions in complaints about roaming cats, or the incidence of roaming cats, following the introduction of the regulations. In part, this is due to the lack of monitoring for compliance and outcomes, as well as the fundamental issues of non-compliance. Containment bylaws can be effective only if compliance is monitored, if noncompliance is detected and penalised, if infrastructure, staffing and a process for impounding and handling wandering cats are all in place, and if accompanied by ongoing education about the need for cat containment (Moore 2001). Thus, the effectiveness of curfews and containment are likely to be correlated with local government investment...”*

29. While there is no specific research on the impact of cats (pet cats or feral cats) specifically for Yarra, new research conducted by the Australian National University found that roaming pet cats kill 546 million animals a year in Australia, 323 million of which are native animals.
30. This research found that pet cats kill 6,000 to 11,000 native animals per square kilometre in urban areas each year. ‘Professor Sarah Legge’ also found that 730,000 pet cats were roaming in Greater Melbourne each year and that these cats killed approximately 62 million native animals annually.

Considerations of a cat curfew

31. An extensive public consultation and education program will be undertaken.
32. Officers also recognise that building a cat enclosure or installing cat proof fencing will not be possible for all cat owners as a solution.
33. Council can evaluate the success of cat containment measures by monitoring the number of:
 - (a) new and active cat registrations;
 - (b) cat trap / nuisance requests;
 - (c) Cats collected and impounded within the municipality; and
 - (d) Analysing data from Wildlife Victoria on the number of injured wildlife being received at their facility, specifically those caused by cat attacks.
34. The introduction of a night time cat curfew will make it an offence for cat owners to allow their pet to roam outside their property at night.
35. Any curfew is intended to be mainly self-regulated, and we need to encourage a willingness to comply from pet owners, and a night time curfew is the appropriate first step to introduce our residents to the idea of cat containment.
36. Cat owners that repeatedly breach a curfew following education and warnings may receive an infringement notice and potential prosecution. If a cat is unregistered, or its owners are not available to receive it safely at home, the cat will be impounded. There is a fee for pound collections and unfortunately pets are not always reunited with their owners.
37. Reuniting cats with their owners after being impounded can be difficult for Councils. Findings published by RSPCA Victoria state that *“In 2020/21, RSPCA Victoria received 8,480 cats into our shelters, which was 58% of the total incoming animals. RSPCA Victoria is just one of several large shelter facilities in Victoria, with shelters such as The Lost Dogs’ Home receiving a similar total of incoming animals in 2020/21 and Animal Aid receiving 2,753 cats (61% of their total incoming animals) within the same period. While many cats are highly valued as companions and pets, many others have no defined owner and due to cat overpopulation have fewer rehoming options than dogs. In 2020/21, only 7% of incoming cats into RSPCA Victoria were reclaimed, whereas 53% of incoming dogs were reunited with their owners”*.

Options

38. A night time curfew is proposed for community consultation alongside a planned education campaign which will allow cat owners to learn about the impacts of cats on native wildlife, along with the benefits to cats' health in the prevention of disease and the prospect of a greater life expectancy for their cat.

Community and stakeholder engagement

39. Community engagement will focus on the proposed introduction of the night time cat curfew as well as other administrative changes to the Council Order. The community engagement is planned to run for six weeks.
40. Council's annual pet registration renewals were sent to residents in February 2023 and included information in the renewal material letting pet owners know to keep an eye out for a review of current regulations that impact dogs and cats in 2023.
41. The community engagement is planned to coincide with the distribution of the July / August edition of the Yarra News (Council's bi-monthly community magazine which is delivered to every household across the City of Yarra). This is the main way to ensure that we reach every resident in the municipality including current and prospective cat owners as well as non-cat owners.
42. Council officers will continue running a responsible pet ownership education campaign. The education campaign is designed to inform residents as to how they can best manage their pet in Yarra. This program includes social media posts and news articles about keeping cats contained overnight and responsible pet ownership. The campaign messaging has highlighted issues including health benefits of cat containment to cats and the reduced risk of the spread of infectious diseases such as Feline AIDS.
43. In addition, in-person engagement pop-up sessions at a variety of locations across the municipality and targeted engagement through direct email to registered dog and cat owners, local vet clinics and pet supply stores will occur.
44. The opportunity to provide feedback on the proposed cat curfew via 'Your Say Yarra' and in-person pop-up sessions will be promoted to all Yarra residents via the following avenues:
- (a) Yarra News;
 - (b) Social media;
 - (c) Council's corporate and Your Say websites;
 - (d) Councils Bi-cultural Liaison Officers will be engaged at the in-person pop ups to assist residents from Culturally and Linguistically Diverse (CALD) backgrounds;
 - (e) Direct email (EDM); and
 - (f) Promotional posters encouraging people to participate in the community engagement at Council's libraries, leisure centres and customer service centres.
45. Alongside the broader engagement, project advisors will consult with a number of key stakeholders including land and wildlife management groups, animal welfare organisations, animal shelters, Yarra advisory groups, government organisations and applicable organisations as determined under the *Domestic Animals Act 1994*.
46. All feedback received through the community engagement period that is not relevant to the Council Order will be directed to the relevant Manager and department for consideration and appropriate action.

Policy analysis

Alignment to Community Vision and Council Plan

47. 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

48. Predation by cats has the potential to contribute to the decrease in numbers or the extinction of vulnerable and near extinct species.

Community and social implications

49. The introduction of a cat curfew will have an impact on the community. Some residents may require a permit to make alterations to their property to meet cat containment requirements, such as adding screens to windows and doors of a heritage property. Further to this, some residents may not be able to afford the costs associated with obtaining permissions from Council or building the required structures.
50. Yarra is home to people of varied backgrounds. Many people including the disabled, elderly and those with poor socio-economic backgrounds may not understand the requirements of a cat curfew. This may lead to people committing offences unknowingly and heightened anxiety in the community.

Economic development implications

51. There are no known economic development implications.

Human rights and gender equality implications

52. Prior to making a resolution to make an Order, Council must comply with section 38 of the Charter of Human Rights Act 2006 and consider the relevant human right. In addition, Council must comply with its natural justice requirements and the requirements of the Local Government Act 2020 for the Order to be valid.

Operational analysis

Financial and resource impacts

53. The proposed Council Order review and implementation process is envisaged to fall within Council budget limitations with no expectation of additional cost impacts.
54. Officers must manage the communities' expectations to enforce any proposed changes. There will need to be a significant degree of self-regulation from cat owners within the community. Council currently has two full time employees in the Animal Management Team and one full time employee in the Parks Officer role. There are no further resources available to assist with requests for roaming cats and dogs. Any expectations from the community will need to be met by these officers.

Legal Implications

55. Pursuant to section 25 and 26 of the *Domestic Animals Act 1994*, Council may make an Order by resolution which requires cats to be securely confined to their owner's premises in a municipal district or part of a municipal district. Prior to making a resolution to make an Order Council must comply with section 38 of the Charter of Human Rights Act 2006 and consider the relevant human right. In addition, Council must comply with its natural justice requirements and the requirements of the Local Government Act 2020 for the Order to be valid.

Conclusion

56. If supported, the proposed changes to the Council Order, including the proposed introduction of a night time cat curfew (cats to be contained to their private property between 7pm and 7am) will be released for community consultation.
57. Community engagement for the Council Order review, including the introduction of a night time cat curfew (between 7pm and 7am) and other administrative changes are proposed to commence in July 2023 for a six-week period.
58. After the conclusion of the community engagement, officers will assess the findings and bring a further report to Council.

RECOMMENDATION

1. That Council endorse all proposed changes to the Council Order as outlined in **Attachment One** for public consultation including:
 - (a) The introduction of a night time cat curfew (7pm to 7am the next day); and
 - (b) The new additions to clause 5 'Owner's obligations in a Designated Reserve' and the proposed changes to the Council Order.

Attachments

- 1 Attachment 1 - Council Order Review - Table of Proposed Changes
- 2 Attachment 2 - Copy of proposed Council Order with tracked changes

7.3 Grants Administration Guide Adoption

Reference	D23/175536
Author	Cristina Del Frate - Senior Coordinator Equity and Inclusion
Authoriser	Manager Equity and Community Development

Purpose

1. This report seeks the adoption of the Grants Administration Guide to provide a framework to guide the administration of the Community Grants Program.

Critical analysis

History and background

2. Through the Yarra Community Grants Program (CGP), each year Council provides significant funding to empower individuals and organisations to work together to address common challenges and achieve shared goals. The supported areas encompass community development, arts and culture, climate action and sustainability, sports and recreation, and youth and family initiatives.
3. The CGP funds contribute to projects and initiatives that are locally based and provide a program, service or activity that benefits the Yarra community.
4. On 14 March 2023, Council endorsed a review of the grants program to take place in 2023/2024. Considering this review, Council accepted that the multi-year grants be put on hold, and the Investing in Community grant pool was rolled into the Annual Grants by creating a new temporary grant stream, Major Community Projects.

Discussion

Assessment and Management of Community Grants: Internal Audit and Remedial Actions

5. As part of the 2022/2023 Internal Audit Program, the Audit and Risk Committee approved a review of the Council's Community Grants Program (CGP) Management processes to be completed by HLB Mann Judd. The objective of the internal audit was to determine whether the Council has appropriate policies, procedures, and systems in place concerning its CGP.
6. Mann Judd concluded that "The Council has established an appropriate CGP Framework that meets the needs of the Council", while also identifying "a number of opportunities for improvement ... (so as) to enhance the relevant practices".
7. Mann Judd recommended that an overarching policy is produced to provide a framework to guide Council in administering the CGP while also informing the community of the criteria, process, and expectations for accessing and utilising grants. In response, officers developed the Grants Administration Guide to meet this recommendation.
8. In developing the Grants Administration Guide, officers have:
 - (a) addressed the findings and recommendations of the audit;
 - (b) inspected and integrated relevant Council policies;
 - (c) reviewed available policy collateral for community grant making from other local governments and select public bodies;
 - (d) considered the published findings of the state's auditor general's office (Fraud Control over Local Government Grants / Victorian Auditor-General's Office. (2022). Melbourne: Victorian Auditor-General's Office);
 - (e) incorporated feedback from external subject matter experts from other councils on their community grant making; and

- (f) addressed the feedback from internal stakeholder workshops to ensure it is practical and meets the needs of various departments and their stakeholders.
- 9. The Grants Administration Guide at **Attachment One** covers the purpose, scope, principles, and objectives of the CGP; roles and responsibilities of officers; promotion and assistance with applications; processing applications (assessment criteria, terms of reference for Community Panels, conflict of interest, decision-making); managing awarded grants (funding agreements, performance, acquittal, disputes); and monitoring and evaluation.
- 10. Out-of-scope was the consideration of the Council’s current funding priorities and allocations for community grants.
- 11. A Draft Grants Administration Guide was endorsed at a Council meeting in March for public exhibition. The consultation was featured on Yarra’s Facebook, Instagram, and LinkedIn web pages. A survey seeking feedback about the guide was featured on the Your Say Yarra website from 20 March to 10 April 2023 garnering 141 views and 17 responses.
- 12. The consultation was also targeted to past grant recipients, service providers, community groups, and organisations in Yarra.
- 13. Feedback about the grants was overwhelmingly positive. Among the responses were:
 - (a) “I read the guide and it communicated clearly and showed a high degree of transparency. Well done.”;
 - (b) “I find the guide very clear in explaining the aims and processes involved.” ;
 - (c) “Clear and concise. Straight forward.”; and
 - (d) “The guide provides a strong governance perspective and an opportunity for community groups to seek assistance and support. The administrative in managing the funding, distribution and acquittal ensures integrity and fairness in the process.”
- 14. No feedback was received requesting changes to the Grants Administration Guide in structure or content. Any feedback provided centred on the Grants Program and ensuring Council continued providing an equitable and accessible program.

Options

- 15. There are no options provided.

Community and stakeholder engagement

- 16. For all grant rounds, feedback is gathered from the application stage and throughout the acquittal process from grant applicants and recipients. This feedback is collated and incorporated into future guidelines and application processes where appropriate. This process is conducted annually.
- 17. The reach of the CGP is extensive, as is the list of stakeholders. Each year over 200 organisations and many individuals are accessing Council funding. In any reviewing of sub-programs or the CGP broadly, consultation and engagement efforts will be extensive in reach, varied and authentic.
- 18. The Draft Grants Administration Guide was open for public exhibition from 20 March to 10 April 2023, seeking feedback on the draft document and how it would impact grant applicants; evaluating sentiment towards Yarra’s grants program; understanding the barriers to informing future planning and continuous improvement; and informing the community on the breadth of work covered by the grant program.

Policy analysis

Alignment to Community Vision and Council Plan

- 19. The Community Grants objectives align closely with the Council Plan 2021–25 and Community Vision. Community Grants are intended to support the delivery of the Council Plan and are a key means by which its strategic objectives can be realised in partnership with the community.

20. All six strategic objectives of the Council Plan are supported through the grants program, either via the proposed and delivered programs or by empowering community groups and organisations to deliver them.

Climate emergency and sustainability implications

21. Yarra's annual grants program has a climate action stream, which aims to encourage and support projects that align with the Climate Emergency Plan. This stream recently had 17 applications requesting \$114K for projects totalling \$677K in value.
22. Grant applications are submitted and managed through an online grants management system which has dramatically reduced the amount of paper.

Community and social implications

23. Yarra's grants program addresses numerous social and community issues/needs across areas such as arts and culture, sustainability, community development, sport and recreation, family, children, and youth.
24. The guidelines for each grant stream provide the priorities that will be funded. These priorities are aligned with building a sense of community, encouraging social inclusion, celebrating diversity, building social cohesion, and improving community health and wellbeing.

Economic development implications

25. The grants program provides a flexible and responsive source of funds to community-based not-for-profit organisations. Funding supports projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The aim is to improve the long-term outlook for local families and businesses by strengthening the local not-for-profit sector's capacity and generating economic activity.
26. Projects that support new arrivals, young people and families through skills development or projects that support service coordination have a direct economic benefit. Grants also redistribute funds to the disadvantaged in the community. At the most recent annual grants round, 52 applications (30% of all) were for projects in one of Yarra's public housing estates or primarily engage public housing residents.
27. The festivals and events funded by grants bring economic benefits and assist with branding Yarra as a destination city.

