



Agenda

Council Meeting

7.00pm, Tuesday 4 May 2021

Richmond Town Hall

Council Meetings

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

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

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

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

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

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

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

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

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

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

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

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

Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

•	Vijaya Vaidyanath	Chief Executive Officer
•	Brooke Colbert	Group Manager Advocacy and Engagement
•	Ivan Gilbert	Group Manager Chief Executive's Office
•	Lucas Gosling	Director Community Wellbeing
•	Gracie Karabinis	Group Manager People and Culture
•	Chris Leivers	Director City Works and Assets
•	Diarmuid McAlary	Director Corporate, Business and Finance
•	Bruce Phillips	Director Planning and Place Making
•	Rhys Thomas	Senior Governance Advisor
•	Mel Nikou	Governance Officer

3. Announcements

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

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

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

5. Confidential business reports

Item

5.1 Yarra (River) Strategic Plan

This item is presented for consideration in closed session because it contains 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.

This item is considered applicable because it contains information provided by Melbourne Water on a commercial in confidence basis.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 6 April and Tuesday 20 April 2021 be confirmed.

7. Public question time

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

8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Proposed declaration of public highway abutting Sandeman Place Fitzroy	8	11	George Vass – Senior Coordinator Property Services
8.2	Fitzroy North Primary School	16	20	George Vass – Senior Coordinator Property Services
8.3	Initiation report Community Partnerships Grants	23	27	Michael Van Viet – Community Grants Team Leader
8.4	Initiation Report Creative and Engage Yarra 2022-2023 Grant Program	35	39	Brona Keenan – Coordinator Arts and Culture
8.5	Edinburgh Gardens Working Group	49	51	Ivan Gilbert - Group Manager - Chief Executive's Office

9. Notices of motion

Nil

10. Petitions and joint letters

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

11. Questions without notice

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

12. Delegate's reports

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

13. General business

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

14. Urgent business

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

8.1 Proposed declaration of public highway abutting Sandeman Place Fitzroy

Executive Summary

Purpose

Having published a notice in The Age giving notice under section 204(1) of the Local Government Act 1989 (Act) that Council proposes to declare the land abutting Sandeman Place, Fitzroy a public highway, to now request Council to:

- (a) consider all submissions and resolve to declare the land a public highway;
- (b) authorise the publishing of the decision in the Government Gazette; and,
- (c) undertake a new/subsequent decision-making process to consider a proposed declaration of 0.4 sq.m of additional land adjoining Sandeman Place as a public highway.

Key Issues

- (a) Access, amenity and general public interest;
- (b) Old General Law land; and
- (c) Measure recommended to settle long-standing matter.

Financial Implications

Administrative, survey and legal costs at this stage of up to \$20,000.

PROPOSAL

To extend Sandeman Place by declaring land a public highway in the interests of the community.

8.1 Proposed declaration of public highway abutting Sandeman Place Fitzroy

Reference	D21/37665
Author	George Vass - Senior Coordinator Property Services
Authoriser	Group Manager Chief Executive's Office

Purpose

1. Having published a notice in The Age giving notice under section 204(1) of the Local Government Act 1989 (Act) that Council proposes to declare the land abutting Sandeman Place, Fitzroy a public highway, to request Council to:
 - (a) consider all submissions and resolve to declare the land a public highway;
 - (b) authorise the publishing of the decision in the Government Gazette; and,
 - (c) undertake a new/subsequent decision-making process to consider a proposed declaration of 0.4 sq.m of land adjoining Sandeman Place as a public highway.

Critical analysis

History and background

2. Council, at its meeting of 15 December 2020, considered options and resolved to undertake a formal decision-making process inclusive of giving public notice of the proposal to declare a portion of land abutting Sandeman Place, Fitzroy a Public Highway.
3. The Council report outlines the pertinent factors and options available to Council and a copy of Council's Resolution is included (refer to Attachment A – copy of Council Resolution - 15 December 2020).
4. On 15 March 2021, Council published a notice in The Age giving notice under section 204(1) of the Local Government Act 1989 (Act) that Council proposes to declare the land abutting Sandeman Place, Fitzroy a public highway and invited submissions in writing from persons under section 223 of the Local Government Act 1989 by Friday 16 April 2021 and advising submitters of their entitlement to be heard in support if requested in writing by same (refer to Attachment B – copy of public notice and plan published in The Age 15 March 2021).
5. One (1) submission has been received in support of Council declaring the portion of land abutting Sandeman Place a public highway without a written request from the collective group to be heard in support of their submission (Attachment C – copy of submission received in support dated 16 April 2021).

Discussion

6. Noting the content of the Council report of 15 December 2020, a decision by Council to declare the portion of abutting land as a public highway provides Council with statutory authority to vest title to the land in Council and to instruct the removal of encroachments. No compensation is required.
7. A small but relevant issue is a small triangle (0.4 sq.m) of land forming part of the title (common property) of 75-79 Webb Street that is located outside the fence line and is/needed to correct the Sandeman Place roadway alignment (triangle) in order to ensure uninhibited vehicular access to 73 Webb Street (Attachment D- refer to surveyors plan of triangle area). Incorporating the triangle formally as part of the Sandeman Place roadway is a separate process but if supported, will ensure that Council can enforce any future encroachment that inhibits vehicular access to 73 Webb Street.

8. A letter was issued and a meeting held with the four (4) lot owners of 75-79 Webb Street seeking unilateral support for Council to consider also declaring the triangle a public highway under a subsequent process on the basis that:
 - (a) It is important for Council to protect vehicular access to 73 Webb Street;
 - (b) Surrender of the 0.4 sq.m triangle is already part of Sandeman Place; and,
 - (c) May be important in bolstering any decision by Council to declare the portion of abutting land a public highway.
9. While there does to appear to be apparent opposition and there is support from some regarding the surrender of the triangle, the request appears to impugn aspirations for the establishment of a shared garden/play area on the portion of land currently proposed to be declared a public road and Council may perhaps consider authorising the commencement of a subsequent formal decision making process to consider declaring the triangle a public highway.

Options

10. Option 1 – Council resolves to declare the current portion of land described under Attachment B a public highway.
11. Option 2 – Option 1 and Council also resolves to commence a separate public process to consider declaring the triangle (described under Attachment D) a public highway.
12. Option 3 – Council resolves not to declare the current portion of land described under Attachment B a public highway.

Community and stakeholder engagement

13. The public process undertaken is the final stage in the engagement of stakeholders and the community and community and stakeholder participation has been high.

Policy analysis

Alignment to Council Plan

14. Community health, safety and wellbeing are a focus in everything we do.
15. Transparency, performance and community participation drive the way we operate.

Climate emergency and sustainability implications

16. Not relevant.

Community and social implications

17. Significant.

Economic development implications

18. Not relevant.

Human rights and gender equality implications

19. Not considered specifically relevant although there may be an alignment.

Operational analysis

Financial and resource impacts

20. Administrative requirements and external advice needs are currently within reasonable expectations.

Legal Implications

21. External legal advice has been obtained and risks have been considered and shared with Council in the Council report of 15 December 2020.

Conclusion

22. The declaration of the land adjoining Sandeman Place a public highway and the subsequent consideration of the triangle land as a public highway formalises an equitable access arrangement for immediate residents and the broader community (Option 2).

RECOMMENDATION

1. That Council:
 - (a) having published a notice in The Age giving notice under section 204(1) of the Local Government Act 1989 (Act) that Council proposes to declare the land abutting Sandeman Place, Fitzroy a public highway and having considered all submissions, resolves to declare the land a public highway and authorises the publishing of the decision in the Government Gazette;
 - (b) resolves to undertake a separate formal and subsequent decision-making process inclusive of giving public notice of the proposal to declare the 0.4 sq.m triangular portion of land forming part of the title to the common property of 75-79 Webb Street Fitzroy and abutting Sandeman Place, Fitzroy a Public Highway;
 - (c) determines, pursuant to section 125(2) of the Local Government Act 2020, that:
 - (i) this resolution should be publicly available; and
 - (ii) the remainder of the confidential information in this report should be publicly available for the limited purpose of communicating the effect of this resolution to the extent necessary to give effect to it; and
 - (d) authorises the Chief Executive Officer to communicate the confidential information to the extent necessary to give effect to the resolution.

Attachments

- 1 [↓](#) Attachment A - Copy of Council Resolution - 15 Dec 2020
- 2 [↓](#) Attachment B - Public Notice
- 3 [↓](#) Attachment C - Letter of Support dated 16 April 2021
- 4 [↓](#) Attachment D - Diagram of triangle land

Attachment 1 - Attachment A - Copy of Council Resolution - 15 Dec 2020

Confidential Council Meeting Minutes – 15 December 2020

5.1 Sandeman Place Fitzroy

This item is to be considered in closed session in accordance with Section 89 (2) ((3)(1)(e)) of the Local Government Act 1989, to allow consideration of:

((3)(1)(e)) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Reference	D20/168343
Author	George Vass - Senior Coordinator Property Services
Authoriser	Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) notes the report;
 - (b) determines which of the suggested options/pathways it would wish to pursue and then so authorises that option/pathway and the appropriate associated steps; and
 - (c) determines, pursuant to section 125(2) of the Local Government Act 2020, that:
 - (i) this resolution should be publicly available; and
 - (ii) the remainder of the confidential information in this report should be publicly available for the limited purpose of communicating the effect of this resolution to the extent necessary to give effect to it; and
 - (d) authorises the Chief Executive Officer to communicate the confidential information to the extent necessary to give effect to the resolution.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Jolly

1. That Council:
 - (a) notes the report;
 - (b) agrees to consider declaring the NUA Land to be a public highway under section 204(1) of the Local Government Act 1989 (making it a public highway for the purposes of the Road Management Act) subject to Council undertaking a formal decision making process and giving public notice pursuant to sections 207A and 223 of the Act (or equivalent provisions under the Local Government Act 2020 as applicable);
 - (c) determines, pursuant to section 125(2) of the Local Government Act 2020, that:
 - (i) this resolution should be publicly available; and
 - (ii) the remainder of the confidential information in this report should be publicly available for the limited purpose of communicating the effect of this resolution to the extent necessary to give effect to it; and
 - (d) authorises the Chief Executive Officer to communicate the confidential information to the extent necessary to give effect to the resolution.

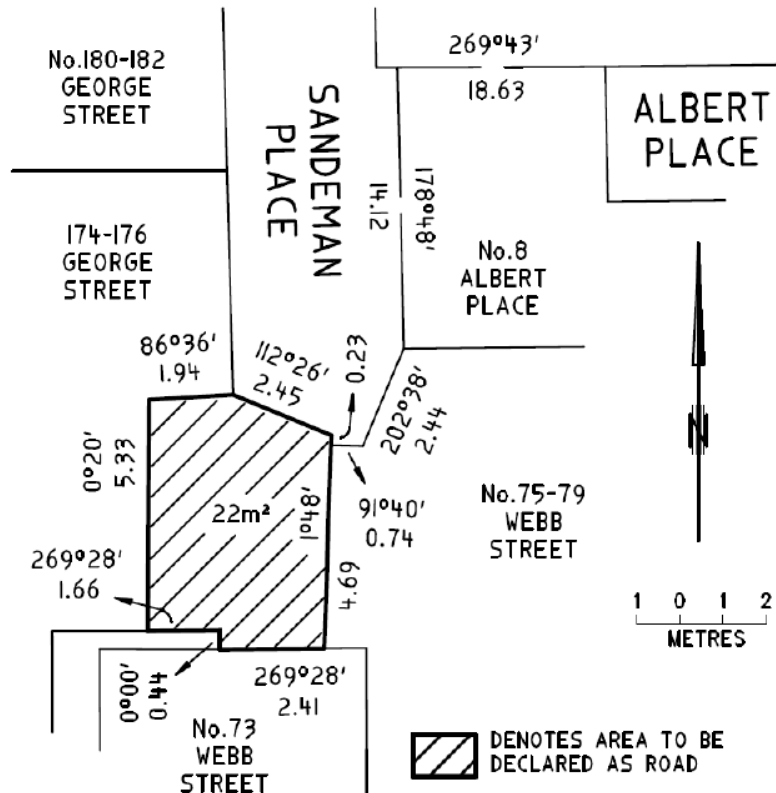
CARRIED

Attachment 2 - Attachment B - Public Notice

YARRA CITY COUNCIL
PROPOSED PUBLIC HIGHWAY DECLARATION
PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223



Yarra City Council (**Council**) gives notice under section 204(1) of the *Local Government Act 1989* (**Act**) that it proposes to declare the land abutting Sandeman Place, Fitzroy shown hatched on the plan below, being 'hiatus land' not contained in any certificate of title, to be a public highway.



