



Agenda

Council Meeting

6.30pm, Tuesday 14 February 2023

Richmond Town Hall

Council Meetings

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

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

Question Time

Yarra City Council welcomes questions from members of the community.

Registration

To ask a question, you will need to register and provide your question by 7.00pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Asking your question

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

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

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

Comments not allowed

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

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

Addressing the Council

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

Registration

To ask address Council, you will need to register by 7.00pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Addressing the Council

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

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

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

Comments not allowed

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

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

Recording and Publication of Meetings

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

Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Claudia Nguyen Mayor
- Cr Edward Crossland Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr 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 staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

- Wei Chen Corporate Services and Transformation
- Brooke Colbert Governance, Communications and Customer Experience
- Chris Leivers Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy

Governance

- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

3. Announcements

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

4. Declarations of conflict of interest

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 6 December 2022 be confirmed.

That the minutes of the Council Meeting held on Friday 9 December 2022 be confirmed.

6. Question time

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

7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Burnley Golf Course Risk Mitigations Works	8	15	Sally Jones – Manager Property and Leisure
7.2	Appointment of Council delegates	17	22	Rhys Thomas - Senior Governance Advisor
7.3	Governance Report - February 2023	24	29	Rhys Thomas - Senior Governance Advisor
7.4	C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades	32	36	Graham Davis – Manager Building and Asset Management

8. Notices of motion

Nil

9. Petitions and joint letters

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

10. Questions without notice

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

11. Delegate's reports

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

12. General business

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

13. Urgent business

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

14. Confidential business reports

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

RECOMMENDATION

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

Item

14.1 **PLN17/0703.03 - 640 Heidelberg Road, Alphington - Section 72 Amendment to Planning Permit**

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds are applicable because the report contains the views of individuals expressed on a confidential basis during a compulsory conference under the Victorian Civil and Administrative Tribunal Act 1998.

7.1 Burnley Golf Course Risk Mitigations Works

Executive Summary

Purpose

To consider the proposed approach to address the identified risk issues at Burnley Golf Course (BGC).

Key Issues

Addressing the ongoing risks associated with balls being hit outside the Burnley Golf Course boundary is a high priority. Each individual golf ball incident recorded has potential to be significant. Data related golf ball incidents show a total of 80 separate incidents between 2007 to 2023. The potential implications of the identified risks are high and therefore, represent a risk to Council. Consequently, Officers have re-engaged with golf course architects and the industry to develop a proposal to redesign portions of the course (holes 1, 3, 6 and 7), that would address the risk.

Financial Implications

Council has allocated \$2,211,700 (comprising \$711,700 for fences/walls, paths, turf and irrigation and \$1,500,000 for risk mitigation) towards works at Burnley Golf Course in the 2022/23 Capital Works program to manage this known risk.

PROPOSAL

1. That Council:
 - (a) Approve Officers to proceed with the project, to redesign Burley Golf Couse, to address the ongoing risk of balls being hit beyond the course boundary, as per the design as shown in **Attachment One**;
 - (b) Approve Officers to proceed to Tender for the Burnley Golf Course risk mitigation works, with the aim to complete these within 2023;
 - (c) Support the proposed approach to engage and inform stakeholders in relation to the project; and
 - (d) Approve the introduction of paid parking at the Burnley Golf Course site post risk mitigation works.

7.1 Burnley Golf Course Risk Mitigations Works

Reference	D23/31901
Author	James Pratt - Recreation and Leisure Services
Authoriser	General Manager - Infrastructure and Environment

Purpose

1. To consider the proposed approach to address the identified risk issue at Burnley Golf Course (BGC) including the financial implications of the proposed risk mitigation works.

Critical analysis

History and background

2. BGC is a significant community asset and is one of Melbourne's iconic golf courses that currently enjoys over 40,000 visitations per annum.
3. The need to mitigate risk at BGC has been a high priority due to the ongoing issues associated with balls being hit outside of the course boundaries. Data related golf ball incidents show a total of 80 separate incidents between 2007 to 2023. The reported incidents relate to vehicles being hit by golf balls on both Madden Grove and City Link. This reflects a fraction of the balls that are hit beyond the course boundary. Previous reports to Council in February 2020 and 2021 respectively have further outlined this risk.
4. The BGC and proposed works to address the identified risks, have been of strong interest to the wider community.
5. Community consultation (presented at the Public Meeting on 16 February 2021) was conducted in 2020 exploring a range of options and solutions to address the identified risks, noting the overarching preference of the community was to retain a nine-hole golf course with a mix of Par 3 and Par 4 holes.
6. The Department of Energy, Environment and Climate Action (DEECA, formally DELWP), as the owner of the land, do not believe the current risk status is acceptable and have made repeated enquiries about Council's management of these risks. Additionally, Council have received correspondence from Transurban detailing serious concern for the risks associated with BGC and indicating that any incidents that lead to the closure of the freeway and/or tunnel may result in them seeking to recoup costs from Council (potentially in the \$millions under the terms of their contractual arrangement with State Government).
7. Officers have engaged with a range of industry experts, the State and National Sport Associations and golfing professionals, as well as undertaken extensive industry research to inform strategic, cost effective and industry relevant options, which have been presented at Briefings, Meetings and community consultation, exploring a range of scopes, including high fencing treatments, course re-designs, adjustments to the service offering, the addition of diversified infrastructure (i.e., miniature golf) and combinations of these options.
8. Officers have also explored a range of funding sources to support these options, including external funding, grants and/or financial support from the State and National Sport Association, Golf Australia (Victoria), Sport and Recreation Victoria (SRV), DEECA, VicRoads and Transurban, without success.

