



Agenda

Council Meeting

6.30pm, Tuesday 14 May 2024

Richmond Town Hall
Wurundjeri Country

Council Meetings

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

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

Question Time

Yarra City Council welcomes questions from members of the community.

Registration

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

Asking your question

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

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

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

Comments not allowed

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

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

Addressing the Council

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

Registration

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

Addressing the Council

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

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

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

Comments not allowed

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

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

Recording and Publication of Meetings

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

Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

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

Governance

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

3. Announcements

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

4. Declarations of conflict of interest

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 9 April 2024 be confirmed.

6. Question time

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

7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Road Seg (Partial) Alexandra Parade Fitzroy North	10	25	Nish Goonetilleke – Principal Statutory Planner
7.2	Secret Garden - Ballarat St Collingwood	30	35	Sam Hewett – GM Infrastructure and Environment
7.3	Wellington Street Stages three and four - Community engagement and data collection	36	43	Simon Exon – Unit Manager Strategic Transport
7.4	Quarterly Community Report - March 2024	44	49	Wei Chen – Chief Financial Officer
7.5	Multicultural Partnerships Policy	51	55	Malcolm McCall – Manager Equity and Community Development
7.6	Community Grants FY2025 Initiation Report	56	62	Malcolm McCall – Manager Equity and Community Development
7.7	Portable Buildings World Heritage Listing Proposal	63	71	Kate Yuncken - Manager City Strategy
7.8	Proposed Road Discontinuance of Road abutting 111 Best Street, Fitzroy North	72	75	Fadi Fakhoury – Manager Property and Leisure
7.9	Governance Report - May 2024	76	83	Rhys Thomas – Senior Governance Advisor
7.10	C1663 Building Cleaning Services - Aquatic Leisure Centres - Tender Report	84	88	Graham Davis – Manager Building and Asset Management

8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No.7 of 2024 - Garden Waste	89	89	Bridgid O'Brien - Councillor
8.2	Notice of Motion No.8 of 2024 - Medically Supervised Injecting Room	90	91	Herschel Landes - Councillor

9. Petitions and joint letters

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

10. Questions without notice

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

11. Delegate's reports

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

12. General business

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

13. Urgent business

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

14. Confidential business reports

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:
 - (a) council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Item

14.1 **Open Space Network Opportunities**

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.

14.2 **Sale of Crown Allotment 2022, Part 433 Smith Street, Fitzroy**

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

These grounds are applicable because the report contains information that has been submitted on a commercial in confidence basis as part of a competitive grant application process.

14.3 **Notice of Motion No.6 of 2024 – Minutes of the 12 December 2023 and 13 February 2024**

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 Road Seg (Partial) Alexandra Parade Fitzroy North

Reference	D24/144293
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Manager Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report provides Council with an assessment of the planning permit application PLN23/0819 submitted for Road Seg (Partial) Alexandra Parade Fitzroy North. Development Victoria seeks approval for roadworks associated with the construction of car parking spaces on land within the Special Building Overlay (SBO). The car parking is to address anticipated demand from the new sports centre under construction on the former Gasworks site to the north.
2. Importantly the only planning permit trigger is for buildings and works in the Special Building Overlay (SBO). A planning permit is not required for the use, or to construct buildings and works in the zone or other overlays that apply to the land, or to remove trees.

Key Planning Considerations

3. Key planning considerations include:
 - (a) Clause 13.03 – Floodplains;
 - (b) Clause 18.01 – Land Use and Transport Integration;
 - (c) Clause 36.04 – Transport Zone; and
 - (d) Clause 44.05 – Special Building Overlay (SBO).

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Potential flood impacts and floodplain management issues associated with the proposed buildings and works in the SBO; and
 - (b) Other matters (tree management and car park layout and design).

Recommendation

5. That the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to a number of conditions.

Ward: Nicholls

Proposal: Roadworks associated with the construction of car parking spaces on land within the Special Building Overlay

Existing use: Landscaped median strips within the road reserve

Applicant: Niche Studio on behalf of Development Victoria

Zoning / Overlays: Transport Zone – Category 2 (TRZ2)
Development Contribution Plan Overlay – Schedule 1 (DCPO1)
Design and Development Overlay - Schedules 2 and 38 (DDO2 & DDO38)
Heritage Overlay – Schedule 334 (HO334) (partial)
Special Building Overlay (SBO)

Date of Application: 27 November 2023

Application Number: PLN23/0819

Background

1. Development Victoria proposes to construct car parks to address anticipated demand from the new sports centre under construction on the former Gasworks site to the north. The Department of Transport and Planning manages the land (although Council maintains the trees).
2. The only planning permit trigger is for buildings and works in the Special Building Overlay (SBO). A planning permit is not required for the use, or to construct buildings and works in the zone or other overlays that apply to the land, or to remove trees.
3. This means that matters relating to flood impacts and floodplain management (including Melbourne Water’s technical input) is the only consideration in determining whether to issue the planning permit. It also means that the application is exempt from third party notice and review rights and was not able to be put on public notice.
4. Development Victoria have advised Council that they undertook some consultation prior to lodging the planning permit application.

The Proposal

5. The proposal is for roadworks associated with the construction of car parking spaces on land within the Special Building Overlay. Key features of the proposal follow.

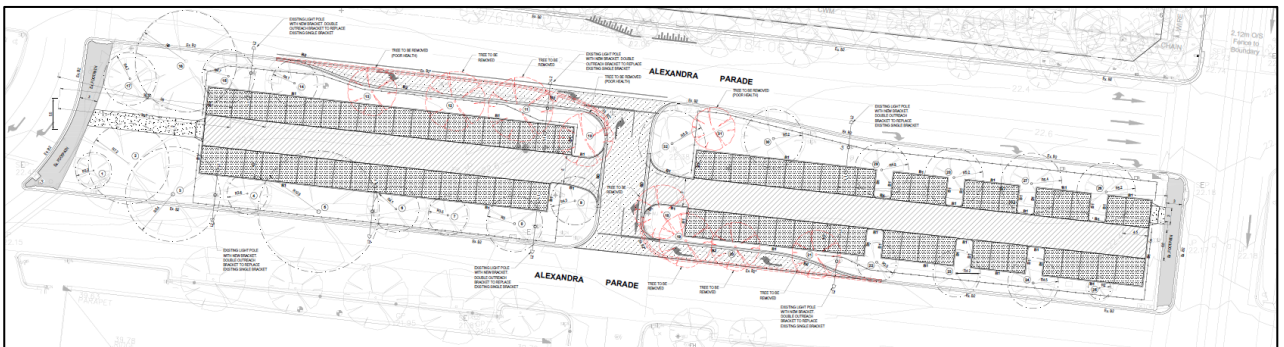


Figure 1: Proposed layout. Removal works and tree removal are shown in red
Source: Creo Consultants, dated November 2023

6. Removal of sections of the northern and southern median strips and road, between Smith and George Streets.
7. Construction of 78 car parking spaces within the median strips, consisting of:
 - (a) 37 and 41 car spaces within the western and eastern median strips, respectively;
 - (b) Centrally located accessway, parallel with Alexandra Parade, including slip lanes provided for both east and west bound traffic;
 - (c) Car parking spaces orientated perpendicular to the 5m wide accessway and constructed with a permeable surface;
 - (d) Minor changes to the existing surface levels (less than 150mm);
 - (e) New vehicle access to the car parking areas provided via the existing central separation in the median strip;
 - (f) 3m wide pedestrian walkway/ramp to the west of the car parks, providing access to George Street; and
 - (g) New 80% permeable, 1.34m high, wire-welded mesh fencing, with no plinth, constructed around the perimeters of the car parking areas.
8. Single bracket of six (6) existing light poles replaced with double outreach brackets.
9. Removal of nine (9) trees within this median strip (no permit required): four on the western median street and five on the eastern median strip. The trees recommended for removal in the submitted Arboricultural Assessment and Report (prepared by Treelogic, dated 22 December 2023) are:
 - (a) Trees 10, 11, 12, 13, 18, 20 & 31 – *Ulmus xhollandica*: Dutch Elm; and
 - (b) Trees 19 & 21 – *Ulmus procera*: English Elm.

Existing Conditions

Subject Site

10. The subject site is located between George Street to the west and Smith Street to the east, within 30m wide median strips that divide the dual carriageways of Alexandra Parade (see Figure 2 below).



Figure 2: Subject site outlined in blue **Source:** Nearmap, dated March 2024

11. The subject site is approximately 5,000sqm in area and consists of grassland and a number of mature trees and single chain fencing along the perimeters of each median strip. A centrally located road connection between the two median strips provide access to the eastern and western carriageways of Alexandra Parade.
12. The trees on the subject site are managed by the Department of Transport and Planning (DTP) but are maintained by Council.

Surrounding Land

13. The surrounding area contains a mix of uses, with predominantly commercial developments such as factory, warehouse, retail and office uses. Dwellings are also located within the wider area.
14. The site is in proximity to the Smith Street (east) and Brunswick Street (west) Major Activity Centres (MAC). The site is also close to the Queens Parade and Johnston Street commercial strips. Alexandra Parade is a main arterial road (within Transport Zone – Category 2) which has kerbside parking along sections of the northern and southern carriageway, within the intermittent landscaping bays. Median strips separate the east and west bound traffic along Alexandra Parade. Public Transport is readily available with tram services on both Smith and Brunswick Streets as well bus services along both Queens Parade and Johnston Street.
15. The subject site is located in the Transport Zone - Category 2 (TRZ2) with the properties to the north located within a Mixed-Use Zone and a Public Use Zone – Category 2 (PUZ2). To the immediate north-east, north-west and south are sites located within the Commercial 2 Zone (C2Z). To the south-east and south-west are lands located within the Commercial 1 Zone (C1Z) and a Public Park and Recreation Zone (PPRZ), respectively. The nearest residentially zoned land within the Neighbourhood Residential Zone – Schedule 1 (NRZ1) is located approximately 87m south. The mix of zoning is shown in Figure 3 below.

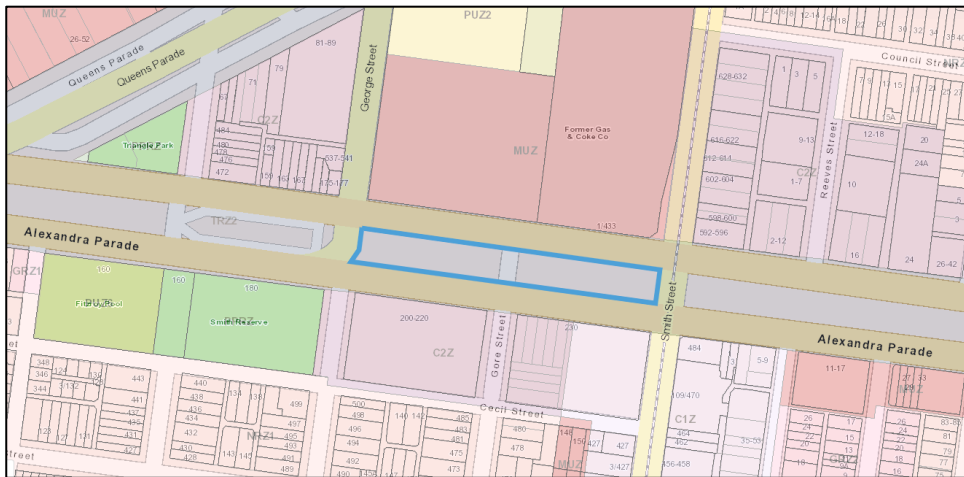


Figure 3: Zoning map, with subject site outlined in blue
Source: VicPlan

16. The subject site’s immediate interfaces are described below.
North
 17. To the immediate north of the subject site, across Alexandra Parade, is the former Fitzroy North Gasworks site. The 3.9-hectare site was rezoned by the Minister for Planning in June 2018 to a Mixed-Use Zone and Public Use Zone 2 (Education) via Amendment C243 to the Yarra Planning Scheme. A Development Plan Overlay - Schedule 16 (DPO16) was also introduced into the Scheme which requires a development plan be prepared for the entire site, generally in accordance with the concept plan forming part of the schedule.
 18. This site provides for a mixed-use precinct consisting of a variety of housing types (1,200 apartments), community facilities and public open spaces, including a school and a multi-use sports centre. The approved works have commenced. The applicant has advised that the proposed car parking is to support the demand associated with the sports centre within the former Fitzroy North Gasworks site.
 19. Further north-east across Smith Street are a mix of one to two storey commercial buildings.

South

20. To the immediate south of the subject site is a four-storey, red brick building constructed during the inter-war period. The building, formerly known as the British United Shoe Machinery Co, is a heritage building with a zero setback from three of the site frontages, being Alexandra Parade, Gore and George Streets. The building is currently used as a self-storage facility.
21. Further south, and located on the opposite side of Gore Street, is an at-grade car parking area associated with the double-storey 'Office Works' building.
22. On the south-eastern corner of Alexandra Parade and Smith Street is the Gasometer Hotel, a one to two-storey, Victorian-era building. Further south-east is a multi-storey, mixed-use building approved under Planning Permit PLN14/0156 issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 12 May 2015.
23. Further south-west is the Smith Street Reserve, followed by the Fitzroy Swimming Pool.

East

24. To the east of the subject site is Smith Street, followed by another median strip.
25. Approximately 490m to the east of the subject site at No. 94 Alexandra Parade is the Richard Hodgson's shot manufacturer's tower (c. 1882) which is on the Victorian Heritage Register.

West

26. To the west of the subject site across George Street is a car park, similar to the one proposed on-site, with mature trees and fencing along the perimeters of this site. Car parking spaces are orientated perpendicular to the accessway and constructed on part tarmac and part grid-like grass and concrete paving.

Planning Scheme Provisions

Zone

Transport Zone – Category 2 – Principal Road Network (TRZ2)

27. The subject site is located within the TRZ2. The relevant purpose of the TRZ2 is:
 - (a) *To identify transport land use and land required for transport services and facilities;*
 - (b) *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation; and*
 - (c) *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*

Use of the land in the TRZ2

28. The car park development is considered to be associated with the use of the land for a Road, for the following reasons.
29. Alexandra Parade is a declared highway under the Road Safety Act (1986).
30. Section 3(1) of the Planning and Environment Act (1987) defines road as:
 - (a) *“road” includes highway, street, lane, footway, square, court, alley or right of way, whether a thoroughfare or not and whether accessible to the public generally or not;*
31. The definition of a road in the Act is not limited to the surface on which vehicles travel, rather it describes the area of land used for the purpose of a road.
32. The Yarra Planning Scheme (the Scheme) does not provide a definition for a road. However, pursuant to *Clause 73.01* of the Scheme, a carriageway (which forms part of a road) is defined as:

- (a) *The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.*

33. This definition allows for car parking spaces within a carriageway. The proposed works would see an expansion of the carriageway into the median strip (which is part of the road/highway), therefore being categorised as roadworks and falling within the definition ‘use of the land for Road’.
34. Pursuant to *Clause 36.04-1* of the TRZ2, any use listed in *Clause 62.01 (Uses not requiring a permit)* does not require a planning permit and is a Section 1 use.
35. Pursuant to *Clause 62.01*, the use of land for Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone does not require a planning permit.
36. Therefore, the use of the land for a road does not require a planning permit in the TRZ2.

Buildings and works in the TRZ2

37. Pursuant to *Clause 36.04-2* of the Scheme, a permit is required to *construct or carry out works for any use in Section 2 of Clause 36.04-1*. As established above, the proposed use is a Section 1 use in the TRZ2 (not a Section 2 permit required use). Therefore no planning permit is required for the proposed buildings and works under the TRZ2.

Other matters under the TRZ2

38. *Clause 36.04-3* of the Scheme requires written consent from Head, Transport Victoria. The applicant provided written consent from Head, Transport for Victoria.

Overlays

Clause 43.02 Design and Development Overlay - Schedules 2 and 38 (DDO2 & DDO38)

39. The subject site is affected by the DDO2 and 38 (see Figure 4 below).
40. Pursuant to *Clause 43.02-2* of the Scheme, a permit is required to *construct a building or construct or carry out works* within this overlay, unless a schedule to this overlay specifically states that a permit is not required.

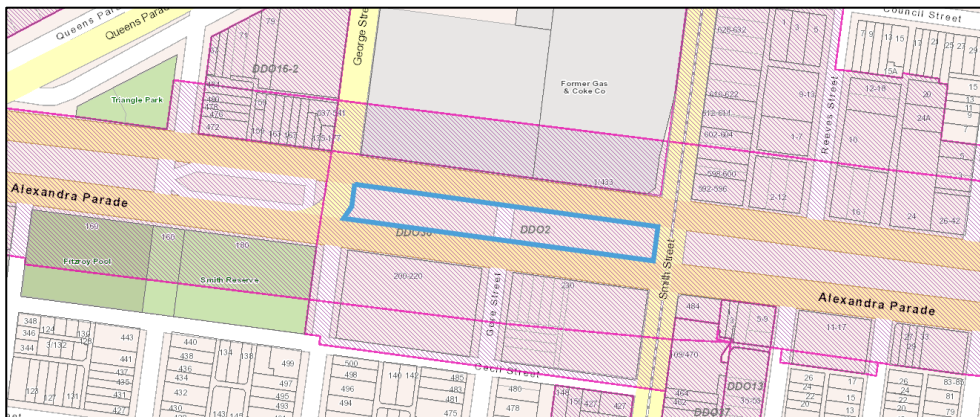


Figure 4: Location of DDO2 and DDO38, with the subject site outlined in blue
Source: VicPlan

41. Pursuant to *Clause 62.02-2* the construction of a building or the construction or carrying out of works for roadworks or a fence does not require a planning permit unless specifically required by the planning scheme. *Clause 43.02-2* of the Design and Development Overlay and the relevant schedules do not specifically require a planning permit for the construction of a building or the construction or carrying out works for roadworks or a fence.
42. Therefore no planning permit is required for the proposed buildings and works under the Design and Development Overlays.

Development Contributions Plan Overlay - Schedule 1 (DCPO1)

- 43. The subject site is located between Charge Area 2 (Fitzroy North) and Charge Area 5 (Fitzroy).
- 44. Pursuant to Clause 45.06-1 of the Scheme, a permit granted must:
 - (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
- 45. The proposal benefits from the following exemption listed at 4.0 of Schedule 1 (Land or development excluded from development contribution plan):
 - (a) *No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Yarra City Council or stated below. The following development is exempt from a development contribution:*
 - ... (i). *Construction of a building or carrying out of works or a subdivision that do not generate a net increase in additional demand units.*

Clause 43.01 Heritage Overlay – Schedule 334 (HO334) (Partially)

- 46. The southern section of Alexandra Parade is partially affected by the Heritage Overlay (Schedule 334 – South Fitzroy Precinct).
- 47. However, as shown in Figure 5 below, the median strips where the proposed works are to occur are located outside of the heritage overlay. Therefore no planning permit is triggered under this overlay for the development.

