



Agenda

Council Meeting

7.00pm, Tuesday 29 March 2022

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; and
- 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 Sophie Wade | Mayor |
| • Cr Edward Crossland | Deputy Mayor |
| • Cr Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Anab Mohamud | Councillor |
| • Cr Claudia Nguyen | Councillor |
| • Cr Bridgid O’Brien | Councillor |
| • Cr Amanda Stone | Councillor |

Council officers

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

Municipal Monitor

- | | |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
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Leave of absence

- | | |
|--------------------------|------------|
| • Cr Gabrielle de Vietri | Councillor |
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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

Nil

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meetings held on Tuesday 8 March 2022 and Thursday 10 March 2022 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	National Aged Care Reforms - Principles for Decision-Making	9	14	Adrian Murphy – Manager Aged and Disability Services
8.2	Australian Election Advocacy Priorities	15	18	Justin Kann – Senior Advisor Advocacy and Partnerships
8.3	Motions for ALGA National General Assembly	19	20	Rhys Thomas - Senior Governance Advisor
8.4	Proposed Discontinuance of Road abutting 2 Fitzgibbon Street, Cremorne	21	24	Bill Graham – Coordinator Valuations
8.5	Proposed Discontinuance of Road abutting 9-11 Brighton Street, Richmond	25	27	Bill Graham – Coordinator Valuations

9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Rescission No. 1 of 2022 - Statutory Planning - Delegations	29	30	Bridgid O'Brien – Councillor
9.2	Notice of Motion No. 3 of 2022 - Planning Delegations	32	33	Bridgid O'Brien – Councillor
9.3	Notice of Motion No. 4 of 2022 - Melbourne Pride Event	34	35	Sophie Wade - Mayor

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 National Aged Care Reforms - Principles for Decision-Making

Reference	D22/61532
Author	Adrian Murphy - Manager Aged and Disability Services
Authoriser	Acting Director Community Wellbeing

Purpose

1. To present and seek Council endorsement of the updated draft principles which will be a key element of Council's decision-making framework for its future role in the new Commonwealth Support at Home Program (CHSP), and more broadly in providing services, programs and initiatives to support older people and people with disability.

Critical analysis

History and background

2. Councillor Briefing reports presented in 2021 outlined:
 - (a) Introduction of the My Aged Care centralised gateway;
 - (b) Establishment of a proposed new Assessment model;
 - (c) Commencement of a new Support at Home Program (SAHP) to replace the CHSP and Home Care Package programs; and
 - (d) Draft Key Principles to support decision-making.
3. These briefings followed on from the Royal Commission into Aged Care handing down its findings and the Federal Government outlining its response as part of the 2021-2022 Budget.
4. Across these briefings, advice was provided on:
 - (a) The Current State – Council's current role in direct service delivery under the My Aged Care system, including assessment of need; and provision of services under the Commonwealth Support at Home Program;
 - (b) The Future State – analysis of the outcomes of the Federal Government / Royal Commission findings and implications for Council's role in direct services and active ageing; and
 - (c) Preparing for Change – outline of the research and work program completed to date to assess future directions, including community aspirations, options, and decision timelines.
5. In the intervening period the Federal Government has continued to design the new Support at Home Program (scheduled for commencement on 1 July 2023). This has included:
 - (a) Consultation with the sector on readiness to implement the reforms;
 - (b) Review of unit pricing with a view to standardisation across the country;
 - (c) Design of an integrated model that incorporates the CHSP program within the new Support at Home program while still retaining a low level, quick access option; and
 - (d) Development of a new assessment framework.
6. In addition, the Federal Government has determined to offer current CHSP providers (Council) a further one-year extension (1 July 2022 to 30 June 2023) to continue the current program while the design phase continues.

Discussion

7. The focus of this report is to consider the key principles that will assist Council in making decisions on its role in the new SAHP, including within specific services, and its broader role in supporting older people (50+) and people with disability in the community.
8. The Aged Care reforms are comprehensive and transformational. As a provider, Council will move from being the primary provider of low-level services within Yarra to being one of many providers offering services in an open and competitive market and based on a consumer choice model. There is an opportunity for Council to reflect on where it can enhance the new market model to support residents and or invest in other activities that increase opportunities outside the My Aged Care system and broaden support of at-risk cohorts.
9. Some decisions will fall outside of Council's control – e.g. final Federal Government policy decision on the delivery of Assessment services, where it is most likely that this service will not continue at the municipal level.
10. Where Council is in a position to maintain a role in service delivery however, and given the breadth of the policy and service system changes, it is appropriate that Council consider its role and determine how it can provide 'best value' in supporting the community into the future.
11. The third Councillor Briefing outlined the actions taken to support this decision-making process to date, including:
 - (a) Outcomes of the Active & Healthy Ageing Strategy consultation process, including the Living Well in Yarra engagement;
 - (b) Deliberations arising from the Community Panel and client surveys;
 - (c) Consultation with the Active Ageing Advisory Committee; and
 - (d) Consultation with staff within the Aged & Disability Services Branch.

Options

12. The approach taken to developing the key themes and principles has been to identify the commitments contained in these documents (above) and draw upon the outcomes of the consultation processes. This analysis showed a consistency between the aspirations contained in Council's strategic documents and the feedback provided through the consultations. These themes and principles have been further tested with Council's Active Ageing Advisory (AAAC) Committee and Aged & Disability Branch staff. Attachment 1 - Key Inputs and Attachment 2 - provide detail from the documents.
13. In addition, the recently adopted Council Vision 2036, Council Plan 2021 - 2025 and Social Justice Charter provide important Council and community input. The Municipal Association of Victoria ("MAV") has also published an analysis of the reforms and considerations for Victorian councils (July 2021).
14. As outlined in the advice provided by the MAV, the role of councils in the delivery of services to older residents does not need to be solely defined by involvement in funded aged care programs. The reforms offer the opportunity for councils to think strategically about what and how they support residents into the future. The development of the following key themes and principles are designed to support this strategic decision-making process.