Human rights and gender equality implications

28. The current grant guidelines (for all streams) align with the Victorian Charter of Human Rights and Responsibilities Act 2006 and Yarra's Social Justice Charter and actively support people to participate in and contribute to their community.
29. Annual grants applications seek information on how applicants will address issues of gender inequality in their proposed initiative, ensuring that planning and forethought on this issue are managed from the outset.
30. The principles set out in the Grants Administration Guide (at 1.3) reflect access, equity and participation, which are strongly aligned with a human rights and gender equality approach.

Operational analysis

Financial and resource impacts

31. The process involved in finalising the Grants Administration Guide is included in the current budget and does not require further financial resources.

Legal Implications

32. The Audit and Risk Committee is established under section 53 of the Local Government Act 2020. The role of the Audit and Risk Committee is to provide independent and objective assurance and assistance to Council and its CEO on Council's risk management, control and compliance framework and its external financial and performance accountability and responsibilities.
33. Fraud controls for grant-making include identifying conflicts of interest, assessing applications against criteria, documenting decisions, checking how recipients use funds, and evaluating the outcomes of funded projects and initiatives.
34. Mann Judd concluded that the Council has adequately adopted the best practice approach to manage risks and promote transparency and is in line with the industry standard.

Conclusion

35. The internal audit of the CGP conducted by HLB Mann Judd concluded that Council has adopted the best practice approach to manage risks and promote transparency in line with the industry standard.
36. The development of the Grants Administration Guide has been in response to the above audit. It aims to provide a clear framework for the administration of the Council's community grants program.
37. The public exhibition phase of the development of the guide yielded overwhelmingly positive feedback for the guide.

RECOMMENDATION

1. That Council adopts the Grants Administration Guide at **Attachment One**.

Attachments

- 1 Attachment 1 - Grants Administration Guide - June 2023

7.4 Street Garden Guidelines Process Update

Reference	D23/105540
Author	John Williams - Landscape Architect Streetscapes and design
Authoriser	General Manager City Sustainability and Strategy

Purpose

1. To note the process for developing the Street Garden Guidelines.

Critical analysis

History and background

2. At the February 2023 meeting Council resolved:

“That officers bring forward a report to the May cycle of council on the process for developing Street Garden Guidelines for Community members who wish to contribute to gardening with non-edible plants in public places.”

Discussion

3. The intent of the Street Garden Guidelines (Guidelines) is based on the following principles:
 - (a) Yarra City Council is supportive of community gardens in the streetscape provided:
 - (i) the gardens remain safe and functional;
 - (ii) no damage occurs to trees or other assets; and
 - (iii) gardens are well maintained.
 - (b) to provide guidance on how the community can plan, plant and maintain the gardens within Yarra’s streetscapes;
 - (c) to educate the community regarding the various considerations for gardening in streetscapes across the municipality. The guidelines will include safety, accessibility and tree protection requirements; and
 - (d) to recommend preferred species selections to increase biodiversity.

Scope of the Document

4. The scope of the Guidelines is outlined below:
 - (a) The guidelines will apply to all non-edible community plantings in streetscapes managed by Council. The guidelines will not apply to laneways, parks, reserves or private property and do not include vertical greening. Some of these may be covered by separate guidelines in the future;
 - (b) Projects relating to urban agriculture and food growing are covered under a separate document, Yarra Urban Agriculture Guidelines 2021; and
 - (c) Street gardening in Yarra is unique to many other Councils across Melbourne due the City’s narrow streets, high density, and limited lawn nature strips. Most existing Council policies across Melbourne are focused on lawn nature strip planting. While lawn nature strip planting does occur in Yarra, there are many other types of community street gardening in Yarra’s higher density streetscapes. These include:
 - (i) Community planting and maintenance of existing garden beds and traffic outstands;
 - (ii) Tree square planting;

- (iii) Planting in asphalt footpath cut outs;
- (iv) Raised pots and planters in the streetscape;
- (v) Vertical greening to fences and facades (not addressed by this document); and
- (vi) Urban agriculture (not addressed by this document).

Legacy Gardens

- 5. Legacy gardens will be addressed in the Guidelines as there are many existing valued, biodiverse and attractive examples of street gardens within the City of Yarra that may not meet the requirements of a new guideline. The management of these gardens into the future will be addressed in the guidelines.
- 6. Council is sometimes requested to investigate existing street gardens where a safety or tree health concern has been raised. In these instances, Council will work with affected residents to modify and maintain the gardens to ensure public safety.

Benefits of Street Gardens

- 7. There are many benefits to community participation in street gardening. These benefits can be summarised into the following themes:
 - (a) Urban biodiversity;
 - (b) Cooling and urban heat island mitigation;
 - (c) Increased permeability and stormwater retention;
 - (d) Aesthetics and neighbourhood character;
 - (e) Community building;
 - (f) Reduced need for mowing; and
 - (g) Community implementation and maintenance.

Identified Risk Factors

- 8. The Street Garden Guidelines relate to plantings and interventions in the public realm across Yarra. These spaces pose many challenges and constraints to planting options in terms of managing the extensive risk factors. A number of risks have been identified that will need to be addressed when developing the Guidelines.
- 9. The identified risks can be summarised into the following themes:
 - (a) Identified street gardening risks include:
 - (i) Traffic safety;
 - (ii) Tree health;
 - (iii) Soil contamination;
 - (iv) Accessibility;
 - (v) Crime Prevention Through Environmental Design (CPTED);
 - (vi) Damage to or obstruction of services;
 - (vii) Planting of environmental weeds;
 - (viii) Garden neglect and street aesthetics;
 - (ix) Dangerous, spikey or toxic planting;
 - (x) Impacting space for bin collection; and
 - (xi) Increased leaf litter and impacts on street cleansing;
 - (b) Identified risks of introducing a street gardening guideline include:
 - (i) Many existing street gardens may not comply with a new guideline;

- (ii) Balancing safety and risk concerns against community aspirations for greening;
 - (iii) Insufficient administrative resourcing that leads to program objectives being compromised and/or delivered;
 - (iv) Potential increased maintenance for Council;
 - (v) Potential non-compliance of some existing Council maintained garden beds; and
 - (vi) Equity of access to and participation in street gardening.
10. All of the risks and the controls that will need to be developed to mitigate against those risks will need to be clearly understood and determined. These will be workshopped and analysed prior to developing the draft Guidelines.

Project timeline

11. Project timeline:
- (a) A review and analysis of the policy, design guidelines and approval processes of other inner Melbourne Councils has been completed;
 - (b) A review of examples of existing types of street gardens in Yarra has been undertaken;
 - (c) A draft Street Garden Guidelines will be presented to Councillors in September/October 2023;
 - (d) Consultation on the draft Street Garden Guidelines is scheduled for November 2023; and
 - (e) The Street Garden Guidelines are scheduled to be completed by February 2024.

Community and stakeholder engagement

12. Staff from the following internal teams will be involved during the preparation of the Street Garden Guidelines:
- (a) Urban Design and Open Space Planning and Design;
 - (b) Open Space Services;
 - (c) Urban Agriculture and Biodiversity;
 - (d) Traffic Engineering;
 - (e) Aged and Disability Services;
 - (f) Waste Management and Cleansing;
 - (g) Risk and Safety;
 - (h) Parking and Compliance;
 - (i) Information and Communications Technology; and
 - (j) Communications and Engagement.
13. Council officers are in the process of developing the consultation strategy for the wider community and stakeholders. Consultation on the draft *Street Garden Guidelines* is scheduled for November 2023.

Policy analysis

Alignment to Community Vision and Council Plan

14. The aspirations of the Street Garden Guidelines directly align with the Community Vision. This includes creating high quality places that people feel safe and comfortable in and enable people to make connections with their community and their local area.
15. The principles and practices of the Street Garden Guidelines document align with the Council Plan 2021-25. This includes:

- (a) promoting tree planting, greenery and improved water management in streets (Strategic Objective one: Climate and Environment);
- (b) providing information on community led ideas for streets to enable people to contribute to and make connections with their community (Strategic Objective two: Social equity and Health);
- (c) setting out principles for well designed, safe and welcoming streets that contribute to a sense of place (Strategic Objective four: Place and Nature); and
- (d) providing principles for well-designed streets to encourage sustainable transport and prioritise more vulnerable road users such as people walking, wheeling and cycling, people with a disability, children, and older people (Strategic Objective five: Transport and Movement).

Climate emergency and sustainability implications

- 16. The Street Garden Guidelines document encourages the community to contribute to the planting and maintenance of vegetation that cools streetscapes, increases urban biodiversity, and improves amenity and safety to encourage people to travel by more sustainable modes of transport.

Community and social implications

- 17. The guideline will set out how the community can contribute to improved planting outcomes in Yarra's streetscapes.
- 18. The guideline will encourage people to spend more time in Yarra's streetscapes and make connections with their community.

Economic development implications

- 19. The document applies to local streets, some of which contain businesses and local shops.
- 20. The principles set out in this document promote high amenity street environments. This will encourage people to spend more time in their neighbourhood and use their local shops and businesses, supporting the local economy.

Human rights and gender equality implications

- 21. A person with a disability has a right to have access to places including public footpaths. The Disability Discrimination Act (DDA) makes it unlawful for public places to be inaccessible to people with a disability. Street gardens can sometimes inadvertently impact the accessibility of streetscapes and footpaths. The Street Garden Guidelines should provide guidance on how streets can remain accessible to users of all abilities.
- 22. The document promotes safe, welcoming and inclusive local streetscapes. These principles also seek to make local streets feel safer for more vulnerable members of the community, by ensuring that streetscapes remain accessible environments that encourage more people to use them and result in more passive surveillance.

Operational analysis

Financial and resource impacts

- 23. Dependant of the process agreed for assessing and approving street gardens, the administrative workload of Council officers may increase. There is currently no funding or resources allocated for the administration of implementing street gardens.
- 24. There could be additional costs associated with monitoring and inspecting street gardens.

Legal Implications

- 25. All risk implications need to be fully explored and appropriate mitigation measures determined.

Conclusion

26. The Street Garden Guidelines will provide guidance on how community can plan, plant and maintain the gardens within Yarra's streetscapes. The guidelines are intended to educate community regarding the various considerations for gardening in streetscapes across the municipality. It will include safety, accessibility and tree protection requirements and will make recommendations around preferred species selections to increase biodiversity.

RECOMMENDATION

1. That Council note:
 - (a) the proposed process for developing a Street Garden Guidelines document;
 - (b) that the scope of the document will apply to non-edible community plantings in streetscapes managed by Council and not apply to laneways, parks, reserves or private property including vertical greening; and
 - (c) that the Street Garden Guidelines are proposed to be completed by early 2024 for consideration by Council.

Attachments

There are no attachments for this report.

7.5 Yarra Leisure Off Peak Fees and Charges

Executive Summary

Purpose

To provide a summary of the programs and services currently offered to older adults at Yarra Leisure facilities and an overview of facility utilisation across the Collingwood Leisure Centre, Fitzroy Swimming Pool and Richmond Recreation Centre.

Key Issues

On 15 November 2022, Council resolved to request that a report be provided outlining the following:

- (a) Options for the introduction of an additional fee category for casual swim or gym use at Yarra Leisure Centres, as a trial, to be offered during off peak periods and which is available to the over 60 age group;
- (b) Options for a fee which is less than full fee but more than a concession fee and defines off peak periods; and
- (c) The programs and services offered by Yarra Leisure to support and encourage Yarra's older residents to remain physically active into older age and the opportunities and plans to communicate these more widely.

Yarra Leisure facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (BGC, CEG, CLC, FSP and RRC) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.

Yarra Leisure is committed to ensuring older people in our community have many of options when it comes to staying active and connected by offering a wide selection of activities.

Data analysis demonstrates that the introduction of the new membership structure in 2022/23 has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).

Financial Implications

Yarra Leisure currently offers a full centre access pass (includes access to the gymnasium, group fitness and aquatic facilities) across the network of Yarra Leisure facilities (Richmond Recreation Centre, Collingwood Leisure Centre, and Fitzroy Swimming Pool).

In addition to a full centre casual access pass, there are casual access passes for:

- (a) Swim only;
- (b) Swim, Sauna, Spa; and
- (c) Gymnasium only.

Finally, Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services (i.e., Yarra Leisure offers a 40% discount to eligible, means tested concession card holders).

The 2022/23 fees and charges reflected the guiding principles within Yarra's *Pricing Policy (2019)*, were reflective of industry median pricing and were set in a financially sustainable way to ensure responsible operation of Yarra Leisure services.

PROPOSAL

This report recommends that Council note that the introduction of the new Yarra Leisure membership structure has been positive, including most notably in the 60 plus age bracket and that Council does not pursue the introduction of Yarra Leisure off-peak casual access products.

7.5 Yarra Leisure Off Peak Fees and Charges

Reference	D23/84541
Author	Sally Jones - Manager Property and Leisure
Authoriser	General Manager Infrastructure and Environment

Purpose

1. To provide a summary of the programs and services currently offered to older adults at Yarra Leisure facilities and an overview of facility utilisation across the Collingwood Leisure Centre, Fitzroy Swimming Pool and Richmond Recreation Centre.

