



# Agenda

## Council Meeting

6.30pm, Tuesday 12 March 2024

Richmond Town Hall  
Wurundjeri Country

## Council Meetings

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

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

## Question Time

Yarra City Council welcomes questions from members of the community.

### Registration

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

### Asking your question

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

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

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

### Comments not allowed

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

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

## Addressing the Council

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

### Registration

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

## Addressing the Council

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

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

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

## Comments not allowed

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

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

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

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

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

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

## Recording and Publication of Meetings

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

## Order of business

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



## 1. Acknowledgment of Country

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

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

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

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

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

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

### Attendance

#### Councillors

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

#### Council staff

##### *Chief Executive Officer*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

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

##### *Governance*

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

### 3. Announcements

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

### 4. Declarations of conflict of interest

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

### 5. Confirmation of minutes

#### RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 13 February 2024 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	Commonwealth Aged Care Reforms	7	22	Adrian Murphy
7.2	Transport Action Plan 2023-2033	25	28	Simon Exon
7.3	Smith Reserve - Final Landscape Concept Plan	30	36	Kate Yuncken
7.4	Fitzroy Swimming Pool - Shade Measures	37	41	Adam Kavanagh, Steven Jackson
7.5	Secret Garden - Ballarat St Collingwood	42	47	Sam Hewett
7.6	Insurance Costs and Live Music Venues in Yarra	48	51	Vicky Guglielmo, Brona Keenan
7.7	Governance Report - March 2024	52	57	Phil De Losa

### 8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No. 4 of 2024 - Easy Access Tram Stops	59	60	Cr Landes
8.2	Notice of Motion No. 5 of 2024 - Dangers of oversized vehicles	61	62	Cr Wade

## 9. Petitions and joint letters

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

## 10. Questions without notice

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

## 11. Delegate's reports

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

## 12. General business

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

## 13. Urgent business

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

## 14. Confidential business reports

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

### 14.1 Regional Assessment Service and Aged Care Contract Extension

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

These grounds are applicable because the report contains information regarding the commercial terms of a contract between Council and a supplier.

### RECOMMENDATION

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

## 7.1 Commonwealth Aged Care Reforms

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### Executive Summary

#### Purpose

To:

- (a) Advise Council of the status of the Commonwealth's national aged care reforms.
- (b) Provide Council with a summary of the key findings relating to the review of Council's aged care services.
- (c) Recommend adjustments to Council's home care service by expanding our existing contract partnership with Mercy Health in response to the Commonwealth Government's reforms and to outline future programs and age friendly initiatives.

#### Key Issues

Across 2016 to 2024, the Commonwealth Government has been designing a new Support at Home Program ("SAHP") to replace and integrate the current:

- (a) Commonwealth Home Support Program ("CHSP").
- (b) Home Care Package program ("HCP").
- (c) Short-term Restorative Care Program ("STRC").

The national transition will be staged, with the HCP and STRC components transitioning by 1 July 2025 (noting that Yarra Council does not provide these services), then followed by the CHSP component by 1 July 2027.

The re-design and re-building of the Aged Care system has been a complex and lengthy process, which will result in significant changes to the way home-based services are provided in the future. Fundamental to these changes is the decision by the Commonwealth to create a competitive market and shift the funding model.

For more than 24 years Yarra has relied on long term, contracted specialist aged care providers to provide the majority of Council's home care service. Yarra Council's current provider (since 2018), Mercy Health is well regarded and trusted by members of our community who use the service.

Because of this, Yarra is well positioned to respond to the reforms by partnering with Mercy Health to carefully transition the small number of clients supported by Council staff to Mercy Health (under contract to Council).

The report outlines a new approach to service delivery to support Yarra's older residents with a focus on:

- (a) a careful, client focused and supported transition of the remaining home care clients to Councils current long-term trusted contract provider (Mercy Health) over the next twelve months.
- (b) a recommitment to, and grow, community care-based services (community transport, food services, social support groups, partnership grants) for older residents and ongoing actions to be an age friendly, inclusive and accessible city.
- (c) an operational review of the Home Maintenance program and the provision of advice to Council at a later date.



## 7.1 Commonwealth Aged Care Reforms

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<b>Reference</b>	D24/75681
<b>Author</b>	Adrian Murphy - Manager Aged and Disability Services
<b>Authoriser</b>	General Manager Community Strengthening
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

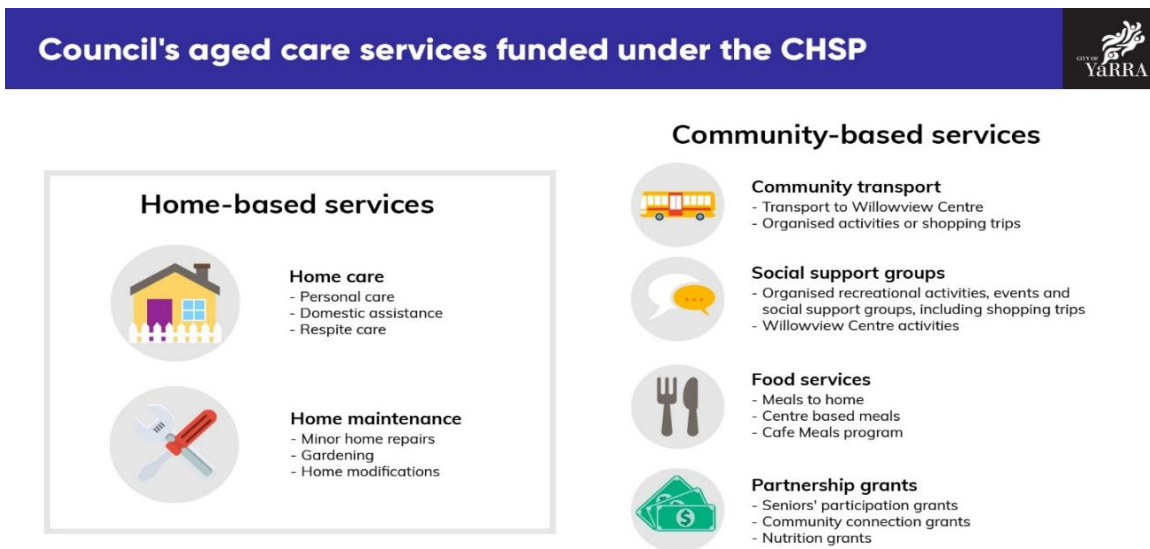
1. The re-design and re-building of the Aged Care system by the Commonwealth Government has been a complex and lengthy process and will result in significant changes to the way in which home-based services are provided in the future.
2. Across 2016 to 2024, the Commonwealth Government has been designing a new Support at Home Program (“SAHP”) to replace and integrate the current:
  - (a) Commonwealth Home Support Program (“CHSP”).
  - (b) Home Care Package program (“HCP”).
  - (c) Short-term Restorative Care Program (“STRC”).
3. The national transition will be staged, with the HCP and STRC components transitioning by 1 July 2025 (noting that Yarra Council does not provide these services), then followed by the CHSP component by 1 July 2027.
4. The new Support at Home program is intended to operate at its most efficient as a fully integrated program, offering low to high level care and services, which enables clients to adjust service levels within the one program / provider, as their care needs change.
5. This fully integrated Commonwealth program means that going forward, offering the full breadth of low to high level services to meet clients changing needs from basic support through to complex care needs including nursing, and allied health support will be the optimum service model.
6. In addition, the national aged care reforms will introduce new requirements for care providers to comply with, including clinical governance, enhanced quality standards, and specialisation into the future. These are important requirements designed to align with contemporary clinical practise and beyond local governments current capability.
7. For more than 24 years Yarra has relied on long term, contracted specialist aged care providers to provide the majority of Councils home care services. Yarra’s current provider (since 2018), Mercy Health is well regarded and trusted by members of our community who use the service.
8. Because of this, Yarra is well positioned to respond to the reforms by partnering with Mercy Health to carefully transition the clients supported by Council staff to Mercy Health (under contract to Council). Officers are confident that this transition will ensure clients will receive high quality care consistent with other members of the community already receiving Mercy Health services. Importantly, this will also mean that these clients will then be able to adjust service levels within the one program/provider, as their care needs change.
9. The purpose of this report is to:
  - (a) advise Council of the status of the Commonwealth’s national aged care reforms.
  - (b) provide Council with a summary of the key findings relating to the review of Council’s aged care services.

- (c) recommend adjustments to Council’s home care service by expanding our existing contract partnership with Mercy Health in response to the Commonwealth Government’s reforms and to outline future programs and age friendly initiatives.

## Critical analysis

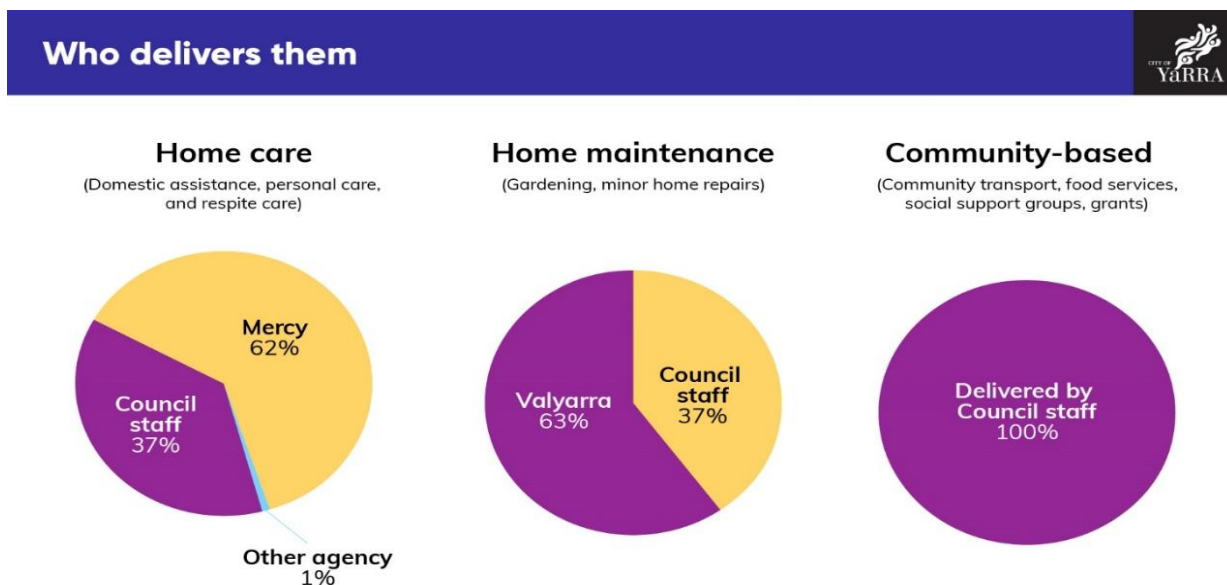
### History and background

- 10. Council is a current provider of multiple aged services funded under the Commonwealth Home Support Program (CHSP). This report is focused on home care services.



Graphic 1 – Council’s CHSP Services

- 11. Council’s home care services are provided using a hybrid service model, meaning these home care services are provided by both Council staff and through long-term contracted provider Mercy Health. This model has been in existence for over 24 years. It was in part implemented to improve Council’s ability to access a diverse workforce and offer services seven days a week in response to the needs of residents under 65 with disability, and people over 65 who were part of the former Home and Community Care program (known as HACC).
- 12. Working with our trusted long-term providers – Council relies on contractors to provide the majority of the home care service provision.




Graphic 2 – Who delivers the services


13. Across 2016 to 2024, the Commonwealth Government has been designing a new Support at Home Program (“SAHP”) to replace and integrate the current:
  - (a) Commonwealth Home Support Program (“CHSP”).
  - (b) Home Care Package program (“HCP”).
  - (c) Short-term Restorative Care Program (“STRC”).
14. The national transition will be staged, with the HCP and STRC components transitioning by 1 July 2025 (noting that Council does not provide these services), then followed by the CHSP component by 1 July 2027.

Discussion

15. The re-design and re-building of the Aged Care system has been a complex and lengthy process, which will result in significant changes to the way in which home-based services are provided in the future.
16. Fundamental to these changes is the decision by the Commonwealth to create a competitive market and shift the funding model to a “Medicare” type approach, i.e., funding to providers post service provision.

## Support at Home Program final design






**Single program**


3 existing programs will be brought together into 1 program:

- Commonwealth Home Support Programme
- Home Care Package
- Short-term Restorative Care Programme




**Focus on independence**

Up-front supports (e.g. hand rails and physiotherapy) will be provided to stay active and independent



**All clients have budgets**

- Subsidy will be funded
- There will be 11 budget levels that cover all clients
- Re-assessed into a higher level as they age



**Reasonable prices**

- Reasonable prices and client fees set by Government
- Providers will invoice for services after they are delivered
- Extra grant funds will be available for services in rural and remote areas

Graphic 3 – New Program – final design

17. The new Support at Home program is intended to operate at its most efficient as a fully integrated program, offering low to high level care and services, which enables clients to adjust service levels within the one program / provider, as their care needs change.
18. This fully integrated Commonwealth model means that going forward, offering the full breadth of low to high level services to meet clients changing needs from basic support through to complex care needs including nursing, and allied health support will be the optimum service model.
19. In addition, the national aged care reforms will introduce new requirements for care providers to comply with, including clinical governance, enhanced quality standards, and specialisation into the future. These are important requirements designed to align with contemporary clinical practise and beyond local governments current capability.

20. Information on the Aged Care reforms has been presented at Councillor Workshops and at Council on multiple occasions across 2017 to 2024. This has included information on:
- (a) The current client profile, services and delivery modes, and service sustainability issues.
  - (b) Re-design of the national aged care system, outcomes of the Royal Commission into Aged Care, consultations undertaken at the national level and the ongoing refinement of the new nation-wide model.
  - (c) Information on what the Commonwealth changes mean for residents, including how they are likely to receive services in the future.
  - (d) As a current provider of services, through both external service contracts and Council staff, the need for Council to determine its role in these services given the decision by the Commonwealth to establish an open and competitive market for service delivery.
  - (e) Community Deliberative Panel - a panel comprised of a selection of older residents and people working with older residents in Yarra, coming together, being briefed on the reforms and Yarra's services, discussing the options and coming up with ideas and recommendations, which were presented to Councillors.
  - (f) Analysis of the options, including assessment of community and client impacts, policy implications, financial and resource implications, market capacity and service trends.
  - (g) Explanation of Yarra Council's unique current home-based model of service delivery and how clients are supported.
  - (h) Community consultation and engagement undertaken from 2018 to 2024.
- Refer - Attachment 1 – Summary of reports - 2017 to 2024.