Discussion

9. Officers have since re-engaged with golf course architects and the industry to develop the proposed project per Attachment 1 – *Crafter and Mogford Design* (redesign of holes 1, 3, 6 and 7). Council has allocated funding in the Capital Works Budget to support works to manage this known risk and, subject to Council approval, it is proposed that these works would be managed in-house and could commence in April 2023. The project would potentially necessitate a seven-month closure of the facility for the works, depending upon weather and grow in conditions.
10. Officers note that the proposed risk mitigation works are a significant cost savings on previous risk mitigation options presented (e.g., installation of 915 lineal metres of high fencing and a full course re-design).
11. The proposed course re-design works would utilise 75% of the capital budget allocation in the 2022/23 financial year, with the remaining 25% needing to be managed as planned carried forward as part of the 2023/24 financial year capital program.
12. The 2020 community consultation on this issue demonstrated 81% of respondents support the retention of the nine-hole, Par 4 golf course and therefore Officers are encouraged that strong community support including from the two golf clubs would be received for these works and investment into the golf course.
13. Officers note that the proposed works primarily seek to achieve risk mitigation.
14. It is also noted that the site has a car park that is well utilised by both golfers and commuters who use the nearby train and bike paths, and it is timely for Council to also consider the introduction of paid parking at the site, noting that this is separable to the proposed works.

Options

15. The 2022/23 Capital Works program has \$2,211,700 allocated towards works at BCG (comprising \$711,700 for fences/walls, paths, turf and irrigation and \$1,500,000 for risk mitigation). Officers have developed a proposal that would address the risk and improve the condition of the course, within this funding allocation.
16. A quotation has been provided of the proposed works required to be undertaken to address the risk:

Table 1 – Essential Works – BGC Risk Mitigation Re-Design

Item	Cost Estimation
Preliminary works	\$107,500
Course construction	\$1,410,488
Irrigation	\$200,000
Turf install (sod transplant)	\$297,315
Contractor overheads	\$50,000
TOTAL	\$2,065,303

17. The above items are inclusive of the elements to conduct these works and exclude any other cost implications that may arise; the above does not include any contingency. Officers estimate that there may be additional costs of up to \$100,000 in potential escalations in cost; however, Officers believe that performing a competitive tender process may realise reductions in the cost to deliver this project. If this is not the case, the current indicative quotation leaves a residual value in current capital allocations for escalations and any other necessary contingency.

18. It should be noted that there has been no capital expenditure on the golf course since 2019/20. The current capital allocations, therefore, inclusive of the \$1,500,000 allocated to risk mitigation, include items planned but not delivered from the past three financial years. These items have been deferred until such time as there is agreement on the strategy to mitigate the identified risks.
19. The introduction of paid parking has also been explored, as an entirely separable option for BGC, post completion of the proposed risk mitigation works. Officers have engaged with the Finance team to develop a forecast impact analysis of this option, detailed below. The figures below are estimates and based on a range of assumptions; if introduced, the revenue realised may be above or below those estimates.

Table 2 – BGC Car Parking Fee Option

Car Parking Fees	Estimated Annual Revenue (based on 20% Occupancy)
75 spaces x \$1 per hour	\$43,680
Total Revenue	\$43,680
Infrastructure costs	Cost Estimation (Year 1)
Parking metre installation (2 Metres) *	\$2,000
Car Park Focus/Reino technology	\$1,920
Maintenance	\$1,000
Monthly Support Fees	\$1,080
Total Expenditure	\$6,000
Year 1 Result (est)	\$37,680
Ongoing Result (From year 2)	\$39,680

*Machine installation is a once off cost in year 1

20. If Council supports the introduction of paid parking, it is recommended that this occur after the risk mitigation works are completed and is charged at \$1 per hour (i.e., to golfers and commuters alike). Officers note that car parking fees are applied in and around public golf courses elsewhere, in some instances at considerably higher rates, particularly for those located in high traffic areas that are close to public transport, bicycle corridors and/or residential areas.

Community and stakeholder engagement

21. Officers propose an 'Inform' approach to community engagement due to the fact there are public safety issues that Council must address, there has been previous consultation and qualified golf architects are specialists that are best placed to design the golf course to retain a desirable layout and resolve problems on the golf course. Officers, along with the golf course architects, could provide balanced and objective information that ensures stakeholders better understand the proposed course re-design. The process would be led by the Yarra Leisure team in consultation with Corporate Communications team and include the activities listed below;

Table 3 – Proposed Community Engagement

Channel	User Groups / Detail
EDM (Tracked email)	<ul style="list-style-type: none"> • Yarra Leisure and BGC members • Burnley Golf Club and Burnley Women’s Golf Club members • BGC casual customers • 2020 participants in the “Your Say Yarra” community consultation
Information sessions	<ul style="list-style-type: none"> • Information sessions with Yarra staff and golf course architects/designer available to all interested and/or affected stakeholders, hosted at the BGC prior to course works
Website	<ul style="list-style-type: none"> • Specific landing page for the BGC with key information related to the project
Social media Yarra Leisure/Council Facebook, Twitter	<ul style="list-style-type: none"> • Consistent posts and communications throughout the project with key updates and information linking back to the project’s web page
Signage Posters and Digital signage	<ul style="list-style-type: none"> • Key project dates and information regarding the closure

22. Officers would also propose an ‘Inform’ approach to any introduction of car parking fees, as this approach is consistent with the approach to changes to parking fees elsewhere in the municipality. It is proposed that this would occur along with the risk mitigation works community engagement program.
23. Extensive 2020 community consultation established 81% of respondents support the retention of the nine-hole, Par 4 golf course. Consequently, Officers are confident that strong community support, including from the two golf clubs, DEECA and Transurban, would be received for these works and investment into the golf course.

Policy analysis

Alignment to Community Vision and Council Plan

24. Council Plan 2021 – 2025:
 - (a) Strategy 1.3 – Enhance the resilience of our community to prepare for health related and other impacts of climate change;
 - (b) Strategy 2.2 – Build a more resilient, inclusive, safe, and connected community, which promotes social, physical, and mental wellbeing;
 - (c) Strategy 3.5 – Manage access, safety, and amenity to enhance people’s experience when visiting Yarra;
 - (d) Strategy 4.1 – Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community; and
 - (e) Strategy 4.3 – Protect and enhance the biodiversity values, connectivity, and resilience of Yarra’s natural environment.