Critical analysis

History and background

2. On 15 November 2022, Council resolved that a report be presented to Council that:
 - (a) presents options for the introduction of an additional fee category for casual swim or gym use at Yarra Leisure Centres, as a trial, to be offered during off peak periods, and which is available to the over 60 age group;
 - (b) present options for a fee which is less than full fee but more than a concession fee, and defines off peak periods; and
 - (c) outlines the programs and services offered by Yarra Leisure to support and encourage Yarra's older residents to remain physically active into older age, and the opportunities and plans to communicate these more widely.
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 facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (Burnley Golf Course (BGC), Collingwood Estate Gymnasium (CEG), Collingwood Leisure Centre (CLC), Fitzroy Swimming Pool (FSP) and Richmond Recreation Centre (RRC)) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.
5. Yarra Leisure also provides important and 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 via subsidised access rates.
6. Yarra Leisure is also committed to ensuring older people in our community have plenty of options when it comes to staying active and connected by offering a selection of group fitness classes including Zumba programs, DanceFit, Yoga programs, Pilates, Aqua, Deep Water Running and Body Balance. Yarra Leisure is also affiliated with social and sports clubs including social golf clubs, a masters swimming club and a triathlon club.
7. Yarra Leisure has a small, dedicated marketing and communications team who deliver information about Yarra Leisure programs and services via a range of channels that includes:
 - (a) Website – Yarra Leisure and Yarra City Council websites;
 - (b) Email marketing – Yarra Leisure News (Yarra Leisure's monthly e-newsletter to over 32,000 email recipients) and Yarra Life (Yarra City Council's e-newsletter);

- (c) Social media platforms – Yarra Leisure Facebook, BGC Facebook, Yarra Leisure Instagram, Yarra Leisure Twitter. Promotional posts also shared to Facebook and Instagram by Yarra City Council and Yarra Libraries accounts;
 - (d) Fixed and digital signage and collateral at the CLC, FSP, RRC, and Council venues – promotional signage (posters), brochures, and digital signage;
 - (e) Yarra Life newsletter; and
 - (f) Third party advertising through relevant governing and peak bodies such as Life Saving Victoria, Royal Lifesaving Society Australia, AusActive, Golf Australia, amongst others.
8. An extensive membership, fees and charges review was undertaken in 2020/21. The 2022/23 fees and charges reflected the guiding principles within Yarra’s *Pricing Policy (2019)*, are reflective of industry median pricing and were set in a financially sustainable way to ensure responsible operation of Yarra Leisure services. The new membership structure, fees and charges were endorsed by Council as part of the 2022/23 Budget adoption process.
9. The fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to eligible, means tested concession card holders.
10. Yarra Leisure’s 2022/23 casual fees and charges were implemented in July 2022 and the new membership structure and associated fees and charges were fully integrated in December 2022.

Discussion

11. Casual visitor survey:
- (a) Officers conducted a survey of casual visitors at the three leisure centres (CLC, FSP, and RRC) in January 2023 to obtain a snapshot of the casual user group’s age bracket and post code. This data provided some indication of our casual visitor type; however, this survey was voluntary and cannot be viewed as conclusive, noting that in this period there were 26,819 total visitations across the three centres; and
 - (b) The data captured indicates that of the 218 respondents (representing 0.8% of total visitors to the three centres over the period), 41% were Yarra residents and the highest age bracket response was aged between 25 and 34 (32%). A breakdown of the age of the casual visitors who opted to complete the survey is as below:

Table 1 – Casual Visitation Survey - Age Bracket

Age Bracket	Respondents	Percentage
Under 18	4	1.8%
18 to 24	28	12.9%
25 to 34	70	32.25%
35 to 44	49	22.5%
45 to 54	32	14.7%
65 and over	34	15.6%

12. Yarra Leisure membership analysis:
- (a) Since 1 December 2022 when Yarra Leisure transitioned to a ‘service-based’ membership model, Yarra Leisure’s membership base has increased in totality by 1.8% from 5123 to 5215.
 - (b) In adults aged 50+, there has been an increase of members as follows:
 - (i) Increase of 2.29% in members aged 50 to 54 from 1649 to 1798;
 - (ii) Increase of 2.28% in members aged 55 to 59 from 1273 to 1415;

- (c) There was also an increase of members in the 60 plus age bracket over this time. Member analysis sees the introduction of the new membership having a notable positive effect in the over 60's age brackets as follows:
- (i) An increase of 14% in members aged 60 to 69;
 - (ii) An increase of 25% in members aged 70 to 79; and
 - (iii) An increase of 24% in members aged 80 years and over; and
- (d) Further, membership data also shows positive effect in the take up of concession categories (require means tested and government supported qualification) as follows:
- (i) An increase of 2.4% in members aged 50 to 54 on a concession membership;
 - (ii) An increase of 2.8% in members aged 55 to 59 on a concession membership; and
 - (iii) An increase of 3.1% in members aged 60 plus on a concession membership.

13. Facility visitation trends and analysis:

- (a) Officers have reviewed facility utilisation data at CLC, FSP and RRC from 1 July 2022 to 28 February 2023 (8-month period) in order to identify whether there are periods throughout operating hours with lower levels of visitation where an off-peak access option might be viable;
- (b) The below table illustrates total facility visitation by hour across the three centres and indicate that the lowest period of facility visitation is between the hours of 7pm and 9pm (facility closure) Monday to Friday. It's also worth noting swimming pools close at 8:45pm to allow for people to change before exiting the leisure centres at 9pm;

Table 2 – Yarra Leisure Facility Visitation (including Percentage)

Hour	Visitation	Total Visitations (%)
8pm	2,670	0.78%
7pm	10,904	3.20%
1pm	15,462	4.50%
2pm	16,349	4.80%
12pm	18,455	5.42%
11am	19,195	5.60%
6pm	21,229	6.20%
3pm	24,245	7.12%
7am	25,532	7.50%
10am	27,015	7.90%
6am	29,379	8.60%
8am	29,438	8.70%
4pm	32,427	9.50%
9am	33,910	9.90%
5pm	34,095	10%

- (c) The data in the above table identifies lower utilisation between the hours of 7pm and 9pm (Monday to Friday) with the combined visitation representing just 3.9% of the cumulative visitations across the three sites, which would be suitable as a potential off-peak access time:

- (i) This time period had 13,574 visitations in total in the 8-month period which equates to approximately 56 visitations per day and 18 visitations per centre per day during that time period between 7pm and 9pm (Monday to Friday).
 - (d) Officers have sought to identify off-peak by analysing the window of lowest utilisation and assessed these times against operational implications such as rostering and the triggers necessitating additional staff:
 - (i) The proposed off-peak times of 7pm to 9pm (Monday to Friday) would ensure that triggers around rostering additional staff (a mandated ratio of 1 to 80) will allow uptake of the proposed off-peak product without this trigger being met.
 - (e) Officers note that there is a minor reduction in visitation between the hours of 11am and 2pm; however this is considered a shoulder period whereby Yarra Leisure actively market our products and services to local businesses, schools, and community organisations during the 11am to 2pm period and as such, ensuring space is retained for these programs is essential.
14. Current Yarra Leisure casual access products:
- (a) Swim only (full: \$8.10 | concession: \$4.90);
 - (b) Swim, Sauna, Spa (full: \$14 | concession: \$8.40);
 - (c) Gymnasium only (full: \$22 | concession: \$13.20); and
 - (d) Full centre casual access pass (full: \$27 | concession: \$16.20).
15. Officers explored the introduction of off-peak casual access products from 7pm to 9pm (Monday to Friday) that allows access to the gymnasium and aquatic facilities only, excluding access to group exercise classes, as these are an additional expense to operate. The pricing would equate to a 26% reduction in cost, respectively and was formulated based on the current casual access products pricing and in line with Yarra's Pricing Policy (2019).
16. The proposed pricing for the off-peak casual access products available from 7pm to 9pm (Monday to Friday) are as follows:
- (a) Swim only (full: \$5.99 | concession: \$3.63);
 - (b) Swim, Sauna, Spa (full: \$10.36 | concession: \$6.22);
 - (c) Gymnasium only (full: \$16.28 | concession: \$9.77); and
 - (d) Full centre casual access pass (full: \$20 | concession: \$12).
17. Visitation analysis indicates the introduction of off-peak casual access products will reduce revenue and invariably increase operational costs.
18. Furthermore, there could be a negative flow on effect with existing memberships, whereby current members question the value of their memberships and press for an off-peak membership product.
19. Given the limited window for off-peak between 7pm and 9pm (Monday to Friday) and the low visitation rate of 18 visits per centre per day during that time period, Officers consider that off-peak casual products would not be viable and recommend that Council do not pursue further.

Options

20. Officers understand that the intent of the 15 November 2022 Council resolution aimed to address the perceived issues and/or inequities arising from the changes to the membership structure, fees and charges that were endorsed by Council as part of the 2022/23 Budget process, including the removal of non-means tested concessions and subsidies for seniors.
21. However, the data demonstrates the introduction of the new membership structure has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).
-

22. Given the limited window for off-peak between 7pm and 9pm (Monday to Friday) and the low visitation rate of 18 visits per centre per day during that time period. The service cost analysis indicating the average cost per visitation for gymnasium access is \$10.94 and for aquatic access is \$12.67. Officers believe that off-peak casual products will not be viable and therefore, not worth pursuing.
23. Finally, Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to means tested concession card holders.

Community and stakeholder engagement

24. Changes to Yarra Leisure's membership structure, fees and charges were part of the 2022/23 budget development and consultation process. Officers would not propose to undertake community consultation on Yarra Leisure fees and charges outside of this process.

Policy analysis

Alignment to Community Vision and Council Plan

25. 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

26. There are no climate emergency and sustainability implications present in this report.

Community and social implications

27. 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.

Economic development implications

28. There are no economic development implications present in this report.

Human rights and gender equality implications

29. 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

30. Due to lower levels of visitation and the limited implications operationally with existing staffing levels and associated facility requirements, Officers have identified that an off-peak period exists between the hours of 7pm and 9pm (Monday to Friday).

31. Officers explored the introduction of a several categories of off-peak casual products. There is a limited window for off-peak between 7pm and 9pm (Monday to Friday) and low visitation rate of 18 visits per centre per day during that time period. The service cost analysis indicates the average cost per visitation for gymnasium access is \$10.94 and for aquatic access is \$12.67. As a result, Officers have concluded that off-peak casual products will not be viable and recommend that they not be pursued.

Legal Implications

32. There are no legal implications present in this report.

Conclusion

33. Yarra Leisure facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (BGC, CEG, CLC, FSP and RRC) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.
34. Yarra Leisure is committed to ensuring older people in our community have many of options when it comes to staying active and connected by offering a wide selection of activities.
35. Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to means tested concession card holders.
36. The data analysis demonstrates that the introduction of the new membership structure has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).
37. Whilst Officers have identified that an off-peak period exists between the hours of 7pm and 9pm from Monday to Friday, given the small off-peak window available, the service cost analysis and the low in visitation. Officers consider that off-peak products will not be viable and therefore, not worth pursuing.

RECOMMENDATION

1. That Council:
- (a) note that the introduction of the new Yarra Leisure membership structure has been positive, including most notably in the 60 plus age bracket; and
 - (b) not pursue the introduction of Yarra Leisure off-peak casual access products.

Attachments

There are no attachments for this report.

7.6 Sportsground and Facilities Allocation Policy

Reference	D23/198648
Author	Jackson Holland - Sport Operation and Development Officer
Authoriser	General Manager Infrastructure and Environment

Purpose

1. To provide a progress update on the implementation of Yarra's Sportsgrounds and Facilities Allocation Policy.

Critical analysis

History and background

2. Council manages Yarra's 19 sportsgrounds and 25 pavilions (facilities), which are utilised by over 60 clubs for community sport and recreation.
3. Council endorsed the Sportsground and Facilities Allocation Policy on 10 May 2022.
4. The Policy brings Yarra clubs into line with industry standards and practices, as well as aligns them with Council policy and inclusion, diversity and governance objectives by mandating fair, transparent minimum standards and qualifying criteria to be eligible to receive facility allocation/s as follows:
 - (a) **Community First** - Allocations reflect that the Yarra community is the priority;
 - (b) **Governance** – Allocations ensure that clubs' organisational conduct demonstrates alignment with their respective state sporting associations' safe sport, risk mitigation and compliance, good governance and integrity frameworks and cultures;
 - (c) **Inclusion and Diversity** – Allocations mandate requirements that incentivise clubs to activate programs/services/events that positively influence member diversity and inclusiveness; and
 - (d) **Financial Management** – Allocations ensure that that clubs are fiscally responsible.

Discussion

5. The allocations criteria have been designed to be achievable, support the continued growth and drive the development of inclusive sports club environments that promote participation for all. The purpose of the Sportsgrounds and Facilities Allocation Policy is not to displace any current clubs. Officers understand that some clubs are not able to achieve all targets immediately but are being provided three years to transition and meet the criteria with assistance and guidance from officers, so as to be rewarded with priority access to Council facilities.
6. Specifically in the first year of policy implementation, Officers and Yarra clubs are focusing on improving the behaviours and standards of clubs hiring Yarra's sports facilities by adhering to the following areas within the qualifying criteria:
 - (a) **Community First** – Positive non-for-profit and Yarra business partnerships, child safety and sustainable waste initiatives;
 - (b) **Inclusion and Diversity** – Initiatives that target underrepresented groups, promote a diverse, inclusive environment with equitable programming;
 - (c) **Financial Management** – Financial planning, budgeting, and equitable fees for members; and
 - (d) **Governance** – Tenancy record, strategic planning and risk management.

7. Officers note that one of the key drivers of inclusion and diversity does not seek to prioritise any prescribed group in any order recognising that there are many types of underrepresented groups including new and emerging cohorts. Rather, the goal is to work with clubs to provide active recreation opportunities for underrepresented groups, including females, juniors, disabled, CALD, LGBTIQ+, etc.
8. Recent events remind us of the importance of Council's role in supporting diversity and inclusion so that the Yarra community is safe, inclusive and stands against discrimination.
9. In order to assess club performance against the qualifying criteria, clubs submit information and documentation to officers via the 'Annual Sport and Recreation Survey'. The responses received and information gathered provides officers with a clear understanding about which criteria are being responded to positively to, and which criteria require further resourcing, guidance and education. In the first year of implementation, 100% of seasonal clubs have completed the annual survey.
10. Whilst the first year of the three-year policy implementation process is primarily focused on a learning and development phase for club committees and volunteers, the 'Annual Sport and Recreation Survey' has demonstrated that there are a number of clubs who have made considerable progress in key areas since the policy's implementation including:
 - (a) In 2019, Northcote United Cricket Club did not have any women or girls' participation however, in 2022 they developed a female program with over 20 participants;
 - (b) In 2022, women and girls make up 46% of total participation at Yarra Jets FC; and
 - (c) In 2022, women make up 38% representation on Yarra club committees.
11. Additionally, several Yarra clubs have taken steps in the first year of the policy implementation towards achieving the objective of providing opportunities for underrepresented groups including:
 - (a) Three Yarra clubs successfully running access all abilities sport programs;
 - (b) Multiple Yarra clubs implementing schemes to assist underrepresented and/or disadvantaged cohorts by reducing costs associated with participating in their sport;
 - (c) Five Yarra clubs successfully receiving funding (up to \$5,000) from Yarra's Community Grants to progress participation initiatives; and
 - (d) One Yarra club is striving to achieve 50% women and girls' participation in coaching across all teams, by offering pathway programs to develop and upskill coaches.
12. In 2023, Council has designed and plan to deliver seven in-person club development workshops for all Yarra community clubs and associations. These workshops are aimed at upskilling volunteers in key areas relevant to the policy's qualifying criteria and offer learning opportunities in areas that clubs have themselves identified, including:
 - (a) February 2023 - Child Safe Sport, Inclusion and Diversity and Fair Play Code;
 - (b) May 2023 – Event Marketing and Promotion;
 - (c) May 2023 – Volunteer Recruitment Reward and Recognition;
 - (d) June 2023 – Let's Kick Climate goals;
 - (e) June 2023 - Grant Writing and Participation Programming;
 - (f) July 2023 - Marketing and Promotion, Participant Recruitment; and
 - (g) September 2023 - Governance, Strategic and Financial Planning.
13. On 22 February 2023, Council held the first workshop, which was facilitated by club development industry experts, Leisure Networks and aimed to educate participants on child safety and complying with the Fair Play Code as follows:

- (a) The two-hour workshop was promoted via the monthly recreation newsletter sent to all clubs, as well as individually targeted emails with clubs that had indicated that child safety and/or inclusion and diversity was a priority; and
 - (b) Twenty-three Yarra club volunteers attended the first workshop, represented by 12 Yarra sporting clubs. The workshop was interactive and also included slides, content and resources for clubs to go back, discuss and implement via their committees.
14. Relevant resources and targeted opportunities will continue to be adapted and delivered year on year in consultation with clubs and state and national sporting associations. These resources will include responding to relevant state and federal legislation, such as implementing the actions outlined in the Fair Access Policy Roadmap.
15. Officers also programmed a 'community active recreation' period into the seasonal calendar that aimed to encourage a more diverse range of participants and activities across Yarra's sports facilities. The summer community program ran from 6 November to 15 December 2022 and included the following community activations:
- (a) Alphington Soccer Club – Veterans' program;
 - (b) Collingwood City Soccer Club – Social women's programs and mixed junior sessions;
 - (c) FC Clifton Hill – Junior skills sessions; and
 - (d) FC Melbourne – Under 12 and 13 mixed gender sessions.