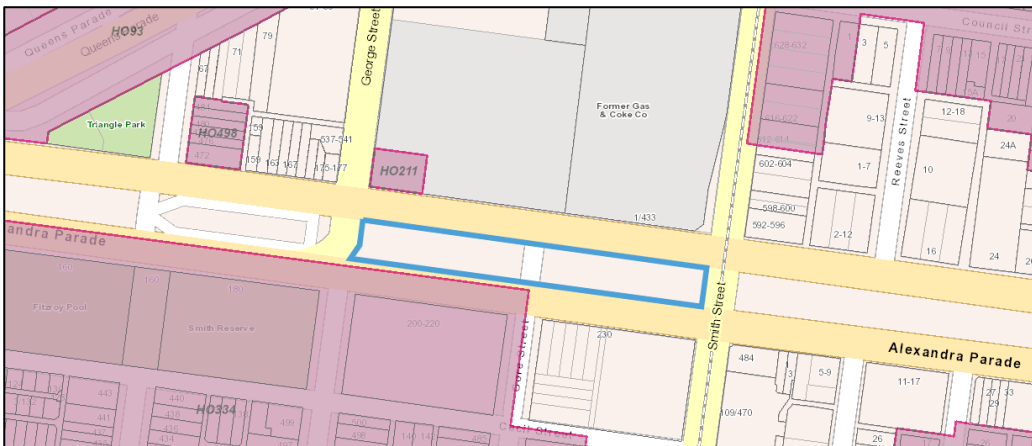


Figure 5: Location of HO334, with the subject site outlined in blue **Source:** VicPlan
Clause 44.05 Special Building Overlay (SBO)

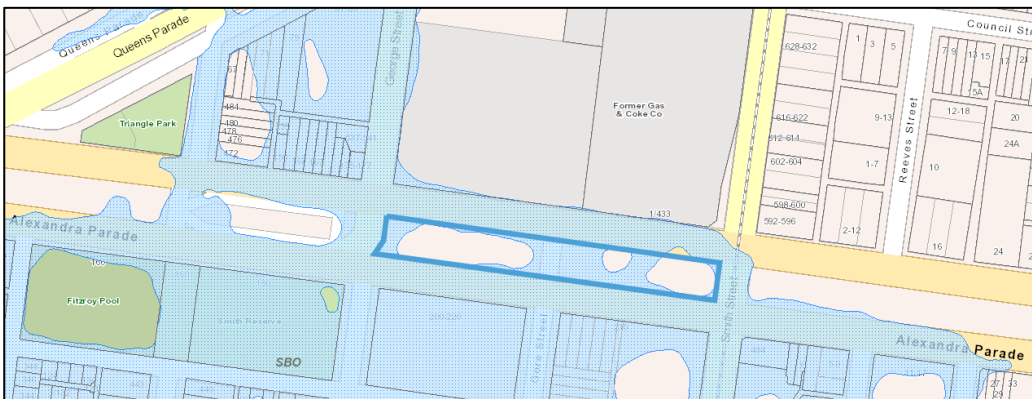


Figure 6: Location of SBO, with the subject site outlined in blue **Source:** VicPlan

48. The subject site is affected by the SBO (see Figure 6 above). The purpose of the SBO is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
 - (b) *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority;*
 - (c) *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity; and*
 - (d) *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
49. Pursuant to *Clause 44.05-2* of the Scheme, a permit is required to construct a building or to construct or carry out works, including:
- (a) *A fence;*
 - (b) *Roadworks, if the water flow path is redirected or obstructed.*
- This does not apply:
- (c) *If a schedule to this overlay specifically states that a permit is not required.*
 - (d) *To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.*
 - (e) *To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.*
50. The proposed roadworks are carried out by Development Victoria and not Head, Transport for Victoria therefore the exemption above does not apply.
51. The fencing would consist of 80% openings with no plinth and therefore does meet the exemption above and is exempt from requiring a planning permit under this overlay.
52. Pursuant to *Clause 44.05-5* of the Scheme, *an application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.*
53. Pursuant to *Clause 44.05-6* of the Scheme, *an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.*

Particular Provisions

Clause 52.06 – Car parking

54. Pursuant to *Clause 52.06-2*, before a new use commences or the floor area of an existing use is increased or the measure specified in Column C of Table 1 to *Clause 52.06-5* for that use is increased, the required car parking spaces must be provided on the land. Where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the responsible authority.
55. Pursuant to *Clause 52.06-5* of the Scheme, there is no statutory car parking requirement. However, the car parking design requirements at *Clause 52.06-9* are relevant to the proposal.

Clause 52.29 – Land adjacent to the Principal Road Network

56. Pursuant to *Clause 52.29-1*, this clause applies to land adjacent to a road in the Transport Zone 2 or land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority, and the purpose of the acquisition is for a road.
57. As the subject site is within a TRZ2, not adjacent to it, and the written consent of the Head, Transport for Victoria was provided with the application, this clause does not apply. No further referral comments were required from Head, Transport for Victoria under *Clause 52.29-4* of the Scheme.

Clause 52.17 Native vegetation

58. Pursuant to *Clause 62.02-3* (Vegetation removal) of the Scheme, a permit is not required for the removal, destruction or lopping of trees and the removal of vegetation, unless a permit is specifically required under another provision. The TRZ, SBO and DDO do not specifically state that a permit is required to remove trees.
59. In addition *Clause 52.17* (Native vegetation) does not apply because there is no native vegetation proposed to be removed or impacted from this proposal. Both the applicant and Council's City Works – Open Space Unit have confirmed that there is no native vegetation on-site.

[General Provisions](#)

Clause 65 – Decision guidelines

60. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision.

Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions

61. In accordance with *Clause 66.03* of the Scheme, the following referrals should be undertaken:
- (a) An application under the overlay within the waterway management district of Melbourne Water Corporation. Melbourne Water is a determining referral authority for this application.

[Municipal Planning Strategy \(MPS\)](#)

62. The following MPS provisions of the Scheme are relevant:
- (a) Clause 02.03-1 – Environmental risks and amenity
 - (b) Clause 02.03-1 – Transport

[Planning Policy Framework \(PPF\)](#)

63. The following PPF provisions of the Scheme are relevant:
64. Clause 13 – Environmental risks and amenity:
- (a) Clause 13.03 – Flood plains; and
 - (b) Clause 13.03-1S – Floodplain management.
65. Clause 18 – Transport
- (a) Clause 18.01-1S – Land use and transport integration
 - (b) Clause 18.02-4S – Roads
 - (c) Clause 18.02-4L-01 – Car parking

Advertising

66. The application was not advertised under the provisions of Section 52 of the Planning and Environment Act (1987). This is because the only planning permit trigger is under the SBO and application is exempt from the notice requirements pursuant to *Clause 44.05-5* (SBO) of the Scheme.

Referrals

External Referrals

Melbourne Water

67. Pursuant to *Clause 44.05-6*, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority. In accordance with *Clause 66.03*, the application was referred to Melbourne Water.
68. On 14 February 2024, Melbourne Water requested additional information about the proposed works. However, after further discussions with the applicant, Melbourne Water agreed that their requested information could be addressed by way of conditions and notes.
69. Accordingly, in a letter dated 12 March 2024 Melbourne Water confirmed that they did not object to the proposal, subject to conditions and notes being included on any permit that issues. These have been included in the recommendation. Their letter has been included as an attachment to this report.

Internal Referrals

70. The application was referred to the following units within Council:
- (a) City Works – Open Space (Arborist); and
 - (b) Development Engineering Services.
71. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

72. The primary considerations for this application are as follows:
- (a) Potential flood impacts and floodplain management issues associated with the proposed buildings and works in the SBO; and
 - (b) Other matters (tree management, car park layout and design).

Buildings and works within the SBO

73. The subject site is affected by the SBO. The purpose of the SBO includes *to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
74. Decision guidelines of *Clause 44.05-6* (SBO) and policy at *Clause 13.03-1S* (Floodplain management) provide the relevant guidance for the proposal. Further, where development applications are in the SBO area, Council relies on the advice of the relevant floodplain management authority (Melbourne Water) with regard to flooding.
75. The proposal results in the construction of 78 car parking spaces on median strips which currently consist of grassland. Melbourne Water reviewed the plans and advised that *pursuant to Section 56(1) of the Planning and Environment Act (1987), no objection to the proposal subject to the following conditions:*

- (a) *Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:*
 - (i) *Ground and surface levels to Australian Height Datum (AHD);*
 - (ii) *Detailed elevation plans with carpark and road pavement finished levels; and*
 - (iii) *The exact location of Melbourne Water's drain, determined by a licensed Land Surveyor, or suitably qualified Engineer. The plans must show the location of the drain in relation to any proposed permanent structures or footings which are proposed and demonstrate compliance with Melbourne Water's requirements for siting of structures near easements/ drains; and*
- (b) *Prior to commencement of works, a separate Buildover application must be made directly to Melbourne Water's Asset Services Team for approval of works/structures over or near Melbourne Water's assets.*

76. It is recommended that these conditions be included on any planning permit issued. A condition will also require the amended plans to be consistent with the above recommendations from Melbourne Water.

77. Melbourne Water also required the following 'advice' to be included on any planning permit issued. These will be included as notes:

- (a) *Information available at Melbourne Water indicates that the property is subject to flooding from Melbourne Water's drainage system, based on a rainfall event which has a 1% Annual Exceedance Probability (AEP), that is, a 1% probability of being equalled or exceeded in any one year. The applicable 1% AEP flood level grades from 22.65m to 22.22m Australian Height Datum (AHD) across the site; and*
- (b) *Melbourne Water has the following assets within the location of the proposed works:*
 - (i) *Alexandra Parade Main Drain - this asset consists of 4880mm wide pipe constructed of concrete bluestone in 1944; and*
 - (ii) *Alexandra Parade Relief Drain - this asset consists of 1980mm wide pipe constructed of unreinforced concrete drain 1928.*

78. As outlined above, subject to conditions and notes, Melbourne Water did not object to the construction of car parking on the subject site.

79. Overall, the proposed development does include any significant structures and includes generally minimal changes to ground levels to provide the car parking. There is no evidence that the development would obstruct or store floodwaters, increase potential flood damage, increase flood hazards or cause any significant rise in flood level or flow velocity.

80. For these key reasons, the proposal would comply with the requirements of the SBO and relevant floodplain related policies, subject to Melbourne Water's conditions and notes.

Other matters - Car parking design and layout

81. *Clause 65.01* (Approval of an application or plan), requires the responsible authority consider the impact the development will have on the current and future development and operation of the transport system. In addition *Clause 52.06* Car parking contains relevant guidance for the layout and design of car parking, as previously discussed.

82. *Clause 52.06-9* (Design standards for car parking) contains seven standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

83. The proposed parking and access arrangements include 78 car parking spaces orientated perpendicular to the accessway. Design Standard 1 requires accessways to be at least 3m in width. New 5m wide vehicle access to the car park is provided, via slip lanes for both east and west bound traffic and the existing central separation between the median strips.

84. Council's Development Engineering Services Unit reviewed the standards (as relevant) against the plans and were satisfied with the layout of the car parking area. However, whilst generally supportive of the car parking arrangements, they identified a lack of detail in the plans. They have therefore recommended that several matters be addressed by way of condition, as follows.
85. While the depth of each car space has been annotated as being 4.9m, the width has not been included. The aisle widths are also omitted from the plans. A condition would require the following to be dimensioned on the plans in order to meet Design Standard 2:
 - (a) width of the car parking spaces; and
 - (b) width of the aisles.
86. Swept-path diagrams have not been provided to demonstrate vehicle turning movements into and out of the car spaces, nor the turning movements into and out of the central separation via the slip lanes on Alexandra Parade. Council's Development Engineering Services Unit provided the following assessment which shows swept-paths for a B99 design vehicle transversing into the corner of the opposite traffic lane (see Figure 7 below). This would be hazardous for drivers.

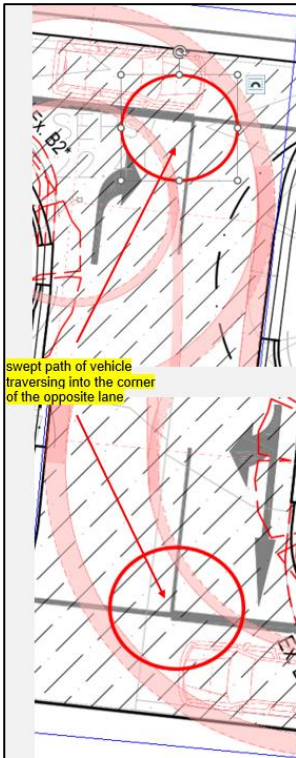


Figure 7: Swept-path diagram showing vehicle on opposite traffic lane
Source: Council Development Engineering Services Markup

87. A condition would therefore require swept-path diagrams to be provided, demonstrating the following:
 - (a) entry and exist movements into and out of the car parking spaces; and
 - (b) turning movements into and out of the median strip from the slip lanes.
88. Council's Development Engineering Services Unit also queried if all or some of the spaces at the end of the car parking areas would be designated to consist of No Stopping restrictions in order to allow vehicles to turnaround and exist the car park in a forward direction (see Figure 8 below).



Figure 8: Potential No Stopping zones on-site

Source: Council Development Engineering Services Markup

89. Council's Development Engineering Services Unit also recommended that swept path diagrams demonstrating vehicles could exit the car park in a forward direction be provided. These matters will be dealt with via condition, which may result in the reduction of up to four car parking spaces (from 78 to 74).
90. All of the above are recommended to be required by way of condition. An additional condition is also recommended to number the car parking spaces.
91. Design Standard 5 states that ground level car parking and accessways must not visually dominate public space. This standard is satisfied given the modest nature of the proposed works which would not visually dominate the site or the adjoining public spaces and areas. In addition, while the Shot Tower (No. 94 Alexandra Parade, Clifton Hill) is an identified landmark under Clause 15.01-2L-02 of the Scheme, it is located over 490m east of the site and views towards it would not be impacted.
92. Design Standard 6 requires car parking areas to be well lit and clearly signed. The plans show the location of six existing public light poles, with the brackets proposed to be changed. It is expected that the proposed car park would be appropriately lit and that secure access would be provided. Standard conditions are recommended to ensure the lights are appropriately baffled and shielded to prevent light spill.
93. This standard also recommends pedestrian access to car parking areas from the street be convenient. A 3m wide pedestrian accessway is proposed to the west of the car parking spaces, which provides access to George Street. The car park abuts the existing Smith Street footpath to the east, and therefore a pedestrian accessway is not required for this section of the car park. The car parking is generally well designed for pedestrians.
94. Overall, subject to conditions, the development achieves a satisfactory outcome against the objectives of this Standard.
95. Council's standard Construction Management Plan condition is recommended to ensure that construction is adequately managed to minimise off-site disturbance.
96. Overall, subject to condition, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome.

[Other matters - tree management](#)

97. The proposal would result in the removal of nine trees (see Figure 9 below). A planning permit is not required to remove any vegetation from this site. However, the general decision guidelines at *Clause 65.01* of the Scheme require that the responsible authority consider *the orderly planning of the area* as well as *the effect on the environment, human health and amenity of the area* before deciding on an application.

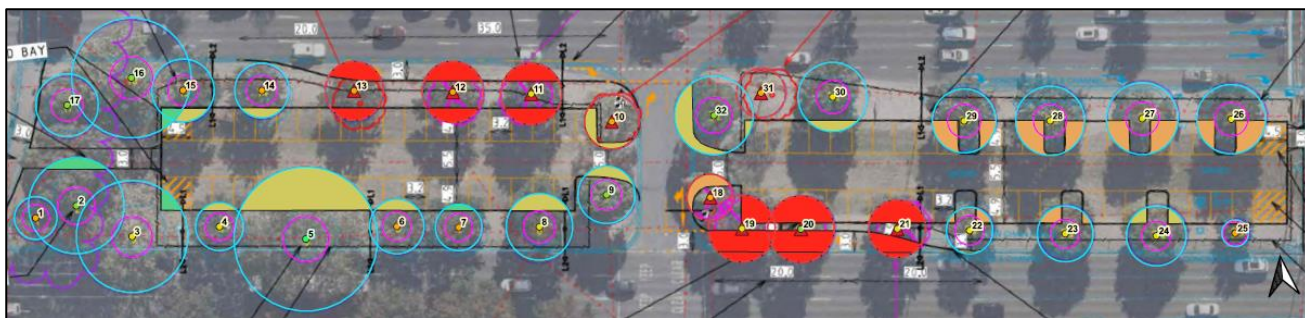


Figure 9: Removal of nine trees shown in red

Source: Arboricultural Assessment and Report (Treelogic, December 2023)

98. As outlined earlier in the report, the trees within the median strips are managed by the DTP, although they are maintained by Council.
99. The applicant provided a letter from DTP stating that they do not object to the removal of DTP managed trees required to facilitate the proposed roadworks on the basis that:
 - (a) *Only trees that are preventing the safe and practical implementation of the roadworks would be removed. The extent of tree removal is minimised wherever practical;*
 - (b) *The roadworks will incorporate construction techniques that minimise the impact on trees that are being retained and every effort will be made to do so;*
 - (c) *Any permission or formal approval that may be required from Council is obtained prior to the removal of any trees/vegetation; and*
 - (d) *The final approval for the proposed roadworks will be provided by DTP's External Works Delivery Team.*
100. Points (a) and (b) have been incorporated as recommended conditions on any permit that issues (as discussed below). Points (c) and (d) are recommended to be included as notes.
101. The Arboricultural Assessment and Report (prepared by Treelogic, dated 22 December 2023) submitted by the applicant,, formally assessed 32 individual trees in relation to the proposed works on-site. Out of the 32 trees, 23 trees displayed 'fair structure', while nine had 'fair to poor structure'. All 32 trees are introduced specimens planted for gardens, screening and amenity purposes.
102. This report and Council's City Works – Open Space Design (Arborists) have confirmed that there are no native trees proposed to be removed and none of the trees are within the City of Yarra *Significant Tree Register*.
103. This report provided the following findings:
 - (a) Trees 10, 12 and 31 are recommended for removal due to their poor health (wounds, the presence of borers and poor structure);
 - (b) Trees 11, 12, 18, 19, 20 and 21 will be lost due to impacts from the proposed works;
 - (c) The Structural Root Zones (SRZ) of Trees 22, 23, 25, 26, 27, 28 and 29 are encroached by the footprint of the proposed works;
 - (d) The Tree Protection Zones (TPZ) of Trees 4, 5, 6, 8, 9, 10, 14, 15, 24 and 32 would have their TPZs encroached by greater than 10% by the proposed works. The Australian Standard 4970 identifies this as 'major encroachment'; and
 - (e) Trees 2 (Yellow Box) and 5 (London Plane) are considered as 'moderate' and 'high' rated maturing tree, respectively. The TPZ encroachment for Tree 2 would be 7%, and Tree 5 is 25%. However, both trees would highly likely tolerate the proposed works, subject to providing an exclusion zone.
104. While nine trees are proposed to be removed, the SRZs of seven trees and the TPZs of eleven trees would be impacted. Therefore a total of 27 trees may be affected due to the proposed works.

105. The Treelogic recommends the following to minimise the impacts on the SRZs and TPZs:
- (a) The SRZs of Trees 22, 23, 25, 26, 27, 28 and 29 *can only be retained if construction methods preserve the integrity of the roots in this zone;*
 - (b) Major encroachment to the TPZs of Trees 4, 5, 6, 8, 9, 10, 14, 15, 24 and 32 is only permissible if it can be demonstrated that after such encroachment, the trees would continue to be viable; and
 - (c) Strict tree protection exclusion fencing should be installed before works commence and maintained for the duration of the works as this would be critical in the retention of Trees 2 and 5.
106. Council's City Works – Open Space Design Unit reviewed the plans and the Arboricultural Report. The above findings of the report were confirmed, apart from finding that only 16 additional trees would be impacted (this is understood to be an error). They recommended that a suitably qualified Arborist demonstrate that the additional trees outlined above would remain viable after the works have finished.
107. Overall, a number of conditions are recommended to ensure that the number of trees that needs to be removed is minimised and that remaining trees are adequately protected and their health is not compromised. Accordingly, in addition to the DTP requirements, it is recommended that a Tree Management Plan (TMP) consistent with the submitted arboricultural report be conditioned.
108. The TMP condition will require that the DTP, Treelogic and the Council Arborist's requirements all be demonstrated to be met. This may result in the loss of further car parking spaces. However vegetation is a general characteristic of the immediate site context and the retention of these trees would maintain the environment and amenity of the area, especially as no offset trees have been explicitly proposed on-site. A condition will also require the amended plans to be consistent with the recommendations of this TMP.
109. In addition, given the loss of nine trees and the context of the subject site, the applicant should explore opportunities for the replanting of canopy trees and other vegetation. It is therefore recommended that a Landscape Plan condition be included, to require the provision of canopy trees and other suitable plantings in the vicinity to offset the loss of trees.