Any person may make a submission on the proposal.

Any person wishing to make a submission under section 223 of the Act must do so in writing by Friday 16 April 2021.

All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond or posted to the following address:

Vijaya Vaidyanath, Chief Executive Officer,
 Yarra City Council - PO Box 168, RICHMOND VIC 3121

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

For more information on the proposal, please contact George Vass on 03 9205 5097 or George.Vass@yarracity.vic.gov.au.

Vijaya Vaidyanath, Chief Executive Officer, Yarra City Council

[8221324: 29028029_1]

Attachment 3 - Attachment C - Letter of Support dated 16 April 2021

Vijaya Vaidyanath
Yarra City Council Chief Executive Officer.
Yarra Council Municipal Office
333 Bridge Road,
Richmond 3121

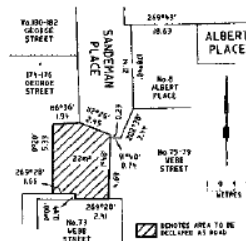


16th April 2021

Dear Ms Vaidyanath,

RE: Yarra City Council proposal to declare the land abutting Sandeman Place to be a public highway

We write to you to submit our support for Yarra City Council's proposal to declare the land abutting Sandeman Place (the NUA land), Fitzroy shown hatched on the plan below, being 'hiatus land' not contained in any certificate of title, to be a public highway.



The residents at 73, 75, 77, 79 and 79A Webb St and other local residents, have used Sandeman Place and the NUA in question to access their homes for over 30 years. Statutory Declarations confirming the use of the land as open public access are attached - this forms part of the evidence that this land has had dedication for public use.

We believe that as the NUA land has been used by the community of Yarra for more than 30 years it should remain open and not be given to individual residents and developers for their personal and exclusive use or for their financial benefit.

The residents of 174 George St erected a fence over the NUA in early 2020 which has resulted in prohibiting free access to residents into and out of their homes.

We appreciate Council's consideration of this submission.

Kind regards,

[Handwritten signatures of Alex Clarke, Sophie Foley, Greg Rodwell, Zoe Szwarcbord, Miriam and Daniel Ingvarson, Denise Aggerbeck, and Tony Douglas]

Alex Clarke and Sophie Foley, 73 Webb St, Fitzroy
Greg Rodwell and Zoe Szwarcbord, 75 Webb St, Fitzroy
Miriam and Daniel Ingvarson of 77 Webb St, Fitzroy
Denise Aggerbeck, 79 Webb St, Fitzroy
Tony Douglas, 79A Webb St, Fitzroy

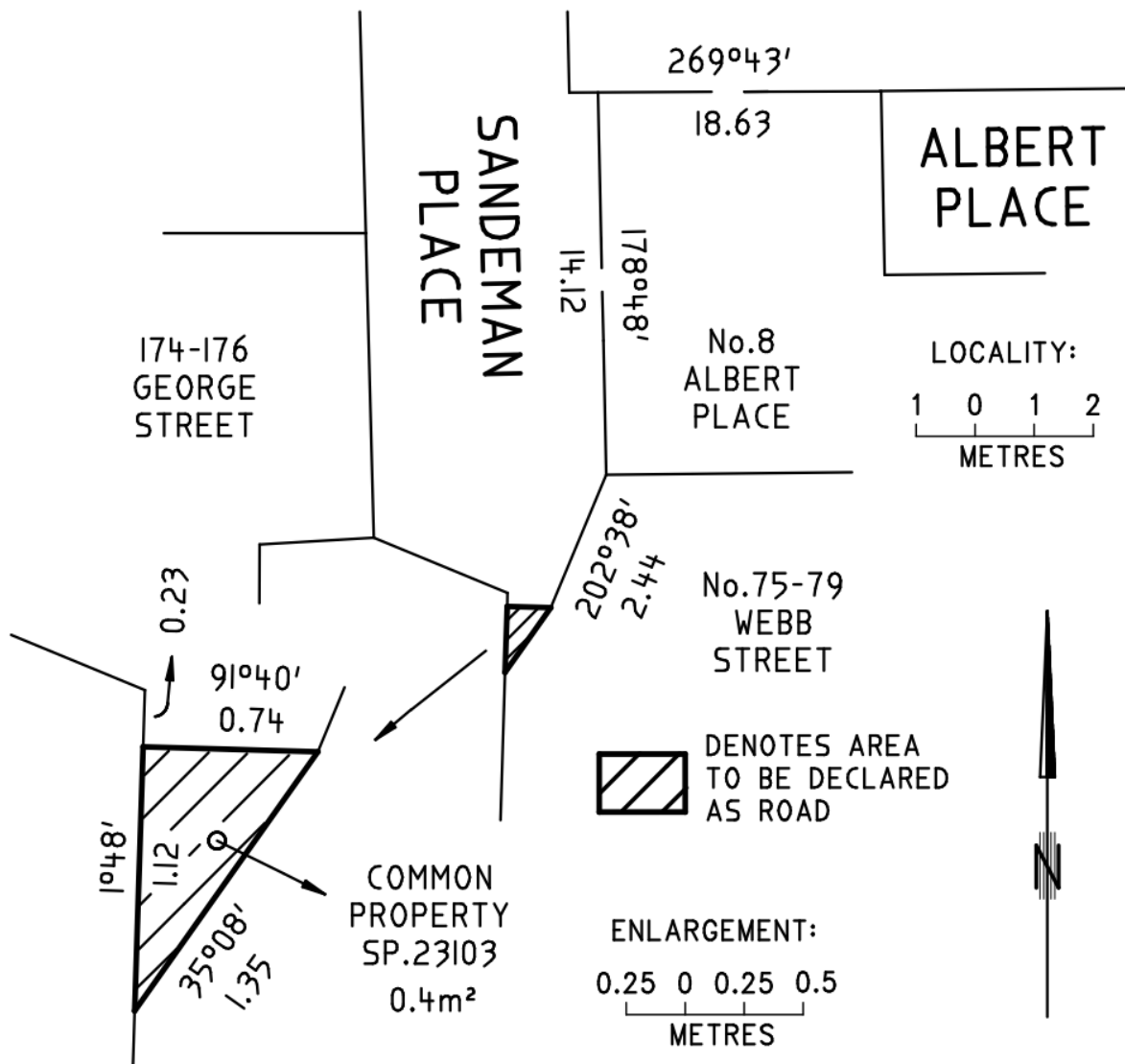
Attachment 4 - Attachment D - Diagram of triangle land

**DIAGRAM FOR ADVERTISING PURPOSES
FOR ROAD DECLARATION
PART OF COMMON PROPERTY IN SP.23103
No.75-79 WEBB STREET, FITZROY**

SURVEYORS REFERENCE: 8426-SP-AD
DATE: 26-FEB-2021



LISCAD FILE: 8426-GAZ.lcd
AUTOCAD FILE: 8426-GAZ.dwg



8.2 Fitzroy North Primary School

Executive Summary

Purpose

To facilitate the statutory process required for Council to consider discontinuing a right of way (ROW) that has been occupied by the Fitzroy North Primary School for many years and that now inhibits a \$9 million upgrade of the school facilities.

More particularly, Council is being asked to consider an offset of the market value of land underlying the ROW given the benefit of the proposed school upgrade to the Fitzroy community and to reflect this intention in a public notice for the statutory discontinuance process.

Key Issues

- (a) Risk that the \$9 million Fitzroy North Primary School upgrade may not proceed because of an old ROW that bisects the school site; and
- (b) Government's request that Council supports an offset in the value of underlying land if the ROW is discontinued given Government's \$9 million investment in the school community.

Financial Implications

A consideration regarding a potential loss in realising capital from the sale of land and the potential loss of \$9 million allocated for the upgrade to the Fitzroy North Primary School.

PROPOSAL

That Council agrees to consider the discontinuance of the ROW and subsequent vesting of the underlying land in the Minister for a token amount; offsetting the market value of the underlying land given Government's proposed \$9 million investment of the Fitzroy North Primary School and that this proposal is reflected in a public notice inviting submissions from the community.

8.2 Fitzroy North Primary School

Reference	D21/37863
Author	George Vass - Senior Coordinator Property Services
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To advise Council that \$9 million of construction funding for a significant upgrade at the Fitzroy North Primary School is at threat because of an underlying right of way that bisects the site and precludes development; and,
2. To request Council support for an offset of the market value of the underlying ROW to be determined by the City Valuer given the benefits of Government's \$9 million investment in the school community should Council elect to proceed with the statutory discontinuance process.

Critical analysis

History and background

3. The Fitzroy North Primary School (FNPS) has secured \$ 9 million of construction funding that is at threat because of an underlying right of way that bisects the school site and precludes development over the road.
4. The funding allocation of \$9 million is to modernise the teaching spaces within Block A to achieve a fit for purpose teaching building that reflects modern educational principles. Improved landscaping across the site, drainage and sewer works as well as the creation of interactive outdoor spaces are to be included as part of the scope.
5. \$900K of the \$9 million of construction funding has already been allocated under the FY20 State Budget for planning and design of the school project. The FNPS site is shown outlined blue on the plan attached (refer to Attachment A – Locality Plan).
6. The FNPS has frontage to Alfred Crescent and originally only extended north to the southern leg and eastern projection of Austin Way; abutting the southern boundary of a Right of Way (ROW) shown coloured red on the Locality Plan and which extends from Austin Way to Fergie Street.
7. Subsequently, 21 properties north of the ROW were purchased by the State and incorporated into the FNPS site and an expansion of facilities into the land north of the ROW land resulted in the long-standing exclusive occupation of the ROW by the school together with the original landholding.
8. The proposed upgrade and development of the school requires building over the ROW which is identified on Council's Register of Public Roads although Council may wish to consider the basis on which it has concluded that the ROW is a 'Public Highway' as defined by the Road Management Act 2004 (RMA).
9. Despite the long-standing exclusive occupation of the ROW by the FNPS being an important consideration, it is not in itself sufficient to defeat the ROW status as initially relied upon by the Victorian School Building Authority (VSBA). This was a late discovery by the VSBA undertaking due diligence on behalf of the Minister but clearly explained by the City Valuer to the FNPS council member/s as was the process for removing a public highway from the Register of Public Roads and discontinuing the ROW to facilitate disposition of the underlying land.