What is required?

21. The Commonwealth aged care reforms have driven a need for Council to review the way it delivers services to older people particularly in relation to home care services.
22. The aged care reforms mean that there are significant impacts on Council's ability to stay in the delivery of some services. Of most significance is the fact that in the future, Support at Home program service providers will need to deliver a much broader suite of support services to the full continuum of clients, from entry level through to high care.
23. In addition, the reforms change funding arrangements, which will transition from block funding to funding in arrears for services delivered and introduce increased governance and reporting requirements. This will in turn drive a need to change business systems and adjust to new payment arrangements.
24. For more than 24 years Yarra has relied on long term, contracted specialist aged care providers to provide the majority of Council's home care service. Yarra Council's current provider (since 2018), Mercy Health is well regarded and trusted by members of our community who use the service.
25. Because of this, Yarra is well positioned to respond to the reforms by partnering with Mercy Health to carefully transition clients supported by Council staff to Mercy Health (under contract to Council). Officers are confident that they will receive high quality care consistent with other members of the community already receiving Mercy Health services. Importantly, this will also mean that these clients will then be able to adjust service levels within the one program / provider, as their care needs change.

Why a decision is required now.

26. The Commonwealth Government has advised that the national transition of the CHSP is to be completed by 30 June 2027.
27. A decision in response to the reforms is needed to ensure a planned and orderly transition that is centred on clients' wellbeing.

28. In addition, there are several practical factors and significant risks that are driving the need to decide how home care services will be provided. These include:
- (a) Ongoing uncertainty may result in a failure to effectively manage and implement the changes required as a result of the reforms, which will in turn put at risk Council's ability to ensure high quality home care services for clients (existing and future).
  - (b) The current Council team has 8 direct care workers, with only 5 to 6 available at any one time. This makes it difficult to offer a quality service which can meet the diverse cultural and personal needs of our clients (e.g. flexibility in service delivery times, appropriate cultural worker etc).
  - (c) By contrast, our trusted and long-term partner, Mercy Health, has a large workforce, which offers greater ability to match individual client needs, and maintain clinically qualified staff to manage complex care needs, and support clients to age in place. This reduces the need for clients to change their service provider resulting in continuity of care.
  - (d) Our trusted long-term partner Mercy Health is currently in a position to work with Council to transition the remaining clients (137) currently supported by Council staff to their program. Availability of providers in the future may vary as the competitive market unfolds.
  - (e) Yarra's home care service has increasingly become mainly a home cleaning service. Our experience is that once personal care services are required (as opposed to cleaning), clients are moving to higher level care through the Home Care Package program (which Council does not provide), with services provided by other providers. This means that in some cases a client may only be with Council for a short time before moving to a home care package once it becomes available.
  - (f) The new Support at Home program will be fully integrated, meaning that successful providers will be those who can offer the mix of low to high level services to meet clients changing needs. This move to a fully integrated service is happening now. A decision by Council needs to be aligned with this timing, to allow either a transition process or a significant rebuild of and increased financial investment in the current Council based capacity and workforce.
  - (g) Continuing the current model will require new investment from Council to increase the current Council staffing levels, so that, in the short-term, it is viable and has the flexibility to respond to client requests until the end of the current CHSP contract (June 2027), when the national reforms are fully implemented.
29. The Commonwealth Government has been designing a new Support at Home program to replace current services for more than eight years.
30. Unfortunately, this lengthy timeframe has created significant uncertainty for Council staff, who have clearly indicated their understanding of, and acceptance of the changes and the desire for this matter to be resolved for Yarra as soon as possible.
31. In addition, this uncertainty has created challenges for Council maintaining a suitable workforce and in turn delivering a flexible, reliable and quality service which is able to meet the diverse needs of our clients (e.g. flexibility in service delivery times, appropriate cultural workers etc).

## [Options](#)

### Development of Proposed Model

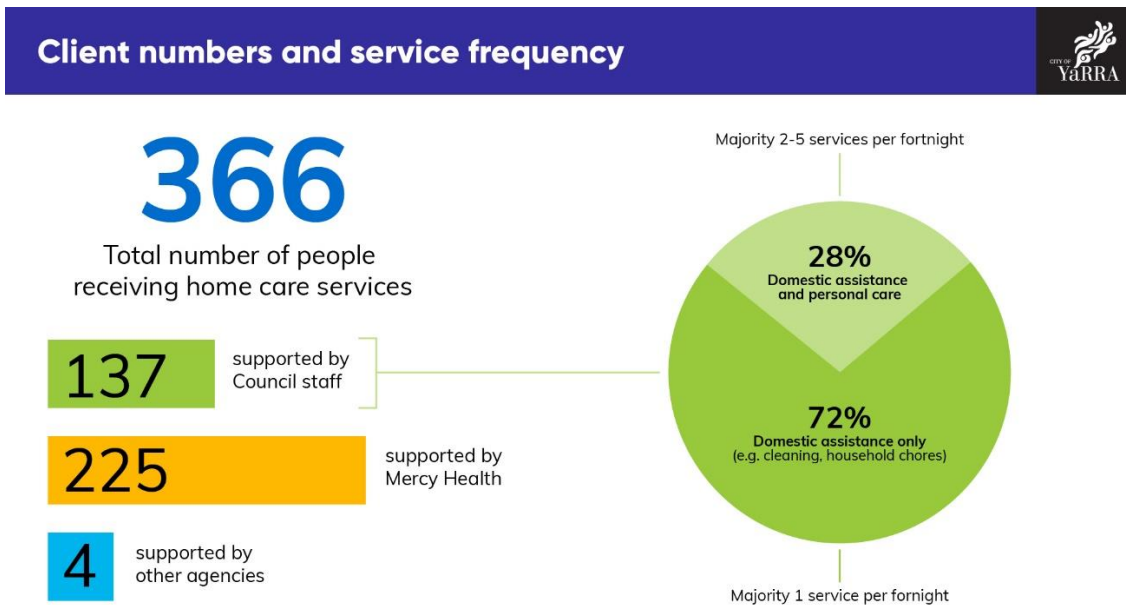
32. The process for determining the way forward commenced in December 2017, when Council resolved to explore four options, from continuing all service provision to retaining some services.



33. After an initial review of the four options, two options were presented to the Community Deliberative Panel, with the second option, remaining in community / social support services and ceasing home-based services, with potential re-investment in initiatives to support older people being the preferred model. The Community Deliberative Panel did see some merit in remaining in all services and made a point of the need to focus on at risk and vulnerable people and gaps in services.
34. Detailed analysis of the various options and preferred model have been discussed at length with Councillors over the last three years including client impacts, service trends, market positioning, resource and financial implications.

Current Service Delivery – Home Care Services

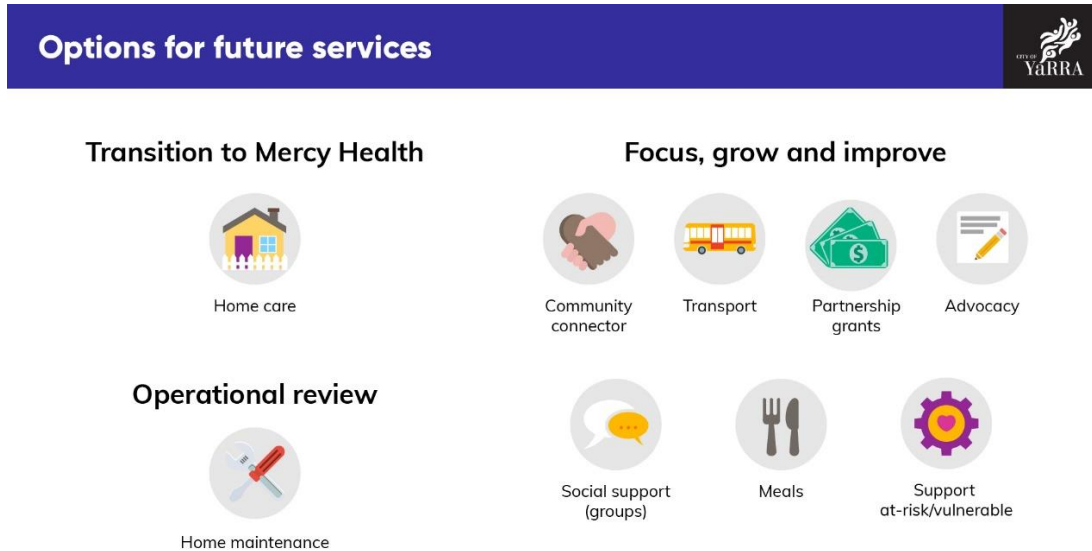
35. The current mix of service delivery for the home care services is outlined below.



Graphic 4 – Client Numbers and Service Frequency

36. In summary,
  - (a) Council staff are supporting 137 clients, with the majority of clients - 99 (72%), receiving Domestic Assistance (i.e. cleaning support) once a fortnight.
  - (b) 38 of the clients supported by Council staff are receiving both Domestic Assistance and Personal Care (personal grooming, showering support, shopping assistance) - with 32 (23% of total clients) receiving between 2 and 5 services per fortnight.
  - (c) Mercy Health, as Council’s contracted partner is supporting 225 clients, with 187 (82 %) of these clients receiving Domestic Assistance (i.e. cleaning support etc.) once a fortnight.
  - (d) 40 of the Mercy Health clients are receiving both Domestic Assistance and Personal Care (personal grooming, showering support, shopping assistance) - with 33 (14% of total clients) receiving between two and five services per fortnight.
37. This data shows that Mercy Health is supporting most clients (62%), and that overall, the service is primarily a domestic assistance service (low level cleaning services) with most clients having around one service per fortnight.

The Recommended Model



Graphic 5 – Proposed Model

Specifically, it is recommended that Council:

- (a) partner with Mercy Health (under contract to Council) to carefully transition home care clients supported by Council staff to Mercy Health as follows:
  - (i) During 2024, Council works in partnership with Mercy Health to move the home care clients (137) currently supported by Council staff to the care of Mercy Health. This would involve working on a one-on-one basis with each client to support them through the change through a careful and progressive process.
 

Once the transition is completed, clients will be provided with the same level of high-quality care, consistent with other members of our community that already receive Mercy Health services. It will also mean that these clients will be able to adjust service levels within the one program / provider, as their care needs change if they wish.

In addition, during this time, Council will continue to monitor the contracted provider and support clients as is currently the situation.
  - (ii) At a point not later than 30 June 2025, when Council is satisfied that the transition of all existing clients has been completed and quality services are continuing to be provided, Council concludes the agreement with the State / Commonwealth Departments to provide this service through Council.
  - (iii) Clients would then continue their services with Mercy Health, or if they wish, seek an alternative provider in line with consumer choice under the new nation-wide model.
- (b) undertake an operational review of the Home Maintenance program and provide advice to Council at a later date.
- (c) recommit to, and grow, Community Care based services for older residents and ongoing actions to be an age friendly, inclusive and accessible city:

- (i) Council continues to provide and develop a range of aged care services and supports, which strongly align with Council's commitment to enhance social support, prevent social isolation, and build community resilience, such as community transport, meals and nutritional support, and social support groups.  
Council will reinvest to maintain and grow the following existing programs that support older people and people with disability:
  - a. Social support and participation grants to Neighbourhood Houses.
  - b. Nutrition grants to local food insecurity agencies and the Café Meals program.
  - c. Outreach support for people living in insecure accommodation.
- (ii) Council to invest in new programs to ensure that older residents, and at risk and/or vulnerable people can access local supports and services. This includes:
  - a. Invest in a Community Connector function, which provides a single point of contact at Council to support people to access the My Aged Care systems, other health and wellbeing services and actively links people with local agencies and other activities.
  - b. Maintaining a capacity to support people living in challenging home environments, who need linking to multi-disciplinary support services and focussed advocacy.
  - c. Maintaining a strong advocacy and stewardship role on behalf of the community.
- (iii) Council to continue to support and develop an age friendly, inclusive, and accessible Yarra. This includes:
  - a. Supporting the Active Ageing Advisory Committee to provide advice and guidance on ageing well in Yarra and having input into policy and strategy development.
  - b. Implementation of actions at a whole of Council level to build an age-friendly city, such as better and safer open spaces and accessible buildings, civic participation, engagement in arts, recreation, and libraries – and with a focus on physical, mental, and emotional health and wellbeing.
  - c. Continuation of partnerships with local neighbourhood houses and other local partners to support locally based programs that improve social connections, skills, and participation.

38. The following matters have been considered in the development of the proposed model:

(a) Community considerations:

- (i) The majority of home care clients are receiving both a low level and low frequency of home care services.
- (ii) Yarra Council's unique model and relationship with our trusted partner (Mercy Health) allows for a smooth and progressive transition and offers continuity of care for clients throughout the process.
- (ii) Clients consider Council a trusted, reliable, and accessible service provider, offering low-cost and quality services under the CHSP, and so any transition needs to be carefully planned.
- (iv) Separate to Council, many residents are already being supported through the Home Care Package program and receiving services via a range of other not for profit and for-profit providers.
- (v) The current CHSP and new Support at Home programs present challenges for many members of the community to access, such as in contacting the My Aged

Care telephone support line, using the on-line portal, understanding what services they are eligible for and how to engage a provider.

- (vi) Council, in partnership with community agencies, offers a number of programs supporting at risk groups. While these programs are currently funded under the CHSP, they are unlikely to be funded under the Support at Home program. Potential future resourcing from Council will ensure the continuation of these valuable programs.

(b) External policy considerations:

- (i) Council has been a provider of quality home-based services under the low-level CHSP program, based on a public provider model that has enabled it to operate effectively to-date.
- (ii) The new Support at Home program introduces an open and competitive market model that changes Council's role in being the sole municipal-based provider, and Council becomes one of many local, regional, and national providers.
- (iii) The Support at Home program is intended to operate at its most efficient as a fully integrated program, offering low to high level care and services, which enabling clients to adjust service levels within the one program / provider, as their care needs change. This model supports providers who can offer the full breadth of services, including meeting complex care needs, nursing, and allied health support.
- (iv) The national aged care reforms present a new framework for clinical governance, quality, specialisation, and assessment of need into the future, which impacts the current locally based approach and is beyond the scope of Council's current role and capability.
- (v) There is an opportunity for Council to better target and develop other SAHP services that provide value to the community and better align to Council's strategic directions and capacity, such as social support, community connecting role, community transport, and advocacy.