Conclusion

110. Overall, the proposal would not result in any unreasonable flood impacts or result in any significant flood risks and would be consistent with the purpose of the SBO (subject to Melbourne Water's conditions). Other matters (impacts on trees and the car park layout and design) can be addressed through conditions. The proposal would therefore be an acceptable planning outcome that complies with the relevant Council policies. It is recommended that a planning permit be issued, with conditions.

RECOMMENDATION

That the Council:

- (a) Note the officer report and the application material; and
- (b) Delegates the Manager Statutory Planning to issue Planning Permit PLN23/0819 for roadworks associated with the construction of car parking spaces on land within the Special Building Overlay at Road Seg (Partial) Alexandra Parade Fitzroy North VIC 3068, generally in accordance with the “decision plans” and subject to the following conditions:
 1. Before the development commences (excluding site preparation work but including tree removal) amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Creo Consultants, dated 13.12.2023 (Rev C: Drawing No. CRE-CV-DR-0120) and prepared by VicRoads Design (Rev A: SD3143), but modified to include/show:
 - (a) Car parking spaces numbered;
 - (b) Dimensions relating to car parking and access as follows:
 - (i) width of the car parking spaces;
 - (ii) width of the aisles;
 - (c) Swept-path diagrams demonstrating the following:
 - (i) entry and exist movements into and out of the car parking spaces;
 - (ii) turning movements into and out of the median strip from the slip lanes; and
 - (iii) adequate turning movements at the end of the car parking areas to allow vehicles to exit the car park in a forward direction when all spaces in the car park are occupied; this may be achieved by deleting or nominating the end spaces (four in total) to ‘No Stopping’, if required; and
 - (d) Any requirements of the following conditions, including any consequential changes to the layout of the car park;
 - (i) Condition 3 (Melbourne Water);
 - (ii) Conditions 5 and 6 (Department of Transport and Planning);
 - (iii) Condition 7 (Endorsed Tree Management Plan); and
 - (iv) Condition 9 (Landscape Plan).
 2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Melbourne Water Conditions (3 - 4)

3. Concurrent with the submission of Condition 1 Plans, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - (a) Ground and surface levels to Australian Height Datum (AHD);
 - (b) Detailed elevation plans with carpark and road pavement finished levels; and

- (c) The exact location of Melbourne Water's drain, determined by a licensed Land Surveyor, or suitably qualified Engineer. The plans must show the location of the drain in relation to any proposed permanent structures or footings which are proposed and demonstrate compliance with Melbourne Water's requirements for siting of structures near easements/ drains.
- 4. Prior to commencement of works, a separate Buildover application must be made directly to Melbourne Water's Asset Services Team for approval of works/structures over or near Melbourne Water's assets.

Department of Transport and Planning Conditions (5 - 6)

- 5. Only trees that are preventing the safe and practical implementation of the roadworks can be removed, and the extent of tree removal is to be minimised wherever practical.
- 6. The roadworks must incorporate construction techniques that minimise the impact on the trees that are being retained and every effort must be made to do so.

Tree Management Plan

- 7. Concurrent with the submission of Condition 1 Plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) Any measures necessary to address the Department of Transport and Planning's requirements at conditions 5 and 6;
 - (b) the protection and preservation of Trees 2, 4, 5, 6, 8, 9, 10, 14, 15, 22, 23, 24, 25, 26, 27, 28, 29 and 32, including:
 - (i) pre-construction;
 - (ii) during construction;
 - (iii) post construction;
 - (c) the provision of any barriers;
 - (d) any pruning necessary; and
 - (e) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
- 8. During construction, the provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Landscape Plan

- 9. Concurrent with the submission of Condition 1 Plans, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) provide for the planning to canopy trees and other suitable plantings in the vicinity;
 - (b) show the type, location, quantity, height at maturity and botanical names of all proposed canopy trees;
 - (c) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (d) provide a specification of works to be undertaken prior to planting,to the satisfaction of the Responsible Authority.

10. Before the car park is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

General

11. Before the car park is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Car Parking

13. Before the car park is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - (c) Line-marked or provided with some adequate means of showing the car parking spaces,
- to the satisfaction of the Responsible Authority.

Civil Works

14. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.

Construction Management Plan

15. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction hours & noise

17. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

18. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; and
- (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

Melbourne Water notes

Information available at Melbourne Water indicates that the property is subject to flooding from Melbourne Water's drainage system, based on a rainfall event which has a 1% Annual Exceedance Probability (AEP), that is, a 1% probability of being equalled or exceeded in any one year. The applicable 1% AEP flood level grades from 22.65m to 22.22m Australian Height Datum (AHD) across the site.

Melbourne Water has the following assets within the location of the proposed works: Alexandra Parade Main Drain - this asset consists of 4880mm wide pipe constructed of concrete bluestone in 1944 and Alexandra Parade Relief Drain - this asset consists of 1980mm wide pipe constructed of unreinforced concrete drain 1928.

Department of Transport and Planning Notes

Any permission or formal approval that may be required from Council is to be obtained prior to the removal of any trees/vegetation.

The final approval for the proposed roadworks will be provided by DTP's External Works Delivery Team.

Attachments

- 1 Attachment 1 - PLN230819 - Decision Plans
- 2 Attachment 2 - PLN230819 - Arboricultural Report
- 3 Attachment 3 - PLN23/819 - Transport for Victoria Letter of Consent
- 4 Attachment 4 - PLN230819 - Letter of Consent for Tree Removal
- 5 Attachment 5 - PLN230819 - Melbourne Water Response
- 6 Attachment 6 - PLN230819 - Development Engineering Response
- 7 Attachment 7 - PLN230819 - City Works and Open Space Services Response

7.2 Secret Garden - Ballarat St Collingwood

Reference	D24/97989
Author	Sam Hewett - General Manager Infrastructure and Environment
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

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

Critical analysis

History and background

2. In late 2023, Council was informed by the licence holder of a parcel of Department of Transport & Planning (DTP) land at the northern end of Ballarat St Collingwood (and adjacent to Alexandra Pde) that a new licence for the land would not be offered.
3. A community group had been granted a licence for the land from DTP commencing 16 October 2017 for 5 years and the licence expired on 24 September 2022. The licence agreement has remained in overholding conditions ever since.
4. The community group calls the site the Secret Garden. In summary:
 - (a) It is a small, fenced and padlocked parcel of DTP land (less than 100m²);
 - (b) The proponent pays rent to DTP of \$385 per annum;
 - (c) There are six paying plot-holders;
 - (d) Other members of the community can access the garden if they ask or if the gate is open; and
 - (e) It has a code of conduct for all garden users.
5. The Secret Garden community group boasts that it has '*transformed a weedy wasted lot into a beautiful community space*'. It also states that '*The garden is utilised by a diverse range of locals who enjoy the opportunity to connect with nature and neighbours. We provide surplus crops, seeds, seedlings and compost free of charge, collect food scraps, maintain two well stocked seasonal herb boxes, have planted public fruit trees and a have climbing tree!*'
6. The Secret Garden is located on DTP owned land directly adjacent to Alexandra Pde and is accessible via Ballarat St Collingwood (figure #1 below).



Figure #1

7. DTP wrote to the licence holder in December 2023 to advise:
“Following a review of its landholdings and the land’s status as road reserve, DTP decided not to offer a new term, but committed to working with yourself and City of Yarra (Council) to determine if there were any other nearby suitable (non-road) locations.”
8. According to DTP, an alternative space in Hotham St Collingwood was offered to the licensee but was rejected as it was too far away.
9. DTP wrote to Council in December 2023 to advise:
“The existing agreement for this land expired in September 2022 and DTP made the decision not to renew the licence, based on consideration of the compatibility of the proposed land use with the status of the land, which is Road Reserve, and noting the ongoing issues raised by other local residents that appear to be unresolved.”
10. At its Ordinary Council Meeting of 12 December 2023, when considering a general business item, Council resolved:
 1. *That a report be presented to the Ordinary Council Meeting in March 2024 that considers options with respect to the lease of the road reserve at the northern end of Ballarat Street, Collingwood. The report should include officers’ advice in relation to:*
 - (a) *the Department of Transport and Planning (DTP) offering the lessee a new lease for the space, as Council’s first preference, and how Council might support this, or alternatively any other options for the site;*
 - (b) *engaging with DTP in line with Council’s existing policies on increasing green space in Collingwood, and otherwise encouraging planting and urban agriculture; and*
 - (c) *writing to the Minister for Infrastructure and Transport, The Hon. Danny Pearson MP and Paul Younis, Secretary DTP expressing Council’s interests in the value of open space in Collingwood.*
11. Officers presented a report and recommendation to Council in March 2024 at which point Council elected to defer the matter until April 2024. The matter was further deferred to give the relevant State Government Minister time to consider Council’s correspondence.
12. Officers sought a further extension to the short term licence offered by DTP to the Secret Garden (which was to expire on 22 March 2024) to allow Council to consider the matter. DTP has confirmed that an extension has been granted until the end of May 2024.
13. Officers made contact with the licence holder of the Secret Garden and DTP in early February 2024. When inspecting the site, another Secret Garden member provided access to the space for a full inspection – the gate was locked which prevented access.

14. Officers also wrote to one neighbour with whom it is alleged that some conflict existed. There appears to be some history of conflict which is summarised at **Confidential Attachment A**.
15. Council is advised that in early 2024 the neighbour put the property up for sale. It appears that the property is no longer for sale but it is unclear if it was sold or has been withdrawn from sale.

Discussion

Department of Transport and Planning

16. The land in question is owned by DTP and it has responsibilities for managing its land.
17. Council has no obligations for this land. DTP could easily offer a new licence to the current licensee but has chosen not to renew the licence.
18. DTP has written to Council to say while it could not offer a new licence for the Secret Garden because the land use is inconsistent with the status of the land, it is prepared to offer a licence to Council to then sub-licence to the existing community group. DTP's logic in this context seems flawed (that the space cannot be a community garden but is happy for Council to manage it as a community garden).
19. Officers have corresponded with DTP on a number of occasions over the past month or two.
20. It appears that part of DTP's decision not to offer a new licence for the Secret Garden is due to the ongoing conflict between the parties and the effort required of DTP to manage this conflict.
21. It appears that the neighbour's property was recently listed for sale but was subsequently withdrawn from sale. As stated earlier, it's unclear if the property was sold or simply withdrawn from sale.
22. Officers asked DTP to reconsider its decision when it was learnt that the property was for sale and the neighbour may leave (and therefore, the conflict was likely to end). DTP has indicated it is not prepared to offer a new licence even after learning of the neighbour's possible departure.
23. The draft DTP licence presented to officers for consideration includes the clause that the space cannot be exclusively used by the licensee. This clause may require the lock to be removed from the front gate and the space opened up to broader community access.
24. Further, the draft DTP licence transfers risks to the licensee (Council would be responsible if it was to agree to sign the licence). Risks associated with contaminated soil (growing vegetables in such conditions can pose risks), drainage and underground services would become Council's obligations and these have not been mapped or assessed by officers.
25. The Mayor has written to the Minister for Infrastructure and Transport, The Hon. Danny Pearson MP and Paul Younis, Secretary DTP in relation to part (c) of the resolution and has also made enquiries of representatives at DTP in relation to a new licence and greening its excess land in Yarra.
26. On 26 April 2024, the Minister for Roads and Road Safety (to whom the Mayor's correspondence was referred) wrote to the Mayor to advise that she is prepared to support a further short term licence extension if Council either directly manages the site or sub-licences it for a community garden. In other words, a new licence will not be offered from DTP to the Secret Garden. DTP is prepared to, instead, licence the space to Council to then be sub-licensed to the Secret Garden.
27. DTP has indicated that 2 small parcels of its land in Yarra might be suitable for greening (Hotham St Collingwood and Regent St Richmond) and has indicated further parcels in Nicholson St Fitzroy and Lulie St Clifton Hill might also be suitable to be planted out by DTP with trees or rewilded (subject to further officer discussion and due diligence). Officers have indicated that Council would consider DTP gifts of land to Yarra, offers to purchase land or offers to lease or licence land. These will be further explored by officers with DTP but will take some time to explore.

Secret Garden Licensee

28. Officers have communicated on numerous occasions with the licensee of the Secret Garden over the last couple of months. Officers are also in possession of correspondence between DTP and the licensee.
29. The licence was terminated by DTP in October 2023 and has subsequently been extended until 22 March 2024 pending Council's consideration and decision. Officers asked for a further extension to allow Council to consider this matter on 9 April 2024 (which was agreed by DTP).
30. DTP has acknowledged some community benefit the garden has brought to the area but states that the garden does not have universal support of all members of the local community.
31. The existing licence signed by the licensee also states that exclusive use is not permitted. The lock on the front gate may be in breach of the current licence agreement.

Financial Sustainability Strategy

32. In December 2023, Council adopted its Financial Sustainability Strategy (FSS).
33. The FSS includes 7 strategic levers which, when implemented, will help to assure Council's long term financial viability.
34. A feature of the FSS is to arrest the cost shifting from other levels of government as stated:
"Cost shifting occurs where local government provides a service to the community on behalf of the State and Federal Government. Over time the funds received by local government do not increase in line with the real cost increases."
35. Council also adopted its Advocacy Action Plan in November 2023 and it also references the cost shifting from other levels of government.
36. Should Council agree to licence the space directly from DTP and then sub-licence the space to the current proponent, this may be considered another example of shifting costs and burden from the State Government to local government.

Options

37. Council has a number of options open to it in relation to the future of the Secret Garden:
 - (a) Council continues its advocacy efforts to DTP as owner of the land and the Minister for Roads and Road Safety to offer a new licence with similar conditions to the existing community group that currently licences the Secret Garden from DTP. There appears no good reason for DTP not to offer a new licence.
This option is recommended;
 - (b) Council could accept DTP's offer and enter into an agreement to licence the space from DTP and then sub-licence the space to the community group to run the Secret Garden. Given Council's recently adopted Financial Sustainability Strategy and Advocacy Action Plan, accepting cost and burden shifting obligations from other levels of government appears inconsistent with those earlier decisions.
This option is not recommended;
 - (c) Council could accept DTP's offer to licence the space and then open the space up by removing the front fence (on Ballarat St) and using the space as a pocket park. This would comply with the draft licence for non-exclusive use and provide open space to locals (Council's open space strategy indicates additional open space in this precinct is desirable). Given Council has not done due diligence for the space (soil testing, underground service detecting and mapping etc).
This option is not recommended; and

- (d) Council could accept DTP's offer for 12 months only while it attempts to find other suitable DTP land that could be used for a community garden of this nature. Given DTP's statement of compatibility of the use with the status of the land, this option has no guarantee of success.

This option is not recommended.

Community and stakeholder engagement

- 38. Officers have communicated with:
 - (a) The existing proponent and another community member who sub-licences part of the space;
 - (b) A neighbour who does not support the Secret Garden; and
 - (c) DTP who licences the land currently.
- 39. Council has written to the State Government to ask it to offer a new licence to the existing licensee.
- 40. Depending on Council's decision on this matter, further consultation may be required.

Policy analysis

Alignment to Community Vision and Council Plan

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

Climate emergency and sustainability implications

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

Community and social implications

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

Operational analysis

Financial and resource impacts

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

Economic development implications

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

Human rights and gender equality implications

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

Legal Implications

50. The legal and other risks Council may be faced with includes:

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

Conclusion

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

RECOMMENDATION

1. That Council:
 - (a) continues its advocacy efforts to the Department of Transport and Planning, as owners of the land, and the Minister for Roads and Road Safety to offer a new licence to the current licensee operating the Secret Garden so that they may continue operating a community garden in Ballarat St Collingwood;
 - (b) receives a further update from officers once the Minister has made her decision; and
 - (c) continues working with the Department of Transport and Planning in relation to its plans to green its excess land for community benefit within the City of Yarra's municipal boundary.

Attachments

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

7.3 Wellington Street Stages three and four - Community engagement and data collection

Reference	D24/130282
Author	Peter Eckersley - Senior Active Transport Project Officer
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

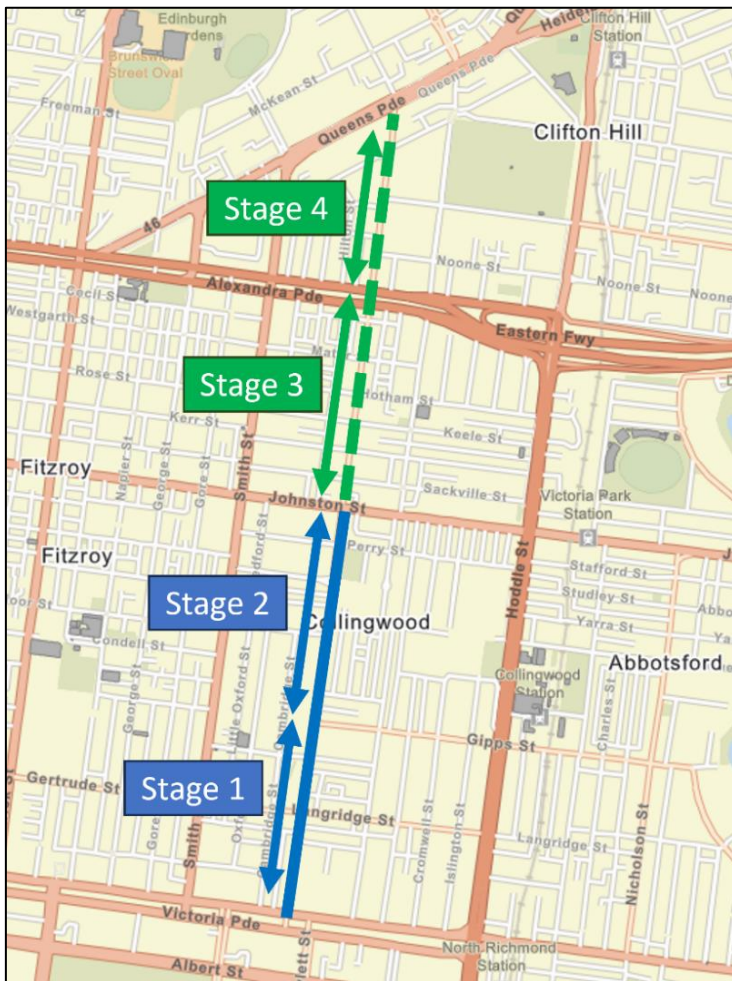
1. To inform Council of the results of initial community engagement and data collected to guide decision making on an upcoming options assessment and concept design work for Wellington Street Stages 3 – 4 as part of the New Deal for Cycling.