Climate emergency and sustainability implications

25. Environmental sustainability is an important factor for the ongoing operations and future investment at BGC. The proposed re-design has considered the retention of existing mature trees, opportunities to preserve and re-vegetate the native environment and is sympathetic to the environmental context.
26. It should be noted that the re-design concept includes features for improved operations such as using resilient grass types to reduce water consumption and an efficient irrigation and drainage system.

Community and social implications

- 27. The International Consensus Statement on Golf and Health published in the British Journal of Sports Medicine (2018) concluded that playing golf was associated with a range of physical and mental health benefits including improved strength and balance, improved mental health (cognitive, social and functional benefits) as well as increased longevity.
- 28. The Physical Activity Strategy “Yarra Moves” 2021 – 2031 goals include increasing the proportion of the population that is physically active, reducing sedentary behaviour and supporting lifelong healthy habits for optimal health. The current utilisation of BGC is over 40,000 visitations per year for a diverse audience. Consequently, BGC makes a valuable contribution to the objectives outlined in Yarra Moves that aim to improve the health and well-being of people who live, work, learn and play in Yarra.

Economic development implications

- 29. Whilst the facility will potentially be closed for a seven-month period, the execution of these works will ensure that business continuity be achieved for the longer term and BGC can remain a strong economic contributor to the Yarra community.

Human rights and gender equality implications

- 30. BGC is a significant and iconic community asset in the City of Yarra that is extremely well used (attracting over 40,000 annual visits). Female participation at the facility stands at 48% - one of the highest in the country - and the course is well known for its family friendly atmosphere and introductory indigenous golf programs.

Operational analysis

Financial and resource impacts

- 31. Whilst the proposed construction period (May through to October) is generally quieter for golf, it is estimated that the seven-month closure period for the works would result in a net revenue loss of approximately \$119,141 per month (or \$833,987 for the seven-month period). This figure takes into consideration revenue losses (average spend per visitation across core revenue streams), reduction in some variable expenses (e.g., stock for re-sale, etc.), as well as retention of ongoing and fixed expenses.
- 32. In the event that growing conditions are favourable throughout the construction of the project, Officers would seek to re-open the facility promptly, so as to commence operations and revenue generation in the industry’s traditionally busier months (November to March). The below table summarises the forecast cash flow impact of the proposed facility closure and total fiscal impact with the capital investment costs included:

Table 4 – BGC Risk Mitigation Works Financial Implications

	FY 22-23	FY 23-24	Total
Foregone revenue	323,623	267,262	590,885
Fixed expenditure	114,163	128,940	243,102
Impact to Profit and Loss	437,786	396,201	833,987
Capital expenditure	1,658,775	552,925	2,211,700
Impact to Cash flow	2,096,561	949,126	3,045,687

- 33. Council has allocated \$2,211,700 in the 2022/23 Capital Works program for works at BGC (comprising \$711,700 for fences/walls, paths, turf and irrigation and \$1,500,000 for risk mitigation). As the proposed project would be delivered across two financial years, and subject to Council’s approval of this proposal, Officers would plan to expend approximately \$1,658,775 in 2022/23 and replan the balance of the funding available in 2022/23 (\$552,925) to be spent in 2023/24 to complete the project.

34. The financial impact of the facility closure would be managed by forecasting for the fixed costs and the loss of revenue in 2022/23 and budgeting for this in 2023/24.

Legal Implications

35. BGC is on Crown Land owned by DEECA, managed by the City of Yarra under Committee of Management arrangements. Council is obliged to manage any risks resulting from its management of the golf course. If Council resolves to support the works, Council need only inform DEECA of the proposed works.
36. Each individual golf ball incident recorded has potential to be significant. Data related golf ball incidents show a total of 80 separate incidents between 2007 to 2023. The reported incidents relate to vehicles being hit by golf balls on both Madden Grove and City Link. This reflects a fraction of the balls that are hit beyond the course boundary.
37. The potential implications of the identified risks are high and therefore, represent a risk to Council.

Conclusion

38. The proposed BGC Risk Mitigation works would affect the golf clubs, members of BGC and public users. Officers will engage with stakeholders prior to facility closure to provide a notice and information period.
39. Officers would engage with the two affiliated clubs (Burnley Golf Club and Burnley Women's Golf Club) to support them through the closure period including working with them to explore alternate venues for their club activities and operations.
40. Members of the golf clubs and Yarra Leisure would have their memberships suspended for the duration of the closure period and be engaged throughout the course works and opening preparations, so as to retain as many of these members as possible. Members would not be charged throughout the closure period.
41. To provide a transparent and informative approach to progress of the proposed works throughout the closure period, Yarra Leisure would setup and maintain a webpage detailing progress reports and updates from the Project Manager, which would also be a feature of regular communications distributed by the Yarra Leisure team.
42. There is an opportunity for Council to consider the introduction of paid parking at the Council owned car park at the Burnley Golf Course given the context and its current use by commuters using the nearby train station. This is option is separable to the risk mitigation works that are being proposed.
43. Should the proposed works be supported, the following actions would occur:
- (a) Procurement and communications;
 - (b) Pre-closure preparations;
 - (c) Facility closure – site preparation;
 - (d) Course construction; and
 - (e) Facility opening.

RECOMMENDATION

1. That Council:
 - (a) approve Officers to proceed with the project to redesign Burnley Golf Course, to address the ongoing risk of balls being hit beyond the course boundary, as per the design as shown in **Attachment One**;
 - (b) approve Officers to proceed to Tender for the Burnley Golf Course risk mitigation works, with the aim to complete these within 2023;
 - (c) support the proposed approach to engage and inform stakeholders in relation to the project; and
 - (d) approve the introduction of paid parking at the Burnley Golf Course site post risk mitigation works.