Discussion

10. The social return on investment on Government's \$9 million investment in the FNPS is a substantial commitment and one that will benefit students, families and the school community environment. While it is difficult to undertake a before and after analysis (perhaps reflected as an economic analysis), and to determine whether Government's investment has yielded benefits and outcomes that equate or exceed \$9 million, academic experts in economic early childhood policy evaluation suggest that the community benefit to cost ratio may be as high as 12:1.
11. Council officers have assessed whether it is appropriate for Council to consider removing the ROW from the Register under section 17(4) of the RMA, on the basis that:
 - (a) the ROW is wholly enclosed within, and has been used as part of, the FNPS for a number of decades, and is therefore not available for public use; and
 - (b) the ROW is no longer reasonably required for general public use.
12. Although a sale of land from Council to a Government entity is usually exempt from the obligation to comply with section 189 and 223 of the LGA89, this exemption does not apply in this case because section 207A of the LGA89 (rather than section 189) requires Council to comply with s223 in respect of all proposals to discontinue and sell a road. While the statutory public notices under the LGA89 are still required to be met in respect of road discontinuances (the road discontinuance process has not otherwise changed), the decision to publish a public notice under section 223 of the LGA89 can be made under delegation.
13. The Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land (dated June 2009 published by the then Department of Planning and Community Development), provide that a council should not sell for less than market value assessed by a valuer engaged by Council, unless there are circumstances to explain the decision to accept a price less than market value.
14. The circumstances in support of vesting the underlying land in the Minister for a token value if Council resolves to discontinue the ROW following the statutory discontinuance process can be justified because:
 - (a) It is apparent that the benefits to the community as a result of Government's \$9 million investment in the FNPS are likely to far-exceed the underlying value of the land as determined by the City Valuer;
 - (b) The proposal to discontinue the ROW and sell the underlying land to the Minister is exempt from the requirement that Council is to obtain a market valuation; and,
 - (c) The scope of the FNPS upgrade works is substantial and any offset could be reflected as a contribution by Council towards the upgrade works for its community.
15. The Corporate, Business and Finance directorate is responsible for managing the statutory process for discontinuance of roads and sale of the underlying land and early investigation work has commenced under the delegated authority of the Chief Executive Officer. The due diligence with regards to the establishment of market value of the underlying land is overseen by City Valuer under the directorate and does not include the consideration of any set-off in the purchase price as a result of investment by Government in the FNPS. It is for this reason that the Property Services Unit under the CEO Office is acting as an advocate; seeking to secure Council support to vest the underlying land in the Minister for a token amount should Council resolve to discontinue the ROW.
16. Should Council's support be granted, it is expected the City Valuer would include details of the ROW and Council's intention to offset the market value and to vest the underlying land in the Minister for a token amount in the public notice.

Options

17. Option 1 – Council supports the placement of a public notice to consider the discontinuance of the ROW and subsequent vesting of the underlying land in the Minister for a token amount.
18. Option 2 - Council supports the placement of a public notice to consider the discontinuance of the ROW and subsequent vesting of the underlying land in the Minister for its market value; provided that Government is willing to purchase the underlying land for same.
19. Option 3 – Council does not support the process to discontinue the ROW and directs officers to cease all endeavours and to advise the Victorian School Building Authority.

Community and stakeholder engagement

20. The statutory process for Council to consider discontinuing the ROW and vesting the ROW in the Minister includes the inviting of submissions from the community that will be considered.

Policy analysis

Alignment to Council Plan

21. The proposal supports Community health, safety and wellbeing and is consistent with maintaining this focus in everything we do.

Climate emergency and sustainability implications

22. Marginally relevant.

Community and social implications

23. Significant.

Economic development implications

24. Relevant.

Human rights and gender equality implications

25. Relevant.

Operational analysis

Financial and resource impacts

26. The project is unlikely to proceed if Council does not recognise Government's investment in the community and offset the market value for the underlying land.

Legal Implications

27. Minor.

Conclusion

28. The proposed upgrade provides for a two-level extension to the southern end of Block A to provide additional teaching facilities and a new administration space. It includes the demolition of exterior stair and ramp and construction of new Amphitheatre and undercover canopy. The reconfiguration of the internal floorplan of Block A and refurbishment of existing classrooms to modernise the teaching spaces is also included as is the creation of outdoor landscaped learning trails and play spaces. The proposed works also include a reconfiguration of existing spaces within Block B to create an extra classroom.
29. The benefits to the community of Government's \$9 million investment far exceed the underlying market value of land currently occupied by the ROW that is inhibiting the progression of the upgrade works.

30. The placement of a public notice whereby Council will consider the discontinuance of the ROW and subsequent vesting of the underlying land in the Minister for a token amount is justifiable and support for same or otherwise can be provided by the community as part of the statutory discontinuance process.

RECOMMENDATION

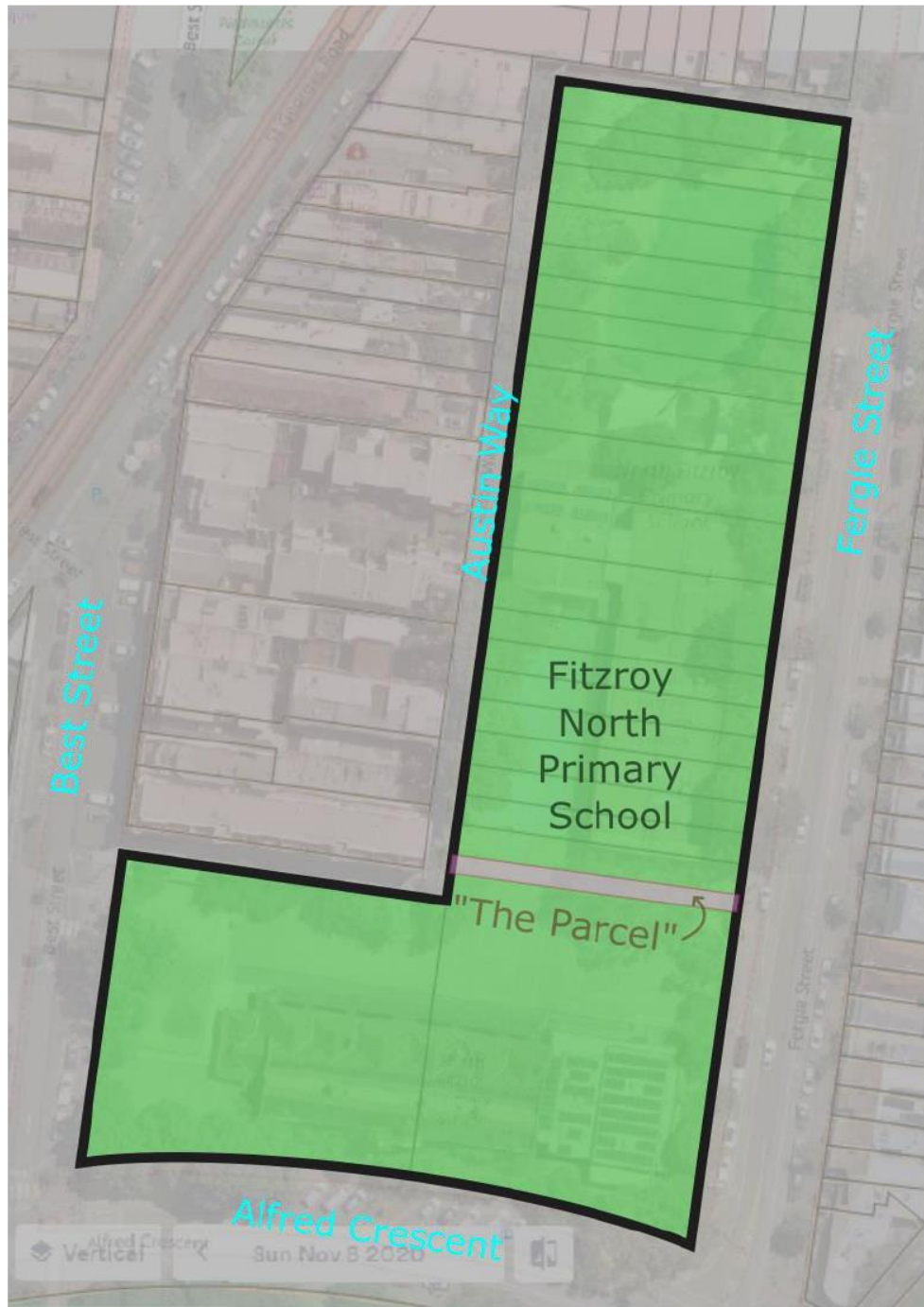
1. That Council resolves to support the placement of a public notice to consider the discontinuance of the ROW and subsequent vesting of the underlying land to the Minister for a token amount, offsetting the market value of the underlying land, given the Government's proposed \$9 million investment of the Fitzroy North Primary School.

Attachments

- 1 [↓](#) Attachment A - FNPS - Locality Plan and Survey

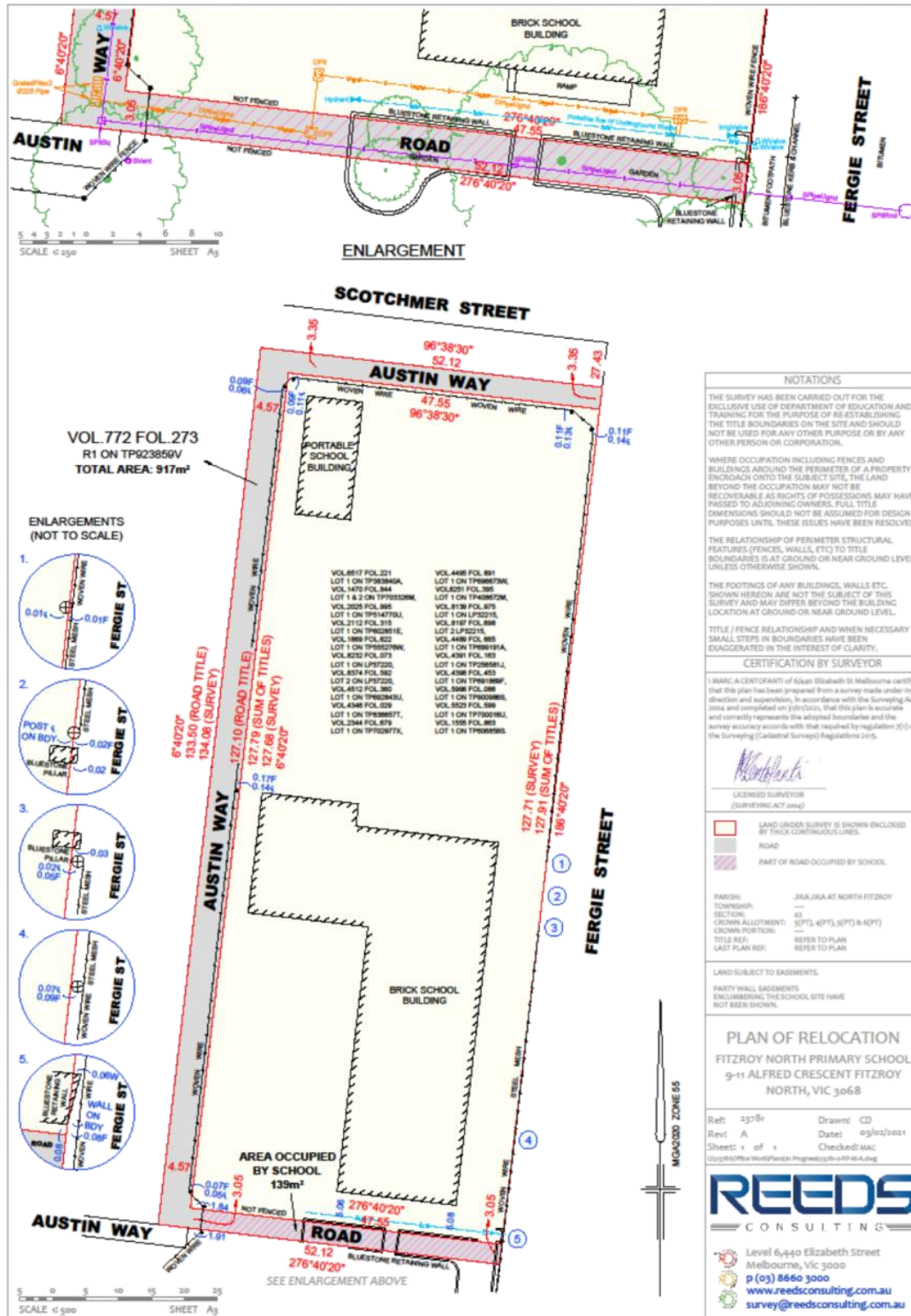
Attachment 1 - Attachment A - FNPS - Locality Plan and Survey

Attachment 1a: Location of “the Parcel” affected by road status within Fitzroy North Primary School at February 2021



Attachment 1 - Attachment A - FNPS - Locality Plan and Survey

Attachment 1b: Re-establishment survey locating boundaries of “the Parcel” (labelled as “ROAD”)



8.3 Initiation report Community Partnerships Grants

Executive Summary

Purpose

To provide an overview and seek endorsement of the process, objectives, priority areas and assessment procedures for the Community Partnership Grants 2022-2026; and outline and seek endorsement of the budget for this grant program.