(c) Operational considerations:

- (i) Council has provided home care services through a dual provider model for many years, with most of the direct service delivery (65%) undertaken by contracted providers. These providers have demonstrated their capacity to deliver the services as required.
- (ii) The new Support at Home program will not offer block funding for home-based services, which will mean significant financial risk for Council in employing staff without certainty on service delivery volumes (i.e. in a competitive market model clients will choose their provider and Council will have no certainty of numbers for planning purposes)
- (iii) A comprehensive regional study was commissioned in 2017 to report on the strategic options available to the Northern Metropolitan Councils to respond to the aged care reforms. The report considered various options, including partnerships with other Councils. Due to a number of operational and financial issues, there was limited interest in the partnership and this was not pursued.
- (iv) Establishing an expanded Council based team to compete against other providers will require significant investment, including human resources (specialist staff), financial, information technology, marketing, and promotion, while at the same time presenting risks due to the service offer being at low care level and not able to respond to clients with changing and complex care needs. This presents major risk regarding Council's ability to deliver on its Financial Sustainability Strategy

- (iv) Based on the financial modelling (Refer Confidential Attachment 4), the net cost of continuing the current home care services (dual provider - business as usual) would be \$8.5 million over 10 years, compared to \$2.5 million under the proposed transition model.
  - (v) If Council were to fully deliver the new Support at Home program, it would need to significantly scale its operational and clinical capabilities to include the full spectrum of services (from entry level to high level care). Council would also need to scale other functions such as clinical governance, nursing related services, competitive marketing, digital client management systems etc. In total, it is estimated that this would cost a minimum of \$16.3 million over 10 years.
- (d) Market considerations:
- There is evidence that other new and existing providers are and will continue to operate within the Yarra area to provide services in a competitive market.
- (e) Future Directions:
- (i) Other services included in the Support at Home program align with Council's objectives regarding community capacity building and wellbeing, including community transport, delivered meals, and group-based community connection/ social inclusion programs.
  - (ii) While the Support at Home program will support most residents into the future, there will be some cohorts and individuals who require additional support to either access the aged care system or be supported to access other services. Council has an opportunity to provide locally based navigation or connecting support, working in partnership with agencies, to deliver this support in a non-competitive environment.
  - (iii) Council will continue to offer individual and systemic advocacy to pursue outcomes for residents. This is in line with the Guiding Principles adopted by Council in March 2022 (see Attachment 2), which reflect the outcomes of the community consultations, discussions with the Active Ageing Advisory Committee and recommendations of the Community Deliberative Panel.

#### Transition Process and Previous Experience

- 39. A similar process was undertaken in 2016-2018 in transitioning over 180 clients to the National Disability Insurance Scheme (NDIS). In that case, clients were transitioning to new providers where Council did not have an existing relationship. This was carefully and successfully managed, and services remained in place until each client had established a new provider relationship. There were no ongoing concerns or formal complaints during this transition program.
- 40. Implementation of the proposed model for home care services would occur over time, to manage the transition carefully with clients and their families.

This is further detailed below:

- (a) As a priority, specific and tailored communication (telephone calls, letters, discussions using interpreters, key contact person etc.) with the 137 home care clients supported by Council. Clients will be assured that change will occur carefully and progressively, be supported by Council's service facilitation staff and the contracted service provider, and provided an ongoing contact point.
- (b) Communication to all clients (366 home care clients) outlining Council's decision and what it means for their services, providing assurances regarding ongoing service delivery and contact points. Current Mercy Health clients will be assured that there will be no change to their current service provision.
- (c) Undertaking a gradual process on a one-to-one basis with clients, supported by Council staff and the current long term contracted providers to transition service plans,



introduce new carers and check-in as arrangements are implemented. This process will always consider and respond to any cultural, religious, linguistic and/or gender specific requirements.

- (d) Following the completion of transition, continue to monitor client care, through Council's service facilitation staff, address any concerns and ensure appropriate communication channels are in place. A priority will be to resolve any complaints or service issues. Given the positive customer feedback received by Mercy Health in our recent customer survey, there is confidence this is not likely to be an area of concern.
  - (e) A draft Transition Plan has been developed to support this process and this includes reviewing each client's needs based on existing knowledge (language, special communication, level of other support, wellbeing etc) and in talking with them to ascertain how best to support their transition. A project group will meet regularly (including representatives from the contracted providers) to actively track progress and adjust processes as needed.
41. Much of the above process occurs at present on a 'business as usual' basis now, as under the current model, new clients or clients whose service plan is reviewed, are supported by Council service facilitation staff (home visit, service plans development / adjusted, special needs identified etc) initially, and who then prepare an individual client hand-over to the current contractor.

## Community and stakeholder engagement

42. Attachment 3 outlines the consultation and engagement processes conducted over the past six years that have informed future directions including:
- (a) Your Yarra: Our Future (2020-2021) – supporting the long-term strategic plan and community vision, which included questions on aged care services.
  - (b) Active Ageing Strategy and Access and Inclusion Strategy (2018-2024) – development of strategies and action plans committing Council to the principles of an age friendly and accessible city framework.
  - (c) Yarra Aged Service Community Deliberative Panel (2018) – an in-depth consideration of key options, future directions, and recommendations. This was a selection of older residents and people working with older residents in Yarra, coming together, being briefed on the reforms and Yarra's services, discussing the options and coming up with ideas and recommendations, which were presented to Councillors at a Briefing.
  - (d) Living Well in Yarra consultation (2018) – conducted as part of the strategy development to explore what age friendly and accessible environments mean in Yarra.
  - (e) Discussions at Council's Active Ageing Advisory Committee ("AAAC") (2019 – 2023).
  - (f) Client Needs Survey (May 2018) – a survey exploring knowledge of the services clients receive, knowledge of the reforms, and what they value about their services.
43. As an outcome of the above activity, Council adopted a set of Guiding Principles at its public meeting on 29 March 2022 to support decision-making (Attachment 2 – Guiding Principles).
44. In the past four months, additional engagement has occurred through:
- (a) Development of the next iteration of the Active Ageing Strategy and Access and Inclusion Strategy Active and Healthy Ageing Strategy – (stage one engagement November 2023 – January 2024).
  - (b) Council-wide Service Planning Principles (November 2023 – December 2023) – included two components seeking community feedback through social research and a Your Say: Our Future engagement.

- (c) Completion of the Aged Care Service Client Satisfaction survey (November 2023 – January 2024) – measuring client satisfaction across services and based on key elements of the Quality Standards.
45. In summary, the feedback from the consultation and engagement across this extended period has been consistent in that:
- (a) Community members have expressed support for a focus on ‘age-friendly and accessible’ initiatives that increase opportunities around social support, community transport, improve the physical environment (paths, safety), increase access to information, businesses, and the public realm, and ensure access to services including at the neighbourhood level.
  - (b) The Active Ageing Advisory Committee was supportive of the proposed model on the basis that:
    - (i) There is the opportunity to focus on other support programs in the new environment, such as navigation (community connectors) and Council is well placed to undertake this role.
    - (ii) While they felt a full Council delivered model would provide high quality services, they understood this model would limit Council’s capacity to fulfill other roles and there are risks with maintaining a suitable workforce into the future.
    - (iii) The proposed model is in line with the Guiding Principles and offers re-investment options.
    - (iv) Any change would need to be managed carefully given the challenges in the sector.
    - (v) There is recognition of the change occurring in the aged care service system and that Council is well placed to focus on services and programs that align with its objectives around social connections, building resilience, and addressing gaps especially for at risk or vulnerable residents.
  - (c) Community members are concerned that people who may be vulnerable or at risk, will have difficulty accessing the new service system and may be left behind, including older people from culturally diverse backgrounds, issues of socio-economic disadvantage, literacy, and discrimination.
  - (d) Consultation with clients and needs analysis has confirmed the following:
    - (i) Client satisfaction surveys have identified an above average to excellent level of satisfaction with Council’s current aged care service delivery, including through both the In-house and contracted service providers.
    - (ii) The Client Needs survey identified that clients were confused by the reforms and did not understand the proposed changes. They value Council as a trusted source of information, point of contact and quality service provider.
46. No formal feedback from Council staff or the Australian Services Union has been received by the conclusion of the staff consultation phase. Engagement with staff and the Union will continue during any change process.

## Policy analysis

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

47. This report and the proposed recommendations are clearly aligned to the Community Vision, Council Plan and the Guiding Principles developed as part of the community engagement process.

### [Climate emergency and sustainability implications](#)

48. Not applicable.

### Community and social implications

49. This report proposes that Council recommit to growing community care based services for older residents and ongoing actions to be an age friendly, inclusive and accessible city. This strongly aligns with Council's commitment to enhance social support, prevent social isolation, and build community resilience, such as community transport, meals and nutritional support, and social support groups.
50. Clients from culturally and linguistically diverse backgrounds will be supported through culturally appropriate communications, including engaging interpreters to attend home face to face discussions, as part of telephone conversations and by utilising trusted workers who have an on-going relationship. Clients will be encouraged to indicate other support needs they may have that will assist with change.
51. A draft transition plan and communications plan has been prepared, with emphasis on ensuring clients are provided clear communications on Council's commitment to provide support throughout the transition period and more broadly in continuing a range of other aged care services.

### Economic development implications

52. Not applicable.

### Human rights and gender equality implications

53. The consideration of human rights and gender equality implications has been incorporated in the work to date and has been reflected in the community engagement process.
54. A Gender Impact Assessment has been completed for the CHSP program and an action plan identifying on going improvements is operational.
55. The new Aged Care Act introduces a statement of rights, outlining the rights that older people in the aged care system should expect when seeking or accessing government funded aged care services. Consultation and review of the latest draft of the act is in process and Officers are working with Council's Active Ageing Advisory Committee to provide input.

## Operational analysis

### Financial and resource impacts

56. The financial and resource impacts are set out in detail in confidential Attachment 4, and this includes assumptions included in the modelling.
57. The 10-year modelling outlines three scenarios:
  - (a) Business as Usual (hybrid) model – based on a 'business as usual' approach of continuing a hybrid model through Council staff and a contracted provider delivering home care services. This does not account for major changes required to scale up that would be expected under a more comprehensive Support at Home program model.
  - (b) Proposed Model – based on transitioning to Council's trusted contracted provider and ceasing services home care services only from 1 July 2025.
  - (c) Support at Home Model – based on a scaling up to include additional likely costs to provide this model, including marketing, extra clinical staff and clinical governance.
58. Based on the financial modelling (Refer to Confidential Attachment 4), the net cost of continuing the current home care services (dual provider - business as usual) would be \$8.5 million over 10 years, compared to \$2.5 million under the proposed transition model.
59. It is estimated that moving to the new Support at Home program model, delivered via Council staff only and inclusive of proving the full spectrum of services together with clinical governance, nursing related services, competitive marketing and digital client management systems would cost \$16.3 million over 10 years.

### Legal Implications

### National Competition Policy

60. Previous advice has outlined that as the Support at Home program will operate under a competitive and regulated market model, National Competition Policy (“NCP”) applies. Should Council operate in this market, NCP requires that Council either cease subsidisation of the services or apply cost reflective pricing. Analysis has shown that Council subsidises these services significantly and that current service fees are low.
61. There is provision for Council to undertake a Public Interest Test to demonstrate that there are sound public policy reasons why it should continue to operate a subsidised or low-cost service. This could need to include evidence of service gaps, potential market failure or to support ‘at risk’ groups. In the current aged care service system, which has many quality providers, this could be a difficult claim to make.

### Conclusion

62. The re-design, and re-building of the Aged Care system has been a complex and lengthy process, which will result in significant changes to the way in which home care services are provided in the future. Fundamental to these changes is the decision by the Commonwealth to create a competitive market and shift the funding to a “Medicare” type approach, i.e., funding to providers post service provision.
63. The proposed model commits Council to continuing to provide aged care services moving forward. Fundamental to the design of the proposed model is ensuring that Yarra is in the best position to continue to provide targeted programs for older residents that align with the adopted Guiding Principles and Council’s overarching strategic objectives.
64. The proposed model aligns with the feedback Council has received throughout various consultation and engagement processes undertaken across these past years. The community has supported a focus on services that focus on social connections, support of people who are at risk or vulnerable and Council playing a vital connecting role at the local level.
65. While there is recognition that the home care services are highly valued by clients, the data shows that 62% of these services are provided indirectly – through Council’s trusted and long-term contractor and that under the future nation-wide model, clients will be best supported by Home care specialist service providers who are able to offer services across the spectrum of Home-based care – from low level to high and complex care level.

### RECOMMENDATION

1. That Council notes:
  - (a) the fundamental re-design and transformation of the national aged care system being implemented by the Commonwealth Government, including the introduction of the Support at Home Program, which will see:
    - (i) development of an open and competitive market model across Australia.
    - (ii) introduction of a new individually client-based funding model.
    - (iii) establishment of an integrated single care program, which supports clients with entry level service needs to clients with high and complex needs.
    - (iv) increased specialisation and clinical governance requirements, especially for home-based services.
  - (b) that across 2017 to 2024, a range of community consultation and engagement processes have been undertaken to inform future directions, including:
    - (i) review and consideration of options by a Community Deliberative Panel.
    - (ii) consultations on ageing well in Yarra and development of the Active and

Healthy Ageing Strategy.

- (iii) Conduct of the Client Needs Survey.
- (iv) engagement with Council's Active Ageing Advisory Committee.
- (c) that on the basis of the community consultations and consideration of Council's Vision and Council Plan, Guiding Principles were adopted to inform decision making and the focus of future directions.
- (d) that Council provides home care services under a unique model with Mercy Health, Council's long-term and trusted partner which currently provides 62% of the direct home care services to Yarra residents currently.
- (e) that after consideration of a range of options and points (a) to (d) above, Council is best placed to:
  - (i) support older people to remain active in the community, stay connected, continue life-long interests, and focus on creating an age-friendly and accessible city.
  - (ii) maintain and develop specific services, such as community transport, social support groups and community meals programs that underpin community participation.