Attachments

- 1 [↓](#) Attachment 1 - BGC Crafter and Mogford Design

Attachment 1 - Attachment 1 - BGC Crafter and Mogford Design



7.2 Appointment of Council delegates

Reference	D23/4289
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience

Purpose

1. To appoint Councillors as delegates to the Audit and Risk Committee, Advisory Committees and external bodies for 2023.

Critical analysis

History and background

2. In order to assist the Council to undertake its extensive range of functions, Council has:
 - (a) constituted the Planning Decisions Committee with delegated powers and responsibilities;
 - (b) constituted the Audit and Risk Committee under section 53 of the Local Government Act 2020;
 - (c) established Advisory Committees, to which it appoints both Councillors and community representatives; and
 - (d) appointed delegates to represent it on a range of external organisations.
3. At the Council meeting on 28 November 2022, Council considered the appointment of members in light of the news that former Councillor Gabrielle de Vietri had likely been elected to the Victorian Parliament and a countback would be necessary to appoint a replacement early in 2023. Following the countback, Cr Michael Glynatsis was sworn in on Wednesday 25 January 2023.
4. On this basis, Council determined only to make appointments to the Planning Decisions Committee for the remainder of 2022 and for 2023. This resolution was both necessary (due to the need to hold a meeting in December 2022) and possible (due to the fact that 'all Councillors' were appointed, meaning that Cr Michael Glynatsis became a member of the committee automatically).
5. A decision was made to defer the remainder of the appointments until after the casual vacancy was filled. With Cr Michael Glynatsis now having commenced, Council is now in a position to consider the remainder of these appointments.

Discussion

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

Audit and Risk Committee

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

9. The details of the committee are:

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

10. The Audit and Risk Committee Charter states “*Councillor members will be appointed to the Committee by the full Council on an annual basis, with Councillor appointees to be generally rotated after a minimum period of two years. The intent of the rotation system is to expose as many Councillors as possible to Committee membership and proceedings.*” The current members are Cr Landes (in his second year) and Cr Wade (in her first year).

Advisory Committees

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

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

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

External Bodies

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

Special Committee	Purpose	Nominees required
Australian Local Government Women's Association	To promote participation and representation by women in Local Government	One Councillor
Collingwood Children's Farm Management Committee	To oversee management of the Collingwood Children's Farm.	One Councillor

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

Process

16. Before considering the officer's recommendation, Council should seek nominations for the 2023 vacancies.
17. Where the number of nominations exceeds the number of appointments Council intends to make, Council is required to conduct an election to determine which candidates shall be presented for ratification. The process for these elections is set out in the City of Yarra Governance Rules and is conducted using the procedure for electing the Mayor set out at Chapter Two, Part A.
18. In summary, this process is as follows:
 - (a) any number of Councillors may be nominated for each vacancy;
 - (b) no seconder is required;
 - (c) the nominee must consent to their nomination;
 - (d) Councillors present shall vote by a show of hands;
 - (e) in the event that no candidate receives a majority, candidates shall be eliminated in accordance with the provisions of the Governance Rules; and
 - (f) in the event of an election being required for a Committee with multiple vacancies, an election shall be conducted for the first vacancy, then a further election for the second vacancy, and so on.
19. Following the conduct of any election or elections as required, Council then ratifies these outcomes (together with the appointment of representatives where the number of nominations matched the number of vacancies) in accordance with the officer's recommendation.

Options

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

Community and stakeholder engagement

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

Policy analysis

Alignment to Community Vision and Council Plan

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

Climate emergency and sustainability implications

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

Community and social implications

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

Economic development implications

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

Human rights and gender equity implications

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

Operational analysis

Financial and resource impacts

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

Legal Implications

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

Conclusion

32. This report recommends the appointment of delegates to the Audit and Risk Committee, Advisory Committees and external bodies.

RECOMMENDATION

1. That Council appoint the following Councillors to the Audit and Risk Committee for 2023:

Committee	Appointments for 2023
Audit and Risk Committee	Cr _____ Cr _____

2. That Council appoint the following Councillors to the Advisory Committees listed below for 2023:

Advisory Committee	Appointments for 2023
Active Ageing Advisory Committee	Cr _____
Active Transport Advisory Committee	Cr _____
Arts Advisory Committee	Cr _____ Cr _____
Business Advisory Group	Cr _____ ...
Chief Executive Officer Employment and Remuneration Committee	All Councillors
Community Awards Committee	Cr _____ Cr _____ Cr _____
Disability Advisory Committee	Cr _____ Cr _____
Environment Advisory Committee	Cr _____ ...
Heritage Advisory Committee	Cr _____ Cr _____ Cr _____
Multicultural Advisory Group	Cr _____
Rainbow Advisory Group	Cr _____ Cr _____
Yana Ngargna Advisory Group	Cr _____ Cr _____
Yarra Libraries Advisory Committee	Cr _____ Cr _____

3. That Council appoint the following Councillors to the external bodies listed below for 2023:

Organisation or body	Appointments for 2023
Australian Local Government Women's Association	Cr _____
Collingwood Children's Farm Management Committee	Cr _____
Friends of Baucau	Cr _____ Cr _____ (substitute)
Merri Creek Management Committee	Cr _____
Metropolitan Transport Forum	Cr _____ Cr _____ (substitute)

Municipal Association of Victoria	Cr _____ Cr _____ (substitute)
Northern Alliance for Greenhouse Action	Cr _____
Victorian Local Governance Association	Cr _____ Cr _____ (substitute)

Attachments

There are no attachments for this report.