Key Issues

The Community Partnership Grants provide four years of funding (from 2021-2025) for projects that benefit people from disadvantaged backgrounds, increase community participation and support the health, wellbeing and connectedness of Yarra residents. The grants are a closed round (i.e. by invitation only) to ten recipients with historical ties to Council. It is proposed the grants open in May and close in June for projects commencing in July 2021 and concluding in June 2025.

Financial Implications

The per annum budget is \$455,000 and the grants will continue for four years from 2021/22 to 2024/25 with a CPI increase each year.

PROPOSAL

That the Council endorses the guidelines and process for the Community Partnership Grants 2022-2026. Notes the amount of \$455,000 per annum to the grant program, subject to the approval of the 2021/2022 budget and subsequent budgets until 2024/2025.

8.3 Initiation report Community Partnerships Grants

Reference	D21/33357
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Manager Social Strategy and Community Development

Purpose

1. To provide an overview and seek endorsement of the process, objectives, priority areas and assessment procedures for the Community Partnership Grants 2022-2026; and outline and seek endorsement of the budget for this grant program.

Critical analysis

History and background

2. First delivered in 2005, the purpose of the Community Partnership Grants (CPG) program has largely remained the same over time: to fund projects centred on an important, unique and enduring partnership between Council and community organisations, focussing on more substantial projects that address major strategic priorities of Council.
3. In 2015, Council's Community Grants Unit engaged funding and grants specialists, GrantsPro, to conduct an independent review and evaluation of the CPG program. The review found that the program has achieved a range of outcomes in the community, and the Council should maintain its commitment to the CPG program and retain the strong and unique narrative around Council's commitment to achieving social justice outcomes through a partnership approach.
4. The grants are by invitation only. The current grant recipients will be invited to reapply for the continuation of their grant. Many of the grants pay for project workers to run the projects. Below is a list of the current grant recipients.

Applicant	Project Title	2020/21 grant
Launch Housing	Indigenous Recreation Program	\$54,106.54
Melbourne Aboriginal Youth Sport and Recreation	MAYSAR Future Building Project	\$52,283.92
Collingwood Toy Library	Nurturing children and community through play	\$13,267.57
Richmond Toy Library	Richmond Toy Library - Inclusive Toy Box	\$13,267.57
cohealth	Refugee and Asylum Seeker Support Program	\$23,350.00
Yarra Drug and Health Forum	Yarra Drug and Health Forum	\$24,201.18
Collingwood Children's Farm	Young Farmer's Program	\$66,923.42
Save the Children Australia	Mobile Toy Library	\$13,267.57
cohealth	Aboriginal Access and Engagement	\$40,535.72
cohealth	Billabong BBQ and Foodshare	\$53,433.12
Fitzroy Legal Service	Access to Justice: Free evening legal advice service	\$69,743.61
Princes Hill Community Centre	Fostering Community Involvement	\$31,370.35
	TOTAL	\$455,750.57

Discussion

5. There are no points of discussion.

Options

6. The options are to approve or not approve the continuation of this grant for the next four years. If it is not approved, consideration would need to be made on whether funding would be redirected and if so, to where.

Community and stakeholder engagement

7. There is ongoing discussion and consultation with the grant recipients about the programs. Each year they provide a comprehensive acquittal as well as a project plan for the coming year. We also provide training to the grant recipients on a range of topics including project planning and how to manage their grants. There is also discussion with Council officers around providing additional support to the projects in consultation with the grant recipients.

Policy analysis

Alignment to Council Plan

8. The 2017 - 2021 Council Plan closely guides the Community Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community.
9. Four of the seven key objectives of the Council Plan relate to the Grants Program:
 - (a) *Community health, safety and wellbeing are a focus in everything we do:* The Community Grants Program provides a flexible and responsive source of funds to support projects and initiatives within the not for profit community sector. The program supports Council's commitment to social justice and social inclusion principles and provides support to communities living in Yarra's public housing estates. Many of the grants address social issues which improve community health and safety by seeking to resolve some of the urban problems of poverty, drug addiction and family violence;
 - (b) *Inclusion, diversity and uniqueness are welcomed, respected and celebrated:* The grants prioritise indigenous projects and the program provides support for community groups to offer inclusive and diverse activities, services, information and cultural celebrations, particularly in the arts and cultural and community development stream;
 - (c) *Council leads on sustainability and protects and enhances its natural environment:* The grants provide support to local community groups to engage in environmental sustainability and all applicants are asked to consider the environmental impact of their project; and
 - (d) *Transparency, performance and community participation drive the way we operate:* Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having a diverse grants program, Yarra's grants have been an innovative means of connecting with and supporting local communities and involving them in the decision-making process.

Climate emergency and sustainability implications

10. All grant applicants are encouraged to consider the environmental impact of their projects and ways in which to minimise their ecological footprint. All applicants, regardless of which grant round they are applying for, are asked to consider ways of reducing and/or re-using resources.
11. All applicants are encouraged to submit their applications online, reducing the need for printed forms. The Guidelines will also be available online. The assessments, both internal and external, will also take place online.

Community and social implications

12. The four-year Community Partnership Grants support community engagement activities which utilise both Council contributions and community organisation contributions. The impact of these activities for Council is expected to establish and strengthen partnerships and relationships, provide support and resources to the community, contribute to Council's strategic objectives and gather valuable information about emerging and long-term issues.

13. It is also expected to provide sector development within the community, strengthening community organisations and the community as a whole, and developing an increasingly agile and responsive community. Ultimately, the impact of this program is to develop and empower a self-determining community, providing a positive approach to the resolution of social issues while fostering vibrant and diverse cultural activities through Yarra.

Economic development implications

14. The grants strengthen the community sector through providing a flexible and responsive source of funds to community-based Not-for-Profit organisations. Funding is used to support projects that deliver the outcomes outlined within the Council Plan, target the areas of highest need within the community, and ultimately aim to improve the long-term economic outlook for local individuals, families and businesses through strengthening the capacity of local organisations.
15. These grants redistribute funds to those less advantaged in the community. Projects that are funded to support Aboriginal people, new arrivals, young people and families through skills development or projects that support service coordination also have an indirect economic benefit.

Human rights and gender equality implications

16. The Community Grants Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively support people to participate in and contribute to their community.
17. The grants are gender neutral and will support both people from both sexes equally.

Operational analysis

Financial and resource impacts

18. The per annum budget is \$455,000 and the grants will continue for four years from 2021/22 to 2024/25 with a CPI increase each year. The Community Grants Unit (2 EFT) run a suite of grants including the Community Partnership Grants. Monitoring and administering these grants form a core part of their responsibilities.

Legal Implications

19. The grants program enables Council to achieve some of the basic tenets of the *Local Government Act 1989*:
 - (a) Section 3C to promote the social, economic and environmental viability and sustainability of the municipal district;
 - (b) Section 3D fostering community cohesion and encouraging active participation in civic life; and,
 - (c) Section 3E planning for and providing services and facilities for the local community.
20. Council has not sought legal advice in relation to the grants program this year.

Conclusion

21. The Community Partnership Grants remain a key way for Council to invest in community through a responsive community-focused program. A significant investment of resources is allocated for this purpose with strong outcomes in the community.

RECOMMENDATION

1. That Council:
 - (a) endorses the guidelines for the Community Partnership Grants 2022-2025;
 - (b) approves and supports the purpose of the grants and the nominated grant applicants to be invited to apply to the program; and
 - (c) notes the amount of \$455,000 per annum for four years (+CPI) beginning in 2021/2022 and ending in 2024/2025 subject to the usual budget approval process.

Attachments

- 1 [↓](#) Community Partnership Grant Guidelines 2021-2025

Attachment 1 - Community Partnership Grant Guidelines 2021-2025



Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Introduction – Why does Council provide these grants?

The Community Grants Program is one of the major ways in which Council supports the strategies presented in the Council Plan. The Council Plan provides guidance on how Council will respond to the opportunities and challenges the municipality faces. The Council Plan can be found at: <https://www.yarracity.vic.gov.au/about-us/council-information/council-plan>

The purpose of the Community Partnership Grants (CPG) program is to support Council in achieving the Strategic Objectives of the Council Plan, to support community organisations through strategic partnerships, to develop a positive approach to the resolution of social issues, and to maintain a high level of accountability and transparency for Council with regards to funding.

The four-year Community Partnership Grants support community engagement activities which utilise both Council contributions and community organisation contributions. These activities will yield data such as leveraged funding, client participation, additional services providers, strategic information, as well as providing exposure for Council.

The impact of these activities for Council is expected to establish and strengthen partnerships and relationships, provide support and resources to the community, contribute to Council's strategic objectives and gather valuable information about emerging and long-term issues. It is also expected to provide sector development within the community, strengthening community organisations and the community as a whole, and developing an increasingly agile and responsive community.

Ultimately, the impact of this program would be to develop an empowered and self-determining community, providing a positive approach to the resolution of social issues while fostering vibrant and diverse cultural activities through Yarra. It will also improve the organisational resilience and capacity of both Council and community organisations, providing a high level of accountability and transparency with regards to funding and the ability to identify and respond effectively to emerging and long-term issues.

The CPG Program runs on a financial year basis. The next round begins on July 1 2021, and will run for four years (2021/22, 2022/23, 2023/24, 2024/25). Funding for each financial year is subject to Council's budget approval.

CPG are for projects that are based on an invaluable, unique and enduring partnership between Council and community organisations. Funding is provided either as operational funding, or for specific programs. This program acknowledges the recurrent nature of a number of partnership projects and provides greater security for the community organisation, and maintains a high level of accountability and transparency of funding for Council. As a result of this the CPG is a targeted and non-contested grants program, whereby Council determines (based on set criteria) who to invite to the program.

To be invited to apply for a CPG each group had to demonstrate:

- The organisation has strong systems and processes
- There is still a need for the project
- The organisation works in partnership / collaboratively
- The project aligns with Council's current priorities
- The project aligns with the sector's direction
- The organisation is the best, or only provider, of the service
- The project plan and budget for the next four years appears realistic.

Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Inclusion in the current CPG round does not guarantee inclusion in any future rounds.

Key dates for Community Partnership Grants 2021-2025

Grant round opens	11 May 2021
Applications Close	30 May 2021
Announcement of grant outcomes	30 June 2021
Funding agreements to be returned by successful applicants	July 2021
Grants paid by Electronic Funds Transfer	July/August 2021
Projects Commence	July 2021

Application Process

Applicants are required to submit their application and any supporting documentation using the SmartyGrants online form. The link to the form will be emailed to applicants when it becomes available on 11 May. Applicants will need to use the specific link emailed, as the form will not be available through the City of Yarra SmartyGrants page. However, once an application has been started, applicants will still be able to access their form in progress and after it has been submitted from their SmartyGrants account, accessible at cityofyarra.smartygrants.com.au.

Assessment Criteria

All applications will be assessed on their ability to meet the following criteria:

- capacity of the applicant to deliver on project outcomes;
- clearly defined project aims;
- clearly defined project plan;
- clearly defined measures of success;
- alignment with Council plans;
- evidence of community need;
- expected community benefit;
- community participation and consultation where appropriate; and
- a complete and realistic budget.

Applicant Eligibility Criteria

Applicants for Community Partnership Grants must meet the following eligibility requirements. Please note that ineligible applications will not be assessed.

Eligible Applicants

Community Partnership Grants Applicants must be:

- Invited to apply for the Community Partnership Grant round;
- not-for-profit, incorporated organisations/community groups and have an active ABN **or** meet one of the following specific exceptions:
 - unincorporated not-for-profit community groups can have their application auspiced by an eligible incorporated organisation or Neighbourhood House;
- Applicants must have acquitted previous Council grants and have no outstanding debts to Yarra City Council;
- Adequate public liability insurance, working with children checks, WorkCover and superannuation coverage are required to be held by all funding recipients;
- All required supporting material to be submitted when applying.

Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Eligible Projects

- Applicants must be locally based and/or applying for a program, service or activity that is of benefit to the Yarra community;
- Programs must have a public outcome in the City of Yarra;
- Programs must take place throughout 1 July 2021 to 30 June 2025.

Projects that are not eligible

- A program that is considered the responsibility of State or Federal Government;
 - e.g. Core school curriculum activities;
- Activities that take place outside the City of Yarra (including touring costs), unless part of an ongoing project with a proven and direct benefit to the Yarra community;
- Building, capital works or facility maintenance works, unless exempted above;
- Ongoing staff salaries or administration costs not specific to the project;
- The purchase of equipment only. Equipment may be purchased as part of a broader project;
- Activities that are sponsored by gambling businesses or take place at inappropriate venues;
- Projects with the singular purpose of promoting religion or that may be perceived as for the purpose of proselytizing;
- Individual training, study or academic research in Australia or overseas;
- Applications that are solely for attending forums, workshops and conferences;
- Competitions (other than one-off sporting events);
- Prize-events, award exhibitions or exclusively fundraising events;
- Applications to fund projects retrospectively;
- Neighbourhood Houses are funded through Council's Neighbourhood House Funding Program therefore are not eligible to apply directly for support, however they are able to apply as an auspice for another community group

Organisations that are not incorporated

An organisation that is not incorporated must have their application 'auspiced' by an incorporated organisation. An auspice organisation is an incorporated organisation that applies for a grant on behalf of a group that is not incorporated.

Applications can now be submitted directly by groups being auspiced. Be advised that you will still need to provide information from the auspice organisation including: their contact details, ABN, and Financial Report. All paperwork and funds will be signed by and distributed to the auspice organisation.

The auspice organisation is accepting responsibility for the application. If the application is successful, the auspice organisation will be required to enter into the Funding Agreement with Council and grant money will be paid directly to the auspice organisation.

Auspice organisations may charge a grants administration fee to perform this role, acknowledging their contribution and responsibility. This fee is to be negotiated by the two parties. This grants administration fee needs to be listed in the submitted project budget. Auspice organisations are also asked to list their in-kind support provided to the organisation in the project budget.

It is recommended that an Auspice Agreement be entered into between the Auspice Organisation and the Applicant Organisation. Issues to be considered in an Auspice Agreement can be found at www.pilch.org.au/auspicing.

Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Goods and Services Tax (GST)

GST will apply to your grant if your organisation is registered for GST with the Australian Tax Office (ATO). In these cases Council will add 10% to the grant for the GST. Where a grant applicant is not registered for GST, tax does not apply to the grant. Grants are considered taxable income by the ATO. For further information visit www.ato.gov.au

Collaborative Approaches

Council encourages all applicants to consider collaborating on projects that work towards a common goal or support a common target group. We encourage groups to work together, learn from each other's experience and avoid unnecessary duplication.

Accessibility

All applicants are encouraged to consider how their organisation and project will be accessible and inclusive of people with a disability. For ideas on how to make your program, project, or event more flexible please see the accessibility guide on the Annual Grants website at: www.yarracity.vic.gov.au/services/Community-Planning/Community-grants/annual-grants-2016. For more information contact Laurice Younge Metro Access Officer on 9205 5414.

Environmental Impact

All applicants are encouraged to incorporate activities that improve the sustainable outcomes of their projects. For more information contact Kelly Heffer, Local Sustainability Facilitator, on 9205 5769.

How to Apply

It is a requirement that you contact the Community Grants Team to discuss your project before you commence working on your application. The Grants Team will then be able to refer you on to the Council Contact assigned to your grant application. The Grants Team can be reached on 9205 5170.

Only applicants invited by Council are eligible to apply. Applicants are required to submit their application and supporting documentation using the SmartyGrants online form. The link to access this form will be emailed to all invited applicants. We will be using the most recently supplied contact information. If you believe this needs to be updated to a different contact person, please contact us as soon as possible.

Prepare a Grant Application

When preparing your grant application, please consider the following important components:

- Begin your application as early as possible. It is highly recommended to submit your application before the due date. The grant round closes strictly at 11:59pm on 30 April 2021, and we are unable to accept late applications.
- Ensure that you have a clear idea about what it is that you want to do and how you are planning on doing it.
- Ensure that you state in your project description what the actual project is. Describe the event/activity/program, so that it is clear what you want to do, and why you want to do it.
- Be as precise as possible. The assessors are aware that your project may still be in the planning stage, and that definite plans are not always possible until funding is secured. However, you can still clearly state what your intentions are and, if needed, adjust the project plan through a Project Variation if your grant is successful.
- If your project involves partnering with another organisation, it is useful to show some evidence of that partnership, such as a letter of support.

Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Prepare a Program Budget

Applicants will be required to provide a program budget for year one of the grant. When preparing a budget for your program please consider the following important components:

- It is important that all costs are realistic and justified for the proposed program;
- Staff costs and equipment must be part of an overall budget to help demonstrate the capacity to achieve the outcomes for the project;
- Due to the limited funding, successful applicants may not be granted the full amount they request. A smaller amount may be recommended if the project is still viable. Therefore it is important to ensure that your budget is as detailed as possible so that Council can be clear on which items they are supporting;
- If you have applied for other funding for your project, please note this in your budget and mark whether the funding is confirmed or unconfirmed.

Attachments and Support Material

All organisations must upload a copy of the organisation's most recent Annual Report, including their annual financial statement to their Community Partnership Grant application. For most organisations, this will be the 2019/2020 Report. If your application is being auspiced, we only require a financial statement from the auspicating organization.

Applicants must also attach a copy of their Certificate of Current Public Liability Insurance.

Please scan and submit these and all other support materials with your online application.

Acquittal

To be eligible for a Grant, organisations must have acquitted all completed grants from Yarra City Council. Links to the appropriate acquittal forms are listed under each application in SmartyGrants. Please login to: cityofyarra.smartygrants.com.au and follow the links to the specific grant.

Please keep receipts for expenditure items over \$200 to upload into your online acquittal.

Changing or Ending a Community Partnership Grant

The CPG begins on July 1 2021, and runs for four years (2021/22, 2022/23, 2023/24, 2024/25). Funding for each financial year is subject to Council's budget approval. Programs must take place throughout 1 July 2021 to 30 June 2025.

Council understands that circumstances can change across the four year period, and that changes may need to be made in this time. If a grant recipient need to make significant changes to a CPG, they will need to complete a Project Variation Form through SmartyGrants. They will need to request for this form to be added. It is strongly recommended that they also discuss any proposed changes with the relevant Council Contact.

If a grant recipient has a significant change in circumstances and are no longer able to proceed with the CPG at all, it is possible to end the CPG as per the Funding Agreement that will be signed. This will require the grant recipient to submit notification in writing of their intention to end the CPG. Any spent funds will need to be acquitted, and unspent funds will be required to be returned.

If the conditions of the Funding Agreement (signed by both parties) are not being met, or if the grant recipient needs to vary the project to the extent that it no longer aligns with the Council objectives or the grant criteria, Council can suspend or terminate a CPG, and request the return of unspent funds.

The process for suspending and terminating a grant will be included in the Funding Agreement dispute resolution process.

Attachment 1 - Community Partnership Grant Guidelines 2021-2025

Inclusion in the current CPG round does not guarantee inclusion in any future rounds.

Submitting Your Application

11:59pm on Sunday 30 May 2021
No late applications will be accepted
You will be notified of the outcome on 30 June 2021

Applicants are required to submit their applications and supporting documentation using the online form. Typed, emailed, faxed or hard copy applications will not be accepted.

Please note that applications are not submitted online until you hit the **submit** button. After submitting your application you will receive an email acknowledging receipt of your application – it will have a PDF copy of your application attached for your records. This will be sent to the email address you used to register. *If you do not receive this email your application has not been submitted.* City of Yarra staff cannot view applications that have not been submitted.

You can return to <http://cityofyarra.smartygrants.com.au> at any time to view your application, but once it is submitted it cannot be changed.

8.4 Initiation Report Creative and Engage Yarra 2022-2023 Grant Program

Executive Summary

Purpose

To seek endorsement of the process, guidelines and assessment procedures for the multi-year Creative Yarra and Engage Yarra Grants 2022-2023 and seek endorsement of the budget allocation for this grant program over the next two years.

Key Issues

Creative and Engage Yarra provide two years of funding (from 2022-2023) for individual creative practitioners and organisations to deliver arts and cultural activities within the City of Yarra. Applications will open in May and close in June for projects commencing in January 2022 and concluding in December 2023.

Financial Implications

The per annum budget is \$230,000 and the grants will continue for two years from 2022 to 2023 with a CPI increase each year.

PROPOSAL

That Council endorses the guidelines and process for the Creative Yarra and Engage Yarra Grants 2022-2023. Notes the amount of \$230,000 per annum (plus CPI) to the grant program, subject to the approval of the 2021/2022 budget and subsequent budgets until 2023.

8.4 Initiation Report Creative and Engage Yarra 2022-2023 Grant Program

Reference	D21/36389
Author	Brona Keenan - Arts & Cultural Development Officer
Authoriser	Director Community Wellbeing

Purpose

1. To seek endorsement of the process, guidelines and assessment procedures for the multi-year Creative Yarra and Engage Yarra Grants 2022-2023 and seek endorsement of the budget allocation for this grant program over the next two years.

Critical analysis

History and background

2. Yarra City Council's Arts & Culture Multi-Year Grants Program is a part of the Community Partnership Grants (CPG), offering cash and in-kind support for arts and culture programs within the City of Yarra over two and three year terms.
3. The Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
4. In December 2018 Council endorsed the Multi-Year Grants to be established across three streams:
 - (a) Creative Yarra (2 years, \$130,000 total pool);
 - (b) Engage Yarra (2 years, \$100,000 total pool); and
 - (c) Celebrate Yarra (3 years \$105,000 total pool).
5. *Engage Yarra* and *Creative Yarra* offer two years of fixed funding from January 2020 to December 2021 for individual creative practitioners and organisations to deliver arts and cultural activities within the City of Yarra.
6. *Celebrate Yarra* offers three years fixed funding from January 2020 to December 2022. This program is currently in the second year of a three-year funding cycle and not in the scope of this report.
7. *Creative Yarra* supports professional artists and arts organisations to produce and present new or existing work in any medium via funding that supports projects, programs, operations and/or administration.
8. The funding pool for *Creative Yarra* is \$130,000 per annum with a maximum funding ceiling of \$30,000 for organisations and \$15,000 for individual practitioners.
9. *Engage Yarra* supports activities that showcase, celebrate and promote local cultures, people, places and arts practice. It supports projects that enhance community participation and engagement in arts and cultural activities.
10. The funding pool for *Engage Yarra* is \$100,000 per annum with a maximum funding ceiling of \$30,000 for organisations and \$15,000 for individual practitioners.
11. The Arts & Culture Multi-Year Grants Program is designed to provide security and reduce administration costs to enable creative activity to be developed over a long period, support creative organisations to build greater capacity to deliver the best outcomes in our City.
12. The 2020-2021 program received 54 applications in total, of which 10 received funding.