2. That Council:

- (a) resolves to partner with Mercy Health (under contract to Council) to carefully transition the small number of home care clients supported by Council staff to Mercy Health follows:
  - (i) During 2024, Council works in partnership with Mercy Health to move the home care clients (137) currently supported by Council staff to the care of Mercy Health. This would involve working on a one-on-one basis with each client to support them through the change through a careful and progressive process;  
  
Once the transition is completed, clients will be provided with the same level of high-quality care, consistent with other members of our community that already receive Mercy Health services. It will also mean that these clients will be able to adjust service levels within the one program / provider, as their care needs change if they wish;  
  
In addition, during this time, Council will continue to monitor the contracted provider and support clients as is currently the situation.
  - (ii) At a point, but not later than 30 June 2025, when Council is satisfied that the transition of all existing clients has been completed and quality services are continuing to be provided, Council concludes the agreement with the State / Commonwealth Departments to provide this service through Council; and
  - (iii) Clients would then continue their services with Mercy Health, or if they wish, seek an alternative provider in line with consumer choice under the new nation-wide model, and
- (b) undertake an operational review of the Home Maintenance program and provide advice to Council at a later date;
- (c) recommit to, and grow, Community Care based services for older residents and ongoing actions to be an age friendly, inclusive and accessible city as follows:
  - (i) Council continues to provide and develop a range of aged care services and supports, which strongly align with Council's commitment to enhance social support, prevent social isolation, and build community resilience, such as community transport, meals and nutritional support, and social support groups;
  - (ii) Council will reinvest to maintain and grow the following existing programs that



- support older people and people with disability:
- a. Social support and participation grants to Neighbourhood Houses;
  - b. Nutrition grants to local food insecurity agencies and the Café Meals program; and
  - c. Outreach support for people living in insecure accommodation; and
- (ii) Council to invest in new programs to ensure that older residents, and at risk and/or vulnerable people can access local supports and services. This includes:
- a. Invest in a Community Connector function, which provides a single point of contact at Council to support people to access the My Aged Care systems, other health and wellbeing services and actively links people with local agencies and other activities;
  - b. Maintaining a capacity to support people living in challenging home environments, who need linking to multi-disciplinary support services and focussed advocacy; and
  - c. Maintaining a strong advocacy and stewardship role on behalf of the community; and
- (iii) Council to continue to support and develop an age friendly, inclusive, and accessible Yarra. This includes:
- a. Supporting the Active Ageing Advisory Committee to provide advice and guidance on ageing well in Yarra and having input into policy and strategy development;
  - b. Implementation of actions at a whole of Council level to build an age-friendly city, such as better and safer open spaces and accessible buildings, civic participation, engagement in arts, recreation, and libraries – and with a focus on physical, mental, and emotional health and wellbeing; and
  - c. Continuation of partnerships with local neighbourhood houses and other local partners to support locally based programs that improve social connections, skills, and participation; and
- (d) authorises the Chief Executive Officer to finalise transition actions with State and Commonwealth Departments regarding home care services (subject to satisfactory finalisation of 2 (a)); and
- (e) formally notify clients, Council staff, the Active Ageing Advisory Committee, and the Yarra community of the changes to the ongoing delivery of Aged Care Services by Yarra.

## Attachments

- 1 Attachment 1 - Key Reference Documents
- 2 Attachment 2 - Guiding Principles
- 3 Attachment 3 - Consultation Engagement
- 4 Attachment 4 - Financial Modelling - *Confidential*

## 7.2 Transport Action Plan 2023-2033

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<b>Reference</b>	D23/457840
<b>Author</b>	Simon Exon - Unit Manager Strategic Transport
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. To seek Council endorsement of the Transport Action Plan 2023-2033.

### Critical analysis

#### History and background

2. Since its adoption in April 2022, the Yarra Transport Strategy has added significant value internally and externally when it comes to project work, strategy development, advocacy efforts and general decision making.
3. The Transport Action Plan supports the delivery of the Yarra Transport Strategy by:
  - (a) Establishing a visible rate of annual activity to meet the targets of the Yarra Transport Strategy;
  - (b) Providing a strategic pipeline of projects that Council can advocate for at State and Federal funding;
  - (c) Raising external awareness of transport planning work that Council already delivers and is planning for over the next 10 years
  - (d) Highlighting how the Yarra Transport Strategy strategic outcomes such as 'increased use of space-efficient forms of transport in Yarra' translate into specific actions including scheduling of projects, capital investment requirements and opportunities for external funding;
  - (e) Raising internal awareness and centralising upcoming Council transport planning projects to assist with multi team internal project coordination that considers traffic engineering, open space, urban design, city planning, urban forest, social inclusion, climate change, civil engineering, asset renewal, aged and disability services and economic development; and
  - (f) Providing an initial basis for proceeding with specific projects to assist with the planning and approvals process.
4. The Transport Action Plan covers a ten-year timeframe and will be updated every four years ensuring that the document:
  - (a) Maintains strong linkages between the Yarra Transport Strategy, the Council Plan, Annual Plans and other Council policies including the Parking and Curbside Management Plan and the Climate Emergency Plan;
  - (b) Allow each Council to provide inputs into immediate action priorities and needs over the next four years;
  - (c) Ensure that the Yarra Transport Strategy continues to add value, remain relevant and enable responses to technology changes;
  - (d) Maintain the profile of the Yarra Transport Strategy in the community and gives the community a regular say on the transport in Yara; and

- (e) Support Yarra as a leader when it comes to supporting progressive and sustainable transport outcomes alongside its commitment to other important topics which interface with transport such as addressing climate change and placemaking.
- 5. **Attachment One** contains the final draft Transport Action Plan following the completion of the public consultation.
- 6. The Transport Action Plan seeks to strike a balance by being specific enough about actions to add the value required at this stage of the process without attempting to cover everything. The Transport Action Plan is a guide, and should not read as a detailed and inflexible 10 year transport blueprint. The document cannot answer every possible existing and future transport question but it does direct the way forward and allows Council to better respond to the transport needs of a rapidly growing community and meet the aspirations on the Yarra Transport Strategy.
- 7. It is important to note that inclusion of an action in the Transport Action Plan does not mean this is a commitment to fund and deliver it via either Council or an external party. The Transport Action Plan is an input to other detailed budget or project processes and the decision making that occurs.
- 8. The number of items in the action list show ambition and demonstrate that Council has lots of ideas that align with the policy directions and targets it has adopted in the Yarra Transport Strategy. It also presents as many opportunities as possible for Council or other parties to find a suitable action to fund from the list namely when it comes to infrastructure requiring capital.

### Discussion

- 9. On 12 September 2023 Council resolved to put a draft of the Transport Action Plan on public exhibition for 4 weeks. This process concluded on 16th October with over 1,200 people having viewed the Transport Action Plan with 61 submissions received.
- 10. Support for the document is high with respondents generally agreeing that the Transport Action Plan builds on the Yarra Transport Strategy and responds to the transport needs of the Yarra community over the next 10 years. Less than 10% of respondents did not agree with this statement.
- 11. Officers have considered the feedback obtained from the community and have made some changes to the Transport Action Plan in response to feedback. These changes can generally be described as a focus on improving general clarity, readability, in some cases there have been modifications to the actions in terms of additions and changes to when they will be undertaken.

### Community and stakeholder engagement

- 12. A comprehensive four week engagement process was undertaken on the draft Transport Action Plan.
- 13. The objectives of this were to:
  - (a) Inform the community about the purpose of the Transport Action Plan, its key outputs and how it connects with the Yarra Transport Strategy.
  - (b) Seek feedback from the community to understand if there is anything we've missed, anything we should be doing sooner (from year 2 onwards) and to understand the level of support for the actions included.
- 14. The engagement process included the use of social media, Council email newsletters, website information, two in-person pop-up sessions, corflute signs with QR codes, emails to advisory committees and key stakeholders. A community engagement and communications plan was completed and every reasonable effort was made to remove any known barriers to allow all interested stakeholders to participate (including culturally and linguistically diverse people and people with a disability).

15. There was a good level of engagement with this consultation when compared to similar consultations in Yarra which indicates that public interest in transport remains quite high. The feedback from the total of 61 individual responses received from the community has informed and influenced the finalisation of the Transport Action Plan.
16. General themes from the responses received were:
  - (a) Support for the document and a desire for Council to 'be bold' get more done and to get it done more quickly in terms of project delivery.
  - (b) For Council to more take action on managing traffic and to genuinely increase opportunities for people to walk and cycle more.
  - (c) A call for more actions under the new deal for walking and to prioritise cycling projects.
  - (d) Various views regarding e-vehicles, the role of council in encouraging their take up and the extent to which they address Yarra's transport challenges.
  - (e) Support for the New Deal for Schools
  - (f) Various views regarding e-scooters.
17. A list of changes to the draft Transport Action Plan following the consultation is also provided in **Attachment Two**. The changes made from feedback received provides additional clarity and fills any information gaps.

## Policy analysis

### Alignment to Community Vision and Council Plan

18. The action plan aligns with Strategic Objective 5 of the Council Plan - Transport and movement identifying that 'Yarra's transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected'.
19. The action plan aligns with many of the 8 themes within the community Vision particularly those relating to a thriving economy, shared spaces, growing sustainably, social equity and environmental sustainability.

### Climate emergency and sustainability implications

20. The action plan seeks to respond to climate emergency challenges in the context of transport.

### Community and social implications

21. The action plan seeks to make Yarra's transport network more inclusive and accessible.
22. Some are actions that Council can take directly, others involve advocating to State Government for items that fall outside of Council's jurisdiction, such as delivery of accessible tram stops or increased heavy rail capacity.
23. There are also social elements for Council to consider in the implementation of transport actions, such as household income and cultural diversity. These are considered in the action plan both from a strategic and delivery perspective; including the provision of more transport to suite a diverse community.

### Economic development implications

24. The action plan seeks to provide Yarra with a transport network that responds to existing and emerging transport issues to supports economic activity in the short, medium, and longer term.
25. There may be economic development implications associated with specific actions and these will be considered as part of later project assessment processes that consider the detailed proposals.

### Human rights and gender equality implications

26. Having access to safe, reliable and appropriate transport options for all, including older people, and people with disabilities, is essential to enabling many rights and responsibilities.
27. Decreasing transport disadvantage, improving actual and perceived safety and recognising the role of gender in transport project delivery and research are key aims of the Yarra Transport Strategy and the Transport Action Plan which supports it.
28. A Gender Impact Assessment has been undertaken on the draft Transport Action Plan.

### Operational analysis

#### Financial and resource impacts

29. Delivering the Transport Action Plan is likely to require substantial commitment by Council as was the case when Council adopted the Yarra Transport Strategy and its ambitious targets. Over the last 10 years, Yarra's transport network has consistently required and received significant investment from Council and other parties including State and Federal Government.
30. Costing the completion of all Transport Action Plan actions over the next 10 years is difficult. There is however certainty of costs for projects in years 1 and 2 of the Transport Action Plan covering the 2023/24 and 2024/25 financial years. Further strategic opportunities to evaluate the 10-year work pipeline are available when the Transport Action Plan is updated every four years.
31. A key objective of the Transport Action Plan is to maximise opportunities for external funding through focused advocacy that clearly sets out the actions that Council supports at least in principle. Given the Council's Financial Sustainability, significant population growth and expectation of better transport outcomes in the community, state and federal government have an essential role in funding transport outcomes in Yarra.

#### Legal Implications

32. There are no known legal implications associated with adopting the draft Transport Action Plan.

### Conclusion

33. The Transport Action Plan will support the delivery of policies in the Yarra Transport Strategy and assists decision making at all levels of Council. The Transport Action Plan will increase opportunities for effective advocacy with the aim of Council also receiving external funding to deliver capital projects that the community wants to see and Council supports.
34. The consultation was successful and has shown that there is support for the Transport Action Plan in the community particularly for the highly engaged who are keen to understand how the broad policy statements in the Yarra Transport Strategy translate into specific actions.
35. The Transport Action Plan is a guide that sets a future direction for Council and should not be read should as a static transport blueprint or a set funding commitment. It is an input into further decision making including the annual budget and other broader project processes which themselves are informed by the Financial Sustainability Strategy and other documents.

### RECOMMENDATION

1. That Council:
  - (a) endorse the *Final Transport Action Plan 2023-2033* at **Attachment One** to guide the delivery of the Yarra Transport Plan.
  - (b) thanks the community for their involvement in the engagement process.



## Attachments

- 1 Attachment 1 - Transport Action Plan
- 2 Attachment 2 – Summary of Changes to the Transport Action Plan following consultation

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## 7.3 Smith Reserve - Final Landscape Concept Plan

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<b>Reference</b>	D24/3307
<b>Author</b>	Kevin Ayrey - Landscape Architect
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. To present the *Final Landscape Concept Plan* for Smith Reserve, Fitzroy, for endorsement.

### Critical analysis

#### History and background

2. Smith Reserve is a small neighbourhood park in Fitzroy, located east of the Fitzroy Leisure Centre with frontages to Alexandra Parade, George Street and Ceil Street.
3. The reserve is used for passive recreation, play, informal gatherings and off lead dog exercise. The Reserve features include native and non-native trees and vegetation, a fenced play space, a BBQ, picnic tables, drinking fountain, and shared path. The park is designated as a dog off-leash area except for the play space and BBQ area.
4. The current play space was installed in 2006 and consists of a double swing and a junior/intermediate play structure with 1 slide and a number of other play elements.



Image 1: Aerial photo of Smith Reserve and surrounds

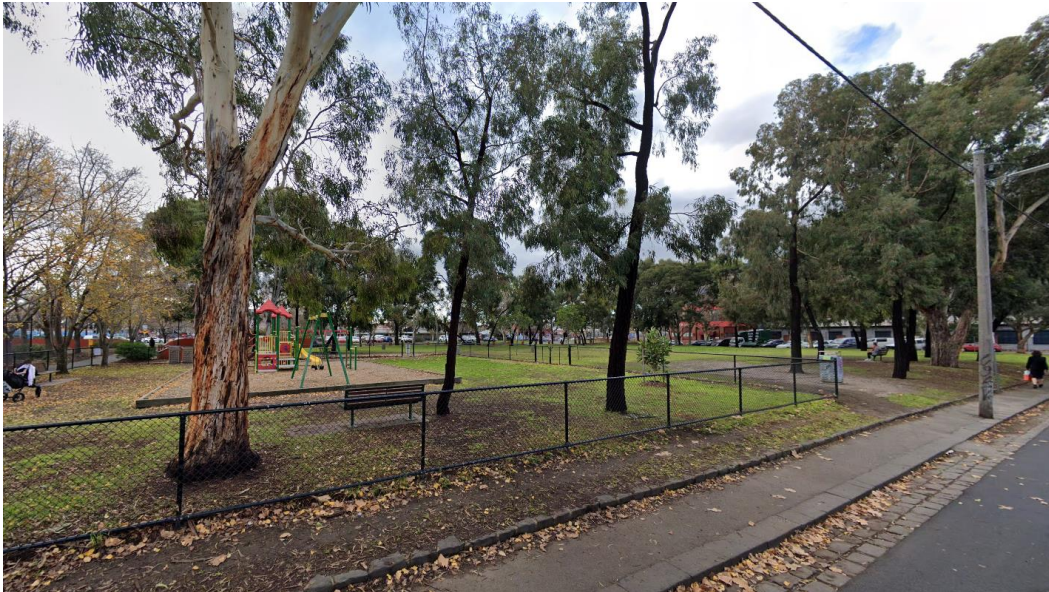


Image 2: Smith Reserve looking north from Ceil Street.