7.3 Governance Report - February 2023

Reference	D23/10169
Author	Melanie Van Dyk - Governance Officer
Authoriser	Senior Governance Advisor

Purpose

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

Critical analysis

History and background

2. To ensure compliance with the Act and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
 - (a) Filling of a casual vacancy on the Yarra City Council;
 - (b) Setting of the rate cap for 2023/2024;
 - (c) Appointment of a Councillor Conduct Officer;
 - (d) Minister's decision regarding the conduct of Citizenship Ceremonies;
 - (e) MAV Board regional groupings of councils review;
 - (f) Extension of the Victorian Government e-scooter trial;
 - (g) Appointment of the Chair of the Audit and Risk Committee; and
 - (h) Councillor attendance at the ALGA National General Assembly.

Discussion

Filling of a casual vacancy on the Yarra City Council

4. An extraordinary vacancy occurred on the Yarra City Council as a result of the election of former Councillor Gabrielle de Vietri to Victorian Parliament.
5. In accordance with the provisions of the Local Government Act 2020, the Victorian Electoral Commission conducted a countback of the ballots cast in Langridge Ward at the 2020 Council election. The countback was held on 18 January 2022. The countback resulted in the election of Michael Glynatsis to the office of Councillor.
6. Cr Glynatsis took the necessary oath of office in front of the Chief Executive Officer on 25 January 2023. A copy of the signed oath can be found at **Attachment One**.

Setting of the rate cap for 2023/2024

7. On 29 December 2022, the Minister for Local Government, the Hon Melissa Horne MP, announced that the average rate cap for the 2023/2024 financial year will be set at 3.5 per cent. This will apply to all Victorian Councils.
8. The Minister set the average rate cap under section 185D(1) of the Local Government Act 1989 and the general order establishing the rate cap for 2023/2024 was published in the Government Gazette on 29 December 2022.

9. The Minister's decision was informed by advice from the Essential Services Commission (ESC). The ESC's advice was that the average rate cap be set equal to the 2022/2023 Budget Update forecast of the consumer price index (CPI) for 2023/2024 from the Department of Treasury and Finance (DTF). DTF has confirmed that the latest information about the financial position of the Victorian Government sector is available in the Pre-election Budget Update, as the mid-year budget update will not be published this year. The Pre-election Budget Update's CPI forecast for 2023/2024 was 4 per cent.
10. A copy of the Minister's correspondence can be found at **Attachment Two**.

Appointment of a Councillor Conduct Officer

11. Section 150 of the Local Government Act 2020 requires that the Chief Executive Officer appoint a Councillor Conduct Officer. The Councillor Conduct Officer's primary role is to assist the Council in the conduct of the internal arbitration process set out in the adopted Councillor Code of Conduct. The Councillor Conduct officer also has a role in assisting the Principal Councillor Conduct Registrar (a State Government appointed officer) in the event of a formal arbitration process taking place.
12. Following the retirement of the previous officer, the Chief Executive Officer appointed Rhys Thomas to the role of Councillor Conduct Officer on 2 December 2022.

Minister's decision regarding the conduct of Citizenship Ceremonies

13. On 15 December 2022, Council received the welcome news that The Hon. Andrew Giles MP reinstated the authority for City of Yarra Council to hold Australian citizenship ceremonies.
14. Australian citizenship ceremonies must be conducted in accordance with the Australian Citizenship Ceremonies Code (the Code).
15. Council is working closely with the Citizenship Program Delivery Branch (Department of Home Affairs) and will share the ceremonies schedule when confirmed.
16. All client enquiries relating to applications for Australian Citizenship should be directed to the Department of Home Affairs.

MAV Board regional groupings of Councils review

17. The MAV Rules 2022 (Rules), which commenced on 20 October, reduced the MAV Board from 12 Directors to 10. As a direct consequence the MAV regions must be reduced to 10 as well. This was the first priority as part of the Rules implementation phase, to review the regional groupings in preparation for the upcoming MAV elections scheduled for 3 March 2023.
18. The primary purpose of the regional groupings is to provide an equitable structure to elect Directors to the Board. The Rules provide the Board is responsible for developing and giving effect to the strategic direction of the Association and the oversight of the administration and financial management of the Association.
19. The Rules further provide that once elected, the Board is required to govern for the entire local government sector and put the interests of the sector above the interests of any individual council or person. In effect as Directors each Board member has a legal and ethical obligation to act in the best interests of all members regardless of their own councils' other shared interests.
20. In accordance with the Rules, the Board must consult with member councils, determine the regional groupings, classify each participating member council to a grouping, and give notice to members within 14 business days of the Board's decision.
21. Yarra is placed in the Inner Metropolitan South East region.

Extension of the Victorian Government e-scooter trial

22. On 18 May 2021, Council resolved to submit an expression of interest to the Department of Transport to be involved in the Victorian Government's e-scooter trial. Yarra was confirmed as a participant on 2 September 2021, along with the Cities of Melbourne, Port Phillip and Ballarat, for the 12 month trial. The original dates for this trial were January 2022 to January 2023. A joint procurement process lead by the City of Melbourne was conducted. Following a comprehensive evaluation, two successful operators were identified in December 2021 to participate in the trial. Two separate Service Agreements were signed – one for each operator.
23. The Department of Transport advised officers of its decision to extend the State Government's original 12 month trial period. The purpose of this is to allow for additional time to conduct an evaluation and review regulations governing the use of electric scooters (including private vehicles).
24. Due to the expiry of the current service agreements in late January 2023, officers executed a short-term extension of the agreement for an additional two months until the end of March 2023.