Key Themes

15. Analysis of the strategies and reports identified the following themes:
 - (a) Access and equity (for all, including vulnerable and at risk);
 - (b) Independence;
 - (c) Opportunity for participation; and
 - (d) Knowledge sharing and advocacy.

16. The principles have been updated to include feedback from the Councillor briefing, the AAAC, and Aged & Disability Branch staff.

Key Principles for Decision-Making (updated)

17. The key principles identified are:
- (a) **Principle 1:** Council will be a robust advocate and steward for the provision of quality and accessible aged care services for our community;
 - (b) **Principle 2:** Further grow the sphere of attention and activity from a smaller number of frail/older aged clients to all aged 50+ and people with disability;
 - (c) **Principle 3:** Invest funds to ensure the delivery of services and programs that align with the Active Ageing and Access & Inclusion Strategies;
 - (d) **Principle 4:** Reach out and listen to the voices of all our communities and together develop programs and services that are inclusive, empowering and build a strong sense of community for all 50+ and people with disability;
 - (e) **Principle 5:** Invest funds to address gaps to ensure that at risk, vulnerable and isolated community members are supported, engaged, and linked to local services and programs.; and
 - (f) **Principle 6:** Expand the support and information delivered to all branches of Council to ensure the needs of people with disability and those 50+ are incorporated into the day to day programs and services delivered to our community.
18. These principles will provide a framework for assessing each service activity from the perspective of Council's stated strategic intent and in taking account of what the community have told us through the key consultation and deliberative panel processes.
19. Coupled with these key principles, the service specific analysis will also consider the opportunities and risks associated with:
- (a) National Competition Policy;
 - (b) Financial and resource implications;
 - (c) Organisational capacity;
 - (d) Enhanced quality, accountability, and governance requirements;
 - (e) Market capacity; and
 - (f) Re-investment options.

Relationship to Council Resolution – December 2017

20. In December 2017 Council considered five options in considering its future directions across all CHSP services. These options were:
- (a) Option 1 - Retaining service delivery within Council on a business as usual basis;
 - (b) Option 2 - Retaining service delivery and optimising services by improving financial and service efficiency, including contracting options;
 - (c) Option 3 - Establishing an independent business with other partners;
 - (d) Option 4 - Exiting all services and either winding down slowly or actively transferring the service to another party; and
 - (e) Option 5 - Discontinuing some services, transferring some services and remaining in some services.
21. Council resolved that:
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- (a) Council note the findings of the Commonwealth Home Support Program Project as outlined in this report and Council reiterates its commitment to quality, public services;
 - (b) Council authorise officers to conduct a detailed investigation of the potential risks and benefits of the options outlined in the report, with a particular focus on 2 and 5, excluding Option 4, and that this investigation include stakeholder engagement including representative groups;
 - (c) Council notes the community engagement process to occur over February to March 2018 to seek community input into future directions in supporting older people living in Yarra;
 - (d) Officers provide a further report in April /May 2018 on the outcomes of the community engagement process and progress on assessment of the range of Options; and
 - (e) An appropriate summary of tonight's report and motion be made public.
22. The above resolution was actioned to the extent possible (noting intervening Federal Government reviews, Royal Commission, and progress in designing a new nation-wide program).
23. The draft principles align with and are consistent with this resolution.

Community and stakeholder engagement

24. The Councillor Briefing (No 3) in August 2021 outlined the process and findings of the community consultation and engagement undertaken. This is also summarised in Attachment 2. In summary, it has included:
- (a) Conduct of a deliberative panel to discuss and assess the Options;
 - (b) Client and community surveys;
 - (c) Participation of the Active Ageing Advisory Committee;
 - (d) Engagement of staff and relevant Unions; and
 - (e) Local forums with other providers and interest groups.

Policy analysis

Alignment to Community Vision and Council Plan

25. The key themes and draft principles have been informed by Council's Community Vision and Council Plan.

Climate emergency and sustainability implications

26. Not applicable to this report

Community and social implications

27. The reforms are transformational, and the extensive community consultation process has provided the opportunity to hear the voices of a range of stakeholders. The Community Panel provided an innovative method to explore issues with residents and resulted in creative ideas around transitional approaches, and what is seen as critical to supporting older people.
28. The client / service user survey brought forward very real and practical issues, highlighting the gap in knowledge, and understanding of the reforms and value placed on maintaining a reliable, quality, and low fee service system.
29. The Living Well in Yarra and other consultations also identified new approaches to supporting older people and recognised the value of Council maintaining a role in supporting people who are vulnerable.

Economic development implications

30. Not applicable to this report.

Human rights and gender equality implications

31. The consideration of human rights and gender equality implications has been incorporated in the work to date – and has been reflected in the community engagement process.

Operational analysis

Financial and resource impacts

32. The financial and resource implications will be outlined in the service specific reports to be presented in 2022.

Legal Implications

33. Not applicable to this report.

Conclusion

34. The national aged care reforms are transformational and as such require Council to consider its role, now and into the future.
35. The Local Government Act requires Council to undertake transparent decision-making and seek to achieve the best outcomes for the community. The adoption of transparent decision-making principles and framework based on Council's strategic plans and engagement with the community demonstrates Council's commitment in this regard.
36. It is proposed that the principles for decision-making, together with analysis of the internal and external opportunities and risks serve as the framework for finalising service specific reviews to bring recommendations before Council in 2022.