13. In the 2020-2021 *Creative Yarra* program there were six successful applications:

Recipient/Project name	Grant per annum
un Projects : art + ideas	\$17,000
Centre for Contemporary Photography (CCP)	\$23,735
Liquid Architecture : Polyphonic Social; Polythinking; Ritual Community Music	\$20,000
Play On Arts Ltd	\$30,000
Mr Alister McKeich : Experiences of Homelessness – Photo Documentary Project and Outdoor Exhibition	\$15,000
Bus Projects	\$23,000

14. In the 2020-2021 *Engage Yarra* program there were four successful applications:

Recipient/Project name	Grant per annum
All the Queens Men : LGBTI+ Elders Dance Club and Victorian Seniors Festival events	\$30,000
Schoolhouse Studios : Schoolhouse Studios Community Knowledge Program (SSCK)	\$10,000
Drummond Street Services : Reach Youth Music Studios (RYMS)	\$30,000
Jesuit Social Services : Story Lab	\$30,000

15. The Yarra Arts Advisory Committee (YAARTS) is the formal mechanism for Council to enable community participation in arts and cultural planning and development and is comprised of a range of locally connected community members with diverse experience in the arts. This panel reviews the applications and makes recommendations to Council.
16. Details of the program process for the 2022-2023 round are as follows:
- (a) Grants open 9am Wednesday 5 May;
 - (b) The program will be advertised through various council channels including Yarra City Arts website, Instagram, e-news, Yarra Council grants information page and e-news;
 - (c) Grants close 11:59pm Sunday 13 June;
 - (d) Eligibility checks undertaken on submitted applications;
 - (e) Yarra Arts Advisory Committee (YAARTS) review of submitted applications;
 - (f) Assessment meeting of YAARTS to make selection of applications to recommend to Council;
 - (g) Report to Council 20 July noting recommendations of the panel for endorsement; and
 - (h) Notification to all applicants 21 July.
17. The timing of this program will allow for unsuccessful applicants to still have time to apply for the 2022 Annual Grant program if relevant to their project/proposal.

Discussion

18. The options are to discuss and recommend any changes to this grant, including the recommended grant guidelines and funding for the upcoming round.

Options

19. The options are to approve or not approve the continuation of this grant for the next two years. If it is not approved, consideration would need to be made on where the funding would be redirected.

Community and stakeholder engagement

20. The Arts & Culture Multi-Year Grants Program is managed by the Grant Teams at Yarra in close consultation with Arts and Cultural Services.
21. Recipients have direct contact with Council officers who provide varying levels of support and recipients provide reporting on an annual basis.
22. The impact of COVID-19 on 2020 programs saw officers supporting projects to adapt to the changed environment and still meet the objectives of the program.
23. Yarra Arts Advisory panel were provided opportunity to give feedback regarding guidelines and application forms for program.

Policy analysis

Alignment to Council Plan

24. This report relates to the following Council Plan objectives:
 - (a) A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do; arts and cultural initiatives create opportunities for community engagement, expression and connection. This program supports professional creatives and community members alike to participate in the arts through a range of experiences, as creative producers and /or consumers, promoting individual and communal wellbeing;
 - (b) An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated; the grants support activities that showcase, celebrate and promote local cultures, people, places and arts practice. Priority is given to proposals that enable collaboration and participation in strong creative projects between artists and non-artists, that value and highlight diversity and that encourage engagement with new audiences; and
 - (c) A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive; the grants facilitate and promote creative endeavour and opportunities for the community to participate in a broad range of arts and cultural activities. The grants support local creative economies, directly helping local creative organisations and individuals to maintain and grow their practices and these outcomes in turn draw people to the City of Yarra to engage in these and other experiences.

Climate emergency and sustainability implications

25. All supported projects are encouraged to adopt sustainable practices including but not limited to sustainable travel and sustainable waste management.

Community and social implications

26. The positive social outcomes of arts and cultural activity are accepted all over the world and have been substantiated by many research projects.
27. Participation in arts and cultural activity contributes to a sense of well-being, to identity and aspirations and enables community building and expression.
28. In Yarra, it connects with a strong sense of the City's identity; it reflects the vibrancy and diversity of our community. It is often cited as the palpable, yet irreducible quality that makes Yarra an attractive place to live, work and visit.

Economic development implications

29. Yarra is recognised as a home for the arts and creative industries are identified as one of the four key areas of Yarra's economy in the Yarra Economic Strategy 2020-2025.

Human rights and gender equality implications

30. The UN Declaration of Human Rights recognises the right to freedom of artistic expression and creation, which includes the right of all persons to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations.
31. The grants are gender neutral and have historically supported gender diversity through the range of projects supported.

Operational analysis

Financial and resource impacts

32. The grant program is currently budgeted at \$230,000 per annum for the two year cycle with a CPI increase for each year budget allowing.
33. The program is managed across Arts and Culture and Events Permits units and forms part of the core work of the units, directly supporting each recipient to responding to different levels of need.

Legal Implications

34. The Funded organisations and individuals enter into formal funding agreements with Council.

Conclusion

35. The Creative Yarra and Engage Yarra Grants multi-year program is designed to provide security and reduce administration costs to enable creative activity to be developed over a long period, support creative organisations to build greater capacity to deliver the best outcomes in our City.

RECOMMENDATION

1. That Council:
- (a) endorses the guidelines for the Creative Yarra and Engage Yarra Grant Program 2022-2023; and
 - (b) notes the amount of \$230,000 per annum for two years (+CPI) to support the program which commences 1 January 2022 and ends 31 December 2023, subject to the usual budget approval process.

Attachments

- 1 [📄](#) Creative and Engage Yarra 2022-23 Grant Guidelines

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

**City of Yarra
Creative Yarra
and
Engage Yarra
2022-2023 Guidelines**

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

National Relay Service
TTY 133 677 then (03) 9205 5055

REF: 18265

Languages	
中文	9280 1937
العربية	9280 1930
Ελληνικά	9280 1934
Italiano	9280 1931
Español	9280 1935
Tiếng Việt	9280 1939
Other	9280 1940

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

The City of Yarra is abundant with creative energy generated by a unique mix of talented people and diverse communities engaged in arts and culture. It is this collective energy that makes the municipality one of Australia's most productive arts and cultural centres and contributes to Yarra's unique identity.

Yarra's creativity is expressed in many ways and Council takes an active role in supporting a range of people and communities as they participate in, and contribute to, our creative culture. To this end, Council offers a number of funding initiatives that help to realise Strategic Objectives in the Council Plan.

Engage Yarra & Creative Yarra offers two years of fixed funding from January 2022 to December 2023 for individual creative practitioners and organisations to deliver arts and cultural activities within the City of Yarra. They are designed to provide security and reduce administration costs so that we can enable artistic activity to be developed over a two year period, support our creative community to build greater capacity and to deliver the best outcomes in our city.

Successful applicants are offered two years of funding, with a CPI adjustment in Year 2 (pending budget approval). Previously successful recipients can reapply, but each funding round is competitive and repeated success cannot be assumed. The maximum Year 1 grant amount for organisations is \$30,000. Individual applicants are able to apply for a maximum year 1 grant amount of \$15,000. Successful applicants may apply for other Council grants, but cannot hold multiple grants for the same activities.

Engage Yarra & Creative Yarra are open to organisations providing dynamic and valuable arts and cultural activities in the City of Yarra and prioritises those with a proven track record and well-articulated plans. Organisations may apply for operational and/or project funding. These streams are also open to individual creative practitioners who will need to demonstrate a commitment to realising a project or body of work over a two year timeframe and be able to clearly demonstrate the outcomes of this work in their proposal.

The proposed activities may take any art form but must be of high cultural and artistic merit and show a clear relevance with Yarra's community. Whilst innovation and dynamism are valued, the activity does not need to be new.

APPLICATION PROCESS

Applicants will submit a full application to be assessed by a community panel. The final decision is made by Council.

Application	Key dates
Applications open	Wednesday, 5 May 2021, 9am
Information sessions	TBC
Applications close	Sunday, 13 June 2021, 11:59pm
Final decisions advised	Wednesday, 21 July, 2021
Grant Funds paid	August 2021, after return of Funding Agreement
Funding period starts	1 January 2022

Yarra City Council reserves the right to change or amend dates should the need arise.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

FUNDING STREAMS

Council recognises the different attributes associated with specific areas of practice and as such asks that applicants elect the funding stream that most closely aligns with their proposal. Both streams are open for applications from individual practitioners and organisations (subject to eligibility criteria).

Engage Yarra supports activities that showcase, celebrate and promote local cultures, people, places and arts practice. It supports projects that enhance community participation and engagement in arts and cultural activities. Priority is given to proposals that enable collaboration and participation in strong creative projects between artists and non-artists, that value and highlight diversity and that encourage engagement with new audiences.

Creative Yarra supports professional artists and art organisations to produce and present new or existing work in any medium via funding that supports projects, programs, operations and/or administration. Priority is given to proposals that demonstrate outstanding artistic value and creative practitioners or organisations who present ideas that require longevity to be developed and realised.

COUNCIL CONTACTS

Applicants are advised to contact a council officer to discuss their project before submitting their application.

For Engage Yarra – Olivia Allen 9205 5038 and Penny Kyprianou 9205 5109

For Creative Yarra - Deb Kunda 9205 5089 and Brona Keenan 92055212

ASSESSMENT CRITERIA

Council will prioritise proposals that will rate highly across the following criteria.

A. CAPACITY

Practitioners, producers and/or administrators are highly/uniquely skilled and driven. This includes having:

- High quality artistic and/or cultural development practice;
- Proficiency in administration, project and/or production management;
- A commitment to rigorous process and exceptional creative outcomes;
- The organisational structure and/or demonstrated resources required to successfully undertake the proposed project or activities; and
- A complete, balanced, and realistic budget in your application.

B. RELEVANCE

The activity is connected to the City of Yarra and builds on local character in one or more of these ways:

- The applicant organisation(s) is located in Yarra;
- The creative practitioner(s) live or work in Yarra;
- The proposed activity takes place in Yarra – there must be a public outcome in Yarra to be eligible;
- The activity connects to Yarra by:
 - Engaging with members of the Yarra community;
 - Contributing to and reflecting local culture, identity and diversity;
 - Involving creative use of Yarra's venues, parks, streets, buildings – including Council owned and managed venues – studio spaces, theatrical spaces, live music venues or the public domain;
 - Involves issues or themes that are of relevance to the City of Yarra.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

C. OPPORTUNITY

Two year funding will make a significant difference in one or more of these ways:

- Creative impact and growth;
- Skills and knowledge development;
- The opportunity to experiment and explore a theme, idea or concept in depth;
- Personal and community impact, including relationships and partnership;
- Organisational and/or program development and sustainability.

ELIGIBILITY CRITERIA

Applicants for the Creative Yarra and Engage Yarra Grants must meet the following eligibility requirements. Please note that ineligible applications will not be assessed.

- The project must take place throughout 1 January 2022 and 31 December 2023
- All required supporting material to be submitted at the time of application;
- Applicants must have an active ABN*
 - Applicants that meet all other eligibility criteria but do not have an ABN can have their applications auspiced by an eligible incorporated organisation or neighbourhood house;
- Applicants must be a not-for-profit, incorporated community group (that is a group with a voluntary membership who come together to pursue a common goal) **OR** meet one of the following specific exceptions:
 - be a registered charity, public benevolent institution or have DGR status;
 - be a state government entity seeking funding for activities beyond those considered the responsibility of State or Federal Government;
 - unincorporated not-for-profit community groups can have their applications auspiced by an eligible incorporated organisation or Neighbourhood House;
 - individual artists or arts-related businesses operating under an active sole-trader ABN* can apply as individuals;
 - Arts-related businesses with active ABNs* registered as other than sole-trader entities can apply under the Arts Development or Community Arts categories in the Arts and Culture Stream. These applications are contingent on successfully demonstrating that the project being funded will run on a not-for-profit basis. This will require detailed financial reporting;
- Applicants must have acquitted previous Council grants and have no outstanding debts to Yarra City Council;
- Applicants must provide a financial statement (unless individual applicant);
- Applicants must have public liability insurance with a suitable level of coverage, working with children checks, WorkCover and superannuation coverage;
- Relevant applicants must, as required by law, implement and adhere to the Victorian Child Safe Standards. <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/>.

*The applicant names must match the entity (legal) name for the ABN, or a registered business name or trading name associated with the ABN **and** the name on the bank account provided for payment. The ABN Entity name can be checked when entering your ABN into the application form.