Critical analysis

History and background

2. Wellington Street in Collingwood and Clifton Hill has been identified as an important cycling route at local, regional and metropolitan levels for many decades. It is now one of the busiest on-road cycling corridors in inner Melbourne.
3. The popularity of Wellington Street for riding bikes/scooters is due to a range of factors. These include, safer cycling infrastructure being delivered on the southern half of Wellington Street between 2015 and 2019, a lack of attractive alternative routes in the area, the installation of temporary protected bike lanes on Heidelberg Road in 2020 which connects into Wellington Street, increased traffic congestion, a lack of a distance-based public transport fare structure, rising public transport fares, rising petrol prices adding to cost-of-living pressures, local high-density development and broader general population growth.
4. Most recently, Council endorsed the Yarra Transport Strategy 2022-32 (YTS) which includes the New Deal for Cycling (NDC) as one of three flagship transport programmes. Once delivered the NDC will provide a network of high-quality bike routes throughout Yarra that are consistently safe, comfortable to use and attractive for all members of the community.
5. The section of Wellington Street south of Johnson Street (Stages 1 and 2) is NDC compliant having been upgraded over a 5 year period to 2019. However, the YTS identifies Wellington Street north of Johnston Street (Stages 3 and 4) as continuing to be non NDC compliant.
6. In response to this issue, Council allocated \$100,000 for planning, consultation and early investigation work in the 2023-24 Budget. A commitment to upgrading Wellington Street is also contained in Council's Transport Action Plan which was adopted by Council in March 2024.
7. Major bike corridor projects particularly in the inner city are complex, subject to significant stakeholder interest and are often contentious as they involve road space reallocation.
8. Wellington Street north of Johnson Street is particularly challenging due to its existing design, function, and surrounding land-use mix. The opportunities and benefits of getting better outcomes are significant given existing and potential cyclist/scooter volumes. The NDC process learns from previous projects and seeks to address the broader question of how best to encourage more cycling more often and for active transport projects to be moved forward more quickly in Yarra. A key feature of the NDC process is for all options on a specific corridor to be considered in a consistent and transparent way to support decision makers.

Figure 1 – Stages 1 to 4 of Wellington Street Cycling Upgrades (blue are completed sections, green are planned)



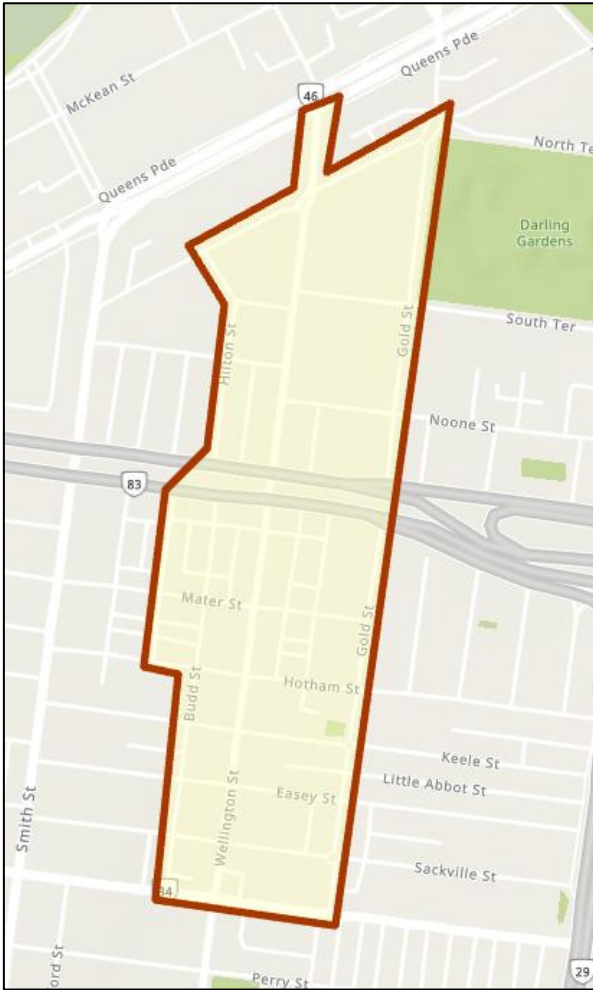
Discussion

9. This report provides an overview of the following:
 - (a) the outputs of the first phase of community engagement;
 - (b) findings from the comprehensive data collection process; and
 - (c) next steps.
10. The first phase of community engagement focused on strategic issues and opportunities. It informs upcoming concept design work and further discussions regarding street outcomes with internal and external stakeholders including Councillors.
11. The comprehensive baseline data collection exercise covers the following 14 topics.
 - (a) Air quality;
 - (b) Bicycle speeds and volumes;
 - (c) Car parking inventory and usage over 1,194 spaces;
 - (d) Crash statistics;
 - (e) Economic, health and wellbeing analysis;
 - (f) Noise pollution;
 - (g) Origin-destination traffic surveys;
 - (h) Parking permit eligibility;
 - (i) Planned and upcoming Council works;

- (j) Planning and upcoming third-party works;
- (k) Planning applications;
- (l) Road safety audit;
- (m) Traffic speeds and volumes;
- (n) Tree canopy; and
- (o) Walking volumes.

12. The study area for this work is shown in Figure 2 below:

Figure 2 – Wellington Street Stages 3 & 4 data collection study area



Community and stakeholder engagement

- 13. The community engagement was conducted by independent consultants and ran over a four-week period from Monday 9 October 2023 to Monday 6 November 2023.
- 14. The objectives of this process were to:
 - (a) Inform the local and wider community of the latest Wellington Street NDC project and how it connects to broader Council transport priorities and policy;
 - (b) Give community members background information on the project including its relationship with major bike upgrade works completed south of Johnson Street in 2015 and 2019;
 - (c) Identify the current issues and pain points for people living on Wellington Street and/or travelling on it; and

- (d) Gather community ideas on ways to improve the street, particularly those travelling by active transport modes or wanting to.
15. The engagement had a 'blank page' structure to gather community views for consideration by officers as per the NDC process. At this stage we were not seeking feedback on specific concepts or asking the community to comment on a specific proposal as this will come later in the process.
16. The following engagement and promotional methods were used to reach as many people as possible:
- (a) Online Your Say Yarra page with an interactive map and comment form;
 - (b) Your Say Yarra email newsletter;
 - (c) Promotion in Yarra Life;
 - (d) Social media posts;
 - (e) News item on corporate Council website;
 - (f) Email sent to all followers of the Yarra Transport Strategy Your Say Yarra page;
 - (g) 3 x in-person 'pop-up' sessions (1 x Perry Street / Wellington Street on Wednesday 25 October 2023, 1 x Darling Gardens on Saturday 28 October 2023, and 1 x Queens Parade shopping strip as part of Councillor engagement program on Saturday 4 November 2023);
 - (h) In-person doorknocks of every business in the study area on Wellington Street;
 - (i) Direct outreach to community groups;
 - (j) Direct outreach to relevant Council advisory committees and networks; and
 - (k) Approximately 9,000 letters sent to all residents, property owners, businesses, community facilities and education facilities on Wellington Street and nearby streets, including beyond the formal study area boundaries.
17. Strategies to engage 'hard to reach' groups and CALD communities were also used. This includes using a variety of media, direct outreach where needed, and having multilingual staff present at in-person consultations.
18. Over 300 contributions were made by over 200 people across online and in-person engagement. This is higher than any other recent cycling project contemplated by Council.

Consultation Outputs

19. Both proposed ideas and existing 'pain points' were collected as part of this engagement.
20. Feedback commonly raised by the community included:
- (a) The existing road carriageway width is too narrow causing safety issues such as close passing of cyclists by drivers, narrow, crowded bike lanes and a lack of space for people on bikes to overtake one another or react to hazards (e.g. opening car doors);
 - (b) Support for the 30km/h speed limit trial due to safety benefits. Some drivers expressed frustration with lower speed regulations as they felt that it unnecessarily slowed down their journey in a vehicle;
 - (c) A desire for better walking conditions, new pedestrian crossing points and more refuge islands;
 - (d) Safety issues are caused by cars turning into, out of or crossing Wellington Street which blocks bicycle lanes and makes cyclists feel anxious.
 - (e) Some community members were concerned that cyclists do not comply with road rules;
 - (f) The existing on-street car parking bays are too narrow particularly for larger vehicles;

- (g) Consideration needs to be given to various parking needs including accessible spaces, business parking and potential spillover car parking onto narrow side streets when Wellington Street is 'parked out';
 - (h) The poor quality of the painted bike lanes north of Johnson Street contrast sharply with the high-quality protected bike lanes provided to the south;
 - (i) There is too much traffic on Wellington Street; and
 - (j) The road surface is in poor condition and features potholes, cobblestones, tree roots, other debris and service pit covers.
21. The issues raised were largely as expected and correlate with previous consultations and data collected from various other local and Yarra wide study work.
22. Overall community sentiment was positive towards improving outcomes for cyclists on Wellington Street albeit there were some contradictory views regarding practical outcomes sought given space is limited and the list of wants is long (refer to Attachment 1).

Data Collection Outputs

23. More data has been collected to support decision making on this corridor than any other cycling project in Yarra. This will provide a comprehensive baseline from which to identify issues and solutions and evaluate success once changes are made so it is NDC compliant.
24. Key findings from the data collection exercise are outlined below. Details of the data collected are provided in Attachment 2.

Movement

25. Wellington Street has the fourth-highest traffic volumes of any Council-owned road in Yarra. At its busiest point (Mater Street) it carries an average of 10,097 vehicles per day. This is significantly higher than the typical maximum design volume for a local collector road which is between 3,000 and 7,000 vehicles per day. Pre-COVID (2019), Wellington Street carried approximately 14,000 vehicles per day, which made it the busiest Council road in Yarra. There is nothing to suggest the road will not carry more than 14,000 again in the not too distance future given the forecasted population, economic and travel demand growth.
26. Traffic volumes on Wellington Street north of Alexandra Parade are significantly lower than those south of Alexandra Parade, particularly on weekdays. Origin-destination data shows that many vehicles enter or exit Wellington Street from Alexandra Parade. The vast majority of these vehicles are making through movements and have no destination or origin on Wellington Street or within the study area.
27. There is also evidence of significant 'rat running' on other local streets. For example, 55% of traffic on Easey Street in the AM Peak had turned from Wellington Street having entered from Alexandra Parade, and 73% of traffic that entered Gold Street at Johnston Street did not stop in the study area. The data suggests there is a general traffic management issue in the area with local streets operating more like arterial roads.
28. There are approximately 2000 daily bike trips on Wellington Street. Since protected bicycle lanes were installed on Wellington Street south of Johnston Street there has been a 56% increase in the number of bicycles using Wellington Street north of Johnston Street. It is likely that there is significant suppressed demand for cycling on Wellington Street as a result of the unappealing painted bike lanes in the study area which put people off, particularly less confident cyclists.
29. In addition, noise levels north of Alexandra Parade are also generally lower than those south of Alexandra Parade confirming that traffic is the primary noise generator in the area.
30. Fridays and Saturdays are the busiest times for pedestrians comprising 3,300 trips or 27% of all movements. This is due primarily to evening commercial activities around Johnston Street.

Safety

31. Nearly 70% of all recorded crashes on this section of Wellington Street between 2018 and 2022 involved at least one person riding a bicycle and that cyclist being injured. Six per cent of all crashes resulted in at least one pedestrian being injured.
32. Cyclists and pedestrians are overrepresented in the crash statistics relative to their volumes compared to car drivers. Someone riding a bicycle is at least twice as likely as someone driving a car to be in a crash and then seriously injured on this street.
33. The intersections on Wellington Street account for 64% of all crashes involving a motor vehicle (be it a car, van or truck) turning at an intersection. Clustering of accidents around an intersections is relatively common and highlights the issues of safety and accessibility at intersections generally.
34. This safety data only includes 'official' incidents reported to Victoria Police. It does not include 'near misses' or any incidents where a police report was not filed. Incidents like car dooring are particularly likely to not be reported.

Car parking

35. There are 1,221 on-street car parking spaces within the study area which are a mix of permit, time restricted and unrestricted spaces.
36. 83% of spaces in the study area are unrestricted on a Sunday, 59% on a Saturday, and 11% on a weekday, with unrestricted sections of car parking generally having the highest occupancy rate which is as expected.
37. On Wellington Street between Queens Parade and Johnston Street, peak on-street car parking occupancy was at 9pm on a Saturday at 87% occupancy. This compares to an average occupancy across the study area of 75% which means that there are on average approximately 305 car parking spaces available on or in the vicinity of Wellington Street at any one time.

Other

38. A comprehensive, independent socio-economic analysis was undertaken for the first time in Yarra on Stages 1 and 2 of the corridor to the south. There have been significant benefits since the installation of protected bike lanes, including reduced traffic, improved public health and reduced road trauma.
39. It found that there has been a total of \$11.7 million worth of socio-economic benefits associated with the cycling upgrades on Wellington Street to date. The full report of this analysis is provided in Attachment 3.

Next Steps

40. Community engagement and the data collected will inform designs for this multi-year project that will deliver on Council's objectives and policies.
41. The initial design process is comprehensive and will take approximately 12 months to complete. It involves options assessment, concept designs, peer reviews, service checking, and state government approval processes.
42. In anticipation of this initial design process, Council's Caretaker Period and other considerations during the 2024 election period, the next round of community consultation is provisionally scheduled for early 2025. This will test concept designs with the community before a council endorsed position on the preferred design is obtained and detailed design work commences so the project is shovel ready for delivery.
43. Advocacy to State Government to raise awareness of the project and encourage external funding is ongoing but will increase as the project is progressed and its scope of works finalised.

Policy analysis

Alignment to Community Vision and Council Plan

44. This project aligns with the Yarra Community Vision 2036 component of “Create a transport system that is innovative, efficient, sustainable and accessible”.
45. This project aligns with the Yarra Council Plan 2021-2025 objectives to “prioritise sustainable and active transport” and “help people move safely and sustainably through and within our municipality”.

Climate emergency and sustainability implications

46. Transport is the third-largest and fastest-growing source of emissions in Yarra. In 2023, the vast majority of these emissions were generated by privately owned motor vehicles.
47. The Victorian Cycling Strategy, Yarra Transport Strategy 2022-32 and the draft Yarra Climate Emergency Plan 2024 all identify that mode shift away from private cars and towards sustainable modes of transport are essential for climate mitigation and adaptation.

Community and social implications

48. This project seeks to make Yarra’s transport network more equitable, inclusive and accessible.
49. This is the first of multiple stages of community engagement with varying degrees of negotiable and non-negotiable aspects. This will include specific outreach to communities that are traditionally underrepresented in project consultations. Details of the methodology and results are included in this report.

Economic development implications

50. Projects that make it easier and safer for people to ride by bicycle or scooter have consistently shown economic benefits. Improving facilities for people riding bikes or scooters has ancillary benefits, such as improved street amenity and increased human activity, as well as direct benefits, such as more customers visiting businesses nearby.
51. There will be direct outreach to relevant businesses during this consultation phase. Specific needs for businesses in the area will be considered in the engagement results and future designs.

Human rights and gender equality implications

52. This project has been assessed under The Charter of Human Rights and Responsibilities Act 2006 and Gender Equality Act 2020 and no implications have been identified.
53. The Community Engagement Plan has been developed in line with Council’s community engagement policies and strategies.

Operational analysis

Financial and resource impacts

54. Council has committed \$100,000 in the 2023-24 Financial Year to plan and design upgraded bicycle facilities along Wellington Street between Alexandra Parade and Queens Parade. This report details work undertaken using this funding as per the New Deal for Cycling methodology.
55. There is high potential for construction and future stages to be partly or fully funded from external sources if the necessary preparatory work is completed. Grants from the Transport Accident Commission (TAC) contributed significantly to the construction of Stages 1 and 2. The new Transport Action Plan will assist with maximising the potential for Council to secure this funding.

Legal Implications

56. There are no known legal implications of conducting community engagement on this project. Council retains the necessary powers under legislation including the Road Management Act 2004 and Local Government Act 1989.

Conclusion

57. This project delivers on a key local, regional and metropolitan cycling corridor identified by Council in the New Deal for Cycling and by the State Government through the Principal Bicycle Network and Strategic Cycling Corridors.
58. Community engagement and the data collected will inform designs for this multi-year project that will deliver on Council's objectives and policies.

RECOMMENDATION

1. That Council note the report and findings of the initial community engagement and data collection for Wellington Street Stages 3 and 4.

Attachments

- 1 Attachment 1 - Wellington Street Community Engagement Summary Report
- 2 Attachment 2 - Wellington Street Stages 3 and 4 Baseline Data Report
- 3 Attachment 3 - Wellington Street Stages 3 and 4 Socio-Economic Analysis

7.4 Quarterly Community Report - March 2024

Reference	D24/154848
Author	Emily Woodin - Coordinator Business Planning and Performance
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To present the 2023/2024 Community Report Quarter 3 (Community Report), which includes progress updates on the Financial, Capital Works and Annual Plan activity for the last quarter.

Critical analysis

History and background

2. The Council Plan 2021-25 incorporating the Municipal Health and Wellbeing Plan was adopted by Council on 19 October 2021 in accordance with the Local Government Act 2020 (the Act).
3. Supporting the Council Plan is an Annual Plan that outlines the principal activities that will be undertaken over the course of each financial year.
4. The Local Government Act 2020 requires that Council publishes a quarterly statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date.
5. The Community Report provides a comprehensive, integrated report of progress against the delivery of the Council Plan, financial performance and capital works program, as well as updates on key strategies and programs for the third quarter 2023/24 financial year.
6. Over the last year, significant focus has been directed to strengthening the format and content of the Quarterly Report to Council.

Discussion

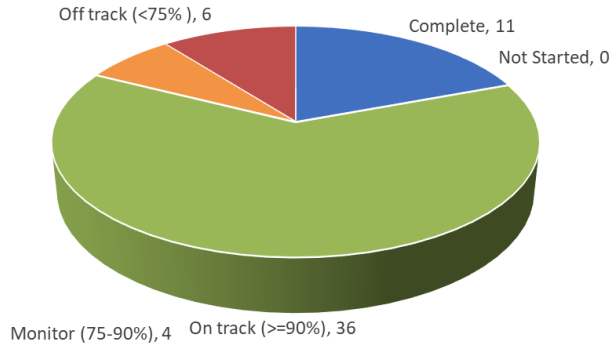
Community Report

7. The Community Report at **Attachment One** provides an integrated, timely and transparent overview of the organisation's activities each quarter. It provides a central place to report on Councils progress in delivering the Council Plan through the Annual Plan, financial performance, the delivery of the Capital Works Program, implementation of key strategies and plans and to highlight significant achievements and services.
8. Strategy and Plan updates this quarter include the Community Engagement Action Plan, Financial Sustainability Strategy, Active and Healthy Action Plan and the Nature Strategy. Service activity and highlights include achievements from Family and Children's Services Branch, Yarra Libraries, Yarra Arts and environmental improvements.

2023/24 Annual Plan Progress Quarter 3

9. The 2023/24 Annual Plan has 57 actions to be delivered. The detailed Annual Plan including action progress is contained in Attachment 1 2023/2024 Community Report Quarter 3.
10. At the end of March, 47 of the actions (82%) are reported as completed (11) or on-track (36). The annual performance target for actions is 75% completed or on-track.

2023/24 Annual Plan Actions Progress - March



	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started	Total
Climate and environment	1	7	0	0	0	8
Social equity and health	3	13	1	0	0	17
Local economy	1	2	1	1	0	5
Place and nature	1	10	0	4	0	15
Transport and movement	2	2	1	0	0	5
Democracy and governance	3	2	1	1	0	7
	11	36	4	6	0	57

11. The Community Report includes a detailed breakdown on the progress of each action in the Annual Plan and commentary on the achievements.
12. The following action and milestones could not be achieved due to a change in the project conditions:

(a) 3.1.1.2 Night Time Economy Action Plan:

Details: The economic benefit of Night Time Economy to the city is largely unknown, so a gap analysis is required to be carried out, which can then lead to a short term action plan, followed by a draft Night Time Economy strategy.

Current milestones for 2023/24:

September	Complete brief for consultant regarding the Night Time Economy. Ideally look to partner with neighbouring council areas in order to widen the understanding and impact across multiple regions
December	Procurement completed and consultant selected
March	Analysis and draft action plan completed. Budget bids completed in order to fund actions in upcoming financial year
June	Initial implementation of plan started – advocacy to State Government to seek support in delivery of action plan

The Night Time Economy Action Plan is now proposed to be developed in collaboration with members of the M9. An initial background research piece is being delivered in late July 2024 and the scope of the joint project will be delivered and agreed in Q1 of 24/25. The project is proposed to be an action in the 2024/25 Annual Plan.