Options

16. There are no applicable options in this report.

Community and stakeholder engagement

17. Yarra sport clubs have received monthly newsletters, which has provided further resources including, promotion of grants, programs, and initiatives that Yarra clubs can engage with.
18. Council provides individual feedback to all clubs in response to their 'Annual Sport and Recreation Survey', which upskills volunteers and assists clubs to better understand the qualifying criteria including any areas that may require improvement.
19. Prior to the seasonal pavilion and ground inspections with Yarra's sport clubs, each club is offered the opportunity to discuss the policy and/or qualifying criteria with officers.

Policy analysis

Alignment to Community Vision and Council Plan

20. There are a range of policy alignments that pertain to this proposal including:
- (a) Climate and Environment - Strategy 3;
 - (b) Social Equity and Health - Strategy 2, Strategy 3 and Strategy 5;
 - (c) Local Economy - Strategy 1, Strategy 2 and Strategy 5;
 - (d) Place and Nature - Strategy 1 and Strategy 2; and
 - (e) Democracy and Governance - Strategy 2, Strategy 3 and Strategy 5.

Climate emergency and sustainability implications

21. There are no climate emergency or environmental sustainability issues arising from this report.

Community and social implications

22. The policy has the intention of ensuring that emphasis is placed upon the provision of welcoming, inclusive and accessible organised sporting opportunities for the Yarra community by clubs with safe sport, good governance and integrity frameworks in place, thereby ensuring positive impacts on the opportunities and outcomes for the community.

23. Officers recognise that the criteria within the policy may be viewed as increasing the expectations of some club behaviours and practises and this will require some additional work; other clubs are well-placed to meet these obligations. Consequently, Council continues to be committed to working directly with clubs to provide advice and guidance.

Economic development implications

24. There are no immediate economic development implications as a result of this report.

Human rights and gender equality implications

25. The essential and weighted criteria developed in the Sportsgrounds and Facilities Allocation Policy aims to meaningfully and deliberately progress inclusion, accessibility and equity opportunities in organised sport for the Yarra community. Further, officers also aim to ensure clubs are supported to be welcoming, safe and well-governed.
26. Flexibility within the policy enables clubs to target and develop their own target markets, audiences and member bases, as well as ensure the policy remains relevant within an ever-changing landscape.

Operational analysis

Financial and resource impacts

27. The policy outlines the essential criteria for applications to use Yarra's sports facilities, which includes the key guiding principle of 'financial management'. This principle is intended to identify a club's capacity to be financially sustainable at the time of making an application to use Yarra's sportsgrounds and facilities.
28. In addition to the club development support proposed, and as per normal practices, officers continue to work with clubs to notify and assist with possible external funding and grant opportunities relevant to grassroots sport, engagement, participation and membership.

Legal Implications

29. The qualifying criteria identified in the policy that forms part of the allocation framework related to governance and finance is designed to advance club practices related to financial management, risk mitigation, dispute resolution, child safety and integrity. These criteria are in addition to other mandatory requirements, such as responsible service of alcohol and food-handling certification (where required) and have been informed by peak bodies such as Sport and Recreation Victoria, Sport Australia and state and national sporting associations.

Conclusion

30. The Sportsgrounds and Facilities Allocation Policy includes a suite of transparent criteria that directly ties to Council's values and objectives, as well as state and national sporting associations safe sports and integrity frameworks, to ensure that sport is accessible, inclusive, equitable, well-managed and well-governed for all who live, learn, work and play in Yarra.
31. Council plays a significant role in the provision of leadership to the community and stakeholders when advocating for equitable access to sports facilities and ensuring safe, welcoming, well governed and sustainable programs are being delivered for a diverse range of participants throughout Yarra.
32. The data gathered from the first year of implementation will inform future club engagement and club development opportunities. Officers believe that the sport clubs are making progress and the majority of clubs will be in position to fulfill the policy criteria by year three.

RECOMMENDATION

1. That Council:
 - (a) notes the positive progress made in the first year of implementation of Yarra's Sportsgrounds and Facilities Allocation Policy.

Attachments

- 1 Attachment 1 - Community Sportsground and Facilities Allocation Policy

7.7 Palmer Street Fitzroy streetscape proposal

Reference	D23/193695
Author	Hayley McNicol - Senior Urban Designer
Authoriser	Senior Coordinator Design and Place Making

Purpose

1. This report responds to the Council resolution on 14 February 2023 regarding concept for streetscape changes in Palmer Street, Fitzroy submitted by a local architecture studio. Council resolved:
 1. *“That in response to a proposal by Blur Architecture proposing streetscape works in Palmer Street Fitzroy, Council officers prepare a report:*
 - (a) *describing the process used by Council for determining the location of such works;*
 - (b) *setting out the criteria for assessing proposed projects; and*
 - (c) *providing a preliminary assessment of the merits of the proposal.”*

Critical analysis

History and background

2. Council has received a proposal for a potential future streetscape project in Palmer Street, Fitzroy. The concept was prepared and submitted by a local architecture studio based in Collingwood (Blur Architecture). Refer **Attachment One**.
3. The proposal extends along the length of Palmer Street between Nicholson and Brunswick Streets, as shown in the map in Figure 1. The submission proposes that works would be broken into two areas/stages:
 - (a) Stage 1: Palmer Street east (between Fitzroy and Brunswick Streets)
This includes a new shared zone, changes to kerbs, painted surface treatments, new garden beds and tree planting, artwork and a new raised pedestrian crossing at the Palmer/Fitzroy Street intersection. A landscape concept plan and renders have been included in their submission; and
 - (b) Stage 2: Palmer Street west (between Nicholson and Fitzroy Streets)
Limited details have been provided for this section however it includes rearranging the on-street parking from angled to 90-degree parking, widening the footpaths and potential changes to the existing road closure layout which is currently mid-way along this stretch.

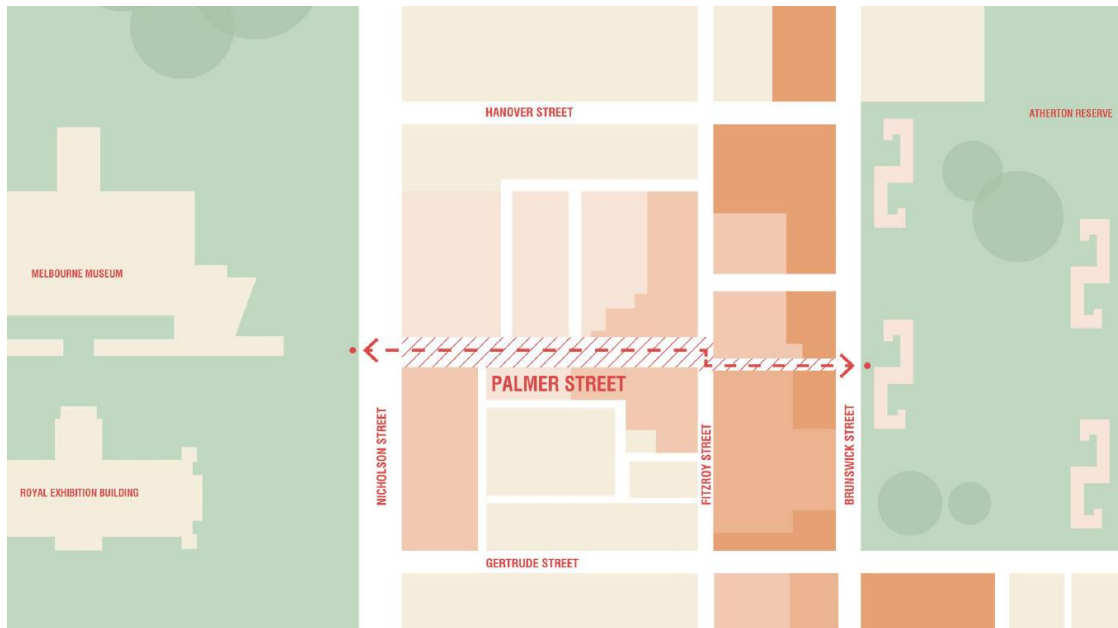


Figure 1: Location plan by Blur Architecture

Discussion

Process used by Council for determining the location of such works

4. In determining suitable locations for changes to the street that are put forward by the community or others, there are many factors that are considered including:
 - (a) the location of the street;
 - (b) how the street connects to the wider area;
 - (c) land use;
 - (d) any data or evidence that demonstrates an issue that needs to be resolved; and
 - (e) the level of community benefit and support.
5. Officers also consider relevant strategies, masterplans and other policies that provide a strategic basis for the project including any area specific requirements.
6. The scale of any proposal and likely costs involved will also influence the process for how a project is considered and dealt with. If supported, a small-scale change (e.g. a new seat) can be dealt with through business as usual activities. A medium-scale change (e.g. a kerb outstand) can be considered through the proposed principles of the Local Liveable Streets Guide where funding is anticipated to be made available. If supported, large-scale changes (e.g. a shared zone, pocket park or whole street change) require more rigorous feasibility and assessment, need to be underpinned by strategic policy and would go through a separate budget bid process.
7. The Palmer Street concept that has been submitted includes many significant changes to the street which affect pedestrian access, parking, kerbs and drainage and would be costly to deliver. Therefore, this type of proposal would be considered a large-scale project.

Criteria for assessing proposed projects

8. There are a number of relevant criteria that are considered in determining if a proposal is worthwhile and achieves good outcomes for the resources, time and cost to deliver the project. This includes the following:
 - (a) Alignment with Council Plan and Community Vision;
 - (b) How it supports Council policies and strategies;
 - (c) Level of community benefit/support;

- (d) Level of social, environmental, economic and climate adaptation benefits; and
- (e) Feasibility, cost and deliverability.

Preliminary assessment of the merits of the proposal

9. Whilst Officers appreciate the community initiating new ideas and reimagining their local streets, the proposed Palmer Street concept includes many significant changes to the street which affect pedestrian access, parking, kerbs and drainage and would be costly to deliver. Officers consider that Palmer Street is not a priority street for this scale of project.
10. Palmer Street is one of many streets in the area which connect Nicholson and Brunswick Streets. Palmer Street does lead towards Carlton Gardens, however, there is no pedestrian crossing on Nicholson Street at this location. There are a few community facilities along Palmer Street, and we note that this area of Fitzroy has a cluster of community facilities, which are more concentrated around the Fitzroy Town Hall and Atherton Gardens precinct. The submission has not provided any evidence or data of any specific issues that demonstrate that Palmer Street is a location that requires significant change.
11. Considering the above, Palmer Street has not been identified as a priority street for large scale improvements in this area. Council's strategic work and projects have prioritised areas that would have a larger benefit for the local and wider community. This includes the following examples, which cover some of the precedents mentioned in the attached submission.
 - (a) The Brunswick Street Streetscape Masterplan (adopted in 2020) has identified the opportunity to improve a section of King William and Condell Street for a new public space, which is surrounded by many different community facilities, is accessed from the Atherton Gardens Estate, is located on an east-west link that connects more widely from Nicholson Street (including Carlton Gardens and route 96 tram stop) to Smith Street, and which has an existing road closure;
 - (b) The Rose Street shared zone was implemented in an area undergoing development, with two popular weekend markets. Additionally, there are a number of businesses along the street that are destinations for both locals and visitors. The number of pedestrians using Rose Street on weekends is often beyond the capacity of the current footpaths. The shared zone project was delivered in partnership with the Transport Accident Commission;
 - (c) The Kerr Street public realm works (as identified in the Brunswick Street Streetscape Masterplan) has been delivered on a prominent street corner that would benefit high numbers of people using this busy shopping precinct and where there are limited opportunities for public seating; and
 - (d) The Otter Street pocket park will be delivered in a part of Collingwood that currently has little access to Open Space and which is undergoing development (bringing new residents and visitors to the area). This supports Council's Open Space Strategy.
12. The proposal for Palmer Street includes many changes to the road which would be costly to design and deliver. This includes:
 - (a) a raised road surface for the shared zone, widened footpaths in the western section and a new raised pedestrian crossing, which would require significant civil engineering and drainage works;
 - (b) the use of heritage materials given heritage context and World Heritage Environs Area;
 - (c) new artworks (including shared zone surface treatment); and
 - (d) extensive plantings which will have an ongoing maintenance costs.
13. From a high-level review of the drawings there are a few aspects of the design which would be problematic as explained below. This does not include more detailed investigation of services, drainage or other local conditions, which might bring up other issues.