The key principles identified are:

- (a) **Principle 1:** Council will be a robust advocate and steward for the provision of quality and accessible aged care services for our community;
 - (b) **Principle 2:** Further grow the sphere of attention and activity from a smaller number of frail/older aged clients to all aged 50+ and people with disability;
 - (c) **Principle 3:** Invest funds to ensure the delivery of services and programs that align with the Active Ageing and Access & Inclusion Strategies;
 - (d) **Principle 4:** Reach out and listen to the voices of all our communities and together develop programs and services that are inclusive, empowering and build a strong sense of community for all 50+ and people with disability;
 - (e) **Principle 5:** Invest funds to address gaps to ensure that at risk, vulnerable and isolated community members are supported, engaged, and linked to local services and programs; and
 - (f) **Principle 6:** Expand the support and information delivered to all branches of Council to ensure the needs of people with disability and those 50+ are incorporated into the day to day programs and services delivered to our community.
37. The internal and external opportunities and risks to be considered include analysis of:
- (a) National Competition Policy;
 - (b) Financial and resource implications;
 - (c) Organisational capacity;
 - (d) Quality, accountability, and governance requirements;
 - (e) Market capacity; and
 - (f) Re-investment options.

38. The next step will realise a series of reports presented to Council across 2022, utilising the principles for decision-making as a key part of the framework. The proposed schedule is outlined in Attachment 3.

RECOMMENDATION

1. That Council:
 - (a) endorse the draft Principles outlined in paragraph 36 (above) of this report for the purpose of supporting decision-making on its future role in the new Support at Home program, and more broadly in providing services, programs and initiatives to support older people and people with disability; and
 - (b) notes that officers will continue to complete the analysis of the impacts, changes and opportunities arising from the introduction of the new Federal Government Support at Home program and present service specific reports and recommendations to future Council meetings in 2022.

Attachments

- 1 Attachment 1 - Key input into Guiding Principles
- 2 Attachment 2 - NACR Yarra Position
- 3 Attachment 3 - Services and Critical Decision Timelines

8.2 Australian Election Advocacy Priorities

Reference	D22/61863
Author	Justin Kann - Senior Advisor, Advocacy and Partnerships
Authoriser	Group Manager Advocacy and Engagement

Purpose

1. To consider and seek Council's adoption of its advocacy priorities for the 2022 Australian Election.

Critical analysis

History and background

2. Advocacy and representing the views and aspirations of the community is a core function of all councils.
3. As the level of government closest to the community, councils are well-placed to understand the needs and views of local residents, business and community groups and work with State and Federal governments to deliver positive outcomes and meaningful policy change.
4. Yarra City Council has a long and proud history of advocating at both a State and Federal level and does so on a regular basis.
5. This advocacy occurs in a manner that seeks a combination of outcomes including policy reform, interventions from government and funding for specific projects or initiatives within the municipality.
6. To achieve these outcomes, Council engages with government at different levels including the Prime Minister, Premier, Ministers, Opposition, crossbenchers and local Members of Parliament. It does this through a range of different forums or opportunities including one-on-one engagement or meetings, parliamentary submissions, advocacy by peak bodies or as part of regional groupings like M9.
7. An important opportunity for Council to advocate to other levels of government and to advance its advocacy agenda is during State or Federal elections where Council can seek commitments from local candidates or political parties seeking to form government or enter the Parliament.
8. In 2022, there will be both an Australian and Victorian election. This presents a unique opportunity for Council to advocate for a range of policy reforms, projects and initiatives which are integral to Yarra's recovery from the COVID-19 pandemic and to building a fairer, more sustainable future for the local community.
9. The attached *Draft Australian Election Advocacy Priorities* set out Council's priorities aligned with Federal Government responsibilities and which Council will pursue with individual candidates, party spokespeople and other key stakeholders during the election.

Discussion

Draft Australian Election Advocacy Priorities

10. The next Australian Election is expected in the first half of 2022 and will be an important event for the local community and nation, more broadly.
11. As Australia continues to meet the challenges of the COVID-19 pandemic and begins to shift towards the COVID-recovery, the policies, plans and commitments of local candidates and political parties will guide and shape the future of local communities and their residents, businesses, workers and community groups.

12. Council has an important role to play in advocating for policy change and initiatives which support positive local outcomes and align with the aspirations and priorities of the community.
13. Yarra's *Draft Australian Election Advocacy Priorities* sets out an ambitious list of commitments across a broad range of topics including COVID-19, infrastructure, transport, sustainability, jobs and the economy. These priorities are drawn from Council's policies, strategies and resolutions as well as direct input with Councillors and Council officers.
14. The document sets out five key actions that support Council's commitment to creating a climate-safe, equitable and liveable Yarra.
15. The five actions outlined in the document are:
 - (a) Continuing to meet the challenge of COVID-19;
 - (b) Responding to the climate emergency;
 - (c) Creating an open and inclusive Australia;
 - (d) Creating a fair and prosperous economy; and
 - (e) Investing in local infrastructure.
16. The priorities under each action take the form of either a policy commitment, such as partnering with State and Local Governments to invest in local climate action or community-led sustainability initiatives, or a specific funding request, such as \$2.8 million to redevelop Gillon Pavilion in Burnley.
17. Overall, the document calls for urgent policy reform, particularly in the area of the climate emergency, as well as substantial funding to be made available to Yarra to invest in local infrastructure and initiatives.
18. Importantly, while not all policy and funding requests are expected to be realised, this document provides an important guide for candidates and parties for future investment within the municipality.

Advocacy Strategy

19. If adopted, Council will pursue a clear strategy to communicate its advocacy priorities to local candidates and political parties at the upcoming election.
20. There are two Federal electorates which overlap with the municipality.
21. The two electorates are:
 - (a) the Federal Electorate of Melbourne, currently held by the Australian Greens (Greens); and
 - (b) the Federal Electorate of Cooper, currently held by the Australian Labor Party (ALP).
22. Officers propose Council initially communicates its agreed priorities to individual candidates and parties in both electorates through a letter written by the Mayor and pursues follow-up meetings with candidates to discuss specific policy commitments and projects in greater detail.
23. Council officers will also monitor commitments made by candidates and political parties, topics of public debate and matters of interest to the local community throughout the election campaign and support the Mayor to advocate and/or respond to issues or opportunities as they emerge.