Update from the Inner North Community Foundation

25. The Inner North Community Foundation is an independent community foundation based in Melbourne's Inner North. It was established in 2007 and has awarded more than \$4.8 million in grants to more than 500 community projects across 30 suburbs in the municipalities of Darebin, Merri-bek and Yarra.
26. The Foundation is an independent community foundation and is trustee for the Inner North Community Foundation Charitable Fund and Public Fund. It manages philanthropic dollars to provide funds for projects that create prosperous, connected, and cohesive communities in Melbourne's Inner North.
27. The three Councils are represented on the Foundation's board, and Council's current representative is Council's Manager of Customer Experience, Rose Barletta.
28. The Foundation has made contact to advise of a new process for filling Council nominated member vacancies of their organisation. The process proposed when a Council nominated vacancy arises is as follows:
 - Step 1** The Foundation identifies what skills sets are appropriate for the current mix of Directors.
 - Step 2** The Foundation writes to the relevant Council CEO with the vacancy and identified skill set, proposed timelines, and asks if Council wishes for the Foundation to undertake recruitment.
 - Step 3** If yes, the Foundation undertakes a public recruitment process. The position description will include:
 - Reference to relevant skills needed for the board
 - Candidate profile and fit to organisation culture
 - Reference to which Council nominated member vacancy is being recruited for
 - Strong connection to LGA, preferably resident
 - Step 4** The longlist of candidates may be shared with Council representatives if desired.
 - Step 5** A panel run by the Foundation interviews shortlisted candidates and determines a preferred candidate.
 - Step 6** The preferred candidate meets with Council representatives, and the CEO formally endorses the nomination.

29. Officers have reviewed the proposed process and advise that in their view, it protects Council's interests and is consistent with the principles of good governance. On this basis, officers have confirmed Council's agreement to the process.

Appointment of the Chair of the Audit and Risk Committee

30. The Audit and Risk Committee Charter states that "The Chairperson of the Committee will be an independent member and will be appointed by the Audit Committee annually. The nomination for the position of Chairperson will be submitted to Council for approval."
31. The three current external Independent Members are:
- (a) David Ashmore – appointed 2015;
 - (b) Helen Lanyon – appointed 2017; and
 - (c) Kylie Maher – appointed 2021.
32. At its meeting on 17 November 2022, the Audit and Risk Committee nominated David Ashmore as its nominee for the position of Chair throughout 2023.
33. Mr Ashmore joined the former Audit Committee in September 2015 and held the position of Chair in 2016 to 2018. Following the conclusion of that term, he remained a member of the committee and was appointed to its successor, the Audit and Risk Committee, in September 2020. He served as Chair in 2022.
34. With the committee chair nomination already having been ratified by the committee, it is not open to Council to resolve to make a different appointment.
35. Should Council determine a course of action other than set out in the recommendation is warranted, a resolution to send the matters back to the Audit and Risk Committee for further consideration would be the appropriate mechanism.

Councillor attendance at the ALGA National General Assembly

36. The Australian Local Government Association National General Assembly is being held this year in Canberra from 13 to 16 June 2023 and all Councillors across Australia are invited to attend. Council has, in recent years, sent a delegation of Councillors to represent the City of Yarra at the assembly.
37. Council's Councillor Support Policy provides that: "*subject to the availability of funds, Council shall meet the cost of registration fees, accommodation, travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars*" and that "*events interstate or overseas may be attended following approval by the Council. Councillors are encouraged to nominate themselves as early as possible to enable the preparation of a report to a subsequent Council meeting. Where approval is granted, Council shall meet associated expenses, subject to any conditions or limitations determined by the Council.*"
38. The costs associated with Councillor attendance are estimated at \$2,000 per Councillor, made up of \$1,000 for the conference fee, \$400 for flights and \$600 for accommodation. The final actual costs are publicly reported in the Quarterly Councillor Expense Report.
39. A Council meeting is scheduled for 13 June 2023. Council's Governance Rules provide that "*Council may reschedule or cancel any Council meeting which has been fixed by it.*"
40. While it would be possible to proceed with the Council meeting on 13 June with as many as four Councillors absent, this meeting is currently planned to consider Council's Annual Budget, and it is desirable to enable as many Councillors as possible to be in attendance for this matter. The budget timeframes have been designed to accommodate a possible change to this meeting date, as due to the late scheduling of the National General Assembly, it was necessary to alter a Council meeting date in both 2021 and 2022.
41. It is therefore recommended that if Council sends a delegation to the National General Assembly, the Council meeting be scheduled seven days later than planned and held instead at the same time on 20 June 2023.

Options

42. There are no options presented in this report.

Community and stakeholder engagement

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

Policy analysis

Alignment to Community Vision and Council Plan

44. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *“informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.”*
45. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: ‘Democracy and governance’, which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *“practice good governance, transparency and accountable planning and decision-making.”*
46. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

Climate emergency and sustainability implications

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

Community and social implications

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

Economic development implications

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

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

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

Legal Implications

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

Conclusion

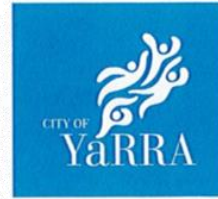
53. This report provides Council and the community various information regarding governance related matters relative to the City of Yarra to ensure statutory compliance, transparency and good governance.

RECOMMENDATION

1. That Council note the reports regarding:
 - (a) filling of a casual vacancy on the Yarra City Council;
 - (b) setting of the rate cap for 2023/2024;
 - (c) appointment of a Councillor Conduct Officer;
 - (d) Minister’s decision regarding the conduct of Citizenship; and
 - (e) extension of the Victorian Government e-scooter trial.
2. That Council:
 - (a) appoint David Ashmore as the Audit and Risk Committee Chair for 2023; and
 - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2022.
3. That in order to facilitate Yarra’s representation at the Australian Local Government Association National General Assembly in Canberra from 13 to 16 June 2023, Council:
 - (a) authorise the attendance of the following Councillor(s) in accordance with the Councillor Support Policy:
 - (i) Cr _____;
 - (ii) ...; and
 - (b) reschedule the Council meeting scheduled for 6.30pm on 13 June 2023 to 6.30pm on 20 June 2023 and provide notice to the community of the change via Council’s social media channels and website.