- (a) The shared zone design includes new garden beds along the edge of the road reserve, but this does not provide adequate refuge for people to move to the side if they want to avoid on-coming traffic;
 - (b) The pedestrian crossing over Fitzroy Street does not provide a safe connection for people. In particular, the eastern side of the crossing leads people to the middle of the shared zone; and
 - (c) A number of seating areas have been proposed along the shared zone space, but these aren't well activated by surrounding uses and frontages.
14. The proposal includes changes to parking and would result in the loss of 30 on-street car parking spaces. It is noted that the supporting work by Trafficworks (Appendix B to the Blur Architecture proposal) states that the parking loss is between 15-30 spaces and suggests a lower level of parking loss if the car parking dimensions from the Planning Scheme are used (as opposed to the Australian Standards). Given this is a public road, the Australian Standards apply and therefore the overall parking loss is 30 spaces.
15. As mentioned above, Palmer Street is not considered to be a strategic priority for large scale changes. Council's approach is to prioritise larger projects in key streets and areas that would have the highest benefit for the community and value for money.
16. However, it may be possible to consider more modest interventions in Palmer Street in future, to improve amenity for local users.
17. If the local community support minor changes in their street, then a future opportunity may be available to apply for specific ideas to be considered for Palmer Street through the proposed Local Liveable Streets Program that is currently in the Draft 2023/2024 Council Budget.

Community and stakeholder engagement

18. This proposal has been pitched by Blur Architecture, a local architecture studio. Officers understand that Blur Architecture has distributed leaflets about the proposal to properties in the local area. We also understand that there was a meeting held between Ward Councillors and the community in early February to discuss the proposal ahead of the 14 February Council Meeting where this proposal was tabled.
19. The proposal involves significant changes to the street which will affect residents and users of the street, and at this stage there has been no formal submissions by others apart from the Blur Architecture proposal.
20. In assessing this proposal on Palmer Street, officers have engaged closely with Council's Traffic Engineering team.

Policy analysis

Alignment to Community Vision and Council Plan

21. The proposal includes changes to the road including more trees, greenery, a reduction in car parking, artwork, shared zone. In principle these types of changes have benefits that align with the broad objectives in the Council Plan. However, considering this is not a priority location for this scale of project, and there is no evidence or community drive to tell us there is an issue to be resolved, the project at this stage does not align with Strategic Objective 6: Democracy and Governance. This objective states that "Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making".

Climate emergency and sustainability implications

22. In general, the proposed changes to the road space (such as tree planting and removal of car parking) would have a benefit in terms of climate emergency and sustainability. However, as mentioned above this street has not been identified as a priority street and at this stage there is no evidence to demonstrate that the proposal would have a significant community benefit.

Community and social implications

23. The proposal involves significant changes to the street which will affect residents, and at this stage there has been no formal submission by others apart from the Blur Architecture proposal.

Economic development implications

24. The project is of significant cost and is not included in the 23/24 budget. The delivery of works for other public realm improvements that have been identified in the Brunswick Street Streetscape Masterplan, would provide support to this well used shopping precinct.

Human rights and gender equality implications

25. There are no human rights or gender equality implications identified.

Operational analysis

Financial and resource impacts

26. The proposal is of significant costs and would require Council resources to deliver over multiple years.

Legal Implications

27. There are no legal implications identified.

Conclusion

28. Following a review of the Palmer Street proposal, officers consider that although the general ideas and principles behind the proposal provide benefits, it is not a priority location for this scale of project and likely cost.
29. If the community has any particular concerns on Palmer Street, there may be opportunity to consider smaller scale interventions to address these issues and improve the amenity of the street.

RECOMMENDATION

1. That Council:
- (a) note the proposal for Palmer Street, prepared by Blur Architecture and dated 23 November 2022;
 - (b) note the officer review of the proposal, which concludes that Palmer Street is not a priority street for this scale of project;
 - (c) note that minor opportunities for streetscape improvements may be available through a new Local Liveable Streets Program, subject to funding; and
 - (d) write to Blur Architecture and thank them for their submission.

Attachments

- 1 Attachment 1 - Palmer Street Proposal - Blur Architecture

7.8 PLN21/0984 - 492 Queens Parade, Fitzroy North

Report Summary

Purpose

This report provides Council with an amendment to a previously refused application that sought partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.

This report outlines the changes to the original application and provides an assessment to support a change in Council's position from one of refusal to support.

Key Planning Considerations

Key planning considerations include:

- (a) Clause 13.05 – Noise;
- (b) Clause 13.07 – Amenity and Safety;
- (c) Clause 15 – Built Environment and Heritage;
- (d) Clause 21.05 – Built form;
- (e) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (f) Clause 22.05 – Interface Uses Policy; and
- (g) Clause 22.09 – Licensed premises.

Key Issues

The key issues for Council in considering the proposal relate to:

- (a) The deletion of a number of key considerations that contributed to the previous refusal of this application. These include the removal of the proposed increase in patron numbers and the removal of the proposed increase in operating hours of the existing hotel.

VCAT Proceedings

On 16 January 2023, Council was informed that the Applicant had lodged a review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT). The application is listed for a Hearing on 10 July for 5 days. A total of 24 parties have joined these proceedings.

On 22 May 2023, Council was informed that the Applicant had submitted an amended application to VCAT. In summary, the amended application seeks the following:

- (a) Remove the increase in patron numbers;
- (b) Remove the increase in operating hours;
- (c) Remove the retrospective approval for advertising signage; and
- (d) Minor alterations to the proposed buildings and works.

The amended application will be outlined in detail below.

Conclusion

Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:

- (a) An updated pre-commencement Acoustic Report be submitted and endorsed, along with a post-commencement report to ensure that all areas of compliance are met;
- (b) The Noise and Amenity Action Plan be endorsed; and,
- (c) A noise limiter be installed within the premises to ensure relevant noise levels are not exceeded.

7.8 PLN21/0984 - 492 Queens Parade, Fitzroy North

Reference D23/194613
Author Lara Fiscalini - Principal Planner
Authoriser General Manager City Sustainability and Strategy

Ward: Nicholls
Proposal: Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.
Existing use: The Terminus Hotel
Applicant: The Terminus Hotel (FHG) Pty Ltd.
Zoning / Overlays: Neighbourhood Residential Zone
Commercial 1 Zone
Heritage Overlay
Development Contributions Plan Overlay
Date of Application: 16 January 2023
Application Number: PLN21/0984

Planning History

1. Planning history of the site was outlined in the original officer report. The report is provided as an attachment.

Background

2. The original application was received on 22 December 2021 and subsequently advertised, with 21 letters of support and 43 objections received. The original application sought to undertake the following:
 - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*
3. On 16 December 2022, Council issued a Notice of Refusal to Grant a Planning Permit, on the following grounds;
 - (a) *The proposed intensification of the use and sale and consumption of liquor lacks the strategic support of the Yarra Planning Scheme; and*
 - (b) *The proposed increase in operating hours, patron numbers, floor area (and red-line plan), as well as the provision of live music, will result in unreasonable off-site amenity impacts to the surrounding residential land.*

VCAT Proceedings

4. On 16 January 2023, Council was informed that the Applicant had lodged a review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT). The application is listed for a Hearing on 10 July for 5 days. A total of 24 parties have joined these proceedings.
5. On 22 May 2023, Council was informed that the Applicant had submitted an amended application to VCAT. In summary, the amended application seeks the following:
 - (a) Remove the increase in patron numbers;
 - (b) Remove the increase in operating hours;
 - (c) Remove the retrospective approval for advertising signage; and
 - (d) Minor alterations to the proposed buildings and works

The amended application will be outlined in detail below.

The Proposal

6. The amended application seeks to alter the previous application from:
 - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*
7. To:
 - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*

Use

8. The amendment will remove the increase in patron numbers and the increase in operating hours, however it continues to seek an increase to the existing floor area of the hotel (and red line plan) and undertake buildings and works to enable this to occur. This was sought as part of the original application, with the existing and new floor areas demonstrated in Figures 1 & 2.

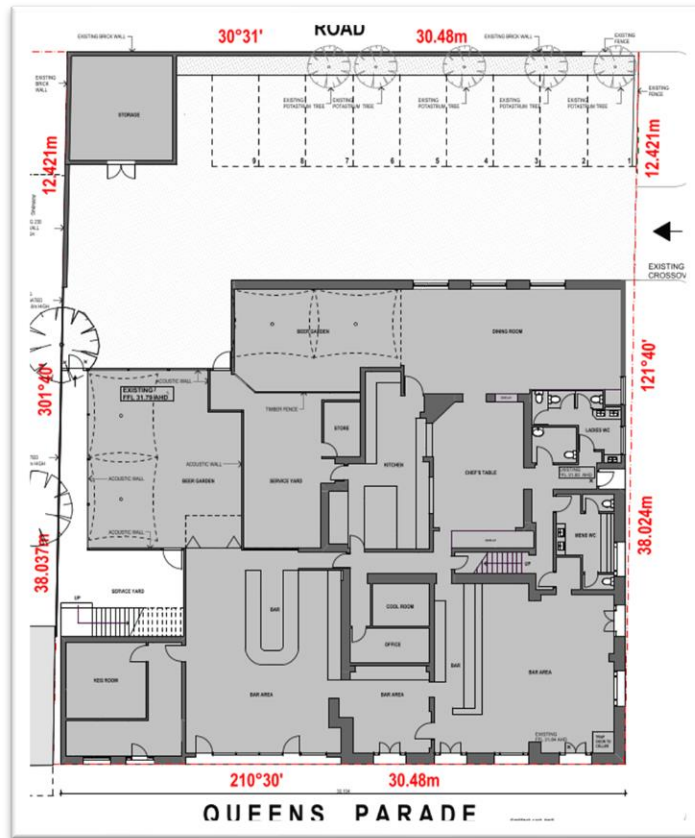


Figure 1: Existing ground floor layout

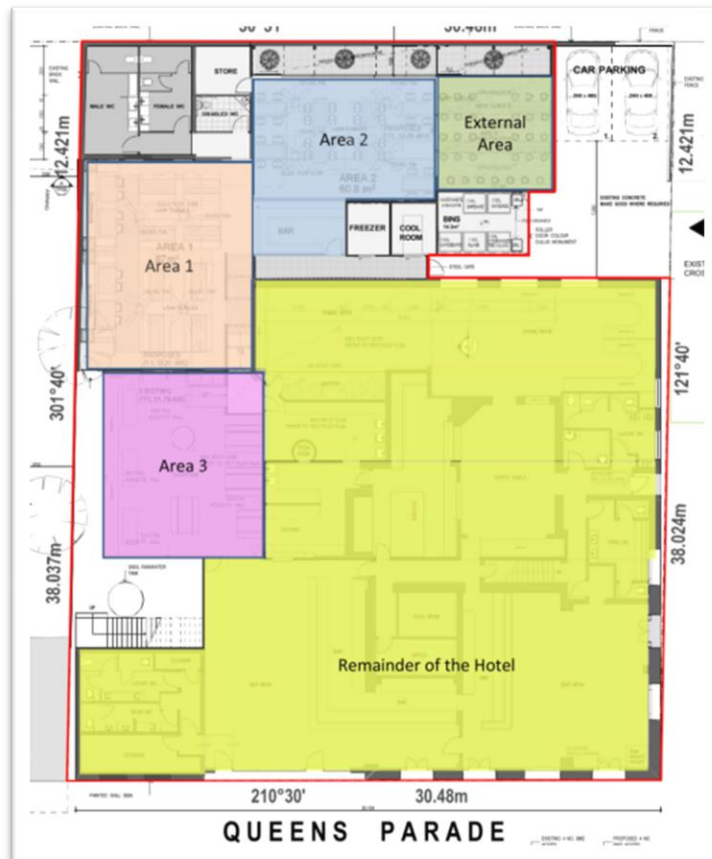


Figure 2: Proposed ground floor layout

9. The hotel currently operates under the following General Licence (No. 31914511) which allows a maximum internal patron capacity of 443 patrons and external patron capacity of 40 patrons (footpath dining area along Queens Parade). The licence also allows the venue to sell liquor for consumption off the premises.
10. The current hours of operation are listed below.
11. Hours for the consumption of liquor on the premises are:
 - (a) Sunday – Between 10am and 11pm;
 - (b) Good Friday – Between 12 noon and 11pm;
 - (c) Anzac Day (not being Sunday) – Between 12 noon and 1am; and
 - (d) On any other day – Between 7am and 1am.
12. Hours for the sale of liquor for consumption off the premises are:
 - (a) Sunday – Between 10am and 11pm;
 - (b) Good Friday & Anzac Day – Between 12 noon and 11pm;
 - (c) Monday to Thursday – Between 7am and 11pm; and
 - (d) Friday & Saturday – Between 7am and 12 midnight.
13. A comparison of the previous and amended application is provided in the table below.

	Previous Application	Amendment
Patron numbers	645	443
Area 1 operating details	<p>Proposed operating hours:</p> <ul style="list-style-type: none"> • Between 7am and 1am each day <p>Music:</p> <ul style="list-style-type: none"> • Live acoustic music until 1am 	<p>Proposed operating hours (same as existing licence):</p> <ul style="list-style-type: none"> • Sunday – Between 10am and 11pm • Good Friday – Between 12 noon and 11pm • Anzac Day (not being Sunday) – Between 12 noon and 1am • On any other day – Between 7am and 1am <p>Music:</p> <ul style="list-style-type: none"> • Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday; • Background music until 1am all days' • All music to be via a calibrated noise limiter.
Area 2 operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> • Between 7am and 1am each day <p>Music;</p> <ul style="list-style-type: none"> • Live acoustic music until 1am 	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> • Sunday – Between 10am and 11pm • Good Friday – Between 12 noon and 11pm • Anzac Day (not being Sunday) – Between 12 noon and 1am

		<ul style="list-style-type: none"> On any other day – Between 7am and 1am <p>Music hours:</p> <ul style="list-style-type: none"> Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday; Background music until 1am all days; All music to be via a calibrated noise limiter.
Area 3 operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> Between 7am and 1am each day 	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> Sunday – Between 10am and 11pm Good Friday – Between 12 noon and 11pm Anzac Day (not being Sunday) – Between 12 noon and 1am On any other day – Between 7am and 1am <p>Music hours;</p> <ul style="list-style-type: none"> Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday; Background music until 1am all days
External area operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> 7am and 10pm each day 	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> Sunday – Between 10am and 10pm Good Friday & Anzac Day – Between 12 noon and 10pm On any other day – Between 7am and 10pm <p>No more than 30 people in this area. No music proposed.</p>

[Development](#)

[Demolition](#)

14. The original application included the following demolition works; these will not alter as part of the amendment.
 - (a) Minor demolition works including the removal of two façade windows in the south-east corner of the Queens Parade frontage (retrospective), rear sections of wall, section of storage shed wall and internal demolition (no permit required for internal demolition works);

- (b) Removal of 7 paved car parking spaces; and
- (c) Removal of 5 trees along the rear boundary.