Options

24. The options for Council in relation to the Australian Election advocacy priorities are to adopt the draft list of priorities, amend and adopt the list or reject the list.

Community and stakeholder engagement

25. The priorities, policy reforms and funding requests contained in the *Draft Australian Election Advocacy Priorities* document have been drawn from a range of Council strategies, plans and resolutions, many of which have undergone extensive community and stakeholder consultation.

Policy analysis

Alignment to Community Vision and Council Plan

26. Many of the priorities, policy reforms and funding requests contained in the *Draft Australian Election Advocacy Priorities* document directly relate to the Strategic Objectives outlined in the Council Plan and support the individual strategies and initiatives contained within it. It also supports the themes and aspirations set out in the Yarra 2036 Community Vision.

Climate emergency and sustainability implications

27. As a key focus of Yarra's advocacy agenda, sustainability and the climate emergency - including action on waste and the circular economy, electric vehicles and public and active transport – are reflected in the advocacy priorities with many individual actions being drawn from Yarra's Climate Emergency Plan 2020-2024 and other strategies.

Community and social implications

28. The draft advocacy priorities support positive community and social outcomes with many individual actions directly relating to Council's commitment to social justice and creating a fairer, more inclusive Yarra.

Economic development implications

29. Many of the priorities, policy reforms and funding requests contained in the *Draft Australian Election Advocacy Priorities* document directly relate to economic development with individual actions addressing local economic initiatives and the COVID-recovery across Yarra.

Human rights and gender equality implications

30. There are no specific human rights or gender equality implications associated with this report.

Operational analysis

Financial and resource impacts

31. There are no specific financial or resource impacts from this report.
32. The implementation and operationalisation of the Australian Election advocacy strategy will be delivered through existing budgets and resources.

Legal Implications

33. There are no specific legal implications associated with this report.

Conclusion

34. Advocacy and representing the views and aspirations of the community is a core function of all councils.
35. As the level of government closest to the community, councils are well-placed to understand the needs and views of local residents, business and community groups and work with State and Federal governments to deliver positive outcomes and meaningful policy change that benefits the community.
36. Yarra City Council has a long and proud history of advocating at both a State and Federal level.

37. In 2022, there will be both an Australian and Victorian election which presents a unique opportunity for Council to advocate for a range of policy commitments, projects and initiatives which are integral to Yarra's recovery from the COVID-19 pandemic and to building a fairer, more sustainable future.
38. The attached *Draft Australian Election Advocacy Priorities* set out Council's priorities aligned with Federal Government responsibilities which Council will pursue with individual candidates, party spokespeople and other key stakeholders. This will be done, initially, through a letter to local candidates and parties with follow-up meetings sought to discuss Council's priorities in greater detail.

RECOMMENDATION

1. That Council:
 - (a) notes that the next Australian Election is expected to occur in the first half of 2022;
 - (b) notes the officer report regarding Yarra's Australian Election advocacy priorities, including the proposed advocacy strategy to communicate these priorities to local candidates and parties; and
 - (c) adopts the advocacy priorities as shown in the Draft Australian Election Advocacy Priorities (Attachment 1).

Attachments

- 1 Attachment 1 - Draft Australian Election Advocacy Priorities

8.3 Motions for ALGA National General Assembly

Reference	D22/62983
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To provide an opportunity for Council to consider submitting motions to the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra on 19-22 June 2022.

Critical analysis

History and background

2. The ALGA National General Assembly is an opportunity to further Council's policy positions at a national and state level, particularly in relation to advocacy matters. Once submitted, the motions are taken to National General Assembly, and debated by the members. If adopted, they become the formal position of the ALGA.

Discussion

3. Council has an opportunity to submit motions for consideration by the ALGA National General Assembly. To be eligible for inclusion in the National General Assembly Business Papers, and subsequent debate on the floor, motions must meet the following criteria:
 - (a) Be relevant to the work of Local Government nationally;
 - (b) Not be focussed on a specific location or region – unless the project has national implications;
 - (c) Be consistent with the themes of the National General Assembly;
 - (d) Complement or build on the policy objectives of your state and territory local government association;
 - (e) Be submitted by a council which is a financial member of their state or territory local government association;
 - (f) Propose a clear action and outcome i.e. call on the Australian Government to do something; and
 - (g) Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
4. While the deadline for motions to be submitted to the ALGA Secretariat is 25 March 2022, Council has sought (and received) an extension to enable the submission of matters endorsed at this Council meeting.

Options

5. Council has the option of determining whether or not to submit a motion (or motions) to the National General Assembly in 2022.

Community and stakeholder engagement

6. There has been no external consultation in the preparation of this report.
7. Invitations have been extended to all Councillors to consider preparation of motions for consideration by Council for submission to the National General Assembly.

Policy analysis

Alignment to Council Plan

8. Any submitted proposed motion should be consistent with Council’s established policy position on the relevant subject, including the Council Plan.

Climate emergency and sustainability implications

9. There are no sustainability implications associated with this report.

Community and social implications

10. There are no community or social implications associated with this report.

Economic development implications

11. There are no economic implications associated with this report.

Human rights and gender equality implications

12. There are no human rights or gender equality implications associated with this report.

Operational analysis

Financial and resource impacts

13. As the National General Assembly is interstate, the attendance of Councillors requires approval by Council and will be the subject of a future report. There are no financial implications of submitting motions to the National General Assembly.

Legal Implications

14. There are no legal issues associated with this report.

Conclusion

15. This report provides Councillors an opportunity for Council endorsement of motions for submission to the Australian Local Government Association (ALGA) National General Assembly.

RECOMMENDATION

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 19-22 June 2022, as tabled:
 - (a) _____
 - (b) _____

Attachments

There are no attachments for this report.