Attachments

- 1 [↓](#) Attachment 1 - Councillor Michael Glynatsis - Oath of Office 25-01-2023
- 2 [↓](#) Attachment 2 - Victorian Council Rate Cap 2023-24 Announcement



OATH OF OFFICE

I, MICHAEL GLYNATSI swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

Signed

M Glynatsis
Name MICHAEL GLYNATSI
Date 25/1/2023

This oath was taken, signed and dated before me in accordance with the Local Government Act 2020 and the Oaths and Affirmations Act 2018.

Signed

Sue Wilkinson
Sue Wilkinson, Chief Executive Officer

Date

25.1.2023.

Attachment 2 - Attachment 2 - Victorian Council Rate Cap 2023-24 Announcement

Media Release

The Hon Melissa Horne MP
Minister for Casino, Gaming and Liquor Regulation
Minister for Local Government
Minister for Ports and Freight
Minister for Roads and Road Safety



Thursday, 29 December 2022

VICTORIAN COUNCIL RATE CAP SET FOR NEXT FINANCIAL YEAR

A new rate cap of 3.5 per cent has been set for all councils for the 2023/24 financial year, protecting Victorians from uncontrolled rate hikes while ensuring local governments remain financially sustainable.

Minister for Local Government Melissa Horne announced the cap today, under the Andrews Labor Government's Fair Go Rates system.

The Fair Go Rates system was introduced in 2016 to ease cost of living pressures on Victorians and encourage sound financial management by local governments.

In the decade before the system was introduced, council rates increased by an average of six per cent every year.

The decision on the rate cap for the next financial year was guided by independent advice from the Essential Services Commission (ESC) recommending a cap of four per cent – in line with the Consumer Price Index.

The Government set the rate cap 0.5 per cent below the ESC's recommendation, taking into account cost of living pressures facing rate payers.

The rate cap limits the amount a council can increase its total revenue from general rates and municipal charges for that year.

Councils set rates for their residents and use the revenue to fund essential community services and infrastructure like local parks, libraries, community centres, roads, kindergartens, waste collection and sports grounds.

Rates are set individually by councils for their municipalities every year through their budget process and must consult with their communities on decisions relating to budgets, rates and other charges.

Under the *Local Government Legislative Amendment (Rating and Other Matters) Act 2022*, Victorian councils have the power to defer or waive rates, charges and interest to rate payers experiencing financial hardship.

To learn more about how council rates are set, visit localgovernment.vic.gov.au/council-rates-and-charges.

Quotes attributable to Minister for Local Government Melissa Horne

"The rate cap for the next financial year takes into account higher inflation and the need to protect Victorians from uncontrolled rate hikes, while ensuring councils can continue to deliver vital community services."

"Each council is responsible for setting rates within the rate cap based on the needs of their community."

"Community members have the chance to engage with their local councils as they make decisions about rate rises through their budget process each year."

Media contact: Stephanie Hobbs 0429 275 437 | stephanie.hobbs@minstaff.vic.gov.au

7.4 C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades

Executive Summary

Purpose

To recommend the award of a contract for Main Hall HVAC and Services Upgrades to the Fitzroy Town Hall.

Key Issues

The project will upgrade the Heating, Ventilation and Air Conditioning (HVAC) sub-system servicing the main hall, along with improvements to the passive thermal performance which will provide improved comfort levels and energy efficiency to make the main hall a year-round fit-for-purpose space to hold Council and community events year, and as a venue for hire.

The main hall HVAC system upgrade has been designed to be compatible with the future electrification of the central HVAC plant for the Fitzroy Town Hall.

Other works are to be undertaken that include new audio-visual equipment and replacement of the non-compliant theatre rigging system which will enable improved main hall utilisation.

An invitation to tender for C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades was publicly advertised on 29 October 2022 and closed on 25 November 2022.

A tender evaluation panel has completed a detailed evaluation process including referee checks and a financial assessment of the prospective contractor and recommends the award of the contract to the preferred tenderer.

The upgrade works are expected to be complete by January 2024.

Financial Implications

There is a 2022/23 budget of \$2,385,994 allocated for this project.

PROPOSAL

That Council:

- (a) approves the award of Contract C1625 to _____ for the Fitzroy Town Hall Main Hall HVAC and services upgrades for the lump sum price of \$_____ (ex-GST);
- (b) approves allocation of a contingency sum of 18% of the lump sum being \$_____ (ex-GST) to cover any minor variations or scope changes;
- (c) notes the financial implications of the project as outlined in the confidential **Attachment One**; and
- (d) authorises the General Manager Infrastructure and Environment to sign on behalf of Council, all necessary documentation relating to contract number C1625.

7.4 C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades

Reference	D23/12281
Author	Moez Ageeb - Project Manager Buildings
Authoriser	General Manager - Infrastructure and Environment

Purpose

1. To recommend the award of a contract for Main Hall HVAC and Services Upgrades to the Fitzroy Town Hall, located at 201 Napier St, Fitzroy.