Building and works

- 15. A ground floor extension at the rear of the existing building, with part of the existing car parking area converted to indoor and semi-outdoor seating areas.
- 16. Increase in existing floor area from 937sqm (including ground, first-floor and cellar) to 1,221sqm.
- 17. The existing courtyard will be converted to an indoor space (Area 3).
- 18. Three new separate seating areas are proposed (Area 1, Area 2 & external area) along with new amenities, storage rooms, bar, cool room and separate bin enclosure.
- 19. The rear space will be enclosed by new sections of brick walls along the southern boundary and northern interface, ranging in height from 3m to 4.25m, with the existing brick wall along the rear (western) boundary and part of the southern boundary retained.
- 20. Areas of pergola open to the sky will abut the western boundary; internal sliding doors will restrict access to this space and will be closed at all times.
- 21. Areas 1 & 2 will have glass roofing (non-operable).
- 22. The area closest to the rear boundary within the external area will be non-operable; the remaining section will be operable.
- 23. Maximum height of new roof between 5.72m to 5.8m.
- 24. The northern wall of the external area will be set back 6.13m from Brennand Street.
- 25. A roller door to the bin-storage area will provide access to waste vehicles within the side setback.
- 26. New roofs are proposed over areas of the existing hotel.
- 27. Addition of a 3,800L rainwater tank.
- 28. 4 new bicycle hoops on the Queens Parade footpath, directly adjacent to existing 4 bicycle hoops.
- 29. The most significant changes to the original application include an increase in the area of non-retractable roof to the external area, increased thickness of the acoustic glazing and requirements that all sliding doors will automatically close and be acoustically sealed. A 2.4kW solar array has also been added to the roof.

Advertising Sign

- 30. The previous application sought retrospective approval for a 'business identification sign' on the eastern wall of the building (Figure 3).
- 31. The amended application removes this element, and the sign will be painted over in a colour to match the remaining hotel.



Figure 3: Advertising sign

Existing Conditions

Subject Site

32. A description of the subject site was provided in the original Officer report. There have been no changes to the existing conditions.
33. The site is formally known as Lots 1 and 2 on TP659141S. There are no easements or other restrictions registered on title.

Surrounding Land

34. A description of the surrounding land was provided in the original Officer report. There have been no significant changes to the context surrounding the site.

Planning Scheme Provisions

Zoning

35. The subject site is located within two zones; Commercial 1 Zone (C1Z) and Neighbourhood Residential Zone – Schedule 1 (NRZ1). These are shown in Figure 4. Most of the new works will occur within the NRZ at the rear of the land.

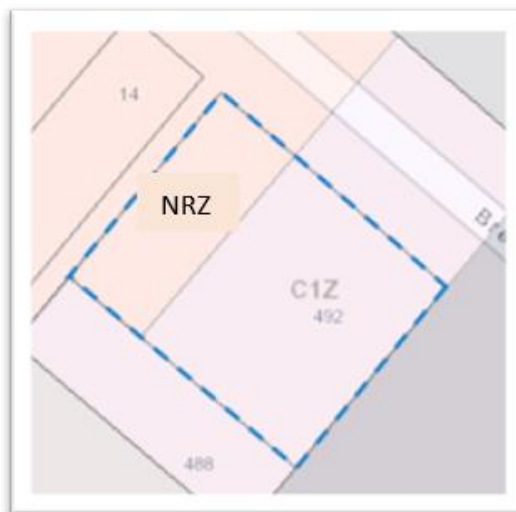


Figure 4: Zoning of land

36. The following provisions apply:

Commercial 1 Zone

37. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
38. Pursuant to clause 34.0101, a planning permit is not required for the use of the land as a hotel.

Neighbourhood Residential Zone

39. Pursuant to clause 32.09-2, the use of the land as a hotel (nested under 'Food and Drink' premises at Clause 73.04-11 of the Scheme) is a 'Section 2 – Permit required use'.
40. Pursuant to clause 32.09-9, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

Overlays

41. The subject site is affected by the Heritage Overlay and the Development Contributions Plan Overlay - Schedule 1. The following provisions apply.

Heritage Overlay (HO330 – Queens Parade Precinct, North Fitzroy/Clifton Hill)

42. Pursuant to clause 43.01-1, a planning permit is required for demolition, and to construct and carry out works. External paint controls apply to this heritage precinct.
43. 'City of Yarra Database of Heritage Areas, July 2020' (as saved in incorporated documents on the DELWP website Incorporated Documents (planning.vic.gov.au) identifies the site as having an 'individually significant' heritage grading.

Development Contributions Plan Overlay - Schedule 1

44. Pursuant to Clause 45.06-1 a permit granted in the DCPO must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
45. A planning permit is not required for works under the overlay. However, if a permit was issued in accordance with other permit triggers, conditions would be added to the permit as follows:
- (a) *Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.*

Relevant Particular Provisions

Clause 52.06 – Car Parking

46. Pursuant to Clause 52.06-2, before the floor area of an existing use is increased, the required car parking spaces must be provided on the land. In this instance, as the site is located within the PPTN, the rates outlined in 'Column B' apply.
47. In this instance, the floor area of the hotel would increase from 937sqm to 1,221sqm; an increase of 284sqm. The following table identifies the car parking requirement under Clause 52.06-5.

Use	Statutory (Requirement)	Requirement (based on increased floor area of 284sqm)	Proposed provision	Reduction required
Hotel	3.5 spaces to each 100sqm of leasable floor area	9 spaces	2 spaces	7 spaces being removed 9 spaces required under Clause 52.06 Total 16 space reduction

48. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce 16 car parking spaces.

Clause 53.06 – Live Music Entertainment Venues

49. The purpose of this clause is:

- (a) *To recognise that live music is an important part of the State’s culture and economy;*
- (b) *To encourage the retention of existing and the development of new live music entertainment venues;*
- (c) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses;*
- (d) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise; and*
- (e) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

50. Pursuant to clause 53.06-1, these provisions apply to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with (where relevant):

- (a) A live music entertainment venue.

51. Pursuant to clause 53.06-3, a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

Clause 53.18 – Stormwater Management in Urban Development

52. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) Must meet all of the objectives of *Clauses 53.18-5 and 53.18-6*; and
- (b) Should meet all of the standards of *Clauses 53.18-5 and 53.18-6*.

Clause 52.27 – Licensed premises

53. Pursuant to Clause 52.27, a planning permit is required to increase the floor area within which liquor can be consumed or supplied under the existing liquor license.

Clause 52.34 - Bicycle facilities

54. Pursuant to Clause 52.34-1 of the Scheme, the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

55. The following table identifies the bicycle parking requirements under Clause 52.34-3 of the Scheme, the provision of bicycle parking on site, and the subsequent reduction below the statutory requirement that is being sought:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Hotel	284sqm of bar floor area	1 employee space to each 25 sqm of bar floor area available to the public, plus 1 employee space to each 100 sqm of lounge floor area available to the public	3 employee spaces	0 employee spaces 8 existing visitor spaces (off-site) 8 new visitor spaces (off-site)
	284sqm of lounge floor area		3 visitor spaces.	
Bicycle Parking Spaces Total			3 resident / employee spaces	0 employee spaces
			3 visitor spaces	16 visitor spaces (off-site)
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms

56. The development provides a total of 3 fewer employee spaces and 13 additional visitor spaces above the requirements of the Scheme, however it is noted that all visitor spaces are proposed on the Queens Parade footpath, with no on-site spaces proposed.
57. Clause 52.34-2 of the Scheme states that a permit may be granted to reduce or waive this requirement. Clause 52.34-5 of the Scheme contains bicycle signage requirements.

General Provisions

58. Clause 63 – Existing Uses
- (a) Clause 63.05 - Section 2 and 3 Uses.
59. Clause 65 – Decision guidelines

Planning Policy Framework (PPF)

60. Relevant clauses are as follows:
- (a) Clause 13.05 – Noise:
- (i) Clause 13.05-1S – Noise abatement;
- (b) Clause 13.07 – Amenity and Safety:
- (i) Clause 13.07-1S – Land Use compatibility;
- (c) Clause 15 – Built Environment and Heritage:
- (i) Clause 15.01 – Built Environment;
- (ii) Clause 15.01-1S – Urban Design;
- (iii) Clause 15.01-1R – Urban Design-Metropolitan Melbourne;
- (iv) Clause 15.01-2S – Building Design;
- (v) Clause 15.01-5S – Neighbourhood Character;
- (vi) Clause 15.02 – Sustainable Development;

- (vii) Clause 15.02-1S – Energy and resource efficiency;
- (viii) Clause 15.03 – Heritage;
- (ix) Clause 15.03-1S – Heritage conservation;
- (d) Clause 17.01 – Employment;
- (e) Clause 17.02 – Commercial;
- (f) Clause 18.01 – Integrated transport; and
- (g) Clause 18.02 – Movement networks.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

61. Relevant clauses are as follows:

- (a) Clause 21.04-2 - Activity centres;
- (b) Clause 21.04-3 – Industry, office and commercial;
- (c) Clause 21.05 – Built form;
- (d) Clause 21.05-1 – Heritage;
- (e) Clause 21.05-2 – Urban design;
- (f) Clause 21.05-3 – Built form character;
- (g) Clause 21.06 – Transport; and
- (h) Clause 21.08 – 8 – North Fitzroy.

Local Policies

62. The following local policies of the Scheme are relevant:

- (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (b) Clause 22.05 – Interface Uses Policy;
- (c) Clause 22.07 – Development Abutting laneways;
- (d) Clause 22.09 – Licensed premises;
- (e) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design); and
- (f) Clause 22.17 – Environmentally Sustainable Development.

Advertising

63. The Applicant provided a copy of the amendment application to Council and the parties joined to this proceeding. Notice has also been provided to those originally notified of the planning permit application, in accordance with VCAT's Practice Note PNPE9.

Referrals

64. There are no external referrals required.

65. The original application was referred to several internal Council departments; the original referrals comments are relevant in some instances to the amended plans and will be discussed where relevant throughout this report. The original comments are provided as attachments.

OFFICER ASSESSMENT

66. The key consideration for this report is whether the amended application has satisfactorily addressed Council's Grounds of Refusal and whether the changes introduce any additional concerns. The two refusal grounds were based on the intensification of the sale and consumption of liquor, with the combination of increased operating hours, increased patron numbers, increased floor area and the provision of live music considered to result in unreasonable off-site amenity impacts that could not be supported. The grounds are outlined below:
- (a) *The proposed intensification of the use and sale and consumption of liquor lacks the strategic support of the Yarra Planning Scheme; and*
 - (b) *The proposed increase in operating hours, patron numbers, floor area (and red-line plan), as well as the provision of live music, will result in unreasonable off-site amenity impacts to the surrounding residential land.*
67. As outlined previously, the application has been amended to remove the increase in patron numbers and operating hours, significantly reducing the potential off-site amenity impacts caused by the original application. All of the new internal seating areas would maintain the existing hours of operation, and the partially open external area would further reduce these hours so that no part of this section operates beyond 10pm on any day of the week. The amended Noise and Amenity Action Plan (NAAP) indicates that a limit of 30 patrons would be allowed in this external area at any time, with no music (live or background) to be played in this space. These aspects remain the same as under the original application.
68. The original Officer report acknowledged that the Yarra Planning Scheme (the Scheme) provides strategic support for the ongoing use of the site as a hotel, with Clause 17.02-1S - Employment seeking to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The site sits just outside the Queens Parade Neighbourhood Activity Centre (NAC), with Clause 11.03-1S aiming to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies aim to provide activity centres that deliver a focus for business, shopping, working, leisure and community facilities, are connected by transport and maximise choices in services, employment and social interaction. The hotel has provided a social connection to the community for many years and is located in an accessible location with good integration with existing transport networks.
69. On this basis, the benefits of the existing use and location of the hotel are acknowledged. However, the previous report highlighted how the surrounding context of the land is mixed, with a significant area to the west located within residentially zoned land. This, and the residential zoning that affects the rear of the subject site, places constraints on the intensification of the hotel use and the previous amendments sought to the sale and consumption of liquor.
70. Clause 22.05-1 identifies that there is a need to ensure that commercial uses are well managed with regard to amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. Clause 13.05-1S of the Scheme aims to manage noise effects on sensitive land uses by ensuring that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions, with a relevant strategy at Clause 13.07-1S to ensure that use or development of land is compatible with adjoining and nearby land uses.

71. The previous report undertook a detailed assessment of these factors and determined that the impacts generated by the increased density of the sale and consumption of liquor would not be compatible with the adjacent residential environment. This position was formed after undertaking an assessment of the decision guidelines outlined in Clause 22.09 and Clause 52.27 of the Scheme. The key objectives of Clause 22.09 are:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises;*
 - (b) *To encourage best practice venue design and venue operation for licensed premises;*
 - (c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues; and*
 - (d) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
72. Whilst the amended application no longer seeks to increase operating hours or patron numbers, it seeks to increase the floor area and red line plan of the existing hotel and thereby requires a permit under Clause 52.27 of the Scheme. The purpose of this provision is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered. Given the hotel is an existing use, and the operating hours and patron numbers are not changing, a detailed consideration of a number of these provisions are no longer required. This will be discussed further below.

Location and Access

73. Clause 22.09-3 of the Scheme states that licensed premises should be located where;
- (a) *The land is not zoned Residential (excluding the Mixed Use Zone);*
 - (b) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered;*
 - (c) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises; and*
 - (d) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*
74. The hotel is an existing use; however, the increased floor area will extend into the area of residentially zoned land at the rear of the site, with patrons located closer to residential properties to the west. It is noted that this space has been utilised by patrons throughout the COVID pandemic, albeit in temporary tent structures with open sides and no noise attenuation. Therefore, whilst an extension of the floor area and sale and consumption of liquor is being sought, it is not considered that the existing on-site operation of the hotel will alter, given the current operating conditions authorised under this COVID exemption.
75. The buildings and works proposed at the rear of the site will incorporate significant noise attenuation features into the design, with acoustic glazing integrated throughout. Acoustic panels will be incorporated into walls, and all internal swing doors will be fitted with automatic door closers and acoustic seals. Whilst a section of the 'external area' will have a retractable roof; this has been located slightly further away from the residential interface compared to the original application. On this basis, it is considered that noise impacts from the extended floor area will be better managed when compared to the existing circumstances. This will be discussed in further detail later within this report.