8.4 Proposed Discontinuance of Road abutting 2 Fitzgibbon Street, Cremorne

Reference	D22/29940
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road shown as lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the whole of the land remaining in Conveyance Book 46 No. 113 should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to Little Projects Development Management Pty Ltd ACN 165 731 779, who is the owner of 36 and 38-40 Cubitt Street, Cremorne.

Critical analysis

History and background

2. The Road is shown as the area coloured red on the Plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title search of the Road is attached as Attachment 3 to this report. The road has a total land area of 13.3 square metres.
3. The Big Group Ltd ACN 052 983 838 (**Original Applicant**), originally requested that Council discontinue and sell the Road to it (**Proposal**).
4. The Original Applicant was formerly the owner of the following properties, shown delineated purple on the site plan, being
 - (a) 36 Cubitt Street, Cremorne, being the land contained in certificate of title volume 3493 folio 440 (**36 Cubitt**); and
 - (b) 38-40 Cubitt Street, Cremorne, being the land contained in certificate of title volume 12200 folio 680 (**38-40 Cubitt**),(Together, the **Original Applicant's Properties**)
5. On 29 June 2021, with the original Applicant's approval, Little Projects Development Management Pty Ltd ACN 165 731 779 (**New Applicant**) requested that the Proposal be revisited to reflect that the Road is proposed to be sold to the New Applicant.
6. Council consented to the revised Proposal, on the basis that:
 - (a) the New Applicant was in the process of acquiring the Original Applicants Properties, and all of the following properties which abut the Road, shown outlined green on the Site Plan, from related parties of the Original Applicant. 49 Dover Street, 51 Dover Street, and 2 Fitzgibbon Street, Cremorne;
 - (b) The Original Applicant would pay all of Council's outstanding costs and disbursements in respect of the Proposal; and
 - (c) the New Applicant agreeing to pay Council's further costs and disbursements in respect of the revised proposal including the market value of the discontinued Road as determined by the Act.
7. Little Projects Development Management Pty Ltd (New Applicant) is the current registered proprietor of all of the properties surrounding the proposal including; 55 Dover Street, 51 Dover Street, 49 Dover Street, 2 Fitzgibbon Street, 6 Fitzgibbon Street, 36 Cubitt Street and 38-40 Cubitt Street, Cremorne. Together the (**New Applicant's Properties**). The New Applicant now owns all of the properties surrounding the proposal.

8. The New Applicant proposes to develop the surrounding land (which includes the Road) (**Development**), in accordance with planning permit no. PLN19/0921 (Planning Permit), the New Applicant is required to consolidate the title to the Road with all of the titles to the New Applicant's Properties. On the 4 February 2020, Council resolved to discontinue and sell to the Original Applicant the Road highlighted blue on the Site Plan (**Former Road**), in respect of a separate road discontinuance proposal by the Original Applicant to facilitate the Development. The New Applicant is now the registered proprietor of the Former Road, being the land contained in certificate of title volume 12294 folio 506, having acquired the Former Road from the Original Applicant.
9. The Planning Permit is for the Development of the Land "for the construction of a multi-storey building".
10. Condition 21 of the planning permit states the following:

Prior to the commencement of the development, all areas of the public laneway and road that the development is to be developed on must be formally discontinued under the provisions of the Local Government Act 1989 and transferred and consolidated with the instruments of title forming the address of this planning permit.

The discontinuance of this road portion will fulfil the requirements of condition 21.
11. The Original Applicant has paid Council's costs and disbursements to date in this matter. The New Applicant has agreed to pay Council's further costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road to the New Applicant.

Road Status

12. The Road is:
 - (a) known to title as a 'road' and is registered in the name of Thomas Robertson since 25 February 1857;
 - (b) not constructed as a road; and
 - (c) obstructed by a fence and locked gate at its Fitzgibbon Street entrance.
13. It is considered that the Road is not reasonably required for public use as the Road:
 - (a) only provides access to the rear of the property at 49 Dover Street;
 - (b) is not available pedestrian access by the public due to a fence and locked gate obstructing its entrance from Fitzgibbon Street; and
 - (c) is a dead end and does not provide public access to any other public road as a thoroughfare.
13. The Road is a 'road' for the purposes of the Act, and Council has statutory power to consider discontinuing the Road. If the Road is discontinued, the Road will vest in Council.

Discussion

14. At its meeting on 16 February 2021, Council passed the following resolution:

Moved: Councillor Crossland **Seconded:** Councillor Nguyen

1. *That Council:*

- (a) *Acting under section 17(4) of the Road Management Act 2004, resolves that the road abutting 2 Fitzgibbon Street, Cremorne (**Road**), being the whole of the land remaining in Conveyance Book 46 No. 113 (and shown as the area highlighted red on the plan attached as to this report) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report; and*
- (b) *Acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):*

- (i) *resolves that the required statutory procedures be commenced to discontinue the road;*
- (ii) *directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Age Newspaper, Council's social media, posted to adjoining Owners (if any) and displayed on-site;*
- (iii) *resolves that the public notice required to be given under section 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST), as determined by the Act; and*
- (iv) *authorises Bill Graham Valuations Coordinator, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.*

CARRIED

Public Notice

- 15. The required public notice was placed in the Age Newspaper on 1 April 2021 and displayed on site. A copy of the public notice is attached as Attachment 4 to this report.
- 16. The public notice was not posted to adjoining owners as both the Original Applicant and the New Applicant are the owners of all properties surrounding the Road so there are no adjoining owners.
- 17. No submissions were received by Council in response to the public notice. The closing date was 29 April 2021.

Public/Statutory Authorities

- 18. The following statutory/public authorities have been advised of the proposal and have been asked to respond to the question of whether they have any existing assets in the Road that should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, Ausnet, and Yarra City Council.
- 19. City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, APA Gas, Ausnet Services and Yarra City Council have advised that they have no assets in or above the Road and no objection to the Proposal.
- 20. Optus has advised that it has no objection to the Proposal.