5. The Yarra Open Space Strategy 2020 (YOSS) recommends park upgrades for the existing and forecast population. Situated in the Fitzroy C sub-precinct (YOSS 2020, p. 299) the predicted increase in residential population is 54%.
6. In February 2023 Council consulted with the local community on their use of and future vision for Smith Reserve to develop an overall draft Smith Reserve Landscape Concept Plan to guide future works in the Reserve (**Attachment One**).
7. The *Draft Landscape Concept Plan* was then developed and consulted with the community in June/July 2023. The Draft Plan received general support from the community (83%) and informs the *Final Landscape Concept Plan* for the overall site of Smith Reserve (Attachment 2). The *Final Landscape Concept Plan* includes new elements to the Reserve such as:
  - (a) Changes to the playground by providing more play opportunities and realigning the fence line;
  - (b) New native and deciduous trees and sections of low understorey vegetation with biodiversity opportunities;
  - (c) Tree removal adjacent to the Fitzroy Pool to increase passive surveillance, stimulate tree growth and provide solar access;
  - (d) New pathways;
  - (e) Relocating the picnic / BBQ areas; and
  - (f) New amenities such as seating, drinking fountain, bins, bike and dog parking.
8. Improvements to the play space are included in the 2023/24 budget (\$319K) including design and construction.

### Discussion

9. Through the community consultation process, it was clear that the community value the Reserve with its open green space and dog off lead area noted as being highly used and a great way to meet neighbours.
10. The community's feedback on the *Draft Landscape Concept Plan* has also been positive with 83% support with some suggested changes such as a grassed area in the fenced section and a future shelter. These minor changes have been included in the *Final Landscape Concept Plan*.
11. A key outcome of the consultation was to improve the play space with more shade, improved play options, a broader age range of equipment and the retention of a fenced play area.



Based on this feedback the *Final Landscape Concept Plan* (Image 3 below and Attachment 3 Play Space Design) has been developed and is now ready for detailed design and construction.



Image 3: Final Landscape Concept Plan

12. The current play opportunities have been measured against the proposed play opportunities (Attachment 4: Existing Play Space Offerings vs Proposed) to ensure the net outcome is an increase in play opportunities in the new play space.
13. The proposed layout and types of play opportunities can be seen below in *Image 4*.



*Image 4: Smith Reserve – Play Space Proposal 2024*

14. The current play space is fully fenced with some grassed area for picnicking away from off leash dogs. The proposed new play space will also be fully fenced with a grassed area and picnic tables. Play equipment is to be sourced from a local off the shelf playground equipment supplier to ensure future sustainability and efficiency in terms of maintenance and the replacement of damaged equipment.

## Community and stakeholder engagement

15. In February 2023 Council consulted with the local community on their use of and future vision for Smith Reserve, to develop an overall park concept design to guide future works in the Reserve.
16. The *Draft Landscape Concept Plan* was developed from the feedback received and Officers then consulted with the community in June/July 2023. Feedback from this second round of consultation informed the *Final Landscape Concept Plan*.
17. Both the *Draft* and *Final Landscape Concept Plan* showed the location of the playground and indicative play equipment. It included items requested by the community including retention of a fenced space, shade and play options for more age groups.

## Options

Option 1 - Endorse the Final Landscape Concept Plan and Play Space Proposal 2024 and proceed to implementation (Recommended)

18. Officers recommend that Council endorse the *Final Landscape Concept Plan* to guide all future works in Smith Reserve (with no further community consultation) and then progresses with its implementation.

This recognises the 2023 consultation undertaken with the community.

The first stage to be implemented is the playground replacement. Whilst the *Play Space Proposal 2024* has not been the subject of specific community engagement, the proposed design has been informed by the outcomes of the two rounds of consultation in relation to the Landscape Concept Plan.

It is noted that funding for the construction of a new playground at Smith Reserve was included in the 23/24 FY budget (subject to completion of the concept plan).

Option 2 - Endorse the Final Landscape Concept Plan and consult with the community on the *Smith Reserve – Play Space Proposal 2024*

19. If Council supported this option, the Play Space proposal would be released for community engagement. The commencement of the implementation of the plan would be deferred to consideration for budget allocation in future years.

## Policy analysis

### Alignment to Community Vision and Council Plan

20. The Council Plan 2021-2025 Strategic Objective 4: Place and Nature contains the following Strategy and Initiatives relevant to the project.
  - (a) To create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community;
  - (b) To protect and enhance the biodiversity values of Yarra's natural environment; and
  - (c) To plan, design, deliver and maintain high quality open spaces, parks and reserves.

### Climate emergency and sustainability implications

21. The *Final Landscape Concept Plan* includes using existing and new trees, to provide more shade in a such as in the play area, providing 4 new trees to shade the proposed path, and new shade structures for the play area.

Community and social implications

- 22. A key objective in planning the open space network is to provide open space within easy walking distance for the majority of the community. At approximately 5,250sqm in size, the Reserve is categorised in the Open Space Strategy as a ‘Small Neighbourhood’ Park (300m walking catchment).
- 23. The characteristics of the population living within 300 metres of Smith Reserve according to the Australian Bureau of Statistics (2021 Census) people aged 0-11 years old are 7.8% of the population.

Smith Reserve – Resident Demographic data (ABS 2021 Census)				
		300m zone	Fitzroy	Yarra
Age groups	0-4yrs	4% (84)	4.3%	4%
	5-11yrs	3.8% (80)	4.5%	4.7%
	12-17yrs	1.8% (38)	2.7%	3.5%
	Over 17yrs	90.4% (1,888)	88.5%	87.8%
	Total Population	2,090	10,438	90,114
Households	One or Two Parent with children under 15	10.75% (105)	11.8%	11.6%
	Lone, couples, groups without children	79% (775)	72.2%	73%
	Other	10.25% (101)	16%	15.4%
	Total Households	982	4,962	50,057

Table 1: Demographics of immediate population, suburb and Yarra City Council

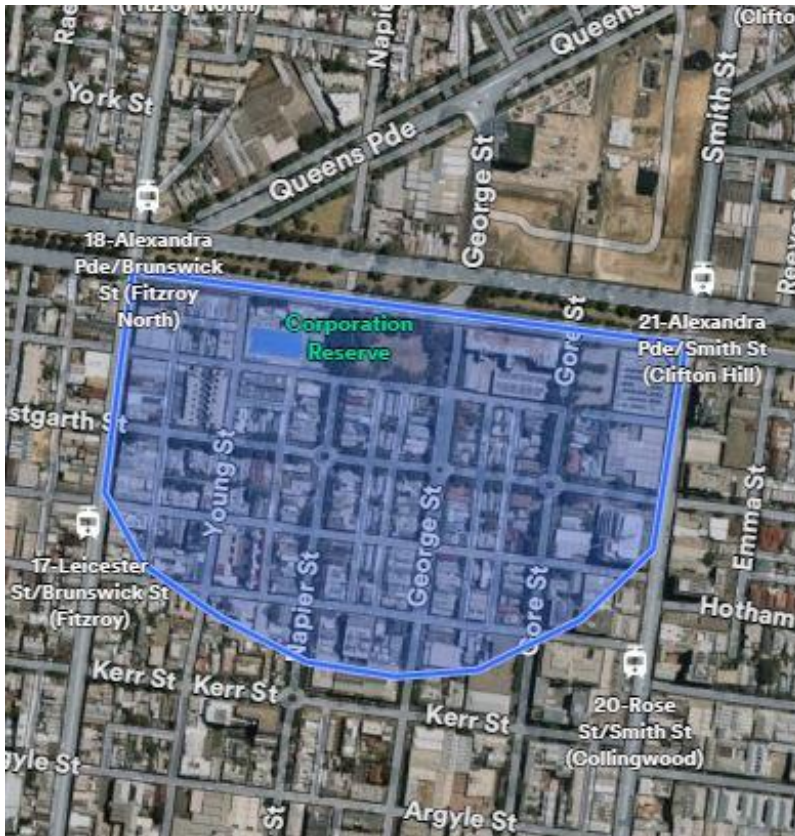


Image 4: 300 metre radius from Smith Reserve (adjusted as per YOSS's requirements for arterial roads)



24. The Fitzroy C sub-precinct (YOSS 2020, p. 299) predicted increase in residential population is 54%. Given the future need for quality open space, including opportunities for play and dog walking, Smith Reserve will experience more community use in the future.
25. The use of Smith Reserve as a dog off-lead park means that many locals meet in the park on a regular basis when exercising their dogs. The park is also adjacent to the well utilised Fitzroy Pool. The community usage is currently high and expected to increase into the future.
26. In addition to this, the Fitzroy Urban Harvest Food Swap meets monthly at Smith Reserve.

Economic development implications

27. There are no expected economic development implications.

Human rights and gender equality implications

28. *Final Landscape Concept Plan* aims to consider a broad age range of users, as well as providing spaces for groups to gather and picnic, including a separate picnic area from the dog off-lead area.

**Operational analysis**

Financial and resource impacts

29. The *Final Landscape Concept Plan* has been costed (estimates) to be delivered in 4 stages (Attachment 5 – Final Park Concept costed implementation plan), noting that the timing of the delivery of Stages 2a, 2b and 3 will be subject to future budget allocation/processes.

Stage	Works	Estimated Cost	
Stage 1	Play Space replacement – including shade, trees, fencing, internal picnic area	\$319K	2023/24 (if approved)
Stage 2a	Improvements to the dog off lead area – shelter, surfacing, irrigation, fencing, lighting, paths	\$307K	Subject to future budget allocation/processes and State Govt grant opportunities
Stage 2b	Paths, BBQ area with shelter, trees, furniture	\$128K	Subject to future budget allocation/processes
Stage 3	Improvements to the shared path – surfacing, fence relocation, lighting, planting	\$167K	Subject to future budget allocation/processes

30. The design and construction of a play space is provided for the 2023/24 budget.

Legal Implications

31. The land now known as Smith Reserve was bequeathed to the people of Fitzroy by John Matthew Smith to ‘be maintained and used as a site for a garden park or reserve for the use of the public’.
32. Some feedback from residents has suggested that structures cannot be built in the park, however the certificate of title does not contain this requirement as long as the land continues to be maintained and used as described above.

**Conclusion**

33. Community consultation has been undertaken and has informed the *Final Landscape Concept Plan* to guide future works in Smith Reserve. An upgraded play space was the highest priority based on the community feedback.
34. The preparation of the *Smith Reserve – Play Space Proposal 2024* (Attachment 3) has been informed from the two rounds of consultation.
35. The play space design and components have taken into account the demographics of the local residents within a 300 metre catchment as per the standard for a small neighbourhood park.

36. The proposed play equipment is being sourced from a local off the shelf playground equipment supplier to ensure future sustainability and efficiency in terms of maintenance and the replacement of damaged equipment.

## RECOMMENDATION

1. That Council:
  - (a) endorses the *Final Landscape Concept Plan (Attachment Two)* and the *Smith Reserve – Play Space Proposal 2024 (Attachment Three)* to guide all future works in Smith Reserve and progresses with its implementation.
  - (b) notes the first stage to be implemented is the *Play Space Proposal 2024 (Attachment Three)* playground; and
  - (c) thanks the community for their involvement in the engagement process.

## Attachments

- 1 Attachment 1 - Draft Concept Design - Smith Reserve
- 2 Attachment 2 - Final Park Concept Design - Smith Reserve
- 3 Attachment 3 - Playspace Design
- 4 Attachment 4 - Smith Reserve play existing vs proposed

## 7.4 Fitzroy Swimming Pool - Shade Measures

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<b>Reference</b>	D24/54238
<b>Author</b>	Adam Kavanagh - Coordinator Operations
<b>Authoriser</b>	General Manager Infrastructure and Environment
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. To provide an update on the effectiveness of initiatives that have been introduced at Fitzroy Swimming Pool to improve the customer experience of patrons queuing to enter the venue on hot days.

### Critical analysis

#### History and background

2. At its Ordinary Meeting of 12 December 2023, Council resolved:
  1. *That Council*
    - (a) *notes the operational initiatives that have already been introduced to improve the customer experience of patrons at Fitzroy Pool on hot days including support for queueing patrons, prioritising vulnerable patrons and improved access to water; and*
    - (b) *notes the planned introduction of temporary shade (i.e. umbrellas) to provide improve shading for patrons – particularly those queuing prior to 1pm and those closest to the front door of the facility.*
  2. *That a further report be presented to the March Council meeting detailing the effectiveness of the initiatives that have been introduced.*
3. Fitzroy Swimming Pool (FSP) is a family-friendly outdoor aquatic facility. It has a heated 50m pool, toddler pool, spa pool, sauna, and steam facilities. It also includes a gym and group fitness programming.
4. FSP facilitates 316,000 visits per annum, noting peak season is October to April each year. Overall, memberships of Yarra Leisure, which includes membership at FSP, is on target to be up approximately 9% on 22/23 numbers.
5. For FSP, venue occupancy is currently listed at 480. That figure is based on area measurements, paths of travel, essential safety measures (ESM), fire services, mechanical systems, sanitary facilities and emergency exits (taking into account items such as clear opening widths and distance to exits).
6. During peak season and during hot weather queues can form at FSP. These queues are due to venue capacity being reached and the venue subsequently operating on a one patron in, one patron out basis, so that capacity is not exceeded. Failure to observe occupancy levels can expose Council to significant risk in the event of an accident or serious incident.

#### Discussion

7. Shade for queued patrons for the FSP is an important consideration.
8. Shade coverage from adjacent Plane trees is beneficial, but this does not provide full coverage for all patrons queueing at all times along the street. Whilst the trees provide

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

9. Officers have implemented a range of operational and structural interventions to improve the customer experience of patrons on particularly hot days including:

Operational (existing initiatives):

- (a) customer service staff stationed at entrance to manage the queue when access is one in, one out;
- (b) prioritising vulnerable patrons;
- (c) allowing patrons to wait inside the facility and out of the sun;
- (d) access to water and icy poles for those waiting;
- (e) allowing access for patrons using the gym / group exercise;
- (f) signage confirming one in, one out;
- (g) social media updates information prospective patrons; and
- (h) a website landing page with information on the procedure for hot days.