Venue design

76. The venue would increase in size, with new areas accommodated at the rear of the land. There will be minimal changes to the layout and interfaces of the 'existing hotel' addressing both streets.

77. This ensures that the primary entry/exits will be retained on Queens Parade, with a secondary entrance for patrons to the hotel restaurant on Brennand Street. The windows and entry points provide opportunities for informal and passive surveillance of the street environment and ensure that the areas for queuing of patrons are located away from sensitive land uses.

78. Waste management and storage is provided on-site, within separate fully enclosed areas.

Hours of Operation

79. Hours of operation is no longer proposed to increase as part of the amended application.

Patron numbers

80. Patron numbers is no longer proposed to increase as part of the amended application.

Noise

81. The objective of Clause 13.05-1S is to assist the management of noise effects on sensitive land uses by ensuring that community amenity and human health is not adversely impacted by noise emissions, with Clause 13.07-1S aiming to protect community amenity, human health and safety while facilitating appropriate commercial uses with potential adverse off-site impacts. Strategies to achieve these outcomes aim to ensure that use or development of land is compatible with adjoining and nearby land uses and to avoid or minimise adverse off-site impacts from commercial uses through land use separation, siting, building design and operational measures.

82. The previous report acknowledged that noise complaints have been received by Council's Enforcement team in the past, however investigations of the complaints determined no formal permit or noise breaches had occurred.

83. The proposal seeks to allow the provision of live acoustic and background music in the new seating areas (Areas 1 and 2). The NAAP indicates that live music would play until 10pm in Areas 1 & 2 on Sundays/public holidays, and until 11pm Monday to Saturday. Background music would then play until 1am. All music within these areas would be controlled via a calibrated noise limiter. There is no music proposed within the new external area at the rear of the site.

84. An Acoustic Report, prepared by Enfield Acoustics (Enfield), was submitted with the original application. This report provided guidance on potential noise impacts generated by live music, along with noise emissions from the increase in patron numbers. The report was reviewed on behalf of Council by SLR Consultants (SLR).

Live Music

85. The purpose of Clause 53.06 – Live Music Entertainment Venues is to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise, and to ensure that the primary responsibility for noise attenuation rests with the agent of change. In this instance the hotel is the agent of change.

86. Strategies to manage the provision of live music are outlined in Clause 13.07-3S, which seeks to identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues, and to implement measures to ensure live music venues can co-exist with nearby residential land uses. In this instance, the venue is not in a location where live music venues are encouraged, with the hotel being the only venue of this nature within the surrounding area. However, the determining factor in this instance is whether the provision of live music would result in unreasonable noise impacts to adjoining land.

87. In the applicant's acoustic review by Enfield, it was determined that the most affected sensitive receivers within proximity to the hotel are the upper storey windows and balconies of two apartment buildings to the northwest of the site (14 Brennan Street directly to the west and 274D McKean Street, a two-storey building located approximately 20m from the site boundary). Whilst Council's acoustic consultant (SLR) agreed with this aspect, they noted that further details in relation to the measurement position should be provided; including microphone height and distance from any reflective surfaces, preferably in the form of photographs. If the noise levels are affected by reflections or other factors, this may have flow-on effects for the assessment. If a permit was to issue, the acoustic report should be updated to provide these details.
88. The Acoustic report outlines mitigation measures that are recommended for the areas in which live music is proposed; these include the glazing construction, roof construction, absorptive panels, automatic closers for swing doors and the requirement for the sliding door to the outdoor pergola area to remain closed at all times. The report also recommends that a music noise limiter be installed and calibrated to meet the EPA Protocol noise limits. All of these noise mitigation measures have been incorporated into the amended plans, with enhanced measures also introduced. These include greater thickness for the acoustic glazing, acoustic seals fitted to all doors and half of the external area covered in a non-retractable section of roof.
89. An updated Acoustic Report was not submitted with the amendment; however, given the additional measures introduced into the amended plans, it is considered that more conservative noise outcomes would be achieved.
90. Based on predicted noise levels outlined in the original report, the live music is predicted to comply with the 47 dBA noise limit for the period until 10 pm, by a margin of 6dB. Based on the significant margin of compliance, the report states that live music is also expected to comply up until 11 pm on Monday to Saturday. For the night period, recorded music is predicted to comply with the noise limit by a minimum margin of 3dB. The acoustic report confirms that all operable roofs were assumed to be open during this assessment. Again, a more conservative outcome would be expected with external area now incorporating a fixed component to the glass roof. Should a permit be issued, a condition should request for an updated acoustic report to ensure all the additional noise mitigation measures are captured.
91. The Acoustic report concludes that for live acoustic music to comply with the Noise Protocol, the following measure would be required;
 - (a) Any live acoustic music ceases by 11pm (Monday to Saturday) and by 10pm (Sundays and Public Holidays);
 - (b) Live acoustic music occurs internally only;
 - (c) Operable doors to the outdoor area remain closed during performances;
 - (d) Swing doors to the outdoor area must be fitted with automatic door closers;
 - (e) No drums, percussions or bass is permitted during live acoustic performances; and
 - (f) Acoustic mitigation as recommended in Section 4.1 of the report is provided.
92. All of these recommendations have been incorporated into the amended design and operational procedures.
93. SLR note that their interpretation of "acoustic" performances is that it would not include any form of amplification, including for vocals or a guitar. The adopted source levels seem consistent with this restriction, however, to avoid any ambiguity it was recommended that the report provides specific guidance on whether amplified guitars or vocals are permitted for the live music. It is recommended that an updated acoustic report address this via a permit condition.

Background music

94. The acoustic report states that the assessment by Enfield indicates that internal background music levels is expected to comply with Noise Protocol limits by a reasonable margin. However, to mitigate any risk of adverse noise impacts and to implement correct managerial controls, they recommend that a music noise limiter is installed and calibrated to Noise Protocol noise limits prior to commencement of use. SLR support this outcome, and a permit condition should be added to enforce this.

Patron noise

95. With regards to patron noise, given the application is no longer seeking to increase patron numbers, it is assumed that patron noise levels as outlined in the original report will be reduced. However, it is noted that the increased floor areas allow patrons to be within closer proximity to the residential interface to the west. Based on the original calculations, SLR note that compliance within the third-storey apartments at No. 14 Brennan Street is marginal, with high reliance on room absorption. They also note that as only a single night survey was undertaken, there is the possibility that background levels could be lower at times, resulting in reduced compliance within these dwellings. The potential for non-compliance is related predominantly to the external area, with SLR noting it would be necessary for the operators to consider partially closing the operable roof if compliance isn't achieved. The amended design has incorporated this change, with the roof area closest to the residential interface fixed shut.
96. However, given the marginal compliance predicted for patron noise at the nearby dwellings, SLR recommended that compliance testing be conducted at the completion of the works. If the testing finds that the criteria are exceeded, management approaches (e.g., fully closed roof, additional absorptive treatments etc.) should be provided. Whilst it is considered that the additional measures added as part of the amendment would address these concerns. As an updated acoustic report was not provided, it is considered reasonable for a post-construction acoustic report be prepared and submitted to Council.
97. SLR also noted that noise from the bin room, glass movements in the outdoor areas and waste collections should be assessed for any night period activities.
98. An updated acoustic report should provide these details, and Council recommends placing specific time restriction conditions on any permit issued to manage noise impacts from deliveries and waste.

Noise and Amenity Action Plan (NAAP)

99. To ensure a venue is managed appropriately, Clause 22.09 requires the submission of a NAAP which outlines management procedures aimed at ensuring good patron management. If a permit is issued, the NAAP is endorsed so that it can be enforced if the premises operates outside of specified parameters.
100. An amended NAAP was submitted; this outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures for minimising amenity impacts.
101. The measures indicated in the NAAP that have not been addressed elsewhere in this report include:
- (a) A Complaints register kept on the premises will be maintained. Staff on duty will take the complaint and pass on all information to the manager of the venue to appropriately deal with the issue;
 - (b) The management of dispersal of patrons;
 - (c) The management of smokers;
 - (d) The management of external queues; and
 - (e) The provision of food.

102. The level of detail provided in the NAAP is considered acceptable and this document should be endorsed as part of any permit issued.

Other matters

Demolition

103. The extent of demolition proposed by this application includes the demolition and removal of the following;
- (a) Sections of the southern and western boundary fences, shade-cloths and small sections of walls to the existing rear service yard and beer garden;
 - (b) Removal of five trees in the rear car park;
 - (c) Minor internal demolition works (no permit required); and,
 - (d) Removal of two existing windows to the storage room within the Queens Parade frontage (retrospective works).
104. It is noted that the amended demolition plans do not include the demolition of the two windows within the façade. However, as these works have already been undertaken, retrospective approval is required, and the demolition plan should be updated to include this aspect. A condition should be added to any permit issued requiring this.
105. The original Officer report raised no issue with the extent of demolition proposed.
106. The majority of the works are confined to the rear of the property and will have no impact on the significant fabric of the place. The changes to the windows on the Queens Parade frontage are to a later addition that does not form part of the original fabric of the place, therefore the removal of these windows is acceptable. There are no vegetation overlays affecting the site, therefore the removal of the trees along the rear boundary does not require planning permission. Further to this, the internal works do not require a planning permit. Council's Heritage Advisor reviewed the original application, and as the proposed demolition works have not increased as part of the amendment, the extent of demolition continues to be supported.

New works

107. The extent of new works proposed by this application includes a single-storey extension to the rear of the existing hotel, with the additional works to abut the western and southern boundaries and set back 6.133 m from the Brennand Street interface. These elements have not altered in the amended application. The location and design of the new works were assessed by Council's Heritage Advisor, who noted:
- (a) *'The proposed new rear dining area is appropriately sited to the rear of the heritage building. It will have some visibility from Brennand Street, however this is a secondary frontage and the new development is appropriately separated from the main form of the heritage building. The design and form of the addition, where it is visible is acceptable.'*
108. Given the location of the works at the rear of the building and the single-storey scale proposed, the addition achieves an appropriate outcome that respects the existing building and the surrounding neighbourhood character. This aspect of the application is supported.
109. Further to this, the proposed development of the site will result in no unreasonable off-site amenity impacts attributed to visual bulk or overshadowing. The addition is limited in scale to single storey, which will limit visual impacts within adjacent sites. Whilst a minimal area of additional overshadowing will affect the site to the south between 9am and midday; this site is a commercial building located within commercially zoned land. There will be no shadows cast within the NRZ to the west. These outcomes are acceptable.
110. Clause 63.05 notes that a use in Section 2 of a zone for which an existing use right is established may continue provided:

- (a) No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme;
- (b) Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use; and
- (c) The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

111. The hotel operates under existing use rights within the NRZ; the proposed works require a permit under the provisions outlined above. As noted, it is not anticipated that the new works will result in any additional amenity impacts to the surrounding area.

Removal of advertising sign

112. The Applicant seeks to remove the retrospective permission for approval of a 'business identification sign' on the eastern frontage of the building and paint over this sign in a colour consistent with the remainder of the hotel. The material schedule and existing conditions indicates that the existing brickwork is painted white, however the new finish is not clarified on the proposed east elevation. If a permit was issued, confirmation of this would be required.

ESD

113. A Sustainable Design Assessment (SDA) prepared by GIW Environmental Solutions (GIW) and dated 31 March 2022, was submitted with the original application. The SDA indicated that the following principal ESD features will be incorporated into the extension of the existing hotel:

- (a) The development will achieve an overall BESS score of 50%, with water efficient fixtures and fittings used throughout;
- (b) A STORM score of 100% will be achieved, with the installation of a 3,800L rainwater tank to be connected to all new toilets;
- (c) The indoor areas are targeting a 2% Daylight Factor to 60% of the nominated area;
- (d) 4 new bicycle hoops are proposed within the Queens Parade footpath; and
- (e) General, recycling, composting/green waste and hard waste & e-waste facilities will be provided within the new bin room.

114. In addition to the above, the amended application has incorporated a 2.4kW solar array on the roof.

115. Notwithstanding the above ESD commitments, Council's ESD advisor was not satisfied that the proposed development (in their review of the original application) would adequately meet Council's ESD Standards. Specific concerns and recommendations were made as follows;

- (a) The SDA specifies that there are no new landscaping features, however, there appears to be a degree of new vegetation shown on the plans. Clarification of this is required and given the removal of 5 existing trees for the extension, the landscaping strategy should be revised. A Landscape Plan should be provided to support these changes;
- (b) Daylight modelling (computer or hand drawn) is required to support daylight access claims, taking into account the proposed window tinting;
- (c) The design and operability of the tinted laminated glass is required, to support natural ventilation claims;
- (d) The BESS report should be amended to include provision of bicycle parking spaces;
- (e) A Section J assessment should be provided that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case;

- (f) Demolition and construction waste target should be clarified (e.g. minimum 80%);
- (g) Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%;
- (h) Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling;
- (i) Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall; and,
- (j) Provide a statement as to how the design has responded to and mitigates the urban heat island effect.

116. These issues remain outstanding in the amended application, and the above recommendations should be incorporated into any permit issued via conditions, with the SDA updated accordingly.

Car parking/bicycle parking

117. The original officer report undertook a full assessment of the proposed reduction in car parking and car parking layout. Given the number of required car parking spaces on the land is associated with an increase in floor area of the hotel, a permit is still required for the car parking reduction under the amended application. Council Engineers raised no concerns with the reduction sought, being limited to 16 spaces, or the layout of the amended car parking area.

118. There are currently no on-site bicycle parking spaces provided, with 4 bicycle hoops located directly adjacent to the site on the Queens Parade footpath. The proposal seeks to install an additional 4 hoops, which would equate to a total of 16 off-site bicycle spaces. Council's Strategic Transport Officer is supportive of the overall number of off-site spaces proposed, noting that there is limited space available for any on-site spaces. He also noted that the provision of the off-site hoops can be used by both employees and visitors to the site.