Policy analysis

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

- 21. Not Applicable

[Climate emergency and sustainability implications](#)

- 22. Not Applicable

[Community and social implications](#)

- 23. Not Applicable

[Economic development implications](#)

- 24. Not Applicable

[Human rights and gender equality implications](#)

- 25. Not Applicable

Operational analysis

Financial and resource impacts

26. The New Applicant has agreed to acquire the discontinued Road for its market value (plus GST) as determined by the Act.

Legal Implications

27. In addition to the market value of the Road plus GST, the New Applicant has agreed to pay Council's further costs and disbursements associated with the Proposal. The Original Applicant has paid Council's costs and disbursements associated with the proposal to date.

Conclusion

28. Council must now decide whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act and to fulfil Council's condition requirement in the planning permit.

RECOMMENDATION

1. That Council acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
- (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 233 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 2 Fitzgibbon Street, Cremorne (shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**)) is not reasonably required for public use for the reasons set out in this report to discontinue the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the owner of 36 and 38-40 Cubitt Street, Cremorne (**Owner**), for no less than the market value (plus GST) as determined by the requirements of the Act.
 - (d) directs that the Interim CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
 - (f) directs that the Owner be required to consolidate the title to the discontinued Road with the adjoining properties 49, 51 and 55 Dover Street and 2 Fitzgibbon Street, Cremorne by no-later than 6 months after the date of transfer of the discontinued Road.

Attachments

- 1 Attachment 1 - Title Plan
- 2 Attachment 2 - Site Plan
- 3 Attachment 3 - Copy of Title Search
- 4 Attachment 4 - Public Notice

8.5 Proposed Discontinuance of Road abutting 9-11 Brighton Street, Richmond

Reference	D22/46289
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to:
 - (a) remove the road between 9-11 Brighton Street, Richmond, being the land shown highlighted red on the site plan attached as Attachment1 to this report (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004 (RMA)*; and
 - (b) commence statutory procedures pursuant to the Local Government Act 1989 (**Act**) to consider discontinuing the Road.

Critical analysis

History and background

2. The Road is comprised of the land remaining in Conveyance Book P No 731 and is shown as lot '1' on the title plan attached as Attachment 2 to this report (**Title Plan**).
3. Geoff Bade (Aust) Pty Ltd ACN 005 735 151 (Owner) is the registered proprietor of all the land abutting the Road, shown delineated blue on the Site Plan, comprising the land contained in certificates of title volume 8317 folio 878 and volume 10441 folio 818, known as 9 & 11 Brighton Street respectively. (together the **Adjoining Properties**).
4. On the 28 July 2021, the Owner entered into contracts to sell each of the Adjoining Properties and the property at 13-15 Brighton Street to LPC Brighton Pty Ltd ACN 652 201 655 (**Applicant**). Settlement of the contracts is to occur on 28 November 2022, or earlier by agreement between parties. The Applicant has provided copies of the contracts to Council.
5. The Applicant has requested that Council discontinue and sell the Road to it (**Proposal**), in anticipation of it becoming the registered proprietor of the Adjoining Properties.
6. The Applicant has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value (plus GST) for the transfer of the discontinued Road to the Applicant.

Discussion

Road

7. The Road is:
 - (a) known to title as a 'road', and its last registered owner is Joseph Clark as at 9 June 1852;
 - (b) constructed of concrete and artificial grass; and
 - (c) listed on Council's register of Public Roads.
8. As the Road is known to title as a 'road', it is therefore a 'road' for the purposes of the Act. Council has the power to consider discontinuing the Road. If discontinued, the Road will vest in Council.
9. A copy of the title search of the road is attached as Attachment 3.

10. As the Applicant has entered into a contract to purchase the Adjoining Properties, which are the only properties abutting the Road, the Applicant was not required to seek the consent of any other adjoining owners to the Proposal.
11. A site inspection of the Road was conducted by Reeds Consulting on 4 August 2021. The site inspection report notes that:
 - (a) the Road is constructed of concrete and artificial grass;
 - (b) the Road provides access to the Adjoining properties, but each of these properties have alternative access to Brighton Street;
 - (c) there is evidence of the Road being used, but only for pedestrian and vehicular access to the Adjoining Properties; and
 - (d) the Road is not required for general public access as it is a dead end.
12. A copy of the site inspection report is attached as Attachment 4 to this report.
13. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Road, only provides vehicular and pedestrian access to the adjoining properties and does not connect as a thoroughfare to any other public roads.

Statutory/Public Authorities

14. The following statutory/public authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: Greater Western Water; Melbourne Water; CitiPower; United Energy, Multinet Gas; Telstra; Optus; APA Gas; AusNet Services; and Yarra City Council.
15. Council, AusNet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas and APA Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
16. Optus has advised that it has no assets in or above the Road.
17. Telstra advised that it has no assets located within or above the Road, and no objection to the proposal, provided that the Applicant calls Dial Before You Dig prior to any construction activities in the vicinity of Telstra's communication plant, and upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the plant.
18. Greater Western Water advised that it has sewer assets in the Road and did not object to the Proposal, subject to the following conditions:
 - (a) a 2-metre-wide sewerage easement is created over the Road in favour of Greater Western Water;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
 - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
 - (d) any proposal to build over City West Water assets requires Greater Western Water's prior written consent.
19. The Title Plan was prepared to include the easement in favour of Greater Western Water.

Public Notice

20. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the Proposal.

21. Where a person has made a submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
22. After hearing/considering any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.
23. The public notice should state that if the Road is discontinued, Council proposes to sell the road to the adjoining owner for its market value (plus GST) as determined by the Act.

Operational analysis

Financial and resource impacts

24. The Applicant has agreed to acquire the Road for its market value (plus GST) as determined by the Act.
25. In addition to the market value of the Road (plus GST), the Applicant has agreed to pay Council's costs and disbursements associated with the Proposal.