Eligible Projects

- Applicants must be locally based and/or applying for a program, service or activity that is of benefit to the Yarra community;
- Applicants may submit separate applications for both Creative Yarra and Engage Yarra, but are limited to one application per stream
 - Do not submit applications for the same project from multiple organisations;
- All questions marked 'response required' must be completed for the application to be eligible.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

Applicants that are not eligible

- Neighbourhood houses are funded through Council's Neighbourhood House Funding Program and are therefore are not eligible
 - As above, neighbourhood houses can act as an auspice for other community groups or individual artists;
- Non-arts-related businesses or for-profit organisations

Projects that are not eligible

- A program that is considered the responsibility of State or Federal Government, e.g. core school curriculum activities;
- Activities that take place outside the City of Yarra (including touring costs), unless a component of an ongoing project has a proven and direct benefit to the Yarra community;
- Building, capital works* or facility maintenance works;
- Ongoing staff salaries or administration costs not specific to the project;
- The purchase of equipment only. Equipment may be purchased as part of a broader project;
- Activities that are sponsored by gambling businesses or take place at inappropriate venues;
- Projects with the singular purpose of promoting religion or that may be perceived as for the purpose of proselytizing;
- Individual training, study or academic research in Australia or overseas;
- A project that will be offered for assessment in the above training courses;
- Applications that are solely for attending forums, workshops and conferences;
- Competitions, prizes, award exhibitions or exclusively fundraising events.
- School fetes and other similar events;
- Covering the deposit or bond associated with hiring a Council Town Hall;
- Applications to fund projects retrospectively.

* *Capital works are defined as projects undertaken to create a new permanent asset or space, or to permanently change the use, function or layout of an existing asset or space.*

HOW TO APPLY

ENGAGE Yarra and CREATIVE Yarra applicants are required to submit their applications and supporting documentation using the online form. The online form can be found at the following website: <https://cityofyarra.smartygrants.com.au/>

Submitting Your Online Application

Applications must be received by 11:59pm, Sunday 13 June, 2021

No late applications will be accepted

Typed, emailed, faxed or hard copy applications will not be accepted

You can return to <https://cityofyarra.smartygrants.com.au/> at any time to view your application, but once it is submitted it cannot be changed.

Applications are not submitted until you hit the **submit** button. When you submit your application you will receive an automated email acknowledging that your application has been received with a copy of your application attached. This will be sent the email address used to register on SmartyGrants. *If you do not receive this email of receipt your application has not been submitted.* City of Yarra staff cannot view applications that have not been submitted.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

Attachments and Supporting Documents

Engage Yarra and Creative Yarra applicants are requested to submit the following materials with their online application:

- CVs or short biographies of key artist/s and organisers, outlining their relevant experience;
- Examples of previous projects or programs relevant to this application. This could include images (maximum of 5), sound files, DVD presentation or other media (under 5 minutes duration in total) and web links. All files must be compatible with Windows System. Examples are to be accompanied by a complete listing;
- Letters of support (maximum 5). If your project requires the support of another organisation to develop or proceed then a letter acknowledging this support is required; and
- Latest organisation financial statement (please do not send the complete Annual Report). This is not required if you are applying as an individual.

Attachments Note:

If you are attaching files, you need to allow for sufficient times for the file to be uploaded to the page. You should not navigate to another page until the file has been successfully attached, otherwise the file upload will be cancelled.

There is a maximum file limit of 25 megabytes. However, it is strongly recommended you try to keep files under 5 megabytes.

To attach a file follow these steps:

- Select *Attach a file* and choose the file you wish to upload and click *Select*.
- The file will begin to upload and the progress bar will be filled in as the file is uploaded.
- When the file upload is completed, the progress bar will disappear and a link to the uploaded file will be available, along with the option to remove the file.

As an alternative to uploading large files you may consider providing links to websites such as YouTube, YouSendIt and Dropbox.

Be mindful that the time available for the Assessment Panel to view support material is limited.

PREPARING A GRANT APPLICATION

When preparing your grant application, please consider the following:

- Begin your application as early as possible. We strongly recommended you submit your application before the due date. The grant round closes strictly at 11:59pm on Sunday 13 June, We are unable to accept late applications for any reason.
- Ensure that you state explicitly what your project is. Describe the event/activity/program, so that it is clear what you want to do, how you want to do it, and why it is worth doing.
- Bear in mind that the assessors change each year and presume that they are not familiar with your organisation or your previous projects. Assessors are not given access to your grant history.
- Be as precise as possible. The assessors are aware that your project may still be in the planning stage, and that definite plans are not always possible until funding is secured. However, you can still clearly state what your intentions are and, if needed, adjust the project plan through a project variation if your grant is successful.
- If your project involves partnering with another organisation, it is useful to show some evidence of that partnership, such as a letter of support.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

Aboriginal Consultation

If your project relates to the local Aboriginal community, or you are planning on working with Aboriginal community, you should demonstrate that you have undertaken consultation in your grant application.

Council recognises the Wurundjeri people as the Traditional Owners of the land on which the City of Yarra now stands. Consultation and cultural requests such as cultural awareness training, Welcome to Country ceremonies or smoking ceremonies must be directed to the Wurundjeri Council. If your project relates to specific issues you may wish to consult with other Aboriginal organisations such as the Victorian Aboriginal Health Service or the Melbourne Aboriginal Youth Sport and Recreation Co-operative (MAYSAR).

When planning a project relating to or with the Aboriginal community, consultation should happen at the beginning, when the project is being developed. Do not present your proposed plans or projects to the Aboriginal community when they are half and/or already complete.

You should also ensure you allow time for consultation processes. Many decisions require Aboriginal people to consult their Elders. Bear in mind that cultural knowledge and advice from Wurundjeri Council is in high demand and, like any specialised advice, may come at a fee.

The Wurundjeri Council can be reached at www.wurundjeri.com.au, or by phone on 9416 2905.

Accessibility

All applicants are encouraged to consider how their organisation and project will be accessible and inclusive of people with a disability. For ideas on how to make your program, project, or event more flexible please see the Accessibility Guide on the Annual Grants website at: <https://www.yarracity.vic.gov.au/about-us/grants/annual-grants>. For more information contact Cheryle Gray, Coordinator Community Planning on 9205 5175.

Environmental Impact

All applicants are encouraged to incorporate activities that improve the sustainable outcomes of their projects. For more information contact Kelly Heffer, Sustainability Engagement Officer, on 9205 5769.

PREPARING A PROJECT BUDGET

When preparing a budget for your project please consider the following:

- Due to the competitive nature of the grant program, successful applicants may not be granted the full amount they request. A smaller amount may be recommended if the project will still be viable. Therefore it is important to ensure that your budget is as detailed as possible, and that all costs are realistic and justified/explained within your application so that the assessment panel can be clear on which items they are supporting.
- Applications may be strengthened by applying for and securing other funding for your project. Please include all funding in your budget and mark whether the funding is confirmed or unconfirmed.
- The Engage Yarra/Creative Yarra Application requires a detailed budget for the first year and an indicative budget for the subsequent year, loaded into the template provided.

ACQUITTAL

Grant recipients will be required to submit a Progress Report at the end of Year One (in January 2023). Year Two funds will be released after the submission and approval of this report.

Attachment 1 - Creative and Engage Yarra 2022-23 Grant Guidelines

Creative Yarra and Engage Yarra 2022 – 2023 Guidelines

Grant recipients are also required to submit an Acquittal Form within two months of completion of the project. The acquittal includes questions about how many people and Yarra residents participated in the event/program, what adjustments were made to the project as it unfolded, and whether the aims and objectives outlined in the application were met. The acquittal also includes a financial report, in which you are required to demonstrate that the funds were spent in accordance with the budget submitted. You are required to keep accurate, up-to-date records in relation to the project including, but not limited to, itemised receipts issued when funding is spent and relevant account records to submit as part of the acquittal.

The Progress Report and Acquittal forms are attached to each successful application. Links to the forms are listed under each application in the “My submissions” area of SmartyGrants. To access an acquittal form, please log onto cityofyarra.smartygrants.com.au, click on the “My Submissions” tab and scroll down to the specific grant. You can then complete and submit the acquittal in the same way you submitted your grant application.

Please keep receipts for expenditure items over \$200 to upload into your online acquittal.

To be eligible for a grant, organisations and/or individuals must have acquitted any previous grants from Yarra City Council. Applications from applicants with outstanding acquittals will **not** be assessed.

National Relay Service
TTY 133 677 then (03) 9205 5055

REF: 18265

Languages	中文 9280 1937	Italiano 9280 1931	Tiếng Việt 9280 1939
العربية 9280 1930	Ελληνικά 9280 1934	Español 9280 1935	Other 9280 1940

8.5 Edinburgh Gardens Working Group

Reference	D21/39243
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To determine on the appointment of an Edinburgh Gardens Working Group as referenced in the attached resolution: "...*...establish an **Edinburgh Gardens Working Group** of regular park users, local residents and a representative of Fitzroy North Primary School, to inform future management of the gardens in peak periods over summer and public holidays...*".

Critical analysis

History and background

2. There have been several occasions in recent years where inappropriate activities at the Edinburgh Gardens have created situations which have caused:
 - (a) very considerable cost to the Council;
 - (b) extensive damage to public and private property; and
 - (c) great concern, inconvenience and indeed risk to each of the Council, community members, nearby residents, police and emergency services members.

Discussion

3. Council some time ago carried the resolution **Attachment 2** hereto. Due to the impact of COVID-19 constraints on some consultation avenues, processing of the matter had been deferred for a period.

Options

4. Clearly Council's intention is to establish a Working Group "*...to advise and inform Council on future management of the Gardens in peak periods over summer and public holidays....*";
5. Such advice would be intended to include comments including on such as:
 - (a) any types of activities suggested as not considered appropriate to be held at the Gardens and the reasons for same;
 - (b) any special conditions considered applicable to particular uses and activities at the Gardens;
 - (c) the review of the Consumption of Liquor in a Public Place Local Law, later in 2021;
 - (d) any considerations which would come under the Council's current General Local Law;
 - (e) the Council Order under the Domestic Animal's Act.
6. As outlined in the **Attachment 1** there is a suggested representational make-up of the Working Group and a meeting frequency and venue

Community and stakeholder engagement

7. Based upon the note in Council's resolution "*...establish an **Edinburgh Gardens Working Group** of regular park users, local residents and a representative of Fitzroy North Primary School,*"... it is thus proposed to form a representative Working Group comprising the following:
 - (a) 4 x Local residents;

- (b) 2 x Fitzroy North Primary School representatives;
 - (c) 1 x representative for each regular user group as follows:
 - (i) dog walkers;
 - (ii) skateboarders;
 - (iii) cyclists;
 - (iv) Tennis;
 - (v) Cricket;
 - (vi) Basketball; and
 - (vii) Football; and
 - (d) 3 x Councillors (suggest - be the Nicholls Ward Councillors).
8. It is proposed that the invitation for membership be sought as follows:
- (a) Re the community representatives and casual user groups, via a public notice being placed, inviting expressions of interest for representatives; and
 - (b) Re the formal established groups (e.g. football, cricket and tennis) the local clubs be invited to submit their preferred representative.

Policy analysis

Alignment to Council Plan

9. The following objectives are considered applicable:
- (a) **A Healthy Yarra** – where community health, safety and wellbeing are a focus in everything we do;
 - (b) **An Inclusive Yarra** – as a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated; and
 - (c) **A Leading Yarra** – where transparency, performance and community participation drive the way we operate.

Climate emergency and sustainability implications

10. The Council has invested significant resources in sustainability programs and works at the Gardens needs to ensure protection to these works and facilities from any inappropriate activities.

Community and social implications

11. Having regard to previous inappropriate activities which occurred at the Gardens and the very significant adverse impact they had on the Gardens, the streets and lanes in the vicinity of the Gardens and indeed the community in reasonable proximity to the Edinburgh Gardens, there are potential community and social implications which can arise from inappropriate activities in the Gardens and environs.