Officers recommend this action be removed from the 2023/24 Annual Plan and for the project to be developed as a joint project in conjunctions with neighbouring Councils in 2024/25.

(b) 4.1.1.3 Gipps Street Employment Precinct Local Area Plan:

Description: Preliminary investigation into the Gipps Street Employment Area.

Current milestones for 2023/24:

September	Seek Streamlining for Growth funding from Victorian Planning Authority to support strategic background work that would underpin a future local area plan, start-up and creative enterprises, identify potential transport and public realm improvements, interim and permanent built form provisions
December	Subject to external funding support, procure strategic background work to support start-up and creative enterprises, identify potential transport and public realm improvements, prepare interim and permanent built form provisions
March	Prepare strategic background work to support a local area plan and prepare interim and permanent built form provisions. Undertake consultation
June	Prepare strategic background work to support a local area plan and prepare interim and permanent built form provisions. Commence drafting of a local area plan

The original milestones were set in early 2023 and were founded on the provision of funding from the State Government under the 'Streamlining for Growth' funding program. The State Government removed this funding from their 2023/24 budget. The removal of funding has meant that the planned activity could not be delivered during this year.

Officers have commenced preliminary work and planning to move these actions into the 2024/25 Annual plan.

Officers recommend this action be removed from the 2023/24 Annual Plan due to the removal of State funding.

Quarter Three – 2023/24 Budget Update

13. Like all other councils across Victoria, Yarra is facing financial challenges with rising cost pressures, rate capping and cost shifting, coupled with unprecedented growth and increasing pressure and demand on its services. Constant changes to the economic landscape have compounded these challenges with high levels of inflation and significant increases to the cost of services and labour.
14. As part of our commitment to improving Council's financial health, our first Financial Sustainability Strategy was adopted by Council on 12 December 2024.
15. The Financial Sustainability Strategy ensures the organisation applies prudent financial management practices including detailed operating and capital budget monitoring.
16. Council continues to experience external pressures from rate capping, Enterprise Agreement obligations, labour market pressures and sustained higher costs for materials and services, despite inflation decreasing. In addition, increases to the Workcover insurance premium (\$0.450m during 2023/24 - circa 30% increase) were announced this quarter.

Quarter three - 2023/2024 March YTD net result

17. The YTD actual net result is \$15.2m favourable to the YTD budget. This is comprised of a combination of permanent changes and timing of transactions driven by:
 - (a) Permanent increase in Statutory Fees and Fines;
 - (b) Improved management of cash levels and returns on investments;
 - (c) Better than expected income from Open space and developer contributions, and
 - (d) Holding costs in materials and services, despite challenges with sustained higher prices.

18. The financial position as at 31 March 2024 shows a cash and investment balance of \$96.35m (June \$81.1m) which is partially funded by \$33.8m of borrowings.
19. Cash and investment balances are adjusted for restricted cash obligation, providing Council with an unrestricted cash balance of \$27.5m (\$5.39m on 30 June 2023). However, this movement is driven by the timing gap of receipts from rates instalments and the payments for suppliers and capital works to be paid during 2023/24.

Quarter three - 2023/24 March Forecast result

20. Despite the ongoing financial challenges outlined above, Council is reporting no change from the forecast at the end of December 2023, which is a forecast surplus result of \$12.6m compared to a surplus of \$15.2m in the adopted budget. However, current volatility in user fees and charges (in particular further reduction in children services utilisation levels) cost pressures and other external influences will be closely monitored during the last quarter of 2023/24. Any surpluses at 30 June 2024 will be transferred to Reserves to align with the key objectives of the financial sustainability strategy.
21. The current forecast surplus position demonstrates Council's commitment to delivering an improved financial position without impacting services to the community. The outcome also moves towards achieving financial goals of no further borrowing to fund operating activities, holding costs, efforts to build cash reserves and enabling the organisation to make decisions in alignment with the adopted Financial Sustainability Strategy.
22. The forecast surplus result of \$12.6m is comprised of permanent changes and timing of transactions driven by:
 - (a) Increase in Statutory Fees and Fines;
 - (b) Better than expected income from Open Space and developer contributions, and
 - (c) Improved management of cash levels and returns on investments.Offset by:
 - (d) Decrease in User Fees and Charges (reducing children services fees);
 - (e) Decrease of capital grants due to the deferral of some capital works to 2024/25; and
 - (f) Employee costs primarily because of increased Workcover premiums and agency labour hire costs related to shortages in the labour market.
23. Materials and Services is underspent and to allow for current volatility in cost pressures and other external influences we will not be adjusting our materials and services forecast at this point in time. Instead, will be closely monitoring all costs to ensure our forecast budget is not exceeded. Any surpluses identified in materials and services at 30 June 2024 will be transferred to Reserves to align with the key objectives of the Financial Sustainability Strategy.

Quarter Three – Capital Works

24. Council continues to plan and deliver projects that improve community safety and usability of our assets, to ensure longevity and reliability of our assets, to increase usability and efficiency, and address our community's current and future needs.
25. The expenditure to the end of Q3 for the 2023/24 Capital Works Program was \$17.2 million. In this quarter, Council has progressed well in the delivery of a mix of infrastructure works (roads and drainage) and structural works (ovals and pavilions, and community facilities).
26. By end of March 2024, Council had completed the following:
 - (a) 43 road infrastructure projects including:
 - road safety works on Rathdowne St (Carlton); and
 - pavement, footpath and kerb renewal works at:
 - (i) Arnold St, Princes Hill;

- (ii) Wangaratta St, Richmond;
 - (iii) Wilson St, Princes Hill;
 - (iv) Charlotte St, and Derby St, Collingwood;
 - (v) Curtain St, Carlton North;
 - (b) Pavement renewal works on:
 - (i) Fenwick St, Carlton North;
 - (ii) Richardson St Princes Hill;
 - (iii) Little Alfred St, Fitzroy;
 - (iv) Hotham St and Budd St, Collingwood;
 - (v) Caroline St, Clifton Hill;
 - (vi) Corns Pl, Richmond;
 - (vii) Parkville St, Burnley;
 - (c) IDAHOBIT flag renewal on Smith and Peel Street, Collingwood and Smith and Gertrude Street, Collingwood;
 - (d) Renewal of cricket pitch and cover at Alan Bain Reserve;
 - (e) Provided additional temporary change rooms for the clubhouse at Yambla Reserve; and
 - (f) Painted and refreshed the flooring of the Richmond Town Hall foyer main customer service point.
27. Budget adjustments as at the end of March have resulted in a net budget decrease of \$3.9m with the revised full year expenditure forecast being \$29.9m. The following are the major adjustments to the program in this quarter:
- (a) The inclusion of tree planting and bicycle safety initiatives to the capital works program as per Council resolution funded by savings identified in the program;
 - (b) Brunswick Street Oval Precinct Redevelopment – a reduction in budget by \$3.1m due to a rescoping of the project this financial year. The prices tendered significantly exceeded the budget available for the project, meaning a construction contract was unable to be awarded. The remaining budget in this financial year will be used to deliver a redesigned concept; and
 - (c) Atherton Gardens Kindergarten - a reduction in budget by \$635K to reflect the total expenditure that will be realised in 2023/24. The remainder of the budget to be budgeted for in 2024/25.
28. The attached Community Report contains further details of the Capital Works program progress.

Discussion

29. There are no options provided in this report.

Community and stakeholder engagement

30. The Annual Plan is informed by initiatives in the adopted Council Plan 2021-25. Extensive community engagement was undertaken during the development of the Council Plan 2021-25.
31. Council's Community Engagement Policy guides the approaches taken for community engagement for the individual projects contained in the Annual Plan.

Policy analysis

Alignment to Community Vision and Council Plan

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

Climate emergency and sustainability implications

34. The Council Plan 2021-25 includes a Strategic Objective 'Climate and Environment' that addresses climate emergency and sustainability implications. The Annual Plan includes seven actions that respond to Initiatives in this Strategic Objective.

Community and social implications

35. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.

Economic development implications

36. The Council Plan 2021-25 includes a Strategic Objective 'Local economy' that addresses economic development implications. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.

Human rights and gender equality implications

37. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses equity, inclusion, wellbeing and human rights considerations. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.

Operational analysis

Financial and resource impacts

38. This report provides an analysis of progress against the Council Plan and budget for the third quarter 2023/2024 financial year.

Legal Implications

39. This report will satisfy Council's obligation under section 97 of the Local Government Act 2020 to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.
40. There are no other legal implications to this report.

Conclusion

41. The 2023/24 Community Report Quarter Three provides a timely, open and transparent overview of the organisation and its activities from January to March 2024 inclusive.

RECOMMENDATION

1. That Council:
 - (a) notes the 2023/24 Community Report Quarter Three provided at **Attachment One**; and
 - (b) endorses the removal of the following actions from the 2023/2024 Annual Plan:
 - (i) Action title: 3.1.1.2 Night Time Economy Action Plan; and
 - (ii) Action title: 4.1.1.3 Gipps Street Employment Precinct Local Area Plan.

Attachments

- 1 Attachment 1 - City of Yarra Quarterly Community Report - Quarter 3 2023-24

7.5 Multicultural Partnerships Policy

Reference	D24/135275
Author	Cristina Del Frate - Senior Coordinator Equity and Inclusion
Authoriser	General Manager Community Strengthening
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

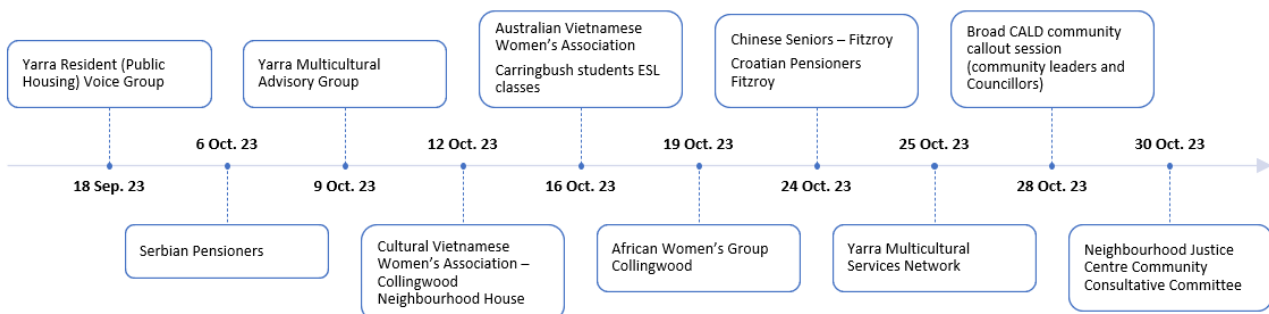
Purpose

- To present the Yarra Multicultural Partnerships Policy May 2024 for endorsement by Council.

Critical analysis

History and background

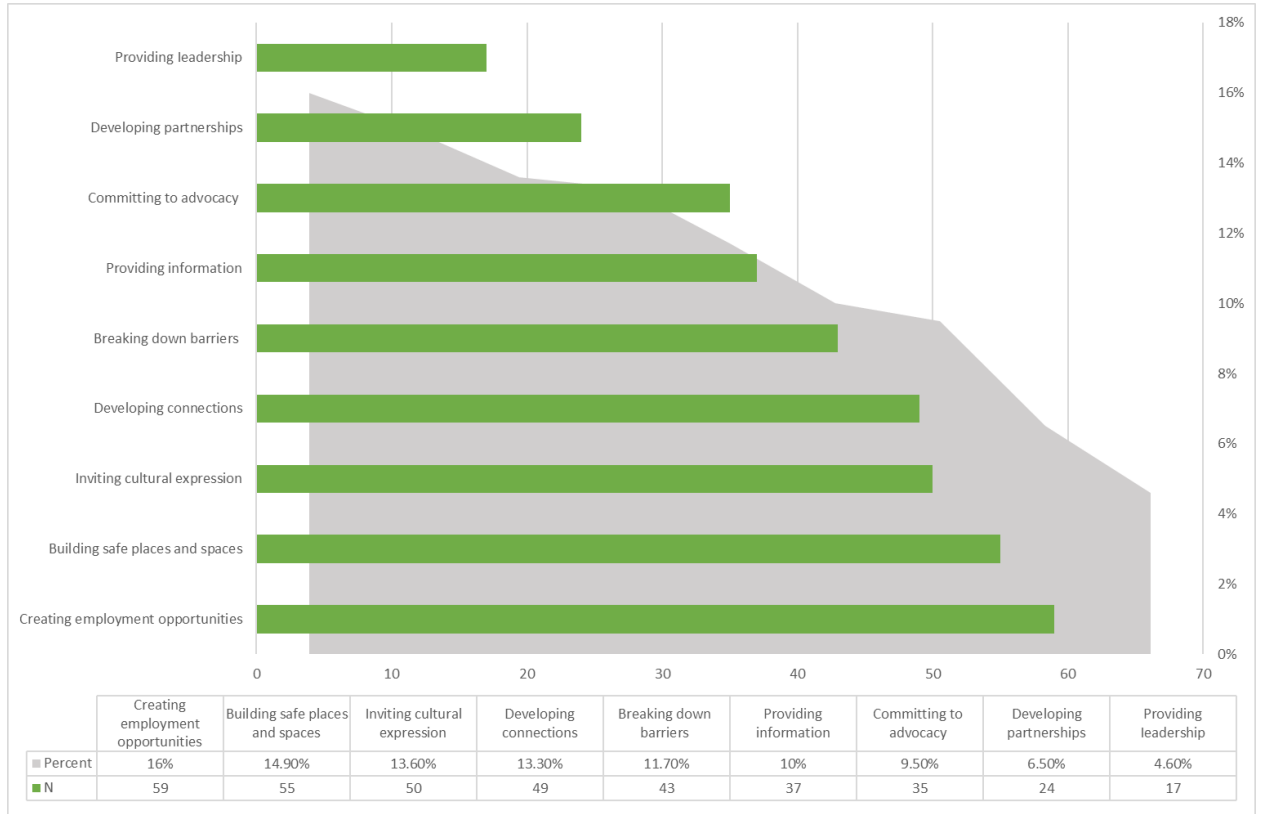
- The Multicultural Partnerships Plan 2019-2023 has expired and over the latter part of 2023 and into early 2024, the development of a new policy has been underway.
- The new Draft Multicultural Partnerships Policy aims to establish a comprehensive, strategic foundation outlining Yarra's commitment to supporting our multicultural community.
- The Draft Policy was developed through a review of the previous plan and current initiatives, external research, analysis of demographic trends and stakeholder engagement.
- The engagement was conducted between October-November 2023, and provided an opportunity for community and other key stakeholders to input into the direction of the new Draft Policy.
- The engagement included the following (as detailed in the diagram below):
 - Internal staff consultations;
 - Your Say Yarra webpage with a survey that is accessible in 10 diverse languages;
 - Pop-up sessions at Linear Park reserve as part of Councillor Conversations, and at the Richmond Estate Twilight Market; and
 - Twelve focus groups with key community CALD organisations and groups as detailed below, including the Yarra Multicultural Advisory Group.



- The key communications methods included:
 - The translation function on the Your Say Yarra webpage, including step by step instructions (in Language) on how to use the translation tool;
 - Yarra News;

- (c) Promotion and engagement via Bicultural Liaison Officers;
- (d) News item for corporate website;
- (e) Social media (including ads for CALD populations); and,
- (f) All necessary translations for social media and printed postcards.

8. During three pop-up sessions and via the Your Say Yarra site, Dotmocracy Boards were utilised to allow community members to vote on focus areas, with each participant receiving three dots (votes) to allocate on the board. A total of 148 votes were cast through the pop-ups, and 221 votes were submitted via Your Say Yarra. The graph below shows the combined results.



9. The most supported priority was creating employment opportunities, which received 59 votes (16%). Building safe places and spaces also emerged as a significant need, securing the second-highest support with 55 votes (14.9%).
10. The consultation yielded information from community, service providers, and Yarra staff which was collated and themed and the themes informed the development of the priority areas of the Draft MPP.

Discussion

11. The Draft Policy at **Attachment One** was developed after analysing and incorporating the following information:
- (a) A review of the former Multicultural Partnerships Plan, including an audit of the organisation’s current programs and initiatives aimed at multicultural communities;
 - (b) an environmental scan of the political context for multicultural affairs;
 - (c) demographic research, analysis and projection;
 - (d) benchmarking and service mapping; and
 - (e) consultation and engagement results.

12. The Draft Policy details the overarching policy principles guiding the Council's efforts, with the Refugee Statement and People Seeking Asylum Policy Statement integrated.
13. The Policy delineates the Council's commitments, organised into five thematic priority areas, shaped by extensive community engagement. These priorities demonstrate how we will act as a Council to ensure the City of Yarra is an inclusive place to live, work and enjoy for our multicultural community. The priorities are:
 - (a) Standing against racism;
 - (b) Effective communication and respectful engagement;
 - (c) Cultivating connections;
 - (d) Building inclusive and accessible spaces; and
 - (e) Fostering community capacity.
14. The Draft Policy sets expectations for our approach, ensures transparency, and strives for best-practice and equitable outcomes in our work and for community. A strengths-based approach is utilised, highlighting the community's current assets and resources to amplify these strengths and create opportunities for growth and self-determination.
15. Importantly, the Draft Policy applies an intersectional perspective, recognising how the overlap of racial marginalisation with aspects such as gender, sexuality, age, and disability intensifies and compounds discrimination and challenges.
16. In 2023, Council streamlined its quarterly progress reports to enhance clarity and transparency for the community. This consolidates updates on strategic goals, the Council Plan, budget, and capital projects.
17. As with the current Multicultural Partnerships Strategy, the new Multicultural Partnerships Policy will be reported on quarterly in the FY25 Quarterly Report. Officers will oversee and report on the alignment of our practices with the stated principles and how our activities advance the specified priorities.
18. While the Draft Policy is intended for long-term application, significant changes in the social environment, the broader policy landscape or Council's policy framework may necessitate updates, which can be readily initiated.

Community and stakeholder engagement

19. Community and stakeholder engagement, conducted in collaboration with the Council's Communications and Engagement team, was extensive. Methods of engagement were varied, to capture diverse groups in the community, and ensure inclusion and accessibility.
20. The Your Say Yarra (YSY) page also included a translation widget to change the language to ten community languages, which enabled non-English users to reply to the survey. Using Bicultural Liaison Officers, focus groups at times transformed into tutorials for community on learning how to navigate the Your Say Yarra page translation tool. Results for contributions to the YSY site from LOTE users was one of the most successful so far with 1,437 views and 76 contributions – the highest received from these cohorts.
21. To enable accessibility, officers ensured collateral was translated into community languages, and use of interpreters and Bicultural Liaison Officers was standard practice. In addition, use of pictures and plain English was maximised where possible to ensure accessibility.
22. The methodology for the consultation and engagement strategy was "Impact Consultation". This approach focuses on engaging specifically with those directly affected by a policy, program, or initiative rather than the broader public. By focussing on directly impacted individuals, the process ensures that the most relevant voices significantly influence decision-making and policy development, aligning with the principle of inclusivity and ensuring that those most affected have a say in matters that impact their lives directly.