10. These operational initiatives continue to be effective and appreciated by patrons of the FSP.

Structural (more recently):

- (a) Officers have installed 3 portable shade structure (large umbrellas) at the entrance of venue; and
- (b) Officers have also installed 2 portable cantilevered umbrellas further along the building where queues form. They can be rotated or moved depending on the position of the sun to provide greater shade coverage to queuing patrons.



## Community and stakeholder engagement

11. To collect information on the success of the interventions and provide insight into what patrons think of the initiatives introduced at Fitzroy pool, a survey was created, and staff invited patrons to complete it. The survey was just one way officers assessed the success (or otherwise) of the initiatives. The survey was released to patrons on 9 January 2024.
12. Survey responses were sought from Council's Customer Service Officers, Membership Service Officers, Watch Around Water hosts and Lifeguards (as directed). As it was optional, a total of 22 patrons completed the survey. While small in number, the results are still overwhelmingly positive.
13. The survey questions and responses are listed below:
  - (a) Are you happy with the introduction of shade structures to the front of Fitzroy Swimming Pool?
    - (i) Yes = 19
    - (ii) No = 1
    - (iii) Wasn't aware / didn't notice = 2
  - (b) Do shade structures provide you with sufficient relief from the sun and heat?
    - (i) Yes = 19
    - (ii) No = 2
    - (iii) Unsure = 1
  - (c) How would you rate the shade structure out of 5?
    - (i) Average rating = 4.23
  - (d) How do you rate your experience with communication and the information provided to you today?
    - (i) Average rating = 4.45
  - (e) How would you rate your overall experience today at Fitzroy Swimming Pool?
    - (i) Average rating = 4.68
  - (f) Do you have any additional feedback on how your experience at Fitzroy Swimming Pool could be improved?
    - (i) *"The umbrellas are a fun addition."*
    - (ii) *"More seats and sun beds would be great!"*
    - (iii) *"Lachie was great. Isebella gives 5-star service."*
    - (iv) *"Everything was great."*
14. FSP staff also provided the following feedback about the new shade initiatives:
  - (a) Feedback from patrons, including those who chose not to complete the survey, was overwhelmingly positive. Most customers have been happy with the shade structures leading all the way to the front door and it has helped significantly with customer satisfaction and understanding when the staff need to manage patron numbers (due to reaching occupancy limits);
  - (b) The additional shade has allowed for better line / queue management and provided an extra level of customer service;
  - (c) The umbrellas are easily moveable, can be set up and taken down without fuss and can be managed by one staff member without assistance; and

- (d) Staff have also continued efforts to prioritise access to the pool for vulnerable patrons (young people and people with disabilities) even when shade is available for these service users.

## Policy analysis

### Alignment to Community Vision and Council Plan

#### 15. 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

#### 16. The outdoor season has been cooler than previous years. Below is a summary of the temperature for each month and highlighting the number of days over 30 degrees.

- (a) October: Cooler than long term average by 0.5 degrees and 0 days >30;
- (b) November: Cooler than long term average by 0.4 degrees and 3 days >30;
- (c) December: Cooler than long term average by 0.4 degrees and 4 days >30; and
- (d) January: Cooler than long term average by 0.6 degrees and 6 days >30.

### Community and social implications

#### 17. Due to the venue reaching capacity, the number of times access has been restricted to one in, one out was;

- (a) October: 1
- (b) November: 6
- (c) December: 0
- (d) January: 2
- (e) February: 2 (at time of writing report).

### Human rights and gender equality implications

#### 18. 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

#### 19. Additional shade has been provided within operating budgets. The cost of the umbrellas was approximately \$1,200.

### Legal Implications

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



21. On days of excessive wind, officers have closely monitored the umbrellas and, on occasion, taken them down when considered an unacceptable risk.

### Conclusion

22. The results of the customer survey demonstrate that 86% of respondents are happy with the introduction of the shade structures at FSP (with only 1 person unhappy) and giving their overall experience at Fitzroy Swimming Pool a 4.68 out of 5.
23. Other patrons and staff concur that the portable shade structures have improved the customer experience for users of the pool who may have to queue for short periods.

### RECOMMENDATION

1. That Council notes the positive response to portable shade initiatives introduced at Fitzroy Swimming Pool to improve the customer experience of patrons on hot days.

### Attachments

There are no attachments for this report.

## 7.5 Secret Garden - Ballarat St Collingwood

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<b>Reference</b>	D24/40333
<b>Author</b>	Sam Hewett - General Manager Infrastructure and Environment
<b>Authoriser</b>	General Manager Infrastructure and Environment
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. To provide an update on the Secret Garden in Ballarat St Collingwood and the Department of Transport and Planning's request of Council to consider taking management responsibility (through a licence) of the space directly.

### Critical analysis

#### History and background

2. In late 2023, Council was informed by the licence holder of a parcel of Department of Transport & Planning (DTP) land at the northern end of Ballarat St Collingwood (and adjacent to Alexandra Pde) that a new licence for the land would not be offered.
3. A community group had been granted a licence for the land from DTP commencing 16 October 2017 for 5 years and the licence expired on 24 September 2022. The licence agreement has remained in overholding conditions ever since.
4. The community group calls the site the Secret Garden. In summary:
  - (a) It is a small, fenced and padlocked parcel of DTP land (less than 100m<sup>2</sup>);
  - (b) It pays rent to DTP of \$385 per annum;
  - (c) There are six paying plot-holders;
  - (d) Other members of the community can access the garden if they ask or if the gate is open; and
  - (e) It has a code of conduct for all garden users.
5. The Secret Garden community group boasts that it has *'transformed a weedy wasted lot into a beautiful community space'*. It also states that *'The garden is utilised by a diverse range of locals who enjoy the opportunity to connect with nature and neighbours. We provide surplus crops, seeds, seedlings and compost free of charge, collect food scraps, maintain two well stocked seasonal herb boxes, have planted public fruit trees and a have climbing tree!'*
6. The Secret Garden is located on DTP owned land directly adjacent to Alexandra Pde and is accessible via Ballarat St Collingwood (figure #1 below).



**Figure #1**

7. DTP wrote to the licence holder in December 2023 to advise:  
*“Following a review of its landholdings and the land’s status as road reserve, DTP decided not to offer a new term, but committed to working with yourself and City of Yarra (Council) to determine if there were any other nearby suitable (non-road) locations.”*
8. According to DTP, an alternative space in Hotham St Collingwood was offered to the licensee but was rejected as it was too far away.
9. DTP wrote to Council in December 2023 to advise:  
*“The existing agreement for this land expired in September 2022 and DTP made the decision not to renew the licence, based on consideration of the compatibility of the proposed land use with the status of the land, which is Road Reserve, and noting the ongoing issues raised by other local residents that appear to be unresolved.”*
10. At its Ordinary Council Meeting of 12 December 2023, when considering a general business item, Council resolved:
  1. *That a report be presented to the Ordinary Council Meeting in March 2024 that considers options with respect to the lease of the road reserve at the northern end of Ballarat Street, Collingwood. The report should include officers’ advice in relation to:*
    - (a) *the Department of Transport and Planning (DTP) offering the lessee a new lease for the space, as Council’s first preference, and how Council might support this, or alternatively any other options for the site;*
    - (b) *engaging with DTP in line with Council’s existing policies on increasing green space in Collingwood, and otherwise encouraging planting and urban agriculture; and*
    - (c) *writing to the Minister for Infrastructure and Transport, The Hon. Danny Pearson MP and Paul Younis, Secretary DTP expressing Council’s interests in the value of open space in Collingwood.*
11. Officers made contact with the licence holder of the Secret Garden and DTP in early February 2024. When inspecting the site, another Secret Garden member provided access to the space for a full inspection – the gate was locked which prevented access.
12. Officers also wrote to one neighbour with whom it is alleged that some conflict existed. There appears to be some history of conflict - see **Confidential Attachment A**.
13. Council is advised that the neighbour has since put the property up for sale.

### Discussion

#### Department of Transport and Planning

14. The land in question is owned by DTP and it has responsibilities for managing its land.

15. Council has no obligations for this land. DTP could easily offer a new licence to the current licensee but has chosen not to renew the licence.
16. DTP has written to Council to say while it could not offer a new licence for the Secret Garden because the land use is inconsistent with the status of the land, it is prepared to offer a licence to Council to then sub-licence to the existing community group. DTP's logic in this context seems flawed (that the space cannot be a community garden but is happy for Council to manage it as a community garden).
17. Officers have corresponded with DTP on a number of occasions over the past month or so.
18. It appears that part of DTP's decision not to offer a new licence for the Secret Garden is due to the ongoing conflict between the parties and the effort required of DTP to manage this conflict.
19. Given it appears that the neighbour's property is for sale and the neighbour will likely shortly vacate the property, officers have asked DTP to reconsider its decision (given the conflict will likely end). DTP has indicated it is not prepared to offer a new licence even after learning of the neighbour's likely departure.
20. The draft DTP licence presented to officers for consideration includes the clause that the space cannot be exclusively used by the licensee. This clause may require the lock to be removed from the front gate and the space opened up to broader community access.
21. Further, the draft DTP licence transfers risks to the licensee (Council would be responsible if it was to agree to sign the licence). Risks associated with contaminated soil (growing vegetables in such conditions can pose risks), drainage and underground services would become Council's obligations and these have not been mapped or assessed by officers.
22. Officers have written to the Minister for Infrastructure and Transport, The Hon. Danny Pearson MP and Paul Younis, Secretary DTP in relation to part (c) of the resolution and has also made enquiries of representatives at DTP in relation to a new licence and greening its excess land in Yarra. At time of writing, no response has been received from the Minister or Secretary of the Department. DTP has indicated that 2 small parcels of its land in Yarra might be suitable for greening. These will be further explored with DTP.

#### Secret Garden Licensee

23. Officers have communicated on numerous occasions with the licensee of the Secret Garden over the last couple of months. Officers are also in possession of correspondence between DTP and the licensee.
24. The licence was terminated by DTP in October 2023 and has subsequently been extended until 22 March 2024 pending Council's consideration and decision.
25. DTP has acknowledged some community benefit the garden has brought to the area but states that the garden does not have universal support of all members of the local community.
26. The existing licence signed by the licensee also states that exclusive use is not permitted. The lock on the front gate may be in breach of the current licence agreement.

#### Financial Sustainability Strategy

27. In December 2023, Council adopted its Financial Sustainability Strategy (FSS).
28. The FSS includes 7 strategic levers which, when implemented, will help to assure Council's long term financial viability.
29. A feature of the FSS is to arrest the cost shifting from other levels of government as stated:
  - "Cost shifting occurs where local government provides a service to the community on behalf of the State and Federal Government. Over time the funds received by local government do not increase in line with the real cost increases."

30. Council also adopted its Advocacy Action Plan in November 2023 and it also references the cost shifting from other levels of government as stated:
- “The revision of agreements for co-funded 50/50 services between levels of government, as many have shifted unfair burdens onto local government over time and haven’t risen with inflation”.
31. Should Council agree to licence the space directly from DTP and then sub-licence the space to the current proponent, this may be considered another example of shifting costs and burden from the State Government to local government.

### Options

32. Council has a number of options open to it in relation to the future of the Secret Garden:
- (a) Council advocates to DTP as owner of the land and the relevant State Government Minister to offer a new licence with similar conditions to the existing community group that currently licences the Secret Garden from DTP. Given the alleged neighbourhood conflict that once existed may cease with new owners/occupiers, there appears no good reason not to offer a new licence. **This option is recommended;**
  - (b) Council could accept DTP’s offer and enter into an agreement to licence the space from DTP and then sub-licence the space to the community group to run the Secret Garden. Given Council’s recently adopted Financial Sustainability Strategy and Advocacy Action Plan, accepting cost and burden shifting obligations from other levels of government appears inconsistent with those earlier decisions. **This option is not recommended;**
  - (c) Council could accept DTP’s offer to licence the space and then open the space up by removing the front fence (on Ballarat St) and using the space as a pocket park. This would comply with the draft licence for non-exclusive use and provide open space to locals (Council’s open space strategy indicates additional open space in this precinct is desirable). Given Council has not done due diligence for the space (soil testing, underground service detecting and mapping etc) **This option is not recommended;** and
  - (d) Council could accept DTP’s offer for 12 months only while it attempts to find other suitable DTP land that could be used for a community garden of this nature. Given DTP’s statement of compatibility of the use with the status of the land, this option has no guarantee of success. **This option is not recommended.**

### Community and stakeholder engagement

33. Officers have communicated with:
- (a) The existing proponent and another community member who sub-licences part of the space;
  - (b) A neighbour who does not support the Secret Garden; and
  - (c) DTP who licences the land currently.
34. Depending on Council’s decision on this matter, further consultation may be required.

### Policy analysis

#### Alignment to Community Vision and Council Plan

35. The Council Plan 2021 – 2015 includes the following strategic objectives which align to elements of the matters in this report:
- (a) Strategic objective 2 – Social equity and health (build a more resilient, inclusive safe and connected community which promotes social, physical and mental wellbeing); and
  - (b) Strategic objective 4 – Place and nature (protect and enhance the biodiversity values, connectivity and resilience of Yarra’s natural environment).

### Climate emergency and sustainability implications

36. The pocket of green space in Collingwood provides obvious benefits for some locals in Collingwood and is a good demonstration of local food production and self-sustainability. The cooling of the area through provision of green space has benefits for the local community.

### Community and social implications

37. The licensee advises that some of the produce that is grown in the Secret Garden is made available free of charge to passersby. This creates a cohesive local community where connections between people is valued.

## Operational analysis

### Financial and resource impacts

38. The existing licence holder pays \$385 annually to lease the space in Ballarat St known as the Secret Garden. All costs to manage the land are borne by the licence holder.
39. It appears that for DTP management of the licence has become resource intensive given the neighbourhood conflict that has existed.
40. Council has been asked by DTP if it would be prepared to licence the space for a community purpose (to then sub-licence to the existing licence holder) at zero consideration.
41. Council can expect costs to manage a sub-licence with a community group. These costs include human resource costs to administer and manage a licence (and sub-licence) and probable legal fees to draft and review a licence and sub-licence. Should issues present throughout the licence (e.g. soil contamination and underground services) additional costs can be expected. The non-exclusive use clause is likely to cause some consternation and will require additional resourcing.