Background

2. The Fitzroy Town Hall is listed on the Victorian Heritage Register (VHR no. H0147). It comprises four levels and was built in two stages being:
 - (a) the hall wing and tower in 1873; and
 - (b) hall extensions, new municipal offices, library, courthouse, police station and a centrally located tower (replacing the original) in 1887-90.
3. The project objectives are to:
 - (a) upgrade the Heating, Ventilation and Air Conditioning (HVAC) sub-system servicing the main hall (that is connected to the existing central HVAC chiller/boiler plant), which will result in improved comfort levels in the main hall;
 - (b) improve the passive thermal performance of the main hall to improve energy efficiency and maintain occupancy comfort, especially during the winter months; and
 - (c) enable improved main hall utilisation by upgrading the electrical infrastructure, installing new audio-visual equipment, and replacing the non-compliant theatre rigging system.
4. The main hall HVAC sub-system upgrade and associated works will greatly improve the utility and amenity of the Fitzroy Town Hall main hall through improving comfort levels for facility users along with associated improvements to the hall infrastructure to make the main hall a year-round fit-for-purpose space to hold Council and community events, and as a venue for hire.
5. The main hall HVAC system upgrade has been designed to be compatible with, and ready for, the future electrification of the central HVAC plant for the Fitzroy Town Hall, with design for this having been completed in 2022/23 and construction currently anticipated for around budget year 2026/27, subject to confirmation through Council's approval of relevant annual budgets and long-term financial plans.
6. The electrical infrastructure upgrades and the specifications of the new audio and video systems have been developed for consistency with the systems installed at Collingwood Town Hall with input from the Venues and Events team.
7. The following measures will be used to avoid and minimise disruptions to the current operations of the building:
 - (a) preliminary works to set up temporary fencing and isolate the main hall from the operating areas of the building;
 - (b) asbestos removal works are to be undertaken by qualified industry professionals with air monitoring systems in place to eliminate the risk of exposure to the users of the building; and
 - (c) where possible, noisy activities are to be scheduled outside core operating hours (but in accordance with local laws and permit requirements).

8. The upgrade works are expected to be complete by January 2024.

Tender Process

9. In accordance with Council’s Procurement Policy, an invitation to tender for contractors interested in undertaking these works was publicly advertised in The Age newspaper on Saturday 29 October 2022 and on Council’s on-line procurement portal. The tender period closed on Friday 25 November 2022.
10. The details of tenders received, and the tender evaluation process is provided in the confidential **Attachment One** (C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades) and confidential **Attachment Two** (C1625 Panel Evaluation Matrix).

Tender Evaluation Criteria

11. The following tender key evaluation criteria were used:

Non-Scoring Criteria (Prerequisites)

Criteria
Financial Viability
Occupational Health & Safety Management Systems
Required Insurance Coverage
Completed Statutory Declaration
Completed Tender Form & Pricing Schedule

Scoring Criteria

Criteria
Experience and Pre-Qualification
Capacity and Capability
Provision of Services
Industrial Relations
Quality Management System
Sustainability, including: <ul style="list-style-type: none"> • Environmental Sustainability • Social Sustainability • Corporate Social Responsibility)

Financial Assessment

12. A detailed financial assessment was sought from Corporate Scorecard Pty Ltd in relation to the capacity of the preferred contractor to undertake this particular contract.

Probity

13. The evaluation panel chair provided probity oversight during this tender and evaluation process.
14. In accordance with Council’s Procurement Policy, there was no requirement for the engagement of a Probity Auditor as the total expenditure for this project is below \$10 million.

Occupational Health and Safety requirements

15. The tender document contained occupational health and safety conditions which require the following prior to commencement:
- (a) a Risk Assessment, including a requirement for a Safe Work Method Statement (SWMS);

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

16. The contract will be managed by a Council officer who will monitor compliance with the Health and Safety Plan.

Financial Implications

17. There is a 2022/23 budget of \$2,385,994 allocated for this project, consisting of \$1,020,000 carried forward from 2021/22 plus a further \$1,365,994 adopted in 2022/23 (part of a total 2022/23 allocation to Fitzroy Town Hall works of \$1,720,000).
18. Two bank guarantees of 2.5% of the total contract price will be required from the successful tenderer. One will be released after practical completion and the other after the completion of the defects liability period.

Economic Implications

19. Improved utilisation of the Fitzroy Town Hall Main Hall supports the local economy through attracting visitors to the municipality for events held at the Main Hall and local suppliers that may provide catering, entertainment or other services for those events.

Stakeholder Consultation

20. Internal consultation has been undertaken between Council's Venues and Events and Building Projects teams regarding hall availability and to facilitate a smooth transition into the project by the successful tenderer.

Sustainability Implications

21. The main hall HVAC system upgrade has been designed to be compatible with the future electrification of the central HVAC plant at Fitzroy Town Hall as part of Council's Climate Emergency Plan commitment to eliminate the usage of gas at Council buildings.
22. Passive thermal improvements to the main hall will improve energy efficiency.

Social Procurement Implications

23. The social procurement approach of prospective contractors is evaluated as part of the scored evaluation criteria.

Human Rights and Disability – Access and Inclusion Implications

24. The passive thermal performance improvements to the main hall include the introduction of an airlock, which has been designed to meet Australian Standard AS1428 for universal accessibility.

Council Plan, Strategy and Policy Implications

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

Legal Implications

26. The contract will be governed by terms and conditions based on the General Conditions of Contract – AS2124:1992 as modified by Maddocks Lawyers and as specified in the tender conditions.

Other Issues

27. Improved utility and amenity of the Fitzroy Town Hall mail hall will be valuable to Council (for hosting of Council events there, including Council meetings), facility tenants, community groups and prospective hirers.

Communities with CALD Communities Implications

28. All public communications will meet CALD policy principles.

Ethical Practices

29. The recommended tenderer has attested that it complies with Council's ethical standards.

Options

30. None identified.

Conclusion

31. The upgrade works are expected to be complete by January 2024.

RECOMMENDATION

1. That Council:
 - (a) approves the award of Contract C1625 to _____ for the Fitzroy Town Hall Main Hall HVAC and services upgrades for the lump sum price of \$_____ (ex-GST);
 - (b) approves allocation of a contingency sum of 18% of the lump sum being \$_____ (ex-GST) to cover any minor variations or scope changes;
 - (c) notes the financial implications of the project as outlined in the confidential **Attachment One**; and
 - (d) authorises the General Manager Infrastructure and Environment to sign on behalf of Council, all necessary documentation relating to contract number C1625.

Attachments

- 1 C1625 Tender Report for Fitzroy Town Hall - Main Hall HVAC and Services Upgrades - *Confidential*
- 2 C1625 Panel Evaluation Matrix - *Confidential*