Legal Implications

26. If the Road is discontinued, the sale of the Road to the applicant is subject to the Applicant becoming the owner of the Adjoining Properties.
27. If the Road is discontinued and sold to the Applicant, Council will require the Applicant to consolidate the title to the former Road with the title to the Adjoining Properties, within 6 months of the date of transfer of the Road to the Applicant, at the Applicant's expense.

Conclusion

28. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and transfer the discontinued Road to the Applicant.

RECOMMENDATION

1. That Council, acting under section 7(4) of the *Road Management Act 2004*, resolves that the road abutting 9-11 Brighton Street, Richmond, being the land remaining in Conveyance Book P No. 731 (and shown as lot '1' on the plan attached as attachment 2 to this report) (**Road**) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report.
2. That Council acting under Clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**):
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in "The Age" newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST); and
 - (d) authorises Bill Graham Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

Attachments

- 1 Attachment 1 - Site Plan
- 2 Attachment 2 - Title Plan
- 3 Attachment 3 - Title Search
- 4 Attachment 4 - Site Inspection Report

9.1 Notice of Rescission No. 1 of 2022 - Statutory Planning - Delegations

Reference	D22/53330
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Brigid O'Brien, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 29 March 2022:

That the resolution of Council made on 8 March 2022 stating:

1. *That Council:*
 - (a) *note the Officer's report regarding existing delegations and protocols for processing of planning applications, including an analysis of the level of applications determined at the Planning Decisions Committee;*
 - (b) *note that as part of the implementation of the Statutory Planning Service Review 2019, that the internal planning processes are now fully electronic, which are assisting in the efficiency of processing planning applications;*
 - (c) *note that further ongoing process improvements are being pursued by the Statutory Planning office to further improve overall service delivery and customer service;*
 - (d) *note the existing delegation and protocols, as outlined in the report and attachments, which currently guide and direct which planning applications are presented to the Planning Decisions Committee for determination; and*
 - (e) *note the benchmarking which has recently been carried out with nearby Councils regarding the level of applications that are dealt with by the equivalent of a Planning Decision Committee at those Councils.*
2. *That in the context of the report, the ongoing Service Review intent of assessing further efficiency improvements and the benchmarking provided, that Council consider the current Deed of Delegation to determine if any refinements or changes to delegations to the Planning Decisions Committee are assessed to be appropriate.*
3. *That Council note that in the officers opinion, as outlined in the report, that some changes and refinements to the Instrument of Delegation to the Planning Decision Committee would create some further overall service improvements to the statutory planning processes, and that the recommendations in this report are presented for Council consideration.*
4. *That in the exercise of the power conferred by s11(1)(a) of the Local Government Act 2020 Council resolves:*
 - (a) *there be delegated to the members of the Planning Decisions Committee the powers, duties and functions set out in the Instrument of Delegation to Members of the Planning Decisions Committee at Attachment Two, subject to:*
 - (i) *the replacement of the word "Councillors" with "ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee" in clause 2.7 of the Schedule; and*
 - (ii) *the replacement of the words "a Councillor" with "two or more ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee" in clause 4 of the Schedule; and*
 - (iii) *the insertion of the words "26 October 2024 or" after the word "until" in clause 2.4 of the Instrument.*

and subject to the conditions and limitations specified in that Instrument;

- (b) *the instrument comes into force immediately once the Instrument of Delegation is signed by the Council and remains in force until Council determines to vary or revoke it; and*
 - (c) *the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
5. *That Council amend and adopt the Protocols for use of Delegated Authority (Planning Protocols) subject to:*
- (a) *amendment of the clause relating to Heritage Victoria Referrals to read:
All Heritage Victoria referrals are managed under delegation with only ‘significant’ applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making
A copy of all Heritage Victoria referrals be provided to Councillors for their information.; and*
 - (b) *amendment of the clause relating to Heritage Council Applications to read:
All Heritage Council Applications are managed under delegation with only ‘significant’ applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making
A copy of all Heritage Council Applications be provided to Councillors for their information.*
6. *That Council seek a review of Statutory Planning processes forming part of the broader continuous improvement program to include Councillor and targeted community consultation to review but not limited to:*
- (a) *facilitating business applications;*
 - (b) *facilitating efficient and transparent processing of applications; and*
 - (c) *consultation/mediation.*

be rescinded.

RECOMMENDATION

That the resolution of Council made on 8 March 2022 stating:

1. That Council:
 - (a) note the Officer’s report regarding existing delegations and protocols for processing of planning applications, including an analysis of the level of applications determined at the Planning Decisions Committee;
 - (b) note that as part of the implementation of the Statutory Planning Service Review 2019, that the internal planning processes are now fully electronic, which are assisting in the efficiency of processing planning applications;
 - (c) note that further ongoing process improvements are being pursued by the Statutory Planning office to further improve overall service delivery and customer service;
 - (d) note the existing delegation and protocols, as outlined in the report and attachments, which currently guide and direct which planning applications are presented to the Planning Decisions Committee for determination; and
 - (e) note the benchmarking which has recently been carried out with nearby Councils regarding the level of applications that are dealt with by the equivalent of a Planning Decision Committee at those Councils.
2. That in the context of the report, the ongoing Service Review intent of assessing further efficiency improvements and the benchmarking provided, that Council consider the current Deed of Delegation to determine if any refinements or changes to delegations to the Planning

Decisions Committee are assessed to be appropriate.