Economic development implications

12. Not particularly relevant to this report.

Human rights and gender equality implications

13. The above referenced inappropriate activities greatly heightened the risk of infringement of people's human rights and certainly heightened the risk of safety concerns for all genders. It is therefore considered essential to have a management regime which will oversee use of, and activities allowed in the Gardens, and to ensure respect to all users.

Operational analysis

Financial and resource impacts

14. The referenced inappropriate activities caused the Council to incur very substantial costs in clean-up and repairs and it is therefore considered essential to have a management regime which will minimise the risk of any such re-occurrence.

Legal Implications

15. The Council as Committee of Management of the Gardens has formal responsibility for the effective management and oversight of the Gardens such to ensure a diverse community may enjoy the facility in the spirit of equity, safety and respect.

Conclusion

16. That Council review the report on the proposed Working Group make-up, the meeting frequency thereof and the information to be sought from the Working Group and now approve:
 - (a) the composition of the Group;
 - (b) the meeting frequency;
 - (c) the process of seeking public expressions of interest; and
 - (d) that Officers will report back following the closure of expressions of interest.

RECOMMENDATION

1. That Council:
 - (a) note the Report;
 - (b) approve the establishment of the Edinburgh Gardens Working Group with a membership comprising:
 - (i) 4 x Local residents;
 - (ii) 2 x Fitzroy North Primary School representatives;
 - (iii) 1 x representative for each user group as follows:
 - a. dog walkers;
 - b. skateboarders;
 - c. cyclists;
 - d. tennis;
 - e. cricket;
 - f. basketball;
 - g. football; and
 - (iv) 3 x Councillors (suggest - be the Nicholls Ward Councillors); and
 - (c) approve the public invitation for expressions of interest for the positions as noted; and
 - (d) note a further report will be presented following receipt of expressions of interest for determination on the final membership of the Group, together with such other information as required in the original Council resolution.

Attachments

- 1 [↓](#) Edinburgh Gardens Working Group - Terms of Reference
- 2 [↓](#) Council Resolution - 15 December 2021

Attachment 1 - Edinburgh Gardens Working Group - Terms of Reference

Attachment 1

Edinburgh Gardens Working Group – Terms of Reference

Type	Working Group	Comments
<i>Council Resolution - extract</i>	<p>Council on 15 December 2020 resolved:</p> <p><i>“3.That Council:</i></p> <ul style="list-style-type: none"> <i>(a) establish an Edinburgh Gardens Working Group of regular park users, local residents and a representative of Fitzroy North Primary School, to inform future management of the gardens in peak periods over summer and public holidays;</i> <i>(b) request officers to provide a Terms of Reference for this working group be provided to the first council meeting in 2021 with EOIs to be held during February and the working group meet as soon as possible after;</i> <i>(c) that officers ensure the working group represent the diverse users of the Gardens, residents and key stake holders; and</i> <i>(d) that the working group meet as soon as possible after the conclusion of the selection process. ..”</i> <p>Note: Full resolution – (Referenced as Attachment 2)</p>	
<i>Purpose of Working Party...</i>	<p><i>“to advise and inform Council on future management of the Gardens in peak periods over summer and public holidays;”</i></p> <p>Suggest that such advice includes comments on:</p> <ul style="list-style-type: none"> (a) any types of activities suggested as not considered appropriate to be held at the Gardens and reasons for same; (b) any special conditions considered applicable to particular uses/activities at the Gardens; (c) the review of the Consumption of Liquor in a Public Place Local Law, later in 2021; (d) any considerations which would come under the Council’s current General Local Law; and (e) the Council Order under the Domestic Animal’s Act. 	

Attachment 1 - Edinburgh Gardens Working Group - Terms of Reference

Attachment 1

Edinburgh Gardens Working Group – Terms of Reference

<p>Background Points....</p>	<ol style="list-style-type: none"> 1. Edinburgh Gardens is a very large Crown Land community recreation space in Fitzroy North. 2. The space is designed with facilities and infrastructure to serve a range of both formal and informal purposes including: <ol style="list-style-type: none"> (a) formal sporting grounds and facilities, children’s playgrounds, transit cycling paths; and (b) informal uses including but not limited to - dog walking, picnicking, group gatherings, exercising or merely relaxing in the delightful surrounds. 3. The Edinburgh Gardens thus attracts a very diverse range of community members for a wide variety of uses/activities. 4. On some occasions (<i>e.g. public holidays or special event days or extremely warm evenings</i>) very large numbers of community members have gathered to enjoy the open space and its surrounds: <ol style="list-style-type: none"> (a) activities by some attendees have gotten “out of control” in terms of e.g. excessive noise, excessive consumption of alcohol, consumption of drugs; and (b) inappropriate behaviours have resulted arising from reduced inhibitions caused through intoxication, etc. e.g. some attendees: <ol style="list-style-type: none"> (i) using nearby public laneways and the public gardens areas for toileting purposes; (ii) harassing nearby residents by entering their front yards to access water taps; (iii) arranging for delivery services (including alcohol) to be assigned to adjacent property addresses without consent of the owners; (iv) excessive noise; (v) inappropriate disposal of waste; (vi) non respect to human rights and gender equity; (vii) creating risks and security problems for emergency services personnel. 5. On occasions, Victoria Police and Council Officers have been required to attend the Gardens to respectively address the inappropriate activities. 6. A number of residents adjacent to the Gardens have expressed very strong concerns about the adverse impact on themselves, their families and friends of inappropriate behaviour by some attendees (<i>examples noted in iv. above</i>) at the Gardens and suggested that Council consider extending bans on alcohol consumption at specified times as a step toward addressing inappropriate behaviour. 7. Some residents have expressed an equally strong desire to maintain free access to the Gardens by all and that no further bans to alcohol consumption be introduced. 	
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Attachment 1 - Edinburgh Gardens Working Group - Terms of Reference

Attachment 1

Edinburgh Gardens Working Group – Terms of Reference

Objectives	<p>To seek to achieve an arrangement which will:</p> <ul style="list-style-type: none"> (a) maintain an environment for all community to have respectful and safe access to visit the Gardens for recreation and / or leisure purposes: <ul style="list-style-type: none"> (i) without the need for Council to introduce additional alcohol bans; (ii) in a manner which will see all users respect the rights and desires of other users to enjoy the Gardens peacefully; (iii) in a manner which will respect the Gardens and local environment including adjacent residents, their properties and the surrounding public laneways and to properly use the Gardens and provided facilities; and (b) be structured to ensure respect for each of human rights and gender equity and overall maximise safety for all users of the Gardens. 	
Membership	<p><i>“.. ensure the working group represent the diverse users of the Gardens, residents and key stake holders...”</i></p> <p>To thus provide representation on the Working Party by the following categories:</p> <ul style="list-style-type: none"> (a) 4 x Local resident representatives; (b) 2 x Fitzroy North Primary School representatives; (c) 1 x representative of each regular user group as noted: <ul style="list-style-type: none"> (i) Dog walkers (ii) skateboarders (iii) Cyclists (iv) Tennis (v) Basketball (vi) Football (d) 3 x Councillors (suggest Nicholls Ward Councillors). 	

Attachment 1 - Edinburgh Gardens Working Group - Terms of Reference

Attachment 1

Edinburgh Gardens Working Group – Terms of Reference

Selection Criteria	<p>Council to invite expressions of interest / nominations for each of the above categories of membership.</p> <ul style="list-style-type: none"> • Such nominations to be lodged with Council no later than.....(to be determined) • Officers to determine the membership to <i>"ensure the working group represent the diverse users of the Gardens, residents and key stake holders"</i> (Referenced above) 	
Chair	Either: The Mayor or a Councillor representative	
Suggested Meeting arrangement	<p>To meet periodically (say <i>fortnightly or weekly</i>) through June to August to consider the operation of Edinburgh Gardens and offer advice to Council thereon and in particular:</p> <ul style="list-style-type: none"> • Prior to Council giving consideration to the review of its Consumption of Liquor in a Public Place Local Law and its applicability to the management of the Gardens, later in 2021. • Any relevant considerations under the: <ul style="list-style-type: none"> – Council's current General Local Law; – Council Order under the Domestic Animal's Act • The overall future management of the Gardens. 	

Attachment 2 - Council Resolution - 15 December 2021

Attachment 2

COUNCIL RESOLUTION - 15 DECEMBER

1. *That Council:*
 - (a) *does not support any extension or amendment to the Consumption of Liquor in Public Places Local Law to remove Edinburgh Gardens as a prescribed place;*
 - (b) *notes the concerns raised by some residents concerning safety in and around Edinburgh Gardens; and*
 - (c) *notes the significant response provided by Council officers and the resources already dedicated to managing the issues.*
2. *That Council also acknowledges:*
 - (a) *the disruption to residential amenity that the behaviour of some park users has caused in recent months, post-COVID lockdown, and the distress that has caused to some residents;*
 - (b) *the strong community opposition to an extension of this ban beyond the current 9 pm to 9am specified in the local law;*
 - (c) *recognises immediate action is required and that it may be an evolving situation requiring a flexible approach; and*
 - (d) *the lack of data available about the level of illegal conduct in and around the gardens.*
3. *That Council:*
 - (a) *delegates a determination by the CEO prior to the next Council meeting, if the provision of further resources are required including:*
 - (i) *whether additional toilets or porta loos are needed, further to those recently provided;*
 - (ii) *whether an increased cleaning regime is desirable noting the all day cleaning regime on peak days at present;*
 - (iii) *whether some toilet accessibility should be provided at all times;*
 - (iv) *ensuring the distribution of any additional toilets are placed in such a way that the whole park is serviced; and*
 - (v) *ensuring positive signage is provided to inform visitors of any new toilets;*
 - (b) *delegates a determination by the CEO prior to the next Council meeting, if additional rubbish bins, recycling and waste management are needed;*
 - (c) *requests that where action is determined by the CEO to necessary under 2(a) or (b) above, that, Officers implement the measures and/or install additional facilities as quickly as possible;*
 - (d) *request Yarra staff continue to engage in laneway cleaning of all surfaces, not just bluestone paving, where necessary and possible given heritage fabric of some walls and fences; and*
 - (e) *requests a positive communications campaign to encourage appropriate behaviours and respect for neighbouring residential areas.*

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COUNCIL RESOLUTION - 15 DECEMBER

4. *That Council:*
 - (a) *establish an Edinburgh Gardens Working Group of regular park users, local residents and a representative of Fitzroy North Primary School, to inform future management of the gardens in peak periods over summer and public holidays;*
 - (b) *request officers to provide a Terms of Reference for this working group be provided to the first council meeting in 2021 with EOs to be held during February and the working group meet as soon as possible after;*
 - (c) *that officers ensure the working group represent the diverse users of the Gardens, residents and key stake holders; and*
 - (d) *that the working group meet as soon as possible after the conclusion of the selection process.*
5. *In the longer term,*
 - (a) *request officers provide an update report in March detailing:*
 - (i) *the estimated numbers of visitors to Edinburgh Gardens each weekend and public holiday over summer;*
 - (ii) *the number of incidents involving threats to public safety reported to council and/or police; and*
 - (iii) *the number of incidents reported to Council by police which involved fines or arrests in this period;*
 - (b) *request this report include an assessment of the number of public toilets needed to serve this number of visitors and a plan for making more permanently available by:*
 - (i) *including publicly available toilets in the redevelopment of the pavilion/ tennis club precinct;*
 - (ii) *proposals for refurbishing the Emely Baker building to incorporate permanent publicly available toilets;*
 - (iii) *the proposed a location for a new additional permanent toilet block in Edinburgh Gardens; and*
 - (iv) *opportunities for state government funding to support this regional infrastructure;*
 - (c) *request that this report also be provided to the working group described above.*
6. *That Council request the CEO ensure that a cross-organisational approach continue to be taken in monitoring and responding to the use of Edinburgh Gardens with a key contact person identified for the community and that regular reports be provided to council and the local community.*
7. *That, should it be considered necessary, a Special Council meeting be convened in January to determine any further action."*

CARRIED UNANIMOUSLY