119. However, the advice noted that the existing location of the bicycle hoops is not ideal, being located directly adjacent to electricity poles and planter boxes. If additional bicycle hoops were installed in the future, it is Council's preference that the existing and new bicycle hoops be relocated to a more suitable location that satisfies the siting requirements of Clause 52.34 and AS2890.3. The cost of this would be borne by the permit holder. A condition should be added to any permit issued accordingly.

Waste/Loading

120. A Waste Management Plan (WMP) was prepared by Sustainable Development Consultants (dated July 2022). The WMP outlines the management procedures to be undertaken for all waste collection from the site. Provision for separate waste streams (food organics, commingled recyclables, glass and paper/cardboard) will be provided, with separate private collection vehicles for each stream. All waste will be stored in a ventilated purpose-built waste room with direct access to the bin collection point, where waste vehicles can reverse into the site, prop to collect the bins and drive out in a forward direction.

121. The WMP was referred to Council's City Works branch, who confirmed that all procedures were satisfactory. The WMP should be endorsed as part of any permit issued.

122. The proposal will retain the use of the car park to undertake deliveries and loading, with Small Rigid Vehicles proposed to carry out these activities. The size of these trucks will ensure that they do not encroach on the footpath which loading/unloading is occurring. Alternatively, if a larger vehicle is required, the Applicant noted that on-street parking along the Brennand Street frontage can be used if available, which is how loading has occurred during the current operations, given the temporary outdoor seating within the existing car park. This outcome was supported by Council Engineers.

Conclusion

123. Based on the above report, it is considered that the amendments made to the application, including the removal of any increase to operating hours or patron numbers, result in an application that now substantially complies with the relevant planning policy. The previous refusal of the application is no longer considered applicable and therefore should be supported, subject to conditions.

RECOMMENDATION

That having considered the relevant planning policies, Council resolves to advise the Victorian Civil and Administrative Tribunal that it has amended its position of refusal to a position of support for the following:

Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates at 492 Queens Parade, Fitzroy North, subject to the following;

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Burton & Carter Pty Ltd, TP00 to TP14, dated 1 August 2022 and 18 May 2023, but modified to show:
 - (a) The demolition plan updated to include the demolition of the two windows within the Queens Parade façade;
 - (b) The proposed east elevation updated to include the proposed colour of the new wall;
 - (c) Any changes required by the amended Sustainable Design Assessment at Condition 3 of this permit;
 - (d) Any changes required by the amended Acoustic Report at Condition 5 of this permit.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by GIW Environmental Solutions and dated 31 May 2022, but modified to include or show:
 - (a) All details updated to reflect the amended application;
 - (b) Clarification of any landscaping proposed on-site. If landscaping is proposed, a Landscape Plan should be provided;
 - (c) The provision of daylight modelling (computer or hand drawn) to support daylight access claims, taking into account the proposed window tinting;
 - (d) The design and operability of the tinted laminated glass, to support natural ventilation claims;
 - (e) The BESS report amended to include provision of bicycle parking spaces;

- (f) A Section J assessment that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case;
 - (g) Demolition and construction waste target clarified (e.g. minimum 80%);
 - (h) Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%;
 - (i) Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling;
 - (j) Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall; and,
 - (k) Provide a statement as to how the design has responded to and mitigates the urban heat island effect.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustic Consultants and dated 1 August 2022, but modified to include (or show, or address):
- (a) Clarification on whether 'acoustic' music includes any form of amplification;
 - (b) Additional details of the measurement position; including microphone height and distance from any reflective surfaces, preferably in the form of photographs; and
 - (c) Noise from the bin room, glass movements in the outdoor areas and waste collections assessed for any night period activities.
6. Within 3 months of the commencement of the increased area of the sale and consumption of liquor an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) The compliance of the use and music levels and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Noise and Amenity Action Plan

8. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan (dated May 2023) must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Sustainable Development Consultants and dated 22 July 2022 but modified to include:
 - (a) All details updated to reflect the amended application.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sale and Consumption of liquor

11. No more than 443 patrons are permitted on the land at any time liquor is being sold or consumed, with no more than 30 patrons permitted in the external area.
12. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor within Areas 1, 2 and 3 may only occur between the following hours:
 - (a) Sunday – Between 10am and 11pm;
 - (b) Good Friday – Between 12 noon and 11pm;
 - (c) Anzac Day (not being Sunday) – Between 12 noon and 1am;
 - (d) On any other day – Between 7am and 1am.
13. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor within the external area may only occur between the following hours:
 - (a) Sunday – Between 10am and 10pm;
 - (b) Good Friday & Anzac Day– Between 12 noon and 10pm;
 - (c) On any other day – Between 7am and 10pm.
14. Except with the prior written consent of the Responsible Authority, live music must only be played in Areas 1, 2 and 3 between the following hours:
 - (a) 10pm Sundays and public holidays;
 - (b) 11pm Monday to Saturday.
15. Except with the prior written consent of the Responsible Authority, background music must only be played in Areas 1, 2 & 3 between until 1am all days.
16. No music (live or background) is to be played in the external area at any time.

Noise Limiter

17. Prior to the increased sale and consumption of liquor authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
 - (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and
 - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
18. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;

- (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.
19. Speakers external to the building must not be erected or used.
 20. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
 21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 22. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
 23. Within 2 months of the completion of works, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 25. The existing and proposed bicycle hoops must be relocated to a more suitable location that satisfies the siting requirements of Clause 52.34 and AS2890.3;
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 26. Before the new areas of the building are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface;
 - (d) line-marked or provided with some adequate means of showing the car parking spaces; and
 - (e) to the satisfaction of the Responsible Authority.
 27. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
 28. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

29. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;
- (c) the sale and consumption of liquor within the extended floor area is not commenced within two years from the date of this permit;
- (d) the sale and consumption of liquor is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

All future employees working within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

These premises will be required to comply with the *Food Act* 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

Attachments

- 1 Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel
- 2 Attachment 2 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - NAAP (Final)
- 3 Attachment 3 - PLN21/0984 - 492 Queens Parade Fitzroy North - Original Officer Report
- 4 Attachment 4 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original ESD referral comments
- 5 Attachment 5 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original Heritage comments
- 6 Attachment 6 - PLN21/0984 - 492 Queens Parade Clifton Hill - Original Engineering comments
- 7 Attachment 7 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original waste referral comments

7.9 Governance Report - June 2023

Reference	D23/182966
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Manager Governance and Integrity

Purpose

1. The Governance Report is prepared as a periodic report to Council which provides a single reporting platform for a range of statutory compliance, transparency and governance related matters.

Critical analysis

History and background

2. To ensure compliance with the Act and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
 - (a) Municipal Association of Victoria State Council – 19 May 2023;
 - (b) Appointment of authorised officers under the Planning and Environment Act 1987; and
 - (c) Update to the City of Yarra Collection Policy.

Discussion

Municipal Association of Victoria State Council – 19 May 2023

4. The Municipal Association of Victoria held its biannual State Council meeting on 16 May 2023. State Council is an opportunity for all Victorian Councils to come together to determine the policy directions of the Municipal Association of Victoria and provides an opportunity for the furtherance of Council's interests at the state level.
5. Yarra City Council submitted three motions to the State Council for consideration. The outcome of the vote on these matters was:
 - (a) Create environmentally sustainable forms of transport (carried);
 - (b) Empowering Electoral Representation Review Panels (carried); and
 - (c) Removal of prayer from council meetings (lost).
6. The next Municipal Association of Victoria State Council will be held in October 2023.

Appointment of authorised officers under the Planning and Environment Act 1987

7. In order to conduct inspection, enforcement and prosecution activities on Council's behalf, officers require specific authorisation under the relevant legislation. While authorisation for most legislation is provided by the Chief Executive Officer acting under delegation, specific provisions of the Planning and Environment Act 1987 require that the authorisation be made directly by Council resolution.
8. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
9. In addition, authorisation must also be provided under section 313 of the Local Government Act 2020 in order to enable these officers to commence enforcement action where necessary.

Update to the City of Yarra Collection Policy

10. The City of Yarra Collection Policy sets out the principles and practices that guide decision-making about the City of Yarra Art and Heritage Collection, including how it is developed, documented, conserved, interpreted and made accessible.
11. One element of the policy provides that acquisitions to the collection may be made by a donation or bequest and that where applicable, donations may be submitted via the Commonwealth Government's Cultural Gift Program - a process that enables the donor to receive a tax incentive for the value of the donation.
12. In reviewing Council's policy, the Office for the Arts (the department with responsibility for the Cultural Gift Program) have identified a provision which impacts this tax deductibility and have asked that Council alter the policy in order to satisfy the necessary program requirements.
13. Currently, according to Council's policy, if a work is deaccessioned (removed) from the Collection, it can be disposed of in the following ways:
 - (a) The item is returned to the artist, estate or donor, is offered to a more appropriate institution, arranged for sale, or dismantled and/or destroyed as a last resort; and
 - (b) If a gift or donated item is sold, funds raised by the sale must be redirected towards new acquisitions which, with consent, may be attributed to the original donor.
14. The potential return of a work to a donor who has already received a tax incentive for the donation is problematic, as it effectively enables a tax claim to be made without the permanent transfer of ownership of the work.
15. In consultation with the Office for the Arts, officers have developed an additional clause to be inserted into the Collection Policy to ensure that this cannot happen, and that eligibility for the Cultural Gift Program is not put at risk.
16. It is proposed that an additional clause be added to the Collection Policy under heading "3.11.1 Disposal" reading:
 - (a) Items donated under the Commonwealth Government Cultural Gift Program will not be returned to the donor if de-accessioned, having already received the benefit of tax deduction for the donation.

Options

17. There are no options presented in this report.

Community and stakeholder engagement

18. No community or stakeholder engagement has been undertaken in the development of this report, save the engagement with internal stakeholders necessary to compile the report content.

Policy analysis

Alignment to Community Vision and Council Plan

19. 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."*
20. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: 'Democracy and governance', which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *"practice good governance, transparency and accountable planning and decision-making."*
21. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

[Climate emergency and sustainability implications](#)

22. There are no climate emergency or sustainability implications considered in this report.

[Community and social implications](#)

23. There are no community or social implications considered in this report.

[Economic development implications](#)

24. There are no economic development implications considered in this report.

[Human rights and gender equality implications](#)

25. There are no human rights or gender equality implications considered in this report.

Operational analysis

[Financial and resource impacts](#)

26. There are no financial and resource impacts considered in this report.

[Legal Implications](#)

27. There are no legal implications considered in this report.

Conclusion

28. This report presents an officer recommendation on:

- (a) the Municipal Association of Victoria State Council – 19 May 2023;
- (b) the appointment of authorised officers under the Planning and Environment Act 1987; and
- (c) an update to the City of Yarra Collection Policy.

RECOMMENDATION

1. That Council note this Governance Report on:
 - (a) the Municipal Association of Victoria State Council – 19 May 2023.
2. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Zac SUTTON; and
 - (b) Wayne BULLOCK;be appointed and authorised as set out in the instrument at **Attachment One**, with each instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
3. That the City of Yarra Collection Policy at **Attachment Two** be updated by including an additional dot point under heading "3.11.1 Disposal" reading "Items donated under the Commonwealth Government Cultural Gift Program will not be returned to the donor if de-accessioned, having already received the benefit of tax deduction for the donation."

Attachments

- 1 Attachment 1 - TEMPLATE - Planning Enforcement Officer
- 2 Attachment 2 - City of Yarra Collection Policy 2020

8.1 Notice of Motion No. 3 of 2023 - Department of Transport Delays

Reference	D23/212528
Author	Sophie Wade - Councillor
Authoriser	Chief Executive Officer

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 20 June 2023:

1. *That Council advocate to the state government to give councils an alternative approval pathway for certain types of pedestrian works in line with recent changes to transport delegations in NSW, including for:*
 - (a) *works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);*
 - (b) *continuous footpaths;*
 - (c) *converting existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;*
 - (d) *mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;*
 - (e) *pedestrian crossings;*
 - (f) *pedestrian refuges;*
 - (g) *'No Stopping' controls at intersections;*
 - (h) *kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);*
 - (i) *kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and*
 - (j) *associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.*
2. *That the Mayor write to the Minister for Roads and Road Safety with respect to the above, and that officers otherwise advocate for this position in regular meetings with the Department of Transport and Planning.*

Background

On 24 February 2023, Transport for NSW (TfNSW) issued a temporary delegation of its powers under the *Roads Act 1993*, and an authorisation under the *Road Transport Act 2013*, to give councils an alternative approval pathway for certain types of pedestrian works.

Subject to the conditions set out in the new delegation, councils will be able to design and implement the following:

- (a) works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);
- (b) continuous footpaths;
- (c) converting existing pedestrian (zebra) crossings to raised pedestrian ('wombat') crossings;
- (d) mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;
- (e) pedestrian crossings;

- (f) pedestrian refuges;
- (g) 'No Stopping' controls at intersections;
- (h) kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);
- (i) kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and
- (j) associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.

When exercising the temporary delegation, council must provide TfNSW and NSW Police with a description of the pedestrian work, a copy of the as-built design plans and a copy of the road safety audit if establishing a new pedestrian crossing.

In Victoria, the Department of Planning and Transport requires councils to obtain sign off on many pedestrian works, including those listed in this notice of motion. This causes significant delays in the implementation of much needed pedestrian infrastructure, including on projects that have already been through rigorous design and consultation at the council level, and that are funded by local residents and ratepayers through the council budget.

Projects in the City of Yarra, and other councils, have been delayed by months, and are often delayed by up to a year.

The current approval process prevents councils from taking timely action to make their streets safer and more walkable.

More information: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/committees-communities-and-groups/committees-and-groups-0>

RECOMMENDATION

1. That Council advocate to the state government to give councils an alternative approval pathway for certain types of pedestrian works in line with recent changes to transport delegations in NSW, including for:
 - (a) works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);
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 - (c) converting existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;
 - (d) mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;
 - (e) pedestrian crossings;
 - (f) pedestrian refuges;
 - (g) 'No Stopping' controls at intersections;
 - (h) kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);
 - (i) kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and
 - (j) associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.
2. That the Mayor write to the Minister for Roads and Road Safety with respect to the above, and that officers otherwise advocate for this position in regular meetings with the Department of Transport and Planning.

Attachments

There are no attachments for this report.

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