Policy analysis

Alignment to Community Vision and Council Plan

23. The draft Multicultural Partnerships Policy (MPP) is strongly aligned with the Council Plan (2021-25), especially concerning the strategic objectives of:
 - (a) Social Equity and Health: to build a more resilient, inclusive, safe and connected community, which promote social, physical and mental wellbeing and celebrate and respect culturally vibrant and socially diverse communities; and
 - (b) Democracy and Governance: to provide opportunities for meaningful, informed and representative community engagement to inform Council's decision-making, as well as ensuring ways to amplify lesser-heard and underrepresented voices so that engagement is representative and inclusive of all people.
24. The Draft Policy is well-aligned with the guiding principles and commitments of Yarra's Community Vision, including aspiring for a community which cultural diversity is celebrated, where barriers to access and inclusion are broken down, and the community is empowered to work together and build connections.

Climate emergency and sustainability implications

25. Council's Climate Emergency Plan (CEP) seeks to foster a community that is engaged, healthy, and resilient to climate impacts, particularly for the most at-risk in our community. The plan emphasises enabling residents, businesses, and community groups to shift to renewable energy, targeting zero-net emissions municipality-wide.
26. The development of the new CEP's has involved significant consultation with multicultural community members and groups, who are more likely to be disproportionately impacted by climate change.

Community and social implications

27. The Draft Policy plays a key role in the development of the community through building relationships, developing skills, increasing awareness and resilience within the community.
28. The main objectives of inclusiveness, visibility and participation ensure that multicultural communities can benefit from opportunities for capacity building.

Economic development implications

29. Creating economic opportunities emerged as the top priority from the dotmocracy exercises.
30. Inclusive economic practices that promote diversity positively impact the Yarra community by fostering diverse participation in its economic life. Council recognises the economic benefits of multiculturalism, such as a diverse, innovative, and skilled workforce, which enhances Yarra's economic advantage.
31. The Draft Policy's priorities include opportunities, capacity building, and employment diversity, all contributing to Yarra's economic prosperity.

Human rights and gender equality implications

32. Council's Social Justice Charter acknowledges that the City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri Woi Wurrung and a place of special significance for the broader Aboriginal and Torres Strait Islander community. The City of Yarra is also home to diverse communities, which Council is proud of and recognises as an asset.
33. Council has an important role in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers, so that all residents can participate in the community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language, religion or disability.

34. The Draft Policy aligns with the Charter of Human Rights and Responsibilities Act 2006 and other international, national and state human rights legislation, declarations and conventions. The *Guiding Principles* and *Commitments* affirm a human rights perspective.
35. The Draft Policy has had a Gender Impact Assessment completed and is compliant with the obligations and objectives under the Victorian Gender Equality Act 2020.

Operational analysis

Financial and resource impacts

36. The implementation of the Multicultural Partnerships Policy will be undertaken within existing operational budgets. This is carried out through community development and social policy functions across many Council teams including Equity and Community Development, Communications and Engagement, People and Culture, and all frontline services such as Leisure, Venues, Libraries and Events, Families, Youth and Children, Aged Care and Disability.

Legal Implications

37. There are no legal implications.

Conclusion

38. The Draft Multicultural Partnerships Policy is informed by robust community engagement, which focussed on community members and stakeholder most impacted by this policy.
39. The Draft Policy has been developed to align with the Council Plan and Community Vision and strengthen work already occurring across Council in providing services and programs to multicultural communities and improving participation and accessibility.
40. Officers will oversee and report on the policy's implementation and alignment of our practices with the stated principles and priorities of the Multicultural Partnerships Policy, including formal reporting through the FY25 Quarterly Reporting process.

RECOMMENDATION

1. That Council endorses the Yarra Multicultural Partnerships Policy May 2024 at **Attachment One**.

Attachments

- 1 Attachment 1 - Draft Multicultural Partnerships Policy - May 2024

7.6 Community Grants FY2025 Initiation Report

Reference	D24/90943
Author	Cristina Del Frate - Senior Coordinator Equity and Inclusion
Authoriser	General Manager Community Strengthening
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to seek Council's endorsement for the community grants programs to be initiated for financial year 2024/25. The funding for the respective grants is subject to the adoption of the 2024/25 budget.

Critical analysis

History and background

2. Community development is the process of building and strengthening the capacities of communities to shape their own future. Through the Yarra Community Grants Program (CGP), each year Council provides significant funding to empower individuals and organisations to work together to address common challenges and achieve shared goals. The supported areas encompass community development, arts and culture, climate action and sustainability, sports and recreation, as well as youth and family initiatives.
3. The CGP contributes to projects and initiatives that are locally based and provide a program, service or activity of benefit to the Yarra community. Projects considered to be the responsibility of the State or Federal Governments, businesses and other for-profit organisations are not eligible for funding.
4. To be eligible for funding, applicants must be a not-for-profit, incorporated community organisation or meet one of several specific exceptions e.g., unincorporated community groups auspiced by an incorporated organisation, individual artists or arts-related businesses operating under an active sole trader ABN.
5. Training programs are also delivered to build capacity for local not-for-profit and community organisations such as project management essentials, partnerships and network building, financial administration, cultural competency, and managing members and volunteers.

Discussion

6. In 2024, multiple grant rounds will be initiated for the 2024/25 financial year. The funding of these grants is subject to the annual budget process to be adopted by Council in June 2024.
7. This report outlines the sub-programs and streams of the CGP to be initiated in 2024/25.

Rolling Grants

8. Small Project Grants are quick response grants for projects relating to Arts and Culture, Community Projects and Climate Action and Environment. Applicants can receive one grant of up to \$1,000 per financial year. Arts and Culture applicants can apply for up to \$2,000. This grant remains open until the funds (\$95,520) are exhausted.
9. The Room to Create Grants are for goods and/or services that will assist creative spaces, such as live music venues and galleries, to operate in Yarra. This grant remains open until the funds (\$24,375) are exhausted.
10. The Youth-Led Grants are grants of up to \$3,000 for youth-led projects with a pool of \$30,000 included in the Family Youth and Children stream.

Community Development

11. The Community Development Stream is designed to strengthen the social and cultural diversity of the City of Yarra and encourage people from all backgrounds to participate in community life. This stream supports the valuable work undertaken by a diverse range of not-for-profit organisations and community groups in Yarra who run projects building social inclusion, supporting social justice and strengthening our local communities. This stream focuses on projects that address strategies from the Council Plans.
12. There are six sub-categories in the Community Development stream of the 2025 Annual Grants, namely: Community Support (up to \$10k) for projects by larger not-for-profits, Community Strengthening (up to \$5k) to support smaller local community-run groups seeking to hold activities in Yarra, Community Celebrations (up to \$4k) supporting smaller events including street closures and multicultural celebrations, Social Enterprise (up to \$10k) supporting organisations and businesses aimed at the creation of employment opportunities for people facing barriers to workforce participation, Community Housing (up to \$50k) and Major Projects up to \$50k. The total pool is \$633,427.
13. In 2023, the Council endorsed a review of the CGP for the 2023/2024 period. As a result, new rounds of multi-year grants (i.e., funding to support projects over several years) were not initiated, and alternative arrangements were made:
 - (a) As part of the 2023 Annual Grants Initiation Report, the three-year Investing in Community grant pool was merged into the Annual Grants. A new grant stream, Major Community Projects (up to \$50,000), was created. It is proposed that this arrangement continue into the 2024/2025 financial year; and
 - (b) The three-year Organisational Support Grants for Culturally and Linguistically Diverse and seniors' groups conclude this year. For the 2024/2025 financial year, a one-year extension is proposed to be provided to the 41 groups that received funding in the 2023/2024 financial year, subject to their ongoing eligibility. The total amount allocated will be up to \$150,000.
14. Several grants have been extended due to the review of the CGP. The Richmond and Collingwood Youth Estate Grants were extended until mid-2024, with an allocation of \$195,640. Additionally, the Celebrate Yarra grant, which supports the Victoria Street Lunar Festival, Johnston Street Fiesta, and Gertrude Street Projection Festival, has been extended under CEO delegation until mid-2025, with a total funding of \$105,000.

Arts and Culture Annual Grants

15. The Arts and Culture Annual Grants will revert to one round per year after having trialled two rounds in 2023/24. The number of applications doubled from 65 to 118 compared to the previous year.
16. The Yarra Arts Fellowship and the Sustainable Arts Grants, introduced in the 2023/24 cycle, is proposed to continue. The total funding pool of \$540,774 also includes the Celebrate Yarra stream.

Family, Children and Youth

17. The Family, Youth & Children Stream includes two categories, namely: Family & Early Years Category, and Youth & Middle Years Category. The maximum grant is \$10,000 and the pool is \$162,698.

Sport and Recreation

18. The Sports and Recreation stream supports projects that increase inclusion, diversity and access to opportunities that increase physical activity levels. The maximum grant is \$5,000 and the pool is \$58,000.

Climate Action and Environment

19. The Climate Action and Environment Stream seeks to support initiatives that accelerate community-led climate action and environmental support at a local level. The total pool is \$42,000.

Yarra Energy Foundation: Council contribution and the transition to self-sufficiency

20. While historically outside the CGP, a major initiative in advancing Council’s climate change objectives has been the support provided towards the establishment and growth of the Yarra Energy Foundation Ltd.
21. Council established the Yarra Energy Foundation Ltd (YEF) in 2010 as an independent not-for-profit organisation to support the Council's goal of achieving carbon neutrality in the City of Yarra and encourage such action more broadly.
22. Since the conclusion of multi-year agreements in mid-2021, Council has been supporting the Yarra Energy Foundation Ltd through a contribution recorded via annual funding agreements. In FY 24, \$150,000 was provided for operational costs (e.g., staff salaries, rent, and utilities).
23. From the outset, it was envisaged that the YEF would ultimately achieve financial self-sufficiency. YEF has been an important player in facilitating the shift toward energy efficiency and increasing access to sustainable energy.
24. In FY25, it is proposed that Council fund \$150,000 for YEF, marking the final contribution towards their operational expenses. This assistance will help YEF continue its work in promoting energy efficiency and sustainable energy access as it progresses toward self-sufficiency.
25. This amount will be funded through a corresponding reduction in the annual Community Grant’s envelope, specifically the Major Community Projects Stream.

The 2024/2025 Grants Sub Programs and Budget

26. The table below provides an overview of the budget for the sub-programs and streams of the CGP and indicates whether they will be initiated in 2024 and where there are changes to ensure that the Council can respond effectively to the findings of the review of the CGP in 2024/25.

Table 1: CGP Sub Programs to be initiated for FY25

Sub Program	Initiated in 2024	Additional information	Budget for 24/25 FY
Annual Grants: Community Development Stream	yes	Annual	\$633,427
Annual Grants: Major Community Projects		The multi-year Investing in Community Grants (pool of \$306,380) were suspended due to the CGP review. Accordingly, the temporary stream of Major Community Projects has been established using part of these funds.	\$156,380
Yarra Energy Foundation: Contribution for the Transition to Self-Sufficiency	yes	This is the Council's final contribution to support YEF's transition towards self-sufficiency. This will be covered via a funding and service agreement between Council and YEF. This funding has been offset by the suspended multi-year Investing in Community Grants.	\$150,000

Annual Grants: Family, Children and Youth Stream	yes	Annual	\$132,698
Annual Grants: Annual grants for Climate Action and Environment	yes	Annual (redirected from Community Development Stream)	\$42,000
Annual Grants: Arts and Culture	yes		\$500,774
Annual Grants: Sports	yes	Annual no change	\$58,000
Rolling Grant: Small Projects	yes	Annual (until exhausted) \$75,520 plus \$20,000 from Arts.	\$95,520
Rolling Grants: Youth-led grants	Yes	Annual (until exhausted) (taken from Family youth and children’s stream)	\$30,000
Rolling Grant: Room to Create Rolling Grant (venue acoustic attenuation)	yes	Annual (until exhausted)	\$24,375
Rolling Grant: Sustainability Arts Grants	yes	Annual (until exhausted)	\$10,000
Rolling Grant: Arts Fellowship	yes	Annual (until exhausted)	\$10,000
Total			\$1,536,794

Table 2: CGP Sub Programs with continued funding from earlier rounds

Sub Program	Initiated in 2024	Additional information	Budget for 24/25 FY
Community Partnership Grants	no	This is a four-year grant. The current round ends in 2025.	\$455,466
Fitzroy Adventure Playground	no	Council resolved on 20 March 2024 to proceed with a 3-year grant from 1 July 2023 to 30 June 2026.	\$150,000
Richmond and Collingwood Youth Estate Grants	no	This grant is due to conclude in June 2024. Consideration of a further extension will be subject to the outcomes of advocacy to the State Government for continued funding for the Richmond Youth Hub for FY25.	\$195,640
Celebrate Yarra	no	Extended until mid-2025. (Victoria Street Lunar Festival, Johnston Street Fiesta, and Gertrude Street Projection Festival)	\$105,000
Total			\$906,106

27. With \$1,536,794 allocated for grants initiated in FY25, and an additional \$906,106 committed from earlier rounds, the total expenditure on community grants for FY25 is proposed to be \$2,442,900.

Options

28. Initiate the Annual Grants for FY25 as detailed in this report, noting that the funding for the respective grants is subject to the adoption of the 2024/25 budget (**Recommended**).
29. Postpone the initiation of the Annual Grants until after the FY25 Council budget is adopted. This postponement would affect the timelines for grant advertising, information sessions, applications, and assessment (**Not recommended**).

Community and stakeholder engagement

30. In support of the Grants Review process, internal and external reference groups will be established to consider preliminary findings and recommendations.
31. The reach of the CGP is extensive, as is the list of stakeholders. Each year over 200 organisations and many individuals are accessing Council funding. For the holistic review of the CGP, consultation and engagement will be extensive in reach and through varied channels.

Policy analysis

Alignment to Community Vision and Council Plan

32. The Community Grants objectives are closely aligned with the Council Plan 2021–25 and Community Vision. Community Grants are intended to support the delivery of the Council Plan and are a key means by which its strategic objectives can be realised in partnership with the community.
33. All six strategic objectives of the Council Plan are supported through the Grants Program, either via the proposed and delivered programs or through the process of empowering community groups and organisations to deliver them.
34. Arts and Culture Grants reflect the five priorities from the 2022-2026 Arts and Culture Strategy:
- (a) Our Aboriginal and Torres Strait Islander arts and cultures are at the heart of Yarra;
 - (b) Artists are essential to a thriving Yarra;
 - (c) Our arts and culture shape Yarra's places and spaces;
 - (d) We celebrate and support our creative and diverse community, and
 - (e) Our arts contribute to an ecologically sustainable future.

Climate emergency and sustainability implications

35. Yarra's Annual Grants Program has a Climate Action and Environment Stream to encourage and support projects that align with the Climate Emergency Plan.
36. The Sustainable Arts Grants will provide support for creative projects to meet higher levels of sustainability and waste reduction.
37. The Arts and Culture Annual Grant program priority 'Our arts contribute to an ecologically sustainable future' will encourage and reward artists and organisations that deliver projects which directly engage with climate emergency and sustainability through their work and outcomes.
38. As noted earlier in this report, it is proposed that Council fund YEF \$150,000, as its final contribution towards operational expenses, aiding YEF's as it transitions to self-sufficiency.

Community and social implications

39. The Grants program aims to address numerous social, and community issues/needs across areas such as arts and culture, sustainability, community development, sport and recreation, family, children, and youth.
40. The guidelines for each of the streams are aligned with the priorities of building community, encouraging social inclusion, celebrating diversity, building social cohesion, and improving community health and wellbeing.

Economic development implications

41. The Grants program provides a flexible and responsive source of funds to community-based not-for-profit organisations. Funding supports projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The aim is to improve the long-term outlook for local families and businesses by strengthening the local not-for-profit sector's capacity and generating economic activity.
42. Projects that support people who are newly arrived to Australia, young people and families through skills development and projects that support service coordination have a direct economic benefit. In the 2024 Annual Grants round, 40 applications (40% of successful applications) were for projects held in Yarra's public housing estates or primarily engaging public housing residents.
43. The festivals and events funded by grants bring economic benefits and assist with branding Yarra as a destination city.

Human rights and gender equality implications

44. The grant guidelines align with the Victorian Charter of Human Rights and Responsibilities Act 2006 and Yarra's Social Justice Charter and actively support people to participate in and contribute to their community.
45. Annual Grants applications seek information on how applicants will address issues of gender equality in their proposed initiative, ensuring that project design is managed from the outset.

Operational analysis

Financial and resource impacts

46. As noted earlier in this report, the allocation for grants to be initiated in FY25 is \$1,536,794, and funding already committed from earlier rounds totals \$906,106. Therefore, the total expenditure on community grants for FY25 is \$2,442,900.
47. The funding for these grants is subject to the adoption of the 2024/25 budget.

Legal Implications

48. There are no legal issues identified in this report.

Conclusion

49. The grants to be initiated in 2024 represent a significant financial investment by Council to ensure social, cultural and sustainability outcomes for the local Yarra community.
50. The grant round opens in mid-June, and applications must be submitted by 31 July 2024. Grant outcomes will be announced in November 2024, following the endorsement of the Council, and based on the assessment and recommendations of the various community panels. Funded projects are set to commence in January 2025.

RECOMMENDATION

1. That Council:
 - (a) endorses the following Community Grants streams to be initiated in 2024/25, subject to the final approval of the 2024/25 Council budget:
 - (i) 2025 Annual Grants;
 - (ii) 2024/25 Small Project Grants;
 - (iii) 2024/25 Room to Create Responsive Grants;
 - (iv) 2024/25 Sustainability Arts Grants; and
 - (v) 2024/25 Arts Fellowship Arts Grants.
 - (b) endorses the following proposed allocations of funds totalling \$1,536,794, subject to the final approval of the 2024/25 Council budget:
 - (i) \$1,366,899 for the 2025 Annual Grants Program;
 - (ii) \$95,520 for the 2024/25 Small Projects Grants;
 - (iii) \$30,000 for the 2024/25 Youth-Led Grants;
 - (iv) \$24,375 for the 2024/25 Room to Create Responsive Grants;
 - (v) \$10,000 for the 2024/25 Sustainability Arts Grants; and,
 - (vi) \$10,000 for the 2024/25 Arts Fellowship Grants;
 - (c) notes that The Arts and Culture Annual Grants will revert to one round per year after trialling two rounds in 2023/24;
 - (d) notes that no new multi-year grants will be initiated (given the current review of the Community Grants Program) and endorses the following alternative arrangements:
 - (i) The funds usually allocated to the Investing in Community stream will be diverted to the Annual Grants through a Major Community Projects stream, with an allocation of \$306,380 for the fiscal year 2024/2025; and
 - (ii) The 41 culturally and linguistically diverse and seniors' groups that have previously received Organisational Support Grants will be awarded a one-year funding extension, contingent on their ongoing eligibility, with a funding allocation of up to \$150,000 for 2024/2025.
 - (e) endorses a \$150,000 funding allocation to aid YEF in its transition to self-sufficiency, and notes that this will be the Council's final financial contribution towards the operational expenses of YEF; and
 - (f) notes that the report outlining the findings and recommendations from the Community Grants Program Review will be presented to the Council for consideration later this year.

Attachments

There are no attachments for this report.

7.7 Portable Buildings World Heritage Listing Proposal

Reference	D24/151364
Author	Richa Swarup - Principal Advisor City Heritage
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To respond to the General Business Motion of 12 March 2024 relating to portable buildings' heritage listing.

Critical analysis

History and background

2. A group of professionals and community members, led by Professor Miles Leweis and Tony Issacson have been working towards the recognition and listing of portable buildings across Australia on the World Heritage List.
3. In 2021, Council was informed and invited to attend the Launch of the Portable Buildings World Heritage Nomination Taskforce (the Taskforce).
4. The role of the Taskforce is to advocate and carry the matter forward until it is taken up by the relevant governments.
5. The Taskforce has identified 120 prefabricated buildings all over Australia that could be considered as a group for the World Heritage listing.
6. This includes the highest number of buildings in the State of Victoria. The table below provides the numbers of buildings identified in the different states.