3. That Council note that in the officers opinion, as outlined in the report, that some changes and refinements to the Instrument of Delegation to the Planning Decision Committee would create some further overall service improvements to the statutory planning processes, and that the recommendations in this report are presented for Council consideration.
4. That in the exercise of the power conferred by s11(1)(a) of the Local Government Act 2020 Council resolves:
 - (a) there be delegated to the members of the Planning Decisions Committee the powers, duties and functions set out in the Instrument of Delegation to Members of the Planning Decisions Committee at Attachment Two, subject to:
 - (i) the replacement of the word “Councillors” with “ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee” in clause 2.7 of the Schedule; and
 - (ii) the replacement of the words “a Councillor” with “two or more ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee” in clause 4 of the Schedule; and
 - (iii) the insertion of the words “26 October 2024 or” after the word “until” in clause 2.4 of the Instrument,and subject to the conditions and limitations specified in that Instrument;
 - (b) the instrument comes into force immediately once the Instrument of Delegation is signed by the Council and remains in force until Council determines to vary or revoke it; and
 - (c) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That Council amend and adopt the Protocols for use of Delegated Authority (Planning Protocols) subject to:
 - (a) amendment of the clause relating to Heritage Victoria Referrals to read:

All Heritage Victoria referrals are managed under delegation with only ‘significant’ applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making

A copy of all Heritage Victoria referrals be provided to Councillors for their information.;

and
 - (b) amendment of the clause relating to Heritage Council Applications to read:

All Heritage Council Applications are managed under delegation with only ‘significant’ applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making

A copy of all Heritage Council Applications be provided to Councillors for their information.
6. That Council seek a review of Statutory Planning processes forming part of the broader continuous improvement program to include Councillor and targeted community consultation to review but not limited to:
 - (a) facilitating business applications;
 - (b) facilitating efficient and transparent processing of applications; and
 - (c) consultation/mediation.

be rescinded.

9.2 Notice of Motion No. 3 of 2022 - Planning Delegations

Reference	D22/63000
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Bridgid O'Brien, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 29 March 2022:

- "1. *That subject to Notice of Rescission No 1 of 2022 as listed on the Council Meeting Agenda of 29 March 2022 being carried, I will move:*
- (a) That no changes be made to the Instrument of Delegation until a review of Statutory Planning is undertaken; and*
 - (b) That Council undertake an independent review of Statutory Planning as part of the broader continuous improvement program of Council governance that:*
 - (i) seeks broad community input and consultation;*
 - (ii) provides analysis of the number of objections, types of applications and resulting decisions of the Planning Decisions Committee to inform any new instrument of delegation policy;*
 - (iii) includes analysis of matters going to the Victorian Civil and Administrative Tribunal;*
 - (iv) addresses heritage priorities and neighbourhood character matters;*
 - (v) addresses the processing of small business applications - specifically the mitigation of delays to permits on signage, maintenance, minor alterations, change of usage, etc; and*
 - (vi) makes the review results public."*

RECOMMENDATION

1. That subject to Notice of Rescission No 1 of 2022 as listed on the Council Meeting Agenda of 29 March 2022, being carried I will move:
 - (a) That no changes be made to the Instrument of Delegation until a review of Statutory Planning is undertaken; and
 - (b) That Council undertake an independent review of Statutory Planning as part of the broader continuous improvement program of Council governance that:
 - (i) seeks broad community input and consultation;
 - (ii) provides analysis of the number of objections, types of applications and resulting decisions of the Planning Decisions Committee to inform any new instrument of delegation policy;
 - (iii) includes analysis of matters going to the Victorian Civil and Administrative Tribunal;
 - (iv) addresses heritage priorities and neighbourhood character matters;
 - (v) addresses the processing of small business applications - specifically the mitigation of delays to permits on signage, maintenance, minor alterations, change of usage, etc; and
 - (vi) makes the review results public.

Attachments

There are no attachments for this report.

9.3 Notice of Motion No. 4 of 2022 - Melbourne Pride Event

Reference	D22/64299
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 29 March 2022:

1. *That Council:*

- (a) *notes the recent Melbourne Pride event held in the City of Yarra on 13 February 2022 to commemorate the 40th anniversary of the decriminalisation of homosexuality in Victoria;*
- (b) *recognises the success of this event, and the importance of the event to the LGBTIQ+ community and our State, more broadly;*
- (c) *supports the continuation of Melbourne Pride as an ongoing, annual event held in the City of Yarra each year;*
- (d) *notes that the Mayor has written to the Minister for Equality on 3 March 2022 with respect to the above; and*
- (e) *directs the Mayor and officers to further engage with the Victorian Government and relevant stakeholders to secure a commitment for this to occur.*

BACKGROUND

Melbourne Pride was a landmark event initiated by the Victorian Government to commemorate the 40th anniversary of the decriminalisation of homosexuality in Victoria.

The event which took place in the City of Yarra on 13 February 2022 was a spectacular one-day festival that transformed our iconic Gertrude and Smith Streets with live music and arts performances to celebrate Victoria's LGBTIQ+ community and culture.

Importantly, it recognised the journey the LGBTIQ+ community has taken over the past 40 years and why we must cherish, celebrate and uphold our shared values of inclusivity and tolerance.

The event received an overwhelmingly positive response from local residents, businesses and visitors with strong support in the community for this initiative to continue.

This motion seeks a resolution from Council to recognise the importance of this event and for Council to formally support its continuation as an ongoing, annual event held in the City of Yarra.

RECOMMENDATION

1. That Council:
 - (a) notes the recent Melbourne Pride event held in the City of Yarra on 13 February 2022 to commemorate the 40th anniversary of the decriminalisation of homosexuality in Victoria;
 - (b) recognises the success of this event, and the importance of the event to the LGBTIQA+ community and our State, more broadly;
 - (c) supports the continuation of Melbourne Pride as an ongoing, annual event held in the City of Yarra each year;
 - (d) notes that the Mayor has written to the Minister for Equality on 3 March 2022 with respect to the above; and
 - (f) directs the Mayor and officers to further engage with the Victorian Government and relevant stakeholders to secure a commitment for this to occur.

Attachments

There are no attachments for this report.