### Economic development implications

42. There are no economic development implications in relation to this decision.

### Human rights and gender equality implications

43. Creating safe and inclusive spaces in the City for vulnerable groups, for women and for young people aligns with Council's vision for the City.

### Legal Implications

44. The legal and other risks Council may be faced with includes:
- (a) Possible legal costs for the licence and sub-licence;
  - (b) Any ongoing risks associated with conflict with neighbours opposed to the Secret Garden;
  - (c) Risks associated with contamination, underground services and drainage; and
  - (d) Managing compliance with licence conditions.

## Conclusion

45. The Secret Garden has operated from DTP land in Ballarat St Collingwood for over 6 years. The licensee has been advised by DTP, the owner of the land, that a new licence for the space will not be offered. DTP has also advised the licensee that it would be willing to licence the space to Council who could then licence the space back to the Secret Garden.
46. Council is not the owner of the land and has no control over it. DTP's request of Council to licence the space to then be sub-licensed to the Secret Garden is cost and burden shifting from the State Government to local government. DTP's decision appears to be, in part, due to the effort required to manage the neighbourhood dispute.



## RECOMMENDATION

1. That Council:
  - (a) advocates to the Department of Transport and Planning, as owners of the land, and the Minister for Roads and Road Safety to offer a new licence to the current licensee operating the Secret Garden so that they may continue operating a community garden in Ballarat St Collingwood; and
  - (b) writes to the Department of Transport and Planning asking about its plans to green its excess land for community benefit within the City of Yarra's municipal boundary.

## Attachments

- 1 Confidential Attachment A - Secret Garden - *Confidential*

## 7.6 Insurance Costs and Live Music Venues in Yarra

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<b>Reference</b>	D24/62586
<b>Author</b>	Brona Keenan - Coordinator Arts & Culture
<b>Authoriser</b>	General Manager Community Strengthening
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. In response to a Notice of Motion tabled at Council Meeting on 13 February 2024, this report provides an update to Council on the situation facing local live music venues, the ongoing advocacy work of Music Victoria and the Australian Live Music Business Council on insurance matters and outlines actions that Council can take to assist local venues.

### Critical analysis

#### History and background

2. Live Music Venues are finding it increasingly difficult to obtain public liability insurance, and those that are able to secure insurance are facing significant rises to their existing premiums.
3. Small to medium live music venues are being impacted to the point that running their businesses may no longer be viable.
4. These venues play a significant role in the live music ecosystem, locally and nationally, existing as creative spaces that support new and emerging musicians and industry workers. These spaces also act as the starting point for live music audiences on their journey of support for this artform, with strong connections to local community across all ages.
5. The issue of increasing premiums and inability to secure insurance is not only a local issue but is also an issue being experienced nationally and indeed internationally.
6. According to the Australian Live Music Business Council (ALMBC), key drivers of the increase are:
  - (a) Insurance increases in every industry.
  - (b) Insurance market believe the public liability insurance in live music venues has been undervalued for many years and there has been a correction in rates; and
  - (c) Australian insurers have deemed the industry to be higher risk and some insurers have exited the market.
7. The City of Yarra is recognised as a destination for live music. The Victorian Live Music Census Report 2020-2021 outlines that Yarra had 19,980 gigs, 2,473,805 attendees at shows and revenue/spending equivalent of \$163,065,978 over this period. This is second to the City of Melbourne and above all other surrounding municipalities and regional Victoria.
8. Council supports live music venues and industry through a range of investments.
9. The most significant support is through the Council produced annual Leaps and Bounds Music Festival. Leaps and Bounds Festival was established in 2013 to foster local audience engagement with venues in Yarra when trade slows in mid-winter. The investment is a partnership approach with local venues, with a focus on diversity in programming and supporting curated signature events, delivered by the local bookers, producers and artists. The festival is designed to make Yarra and Melbourne's music scene, sustainable, vibrant and dynamic.

10. As part of the Leaps and Bounds Festival, an 'Industry Day' has regularly been held in partnership with Music Victoria, including a roundtable inviting local venues to discuss current issues and opportunities affecting the sector. This day also regularly features talks, panels, wellbeing activities and professional advisory services to support music workers, artists, businesses and owners centred and amplified by the festival.
11. In addition, Council delivers direct and indirect benefits to local live music including:
  - (a) Grants supporting artist development and programming (Annual Grants, Small Project Grants) and creative infrastructure (Room to Create Grant), which include granting for works such as sound insulation and support to make venues more accessible;
  - (b) The Celebrate Yarra Multi-Year Grants Program, which funds significant major festivals in Yarra including Victoria Street Lunar Festival and Johnston Street Fiesta. These major street festivals incorporate live stage programs, as a key part of the cultural entertainment, providing employment to hundreds of performers including musicians, as well as production staff. They also bring thousands of attendees to major economic precincts, providing important seasonal trade for venues, hospitality and retail businesses in our activity centres;
  - (c) Training events for businesses across a range of themes including marketing, bookkeeping and financial management, collaboration in business, cybersecurity and business compliance;
  - (d) Support licenced venues through the Yarra Liquor Forum, many of which are live music venues; and
  - (e) Advocacy for live music venues to the Victorian Government.
12. The ALMBC has offered a workshop to Yarra live music venue operators to assist venues dealing with insurers.

#### Discussion

13. The increased price of insurance policies for live music venues and the ability for some venues to secure insurance have been a significant issue for over a year.
14. Music Victoria is the independent peak body for live music in Victoria. Music Victoria is working closely with the ALMBC, which is taking the lead on this matter in pursuing insurance options.
15. Music Victoria is engaged in a coordinated approach with other state peak agencies, aligning advocacy campaigns with the work undertaken by the ALMBC.
16. Music Victoria and the ALMBC are co-hosting an industry session on 14 March 2024 at Music Market, Collingwood Yards. Speaking at the session will be Music Victoria's CEO Simone Schinkel, ALMBC's Interim Executive General Manager Ant McKenna and insurance expert Andrew Basingthwaighte of the Xcelerate Group. Recognising that the solutions to the issue are an ongoing process, the session will be focussing on the work undertaken so far to advocate for the live music industry, as well as future strategies. The event will also serve as a forum for venues and other stakeholders to speak to Music Victoria and ALMBC. Officers will be proactive in promoting this session to local venues and officers will be in attendance.
17. Creative Victoria is working with Music Victoria and ALMBC to assist in addressing the issue, though outcomes have yet to be announced.
18. Council is insured through Municipal Association of Victoria Insurance. MAV Insurance was set up to fill the void of available and affordable schemes for local government.
19. MAV Insurance has a statutory requirement to provide insurance only to public authorities and not any other private entities.

#### Options

20. Actively support the work of Music Victoria and ALMBC, and advocate for outcomes based on recommendation by these peak bodies.

### Community and stakeholder engagement

21. Peak bodies for the live music industry, including Music Victoria and ALMBC, have been informed about this report.

### Policy analysis

#### Alignment to Community Vision and Council Plan

22. Support of the live music sector and its contribution to local community connects to Community Vision and Council Plan as follows:
- (a) Strong and vibrant community - 1.2. Create opportunities for meaningful exchange of our experiences, culture and arts;
  - (b) Thriving local economy - 6.2. Foster innovative and creative approaches to businesses. 6.3. Support young people's businesses (entrepreneurs) to thrive through innovative, creative and practical initiatives, and ensure alignment to community values. 6.4. Preserve, celebrate and promote culturally diverse economic activities;
  - (c) Council Plan – Social equity and health - 2. Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing. 5. Celebrate and respect culturally vibrant and socially diverse communities; and
  - (d) Local economy - 1. Support Yarra's employment precincts and drive economic development opportunities 2. Revitalise local retail, arts and culture and night-time economy to enhance Yarra as an economic destination and extend our reach through partnerships and advocacy 3. Support and encourage innovative and entrepreneurial activities across Yarra's employment.

#### Climate emergency and sustainability implications

23. NA

#### Community and social implications

24. Small to medium size venues are being most impacted by the increased insurance premiums. These make up the majority of Yarra's live music scene.
25. These venues support emerging artists. If these venues decrease or disappear, the growth of the creative cycle will be impacted, negatively impacting the creative community and audiences.
26. A reduction of venues will mean less opportunities for artists to develop their skills and share their creative craft, reducing opportunities to share culture and create connections in local communities.

#### Economic development implications

27. There are significant implications for Yarra's economy and local employment should more local venues close down their businesses, due to increasingly unaffordable insurance policies.

#### Human rights and gender equality implications

28. A recent Gender Impact Assessment on Leaps & Bounds Music Festival outlined that the 2022 Festival included women, men and non-binary artists of a variety of ages and cultural backgrounds in the programming. This continues to be a key focus of the festival, as well as venue accessibility and safety.

## Operational analysis

### Financial and resource impacts

29. Insurance rescue packages fall outside of current operational budgets and Yarra's long term financial plan. Council's insurer, MAV Insurance, has a statutory requirement to provide only to public authorities and is not an option for sourcing insurance for live music venues.
30. The proposed role of Council in this report is aligned to the Financial Sustainability Strategy 5.7 Strategic Lever 7: Prioritise advocacy & partnerships.

### Legal Implications

31. MAV Insurance has a statutory requirement to provide only to public authorities and is not an option for sourcing insurance for live music venues.

## Conclusion

32. Council will:
  - (a) Work proactively with Music Victoria in a coordinated way, regarding the state and national approach to the issue of insurance impacting on the viability of live music venues in Yarra;
  - (b) Invite Music Victoria and the ALMBC to co-host industry capacity building and roundtable discussions as part of the 2024 Leaps and Bounds Music Festival;
  - (c) Assist the ALMBC to connect with interested Yarra venues to support further advice and mentoring in relation to the issue of insurance and other venue operator priorities; and
  - (d) Promote and encourage Yarra live music venues and operators to engage in Council business support programs and services.

## RECOMMENDATION

1. That Council:
  - (a) endorses this report to support the work of Music Victoria and ALMBC, and advocate for outcomes based on the recommendation by these peak bodies;
  - (b) works proactively with Music Victoria in a coordinated way, regarding the state and national approach to the issue of insurance impacting on the viability of live music venues in Yarra;
  - (c) invites Music Victoria and the ALMBC to co-host additional industry capacity building and roundtable discussions as part of the 2024 Leaps and Bounds Music Festival;
  - (d) assists the ALMBC to connect with interested Yarra venues to support further advice and mentoring in relation to the issue of insurance and other venue operator priorities; and
  - (e) promotes and encourages Yarra live music venues and operators to engage in Council business support programs and services.

## Attachments

There are no attachments for this report.

## 7.7 Governance Report - March 2024

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<b>Reference</b>	D24/52530
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Manager Governance and Integrity
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### 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 Local Government Act 2020 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) Operation of Council's Advisory Committees
  - (b) Establishment of a family and children advisory committee
  - (c) Electoral representation review
  - (d) Motions for the MAV State Council
  - (e) Motions for the ALGA National General Assembly

#### Discussion

##### Operation of Council's Advisory Committees

*This item was deferred from the Council meeting on Tuesday 13 February 2024*

4. The operation of Council's Advisory Committees is set out in the Council Committees Policy (adopted by Council August 2020) and scheduled for review in August 2024.
5. There is an opportunity to align the establishment and purpose of Council's Advisory Committees with each four year Council term and in turn, to enable any Advisory Committees that are established to support the achievement of the objectives of the adopted Council Plan for each term. As such, Officers recommend that the review date of the Policy be amended to 30 June 2025.
6. The intention is that following the 2024 Council elections, that the incoming Council will be presented with a revised policy that sees the operation of Council's advisory committees sunset at the conclusion of each Council term, and that each Council then determine the necessary structure to support the delivery of its Council Plan, commencing from 1 July in the year following the election.
7. This approach has the advantage of aligning the advisory committee terms with the term of the Council Plan and enables the Terms of Reference for each committee to draw directly on the adopted Council Plan objectives.
8. This approach will mean that the Council will operate without having advisory committees in place at the commencement of its term. Instead, community members of former committees



will be invited to engage in the consultation process for the development of the Community Vision and Council Plan – both of which will draw heavily on community input in determining community and Council priorities for the next four years.

9. At this time, it is necessary to seek a resolution to ensure the smooth operation of the existing advisory committees until the commencement of the election period in September 2024, including the extension of the current policy and the extension of membership terms where necessary.
10. There are two committees that will be required to continue in operation beyond the Council election period and are therefore not proposed to sunset. These are:
  - (a) the Yana Ngargna Advisory Committee, which is a partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community; and
  - (b) the Chief Executive Officer Employment and Remuneration Committee, which is unique in that it comprises all Councillors and does not include members of the community. It is a necessary committee to ensure that Council meets its legislative obligations regarding the employment and performance review of the Chief Executive Officer.
11. This report seeks the necessary resolution to extend the operation of the current policy and to conclude the term of the current committees at the commencement of the 2024 Council election.

Establishment of a family and children advisory committee

*This item was deferred from the Council meeting on Tuesday 13 February 2024*

12. On 12 December 2023, Council resolved that a report be presented to Council to consider the establishment of a families and children advisory Committee.
13. Following the December 2023 resolution, Officers have considered the potential role of a families and children advisory committee and have begun work on understanding the resource implications. A preliminary draft terms of reference has also been developed.
14. The recent history of Council committees in this portfolio area is set out below.
  - (a) Until 2021, a committee known as the Early Years Reference Group operated. It was closed due to waning interest;
  - (b) In July 2021, officers presented a proposal to establish a new advisory committee for children, youth, and families to replace the Early Years Reference Group;
  - (c) Feedback from Councillors was that the scope and membership of the proposed advisory group was too broad, and the proposal was not supported;
  - (d) In 2022, Council supported the development of the Yarra Youth Advocacy Group; and
  - (e) In December 2023, Council sought a report to consider the establishment of a families and children advisory committee.
15. Officers support in principle the establishment of an advisory committee to consider issues affecting families and children.
16. The establishment of an advisory committee can be a lengthy process, first requiring the adoption of a terms of reference, a public expression of interest process, a formal membership selection process and a resolution by Council to establish the committee and appoint its members.
17. Given that under Council's Governance Rules, advisory committees cannot meet once the Council election period commences in September, it is unlikely that any new committee could meet more than once before entering the caretaker period.
18. Further, the review of the Council Committees Policy recommended above will mean that any new committee would be of limited life in any case.