	State	Number of buildings identified
1	Queensland	4
2	New South Wales	19
3	Northern Territory	2
4	South Australia	14
5	Tasmania	4
6	Victoria	68
7	Western Australia	9
	Total	120

7. The full list of places can be found at <https://www.portablebuildingsaustralia.org/portfolio-2/new-portfolio-item>
8. Seven buildings are located within the City of Yarra (Yarra).

9. The list of buildings in Yarra and their current heritage status is provided in the table below:

S.N.	Identified Building/Address	Heritage Status	Ownership	Comments
1	Singapore cottage [ex Brunswick], 136 Sackville Street, Collingwood	VHR H0610 (HO134)	Privately Owned	The VHR listing and the statement of significance reflect upon two cottages the third one is not mentioned. The extent of the overlay covers only one cottage. Officers have asked for clarification from Heritage Victoria about the above.
2	Singapore cottage [ex Hoddle St], 136 Sackville Street, Collingwood - in storage	H0610 (HO134)		
3	Singapore Cottage [ex Longmore St] 136 Sackville Street, Collingwood	Heritage status not clear		
4	Singapore Cottage [ex Henry St], 125 Easey St, Collingwood;	Falls within. HO321 (Gold Street Precinct Heritage Overlay)	Privately Owned	A brick building on the site is listed as individually significant within HO 321 there is no mention of the Singapore Cottage.
5	House, 5 Tranmere St, North Fitzroy,	Individually significant within HO 327 the (North Fitzroy Heritage Precinct)	Privately Owned	
6	J H Porter [maker] store, Fairfield Park	VHR H2243,	Development Victoria	Earlier located on the Gas Works site Fitzroy North and has been relocated to the Fairfield Park in 2021.
7	All Saints Parish Hall, 95 King William St, Fitzroy	VHR H2172	Privately Owned	

10. Over the years, the Taskforce has contacted councils in Australia and prepared a draft proposal for processing these places for the world heritage nomination.
11. The Taskforce has also written to various councils to write a letter to the Hon Sonya Kilkeny Minister for Planning in support of the World Heritage nomination and provide any further information on the above buildings which may be available with the Council.
12. On 12 March 2024, responding to a General Business Motion on Portable Buildings Heritage Listing, Council resolved that:

“a report be prepared for the May Council meeting in relation to the potential World Heritage listing of Portable Buildings, including six buildings in City of Yarra and including:

- (a) *officer's advice regarding the possible recognition and support of the proposal for World Heritage nomination of number of nineteenth century 'portable buildings' in Australia (<https://www.portablebuildingsaustralia.org/>), including six within the City of Yarra (Singapore cottage [ex Brunswick Rd], 136 Sackville St, Collingwood; Singapore cottage [ex Hoddle St], in storage; Singapore Cottage [ex Longmore St] 136 Sackville St, Collingwood; Singapore cottage [ex Henry St], 125 Easey St, Collingwood]; J H Porter [maker] store, Fairfield Park; All Saints Parish Hall, 95 King William St, Fitzroy);*
- (b) *information regarding the planning permit application for the property at 5 Tranmere St, North Fitzroy including the details relating to the partial demolition of the building;*
- (c) *information regarding the existing planning controls that apply to the property at 125 Easey St and officers advice whether a planning scheme amendment to provide additional protections for the building should be progressed by Council Noting that the existing dwelling is included within a precinct overlay;*
- (d) *writing to the Minister of Planning, the Hon Sonya Kilkenny MP in support of the World Heritage nomination, as suggested in a letter of 13 June 2023 received from Tony Isaacson, Convenor of the Portable Buildings World Heritage Nomination Task Force; and*
- (e) *confirmation that fifteen councils are supporting a bid for World Heritage nomination of the Victorian Goldfields (<https://goldfieldsworldheritage.com.au/>) and seek to form an equivalent coalition in support of the Portable Buildings proposal, by approaching in the first instance the cities of Greater Geelong, Melbourne and Port Phillip."*

Discussion

World Heritage listing process:

- 13. In Australia, the preparation of a World Heritage nomination is the responsibility of the State (in which the place is located) in consultation with the Commonwealth Government. If properties transcend State boundaries, the Commonwealth Government coordinates preparation of the nomination.
- 14. The usual process is that places under consideration are heritage listed at state level first and then submitted for the National Heritage List.
- 15. The nominated sites are included on the Australian Tentative List for World Heritage Nomination (the Tentative List) and remain on the tentative list for at least one year before the World Heritage nomination is submitted.
- 16. The state consults with the relevant local government bodies and interested groups (including indigenous, conservation and industry groups) on properties to be nominated to Australia's World Heritage Tentative List prior to making a submission.
- 17. The Commonwealth Government ensures that the nomination is prepared in accordance with the World Heritage Convention and the *Operational Guidelines for the Implementation of the World Heritage Convention* (the Operational Guidelines), the relevant State is consulted, and the nomination is submitted by the Commonwealth Government to the World Heritage Committee for consideration. The Commonwealth then liaises with the World Heritage Centre regarding the progression of the nomination.
- 18. Council does not have direct responsibility for the preparation or submission of the nomination.

Portable Buildings World Heritage Nomination Taskforce's rationale for the world heritage listing of the portable buildings.

- 19. The Taskforce has developed a draft proposal. The key points in their rationale for the significance of the place include:
 - (a) *"The prefabricated buildings of the nineteenth century, known at the time as 'portable buildings', constitute an international phenomenon of historical, economic and technical significance;*

- (b) *Most of the world's surviving examples are in Australia, and especially in Victoria. They came mainly but by no means exclusively in response to the gold discoveries of the 1850s, because by the 1850s suppliers were geared up for export, having already sent buildings - in much smaller numbers - to the Californian gold rushes. All of the early Californian examples have since been destroyed, and an interesting side-effect of this is that the Australian buildings best illustrate what was once to be found in San Francisco;*
- (c) *Australia not only has more prefabricated buildings of this period than any other country: it has, by a considerable margin, more than the rest of the world combined; and*
- (d) *The present proposal is also international in character but because the buildings involved are from different countries and are of considerable significance to those countries, the United Kingdom, Singapore, the United States and Germany have been engaged with during the preparation of this proposal."*

20. Some of the technological aspects identified in the proposal are:

- (a) a patent system combining timber and iron;
- (b) cladding in sheet zinc;
- (c) cladding in corrugated galvanised iron;
- (d) continuous arched roof;
- (e) the first panelised systems in timber;
- (f) various patented systems of cast iron framing components;
- (g) carpentry roofing in corrugated iron, using minimal ties
- (h) cast plate iron with lead-run joints;
- (i) patent conical roof vents; and
- (j) adapting Malay and Chinese traditions to European requirements

21. The Taskforce's proposal suggests that this nomination will satisfy the following two world heritage criteria:

"Criteria (ii): to exhibit an important interchange of human values, over a span of time, or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning, or landscape design.

Criteria (v) to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history."

22. A complete list of the UNESCO criteria for assessment of the outstanding universal value for the World Heritage listing can be found at Attachment 1.

23. The proposed draft statement of significance by the Taskforce includes:

"From the earliest tents and yurts, prefabrication has been a major means by which humanity has been able to survive in adverse situations and conditions. The prefabricated buildings of the nineteenth century, which were known at the time as 'portable buildings', constitute an international phenomenon of particular historical, economic and technical significance. The exponential growth of prefabrication was one of the major outcomes of the Industrial Revolution, and these buildings are also associated with historical, episodes of great moment – including exploration, gold rushes, the Crimean War, and the development of steam navigation. They are also a reflection of economic conditions, because the trade in buildings required cheaper labour, cheaper materials and/or superior production capacity in the country of origin, as compared with the country of receipt. The individual structures are of varying integrity, but the ensemble is a remarkably complete conspectus of this international phenomenon. It is essential that all the items be preserved, and the most significant of them be fully restored and made accessible to the public."

Officers' response to various points raised by the Council:

(a) Possible recognition and support of the proposal for World Heritage nomination of number of nineteenth century 'portable buildings' in Australia, including six within the City of Yarra

24. The current research and the draft proposal by the Taskforce have highlighted significant aspects that need to be recognised as they enhance our understanding of the development and spread of portable buildings in Australia and the World.
25. It is understood that if tested individually, some of these buildings may not satisfy the world heritage criteria for listing, however, the proposal suggests that their contribution needs to be assessed as a group.
26. Council has not undertaken any specific research in relation to this proposal for World Heritage listing. However, since four out of seven buildings are already a part of the VHR listing (noting that status of one requires clarification) and others are located within a heritage overlay, Council may consider supporting the Taskforce in their further research and proposal for the nomination.
27. It is also understood that preparation of the nomination for the world heritage listing requires considerable research, consultation, comparative analysis and assessment (under the UNESCO criteria for the assessment of the outstanding universal value) by the State/Commonwealth Government who have the responsibility to list the places at the State and National levels before the nomination is submitted.
28. In view of the above, officers recommend that Council write a letter appreciating the research and documentation undertaken by the Taskforce so far and provide its in-principle support for their further research on the proposal for the Portable buildings' World Heritage Nomination.

(b) Information regarding the planning permit application for the property at 5 Tranmere Street, North Fitzroy including the details relating to the partial demolition of the building.

29. 5 Tranmere Street North Fitzroy is an Individually significant graded property in the North Fitzroy Heritage Precinct. As detailed below, a planning permit has been recently issued (and subsequently amended) by Council for partial demolition and works to extend the existing dwelling. The assessment of both the original and amended permit applications included a full consideration against the heritage requirements of the Yarra Planning Scheme, including the appropriateness of the proposed demolition.

Original planning permit application (PLN22/0349)

30. A planning permit application was made on 14 May 2022 for partial demolition, alterations and a ground floor addition to the existing dwelling. The partial demolition specifically comprised:
 - (a) Section of wall on the east elevation (to accommodate side extension);
 - (b) Tiber cladding on south (front) and west elevations (to accommodate replacement cladding);
 - (c) Section of wall on the west elevation (to accommodate a window);
 - (d) Front verandah including verandah roof and support posts (non-original fabric);
 - (e) Window on the front façade of the dwelling (non-original fabric); and
 - (f) Side security gate/roller door and concrete paving within eastern setback.
31. The application was advertised, and no objections were received:
 - (a) The application was assessed against the requirements of the Yarra Planning Scheme, including the Heritage Overlay requirements and Council's local heritage policy at Clause 22.02. It was referred to Council's Heritage Advisor for review. The extent of demolition was supported as it would not negatively affect the significance of the place. In particular;

- (b) The extent of demolition was limited, and the replacement works were deemed to be sensitive and sympathetic to the heritage character of the dwelling;
 - (c) The main building form and roof form was predominately maintained; and
 - (d) The front verandah and window on the front façade were not original.
32. For these and other (non-heritage) reasons, the application was supported and a planning permit was issued on 27 January 2023. Plans were subsequently endorsed.

Amendment application (PLN22/0349.01)

33. An application to amend the planning permit was made on 4 July 2023. This sought to modify the extent of weatherboards being removed and replaced with a new material. Specifically, the extent of weatherboards to be removed and replaced was being increased on the west and east (side) elevations. The applicant submitted that this was required because on commencement of the works it was discovered that the condition of the weatherboards was in worse condition than expected.
34. The amendment application was not advertised as it was determined that the change would not cause any additional material detriment to any person.
35. The amendment application was assessed against the heritage requirements of the Yarra Planning Scheme and was referred to Council's Heritage Advisor for review. The assessment acknowledged that existing fabric should be retained as possible, however that where the existing weatherboards were deteriorated beyond repair and reuse, it was acceptable to remove them. However, this was subject to them being replaced by boards identical in dimension and appearance to the existing boards, and real timber.
36. For these reasons, the application was supported subject to a condition that required the endorsed plans to show the replacement weatherboards being real timber and the same dimensions as the existing original weatherboards. The amended permit was issued on 2 November 2023.

(c) The existing planning controls that apply to the property at 125 Easey Street and whether a planning scheme amendment to provide additional protections for the building should be progressed by Council (Noting that the existing dwelling is included within a precinct overlay).

37. 125 Easey Street, Collingwood is currently included as individually significant within HO321 (Gold Street Precinct Heritage Overlay). This site has a small building citation on VHD as below:
- "A single storey brick dwelling built about 1868 and sympathetically restored. The unusual verandah timber valance (partially new) and the interior doors, architraves and fireplaces are noteworthy. The alterations and additions at the rear are excluded from the Classification."*
38. It indicates that the listed building is a brick building at the rear of the property whereas the proposal under consideration for the world heritage listing is for a Singapore Cottage on this address (located in the front portion of the site).
39. Council's records show that the Singapore Cottage (Ex Henry Street) was shifted to 125 Easy Street and was constructed on the site around 2016-2017.
40. The cottage was recognised to be significant during the planning permit process and was allowed to be reconstructed on the site.
41. Since the Singapore Cottage is not documented as a part of the heritage overlay documents for the site and considering that there are only a few surviving structures of this type that are being considered for World Heritage nomination, it is the officer recommendation that Council undertake necessary research and consultation, document the history and associated heritage values; and process it for inclusion in the local heritage overlay under the Yarra Planning Scheme pursuing a Planning Scheme Amendment process.

(d) Writing to the Minister of Planning, the Hon Sonya Kilkenny MP in support of the World Heritage nomination, as suggested in a letter of 13 June 2023 received from Tony Isaacson, Convenor of the Portable Buildings World Heritage Nomination Task Force.

42. Council officers recommend writing to the Minister of Planning, the Hon Sonya Kilkenny MP providing its in-principle support for the Portable Buildings World Heritage Nomination Task Force's work so far and for any further research towards the proposal on the basis that:
- (a) Considerable work has already been done by the Taskforce in creating a list of 120 buildings in different parts of Australia and in preparing a proposal for their nomination as a group;
 - (b) Preparation of a final nomination will require validation of the existing research, further research if needed, consultation, comparative analysis and assessment of the place (under the UNESCO criteria for the assessment of the outstanding universal value) by the State/Commonwealth Government (who have the responsibility to list the places at the State and National levels and submit the nomination) which may take significant time; and
 - (c) Many buildings identified under the proposal, like the ones included within the City of Yarra are simple structures and may be at risk of deterioration, demolition or redevelopment. This necessitates the need for an appropriate management regime for their future maintenance and management; especially if they are worthy of world heritage listing. This also affirms the need for a priority by the State/Commonwealth government for assessment of the proposal.
43. It is also worth noting in this regard that without proper assessment of places by the State/Commonwealth Government for the World Heritage nomination of the identified places, it is difficult to understand what impacts it may have on the surrounding properties as a result of the world heritage listing and if there would be a buffer zone.
44. Further, the views of the owners of these buildings are also not known and therefore only an in-principle support as stated above can be considered at this stage.

(e) Confirmation that fifteen councils are supporting a bid for World Heritage nomination of the Victorian Goldfields (<https://goldfieldsworldheritage.com.au/>) and seek to form an equivalent coalition in support of the Portable Buildings proposal, by approaching in the first instance the cities of Greater Geelong, Melbourne and Port Phillip.

45. Council's Principal Adviser City Heritage reviewed the information on the Victorian Goldfield World Heritage Bid website (<https://goldfieldsworldheritage.com.au/>) and has had discussions with one of their contact persons for information on the partnership arrangements. This has confirmed that fifteen councils have formed a partnership in support of the bid by way of signing a Memorandum of Understanding (MoU) for advocacy, cooperation and their ongoing support for the development of this bid.
46. The discussion has also revealed that:
- (a) Development of a formal partnership arrangement between a large number of councils has taken a long time (nearly 5 years); and
 - (b) The partnership has been effective in many ways such as:
 - (i) In seeking a formal and ongoing commitment by the councils;
 - (ii) Participation and engagement by the CEOs/Executives and the mayors of various councils;
 - (iii) Budget allocations;
 - (iv) Cities of Ballarat and Bendigo have committed to further research and officer time in the development, administration, and advocacy of this proposal;
 - (v) Understanding of the social and economic benefits of the proposal by the participating councils;

- (vi) Advocacy at the government as well as community level. On one hand this has been instrumental in the prioritisation of the proposal by the government; on the other hand, it has explained the tourism and resultant economic benefits to the community and various councils; and
 - (vii) Generation of funds by the group that has also helped in further research and engagement of experts to prepare comparative analysis of similar sites in other parts of the world. This would provide support to the bid.
47. Yarra officers have contacted relevant councils to explore the possibility of forming a partnership in support of the Portable Buildings proposal.
48. The general view of these councils (at an officer level) was that since many councils in Victoria are involved such a collaboration should be coordinated by Heritage Victoria or the Task Force.

Community and stakeholder engagement

49. Officers from cities of Melbourne, Port Phillip, Stonnington and Geelong; as well as the contact person from the City of Greater Bendigo (for the information on the partnership arrangements for the World Heritage nomination of the Victorian Goldfields site) were consulted before providing the response on a specific topic.

Policy analysis

Alignment to Community Vision and Council Plan

50. Identification and protection of portable buildings aligns with the Council Plan (2021-25) objective on Places and Nature and specifically with its Strategy 4 “*Protect, promote and maintain our unique heritage and ensure development is sustainable*”.

Climate emergency and sustainability implications

51. Protection and conservation of portable buildings is complementary to sustainability objectives as it reduces consumption of natural resources for building purposes and is thus consistent with the sustainability and climate emergency objectives.

Community and social implications

52. Documentation and protection of portable buildings by world heritage listing has immense research and educational value.
53. The proposal not only provides opportunities to the local community to be connected to the past but would also benefit the wider Australian and the international community.

Economic development implications

54. World Heritage listing of places in Yarra will attract more visitors and researchers to the area, which would indirectly result in better economic returns.

Human rights and gender equality implications

55. There are no known, adverse human rights implications of this proposal at this stage.

Operational analysis

Financial and resource impacts

56. The cost towards research, consultation and preparation of a Statement of Significance based on PPN1 format for Singapore Cottage at 125 Easey Street can be managed in the heritage budget for 2024-25. Undertaking a planning scheme amendment has not been programmed for 2024-25.
57. Prioritising such an amendment for a single property would be resource and time intensive to the Council. It is therefore recommended that the amendment be included as a part of a larger amendment.

[Legal Implications](#)

58. Protection of places via the World Heritage listing is consistent with the provisions of the Planning and Environment Act 1987, Victorian Heritage Act 2017 as well as the Environment Protection and Biodiversity Conservation Act 1999, of Australia.

[Conclusion](#)

59. Above discussions indicate that the Taskforce on the Portable Buildings' World Heritage Nomination has developed a unique proposal which could be supported by the Council.

[RECOMMENDATION](#)

1. In view of the above it is recommended that Council:
 - (a) writes a letter to the Taskforce appreciating the research and documentation undertaken by them and provide its in-principle support for any further research on the proposal for the Portable buildings' World Heritage Nomination;
 - (b) writes a letter to the Minister of Planning, the Hon Sonya Kilkeny MP indicating its in-principle support and the need to prioritise further research, consultation and assessment towards listing of Portable Buildings' proposal on the Tentative List;
 - (c) authorises officers to:
 - (i) to undertake further research and consultation for the preparation of a Statement of Significance;
 - (ii) prepare and present a program for a Planning Scheme Amendment for 125 Easey Street as a part of a larger amendment; and
 - (iii) clarify the heritage registration of the two cottages located on 136 Sackville Street from Heritage Victoria.