19. For this reason, it is recommended that formal consideration of the establishment of a families and children advisory committee be held over until after the October 2024 Council election and considered in conjunction with the review of the Council Committees Policy and the establishment of the rest of Council’s advisory committees.

City of Yarra Electoral Representation Review

20. In October 2022, the Minister for Local Government established two Electoral Representation Advisory Panels (ERAPs) to conduct electoral structure reviews of 39 local councils, including the City of Yarra. These councils have electoral structures that are not compliant with structures permitted by the Local Government Act 2020 for the conduct of the 2024 Council election.
21. The City of Yarra electoral structure review was conducted from June to September 2023 and involved community consultation and public hearings. The City of Yarra participated in this process.
22. On 15 February 2024, the Minister for Local Government announced her decision in relation to the electoral structure to be used at the 2024 election, and formally made the decision by publication of the ward boundaries and names in the Victoria Government Gazette. An extract from the gazette which includes the ward boundary map can be found at **Attachment One**.
23. The new wards will be:

Ward	Suburbs
Boulevard Ward	<ul style="list-style-type: none"> <li>• Burnley</li> <li>• Richmond (part)</li> </ul>
Curtain Ward	<ul style="list-style-type: none"> <li>• Carlton North (except that part located in the City of Melbourne)</li> <li>• Fitzroy North (part)</li> <li>• Princes Hill</li> </ul>
Hoddle Ward	<ul style="list-style-type: none"> <li>• Collingwood</li> </ul>
Langridge Ward	<ul style="list-style-type: none"> <li>• Abbotsford</li> <li>• Richmond (part)</li> </ul>
Lennox Ward	<ul style="list-style-type: none"> <li>• Cremorne</li> <li>• Richmond (part)</li> </ul>
MacKillop Ward	<ul style="list-style-type: none"> <li>• Fitzroy</li> </ul>
Melba Ward	<ul style="list-style-type: none"> <li>• Richmond (part)</li> </ul>
Nicholls Ward	<ul style="list-style-type: none"> <li>• Fitzroy North (part)</li> </ul>
Yarra Bend Ward	<ul style="list-style-type: none"> <li>• Alphington (except that part located in the City of Darebin)</li> <li>• Clifton Hill</li> <li>• Fairfield (except that part located in the City of Darebin)</li> </ul>

24. Council’s existing wards will remain in place for any elections or countbacks necessary between now and the date of the coming into effect of the new ward boundaries on Saturday 26 October 2024.

Motions for the MAV State Council

25. The Municipal Association of Victoria (MAV) State Council will be held on 17 May 2024. It sees all Victorian Councils come together to determine the policy directions of the Municipal Association of Victoria. It provides an opportunity for the furtherance of Council’s interests at the state level.
26. Council has the opportunity to submit motions for consideration by the MAV State Council. To be eligible for inclusion and presentation to the State Council, motions must:

- (a) be of strategic relevance to the MAV or of such significance to local government that they ought to be considered at the State Council meeting, and
  - (b) not be repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council.
27. Motions must be submitted to the MAV by 18 March 2024.
28. The following motions are proposed for submission to the MAV State Council:
29. “Electric line clearance and metropolitan tree canopies” follows Council’s resolution at the Council meeting on 12 December 2023, where Council resolved to submit a motion to the MAV State Council regarding the upcoming review of the Electricity Safety (Electric Line Clearance) Regulations 2020. This advocacy position is consistent with Council’s adopted advocacy position 1.10 – “The State Government to review and amend the electrical line clearance regulations in metropolitan areas to save canopy trees.”
30. “Rainbow Alliance for Local Government” follows an approach by Rainbow Local Government (which is a campaign coordinated by the Victorian Pride Lobby – a community based advocacy group that works towards equality, social justice and advancing human rights for lesbian, gay, queer, bisexual and same-sex attracted Victorians), and is consistent with Council’s ongoing commitment to furthering the interests of LGBTIQ+ communities, and to forming partnerships with the local government sector and community organisations.
31. Officers therefore recommend Council’s endorsement of the following motions for submission to the MAV State Council:
- (a) “Electric line clearance and metropolitan tree canopies” (**Attachment Two**)
  - (b) “Rainbow Alliance for Local Government” (**Attachment Three**)

Motions for the ALGA National General Assembly

32. The Australian Local Government Association (ALGA) National General Assembly will be held on 2-4 July 2024. It is an opportunity to further Council’s policy positions at a national level, particularly in relation to advocacy matters. Once submitted, the motions are taken to National General Assembly, and debated by the members. If adopted, they become the formal position of the ALGA.
33. Council has an opportunity to submit motions for consideration by the ALGA National General Assembly. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
- (a) be relevant to the work of local government nationally;
  - (b) not be focussed on a specific location or region – unless the project has national implications;
  - (c) be consistent with the themes of the National General Assembly, which in 2024 is “*Building Community Trust*”;
  - (d) complement or build on the policy objectives of ALGA and the MAV
  - (e) be submitted by a council which is a financial member of the MAV
  - (f) propose a clear action and outcome
  - (g) not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
  - (h) address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
  - (i) not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.

- (j) be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.
  - (k) complement or build on the policy objectives of your state and territory local government association (the MAV);
  - (l) be submitted by a council which is a financial member of their state or territory local government association;
  - (m) propose a clear action and outcome; and
  - (n) not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
34. Motions must be submitted to the ALGA Secretariat by 30 April 2024.
35. The following motions are proposed for submission to the ALGA National General Assembly:
- (a) “National anti-vilification laws” responds to a request from Rainbow Local Government (see paragraph 29). The motion also seeks to build on Council’s May 2023 motion to request the state government to “take immediate action to extend state vilification laws and protect individuals from discriminatory treatment on the basis of their sexual orientation, gender identity, or sex characteristics” and extend a similar request to the federal government.
  - (b) “Material product standards” seeks a Commonwealth government commitment to product standardisation to improve outcomes in repair, reuse and recycling of products – reducing costs for Councils, consumers and manufacturers.
36. Officers therefore recommend Council’s endorsement of the following motions for submission to the ALGA National General Assembly:
- (a) “National anti-vilification laws” (**Attachment Four**)
  - (b) “Material product standards” (**Attachment Five**)

### Options

37. There are no options presented in this report.

### **Community and stakeholder engagement**

38. 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

39. 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.”*
40. 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.”*
41. 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

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

### Community and social implications

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

### Economic development implications

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

### Human rights and gender equality implications

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

## Operational analysis

### Financial and resource impacts

46. N/A

### Legal Implications

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

## Conclusion

48. This report presents an officer recommendation on:

- (a) Operation of Council's Advisory Committees
- (b) Establishment of a family and children advisory committee
- (c) Electoral representation review
- (d) Motions for the MAV State Council
- (e) Motions for the ALGA National General Assembly

## RECOMMENDATION

1. That in order to align the operation of Council advisory committees with the implementation period of the Council Plan, Council alter the review date of the Council Committees Policy to 30 June 2025, and make the following changes to the Active Ageing Advisory Committee, Active Transport Advisory Committee, Arts Advisory Committee, Business Advisory Group, Community Awards Committee, Disability Advisory Committee, Environment Advisory Committee, Heritage Advisory Committee, Multicultural Advisory Group, Rainbow Advisory Committee and the Yarra Libraries Advisory Committee:
  - (a) the term of appointment for current members be adjusted to conclude at 12 noon on Tuesday 24 September 2024;
  - (b) the operation of the committee sunset at 12 noon on Tuesday 24 September 2024; and
  - (c) community members be thanked for their ongoing contribution to the achievement of the Yarra 2036 Community Vision and the delivery of the Council Plan 2020-2024 and invited to participate in the consultation process for the development of the Community Vision and Council Plan in early 2025.
2. That formal consideration of the establishment of a families and children advisory committee be considered in conjunction with the establishment of a new Advisory Committee structure after the October 2024 Council election.
3. That Council note the Minister for Local Government's decision and gazettal of the Council wards to be used for the 2024 Yarra City Council General Election.
4. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held on 17 May 2024:
  - (a) "Electric line clearance and metropolitan tree canopies" (**Attachment Two**); and

- (b) “Rainbow Alliance for Local Government” (**Attachment Three**)
- 5. That Council endorse the following motions for submission to the Australian Local Government Association (ALG) National General Assembly to be held on 2-4 July 2024:
  - (a) “National anti-vilification laws” (**Attachment Four**)
  - (b) “Material product and packaging standards” (**Attachment Five**)

## Attachments

- 1 Victoria Government Gazette extract - Yarra ward structure
- 2 Electrical line clearance - Motion for submission to MAV May 2024
- 3 Rainbow Alliance - Motion for submission to MAV May 2024
- 4 National anti-vilification laws - Motion for Submission to ALGA 2024
- 5 Material product standards - Motion for submission to ALGA 2024



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## 8.1 Notice of Motion No. 4 of 2024 - Easy Access Tram Stops

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<b>Reference</b>	D24/79011
<b>Author</b>	Mel Nikou - Governance Officer - Governance Support
<b>Authoriser</b>	Senior Governance Advisor
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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I, Councillor Herschel Landes, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 March 2024:

1. *That the Mayor write to the Ministers for Public and Active Transport and the Minister for Roads and Road Safety:*
  - (a) *highlighting the ongoing issues with the management and maintenance of the level access tram stops #15 and #17 along Bridge Rd, in particular the ongoing repair/ reinstatement of safety bollards;*
  - (b) *seeking urgent clarification about which government agency is responsible for the management and maintenance of the level access tram stops #15 and #17 along Bridge Rd, in particular the ongoing repair/ reinstatement of safety bollards;*
  - (c) *requesting that the State Government immediately commence a review of the design, operation and location of the tram stops to allow for greater integration with the footpath, enhanced pedestrian and cyclist experience, the elimination of vehicular traffic onto the platform and the elimination of conflicts arising from the proximity of the platforms to Bosisto and Waltham Streets; and*
  - (d) *notes that Council staff have recently written to DTP highlighting concerns with the condition of the road pavement along Bridge Road (between Hoddle St and Yarra Boulevard) which has been gradually degrading, causing concerns within the community and an increased frequency of reported hazards and issues and seeks a formal commitment that the State Government will prioritise the renewal of Bridge Road (between Hoddle St and Yarra Boulevard) in FY 24/25.*

## RECOMMENDATION

1. That the Mayor write to the Ministers for Public and Active Transport and the Minister for Roads and Road Safety:
  - (a) highlighting the ongoing issues with the management and maintenance of the level access tram stops #15 and #17 along Bridge Rd, in particular the ongoing repair/ reinstatement of safety bollards;
  - (b) seeking urgent clarification about which government agency is responsible for the management and maintenance of the level access tram stops #15 and #17 along Bridge Rd, in particular the ongoing repair/ reinstatement of safety bollards;
  - (c) requesting that the State Government immediately commence a review of the design, operation and location of the tram stops to allow for greater integration with the footpath, enhanced pedestrian and cyclist experience, the elimination of vehicular traffic onto the platform and the elimination of conflicts arising from the proximity of the platforms to Bosisto and Waltham Streets; and
  - (d) notes that Council staff have recently written to DTP highlighting concerns with the condition of the road pavement along Bridge Road (between Hoddle St and Yarra Boulevard) which has been gradually degrading, causing concerns within the community and an increased frequency of reported hazards and issues and seeks a formal commitment that the State Government will prioritise the renewal of Bridge Road (between Hoddle St and Yarra Boulevard) in FY 24/25.

## Attachments

There are no attachments for this report.

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## 8.2 Notice of Motion No. 5 of 2024 - Dangers of oversized vehicles

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<b>Reference</b>	D24/90122
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Chief Executive Officer
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 March 2024:

1. *That Council:*

- (a) *notes the dangers posed by the increasing size and weight of vehicles on Australian streets, including vehicles like the RAM and Defender, such as:*
  - (i) *car crashes are now the leading cause of death for Australian children;*
  - (ii) *kids are eight times more likely to die when hit by a SUV compared to a normal passenger car;*
  - (iii) *pedestrian deaths have stayed stable while the road toll has trended downwards;*
  - (iv) *larger cars are more polluting and have a greater climate impact - If SUVs were a country, they would rank as the sixth most polluting in the world.*
- (b) *notes actions taken in this respect by:*
  - (i) *Paris voted on 4 Feb to charge 3x higher parking rates for SUVs compared to other vehicles with other French cities including Lyon doing similar;*
  - (ii) *London Mayor has made comments about following Paris's lead;*
  - (iii) *France has increased taxes on heavy vehicles;*
  - (iv) *Washington DC, USA, have increased vehicle registration fees on heavier vehicles; and*
  - (v) *about a dozen other US states charge weight-based registration fees, according to data from the National Conference of State Legislatures.*

2. *That a report be prepared for a Councillor workshop for later this calendar year to investigate ways to make travelling on Yarra's streets more equitable and discourage large and heavy vehicles on Yarra's streets, including by considering proportionate parking fees based on a vehicle's size; and noting that any investigation and consultation should consider appropriate caveats (eg. EVs, people with disabilities), and options for hypothecating funding for projects that make walking safer (eg. Yarra's New Deal for Schools program).*

## RECOMMENDATION

1. That Council:
  - (a) notes the dangers posed by the increasing size and weight of vehicles on Australian streets, including vehicles like the RAM and Defender, such as:
    - (i) car crashes are now the leading cause of death for Australian children;
    - (ii) kids are eight times more likely to die when hit by a SUV compared to a normal passenger car;
    - (iii) pedestrian deaths have stayed stable while the road toll has trended downwards;
    - (iv) larger cars are more polluting and have a greater climate impact - If SUVs were a country, they would rank as the sixth most polluting in the world.
  - (b) notes actions taken in this respect by:
    - (i) Paris voted on 4 Feb to charge 3x higher parking rates for SUVs compared to other vehicles with other French cities including Lyon doing similar;
    - (ii) London Mayor has made comments about following Paris's lead;
    - (iii) France has increased taxes on heavy vehicles;
    - (iv) Washington DC, USA, have increased vehicle registration fees on heavier vehicles; and
    - (v) about a dozen other US states charge weight-based registration fees, according to data from the National Conference of State Legislatures.
2. That a report be prepared for a Councillor workshop for later this calendar year to investigate ways to make travelling on Yarra's streets more equitable and discourage large and heavy vehicles on Yarra's streets, including by considering proportionate parking fees based on a vehicle's size; and noting that any investigation and consultation should consider appropriate caveats (eg. EVs, people with disabilities), and options for hypothecating funding for projects that make walking safer (eg. Yarra's New Deal for Schools program).

## Attachments

There are no attachments for this report.