[Attachments](#)

- 1 Attachment 1 - UNESCO Criteria for the Assessment of Outstanding Universal Value

7.8 Proposed Road Discontinuance of Road abutting 111 Best Street, Fitzroy North

Reference	D24/108958
Author	Fadi Fakhoury - Principal Infrastructure Engineer
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. For Council to consider whether the road shown as the 18.3 square metre parcel marked '1' on the title plan attached as **Attachment One** to this report (road), being part of the land contained in certificate of title volume 653 folio 457, should be discontinued pursuant to the Local Government Act 1989 (Act) and sold to the owner of 111 Best Street, Fitzroy North.

Critical analysis

History and background

2. The road is the area shown coloured red on the plan attached as **Attachment Two** to this report (site plan). A copy of the title search of the road is attached as **Attachment Three** to this report, which shows that Mark Moss is the registered historic proprietor of the road. However, the road is vested in Council and is a 'road' for the purposes of the Act.
3. The applicants are the registered proprietor of the adjoining property being the whole of the land contained in certificate of title volume 2347 folio 265, known as 111 Best Street, Fitzroy North shown delineated in blue on the site plan at **Attachment Two** (adjoining property).
4. The applicants have requested that Council discontinue and sell the road to them (proposal).
5. The applicants have agreed to pay Council's 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 applicants.
6. Council considered the proposal on 15 August 2023 and resolved that:
 - (a) *acting under section 17(4) of the Road Management Act 2004, resolves that the road abutting 111 Best Street, Fitzroy North, being part of the land in certificate of title volume 8258 folio 156 (and shown as the 18.3 square metre parcel on the plan attached as Attachment Two), 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;*
 - (iii) *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*
 - (iv) *authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in respect of this matter.*

Adjoining Owners

7. As the adjoining property is the only property which directly abuts the road, the applicants were not required to seek the consent of any other adjoining owners to the proposal.

Road Status

8. The road:
- (a) is part of the land remaining in certificate of title volume 653 folio 457; and
 - (b) is shown as a 'road' on title; and
 - (c) was listed on Council's Register of Public Roads.
9. As the road is 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.
10. It was considered that the road is not reasonably required for public use as:
- (a) the road is not constructed as a road or available for use by the public as a right of way;
 - (b) there is no evidence of the road being used by the general public as a vehicular or pedestrian right of way;
 - (c) the road has been wholly enclosed within the physically fenced boundaries of the adjoining property, and partly encroached over by part of the dwelling located on the adjoining property since at least 12 October 2009; and
 - (d) the road is not currently being used or accessed by the general public.

Discussion

Public Notice

11. The required public notice was placed in:
- (a) the Age on 11 October 2023; and
 - (b) Council's website on Thursday 12 October 2023.
12. No submissions were received by Council in response to the public notice by the closing date, being 10 November 2023.

Public Authorities

13. The following statutory 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:
- (a) Greater Western Water;
 - (b) Melbourne Water;
 - (c) CitiPower;
 - (d) United Energy;
 - (e) Multinet Gas;
 - (f) Telstra;
 - (g) Optus;
 - (h) APA Gas; and
 - (i) Yarra City Council.
14. Council, Melbourne Water, CitiPower, United Energy, Multinet Gas, APA Gas and Greater Western Water have advised that they have no assets in or above the road and no objection to the proposal.

15. Optus has advised that it has no assets in or above the road.
16. On 21 December 2022, Telstra advised that it has no assets located within or above the road, and no objection to the proposal, provided that the applicant:
 - (a) calls Dial Before You Dig prior to any construction activities in the vicinity of Telstra's communication plant; and
 - (b) upon receipt of plans, obtains a Telstra accredited asset plant locator to confirm the location of the plant.
17. A copy of the correspondence received from Telstra is attached as **Attachment Four** to this report.

Options

18. Council has the option to discontinue the road or not to discontinue the road.

Community and stakeholder engagement

19. All community and stakeholder engagement activities associated with this matter are listed above.

Policy analysis

Alignment to Community Vision and Council Plan

20. This report aligns to strategy objective 6 in the 2021-25 Council Plan – manage our financial responsibility and improve long-term financial management planning.
21. Council's 'Management Policy in relation to laneways, passageways and rights of way in Yarra' adopted by Council in December 2019, states, laneways and passageways that are not reasonably required for public use are likely to include;
 - (a) laneways and passageways that only provide access to adjacent properties and have no through connection (unless stormwater drainage function or identified legitimate community needs); and
 - (b) disused laneways and passageways.
22. The policy also states, *"in cases where there is no strategic or longer term municipal value, Council's preference will be to discontinue the laneway or passageway and sell the land to a new owner based on a cost agreed with Council's Property Services branch."*

Climate emergency and sustainability implications

23. There are no climate emergency and sustainability implications.

Community and social implications

24. There are no community or social implications.

Economic development implications

25. There are no Economic development implications.

Human rights and gender equality implications

26. There are no human rights or gender issues.

Operational analysis

Financial and resource impacts

27. The applicant has agreed to acquire the road for its market value (plus GST).
28. 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

29. 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 property, within 6 months of the date of transfer of the road to the applicants.

Conclusion

30. It is considered that the road is not reasonably required for public use for the reasons set out above.
31. The required statutory procedures to discontinue the Road have been completed.
32. Council must now decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

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 18.3 square metre portion of road identified on the title plan attached as **Attachment One** to this report (Road) abutting 111 Best Street, Fitzroy North, being part of the land contained in certificate of title volume 653 folio 457, is not reasonably required for public use for the reasons set out in this report, to discontinue the Road;
 - (b) authorises 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 111 Best Street, Fitzroy North (Applicant) for no less than the market value (plus GST) as valued prior to completing the transfer ownership;
 - (d) authorises the General Manager Infrastructure and Environment to 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 Applicant;
 - (e) directs that 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 Applicant be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land, by no later than six months after the date of transfer of the discontinued Road.

Attachments

- 1 Attachment 1 - Title Plan
- 2 Attachment 2 - Site plan
- 3 Attachment 3 - Title search of Road
- 4 Attachment 4 - Telstra Response

7.9 Governance Report - May 2024

Reference	D24/126685
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

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

Critical analysis

History and background

2. To ensure compliance with the Local Government Act 2020 and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
 - (a) Update on the State Government's Council integrity reforms;
 - (b) Correction to the instrument of delegation to Council staff;
 - (c) Audit and Risk Committee Biannual Activity Report; and
 - (d) Appointment of authorised officers under the Planning and Environment Act 1987.

Discussion

Update on the State Government's Council integrity reforms

4. Operation Sandon was an investigation by the Independent Broad-based Anti-Corruption Commission (IBAC) into allegations of corrupt conduct involving councillors and property developers in the City of Casey. It also examined the adequacy of Victoria's current systems and controls for safeguarding the integrity of the state's planning processes. The final report was released in July 2023.
5. A report was provided to Council on 15 August 2023, providing an overview of the IBAC report and the government's preliminary response.
6. On 20 March 2024, the Premier released the government's final response to the report's recommendations (see **Attachment One**). The response largely grouped the government's actions into two legislative reforms – changes to the Local Government Act 2020 and reform of the Planning and Environment Act 1987.
7. On 30 April 2024 the first of these processes commenced, when the Minister for Local Government introduced the Local Government Amendment (Governance and Integrity) Bill 2024 into Parliament (see **Attachment Two**). It passed its second reading on 1 May 2024 with debate adjourned for 14 days. The Bill will return to Parliament on 15 May 2024.
8. If passed, the Bill will amend the Local Government Act 2020 (the Act) in a number of areas:

Model Councillor Code of Conduct

9. The Act currently requires each Council to adopt a Councillor Code of Conduct by a two-thirds majority within four months of each general election, and sets out a series of matters that must be included. It is left to each Council to determine how these matters are to be addressed.
10. The amendments propose instead that Councillors be required to abide by a Model Councillor Code of Conduct. The content of the Model Code of Conduct will include standards of conduct to be observed by all Councillors and has been left to regulation. Further, the Model Code of Conduct is to be supported by new provisions relating to arbitration of disputes.
11. The amendments also provide that Council must adopt “policies in relation to good governance” in relation to prescribed matters. These matters have been left to regulation.

Mandatory Councillor training

12. The Act currently requires the CEO to deliver induction training to all Councillors within the first six months of their term. A series of topics are prescribed in regulation to be included. The receipt of a Councillor allowance by Councillors is conditional upon the completion of this training.
13. The amendments propose that the period in which the induction training be conducted be reduced to four months, and that Councillors be required to conduct annual professional development training. The nature of that training has been left to regulation.
14. The amendments also propose the introduction of training for Mayors, Deputy Mayors and Acting Mayors, which must be conducted within one month of election to that role. The detail of that training has been left to regulation.
15. These training provisions are not intended to take effect until after this year’s Council elections.

Ministerial powers in relation to Councillor conduct

16. The Act currently provides for a range of sanctions following a finding of misconduct, serious misconduct or gross misconduct. The most serious of these can result in the dismissal of a Councillor and a disqualification from continuing to be a Councillor for a further eight years. This power can only be exercised by the Victorian Civil and Administrative Tribunal after an application by the Chief Municipal Inspector.
17. The amendments propose that the Minister shall have the authority to stand down a Councillor for a period of twelve months if they are satisfied that the Councillor is creating a health and safety risk, subject to certain natural justice provisions. This something that will no longer first require a finding of serious misconduct by a Councillor Conduct Panel and application to VCAT.
18. In addition, any Councillor who has been stood down in this way will become ineligible to hold the office of Mayor or Deputy Mayor, or chair a delegated committee for the remainder of the term.
19. Further, the amendments propose that the Governor in Council (on recommendation of the Minister) have the authority to disqualify a Councillor from holding office for eight years where their Council has been dismissed, and where a Municipal Monitor or Commission of Enquiry made specific adverse findings about that Councillor.

Automatic disqualification of Councillors

20. The Act currently enables a Councillor Conduct Panel to make a finding of serious misconduct in relation to a Councillor, and may reprimand the Councillor, direct that they make an apology, suspend them for up to 12 months and declare them ineligible to chair a delegated committee. In the event of a second or subsequent such finding of serious misconduct, the penalties are unchanged.

21. The amendments propose that if a Councillor who has been suspended from office or subject to a finding of serious misconduct within the previous eight years is subject to a second adverse decision, they are automatically disqualified from holding the office of Councillor for a period of four years from the date of the second finding.

Indemnification of Councillors

22. The Act currently requires each Council to indemnify Councillors against all actions in respect of their good faith behaviour as a Councillor.
23. The amendments propose that Council be prohibited from indemnifying Councillors for legal cost incurred as a result of an application made for an internal arbitration process or Councillor Conduct Panel hearing, unless leave to be represented has been specifically granted.

Expansion of the role of a Municipal Monitor

24. The Act currently sets out the functions of a Municipal Monitor, which largely focus on governance processes and the conduct of a council as whole.
25. The amendments propose that the role be expanded to include the ability to report on the conduct of an individual Councillor where the monitor forms the view that they are a risk to health and safety or are preventing the Council from operating effectively. New natural justice provisions are proposed to support the change.

Infringement Notices

26. The Act currently sets a number of penalty provisions, expressed in the Act as penalty unit. The application of these penalties requires a successful prosecution.
27. The amendments propose that the Chief Municipal Inspector be given the power to serve an infringement notice on any person whom they reasonably believe has committed an offence against the Act or regulations. The exact offences to be treated in this way has been left to regulation.

Close of the Roll

28. In a circular provided by LGV, (based on advice from the Victorian Electoral Commission (VEC)), the Bill includes an amendment to the date for the close of the roll for the upcoming council elections.
29. This will mean that the date for the close of the roll will be extended from 57 days to 80 days before the election. For all elections after the October 2024 election, including by-elections, the date for the close of the roll will be extended from 57 days to 73 days.
30. The close of the roll is the first critical date for an election period. By moving this date earlier other key dates including nomination day, the lodgement date for candidate statements and questionnaires, and the period for mailing out of ballot materials can also be brought forward through the Local Government (Electoral) Regulations 2020 to ensure they are sustainable.
31. According to LGV, these changes will ensure that:
- (a) the timeframe for roll certification is increased to 23 business days (currently 13 business days) to ensure adequate time to process enrolment applications and complete related roll certification processes;
 - (b) the nomination period is extended to 6.5 businesses days (currently 3.5 business days);
 - (c) preparation of the ballot packs will be increased to 12 business days (currently 8 business days); and
 - (d) mailout of the ballot materials will occur over 4 business days (currently 3 business days) to manage the risk of mail service level reductions and provide additional safeguards against election fraud.

Other Amendments

32. There are a number of other amendments proposed by the Bill:
- (a) An expansion in the role of the Mayor to include the promotion of behaviour among Councillors that is consistent with the Model Councillor Code of Conduct;
 - (b) The introduction of a deadline for the publication of a summary of personal interests returns;
 - (c) An administrative correction relating to the disposal of land for no or nominal consideration;
 - (d) New immunity and confidentiality provisions relating to various parties in the Councillor integrity process;
 - (e) A mechanism to enable the Chief Municipal Inspector to provide a report to Parliament in some circumstances;
 - (f) A provision to automatically stand down a Councillor who has been charged with certain offences, rather than first requiring a decision by VCAT; and
 - (g) Provision or a broader range of options to the Principal Councillor Conduct Registrar, including the referral of a matter back to a Council or another body.

Planning related matters

33. The planning related recommendations of Operation Sandon (see **Attachment Three**) have largely been referred to a wider review of the Planning and Environment Act that the government has committed to as part of its recently released Victoria's Housing Statement: The decade ahead 2024-2034. That review will likely visit the decision making processes associated with the standard planning permit pathways and focus on the associated timelines.
34. Perhaps most significantly among the responses, is the response to Recommendations 10 to 12, which propose an alternative decision making process, including the removal of statutory planning responsibility from Councillors. In its response, the government says, "the option to implement new decision-making models will be considered as part of the review and rewrite of the Planning and Environment Act 1987." This leaves open the possibility that a change could be made to the Planning and Environment Act to change the definition of the responsible authority for the issuance of planning permits and remove Council's powers in this regard.
35. Further information will be provided to Councillors upon any foreshadowing or direction from the government in relation to this proposal.

Extension of the Election Period

36. Separate to the amendments introduced by the Bill, Local Government Victoria have confirmed with officers that a change to Regulation 5 of the Local Government (Electoral) Regulations 2020 is also planned to be made, to have the effect of altering the definition of 'nomination date' so that it will fall seven days earlier than the current date.
37. This will have the effect of extending the Council election period, which will now commence at 12 noon on Tuesday 17 September and conclude at 6.00pm on Saturday 26 October 2024.
38. Section 100(2)(a) of the *Local Government Act 2020* requires that during an election year, the Mayor must present the Council's audited annual report at a Council meeting open to the public no later than the day before the election day. The election period does not affect the obligations of councils to complete and present their annual report in the specified timeframes.

Other proposed changes to the electoral regulations

39. In a circular provided by LGV, (based on advice from the Victorian Electoral Commission (VEC)), the following amendments to the Local Government (Electoral) Regulations 2020 have also been recommended as part of review of the regulations before the general elections;

Candidate statement word limit - The Local Government (Electoral) Regulations currently permit candidate statements to comprise a maximum of 300 words. This limit was increased from 200 to 300 words for the 2020 local government elections in response to the pandemic. As candidates no longer face barriers to campaigning activities, it's proposed to return the word limit to 200 words.

Exemptions from compulsory voting - The exemptions from compulsory voting will be expanded to include people who are experiencing homelessness and people in custody or detention. Voters will also be excused from receiving an apparent failure to vote notice if their ballot is received by the VEC within 7 days after the close of the postal vote receipt period, to ensure that voters who post their vote by the close of voting are not penalised if it is not delivered by the close of postal vote receipt period.

Correction to the instrument of delegation to Council staff

40. On 10 October 2023, Council adopted an instrument of delegation from Council to members of Council staff. The instrument provides the necessary authority to Council officer across the organisation to exercise a range of legislative powers on Council's behalf.
41. In implementing the instrument, an administrative error has been detected, in that a range of powers have been delegated to the staff member identified by the acronym of "DCPO", without including the necessary definition of this acronym. While it had been intended at the time of making that instrument that a position of "Development Contributions Plan Officer" would be created, an alternative approach has been implemented and that position has not been established. The fact that the DCPO acronym will not match the wording of the responsible officer's position title is of no legal consequence.
42. It is now necessary for Council to add the following definition to the instrument endorsed by Council in October 2023:

DCPO	means	Project Officer – Projects and Reserve Fund Analyst; Senior Coordinator Asset Management and Capital Works; Manager Building and Asset Management; AND General Manager Infrastructure and Environment
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43. In order to make the necessary amendment, it is recommended that Council endorse the addendum to the existing instrument provided at **Attachment Four**.

Audit and Risk Committee Biannual Activity Report

44. A copy of the Audit and Risk Committee Biannual Activity Report for the period 1 July to 31 December 2023 can be found at **Attachment Five**.
45. Section 54(5) of the Local Government Act 2020 provides that an Audit and Risk Committee:
"prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting."
46. Tabling of a biannual activity report provides transparency on the operation of the committee, as well as highlighting the high level considerations of the committee.

47. The nature of the matters considered by the Audit and Risk Committee is such that the report can provide a summary of the matters considered, but cannot set out the detailed findings or recommendations in relation to Council’s control framework, as to do so would expose Council to undue risk.
48. In addition to the activity report, all Councillors are provided with the agendas and minutes of Audit and Risk Committee meetings, and are invited to attend in an observer capacity.
49. The Audit and Risk Committee’s oversight role is primarily discharged by providing advice and direction to Council’s Chief Executive Officer and senior management, particularly those within the finance, risk management and governance portfolios. That said, it is recognised that there may be circumstances where the Committee may wish to provide advice direct to the Council.
50. The Charter of the Audit and Risk Committee (**Attachment Six**) provides three mechanisms for the committee to provide this advice:
- (a) Firstly, the Council has authorised the Audit and Risk Committee through its Charter to request that the Chief Executive Officer table a report from the Committee at a meeting of the Council;
 - (b) Secondly, the Local Government Act 2020 provides that the Chief Executive Officer must table a report of the Committee at a meeting of the Council where requested by the Committee Chair; and
 - (c) Thirdly, the Local Government Act 2020 provides that a Committee may make formal recommendations to Council in this biannual activity report.
51. In the period 1 July to 31 December 2023, neither the Committee nor the Committee Chair requested that the Chief Executive Officer table a report at a Council meeting.
52. At its meeting on 4 April 2024, the Audit and Risk Committee made the following formal recommendation to Council:
- “That Council note the following statement from the City of Yarra Audit and Committee:*
- ‘The Audit and Risk Committee acknowledges the progress by management toward ongoing financial sustainability, including the adoption by Council of a Financial Sustainability Strategy and the preparation of a balanced draft 2024/2025 budget for Council’s consideration. The Committee notes the significant focus, effort and achievements of management to date to achieve these outcomes and the ongoing commitment to managing these risks.’”*
53. This recommendation is presented as a stand-alone recommendation of this Governance Report.

Appointment of authorised officers under the Planning and Environment Act 1987

54. In order to conduct inspection, enforcement and prosecution activities on Council’s behalf, officers require specific authorisation under the relevant legislation. While authorisation for most legislation is provided by the Chief Executive Officer acting under delegation, specific provisions of the Planning and Environment Act 1987 require that the authorisation be made directly by Council resolution.
55. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
56. In addition, authorisation must also be provided under section 313 of the Local Government Act 2020 in order to enable these officers to commence enforcement action where necessary.
57. The proposed Instrument of Appointment and Authorisation is provided at **Attachment Seven**.

Options

58. There are no options presented in this report.

Community and stakeholder engagement

59. 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

60. 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.”*
61. 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.”*
62. 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

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

Community and social implications

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

Economic development implications

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

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

67. There are no financial or resource impacts considered in this report.

Legal Implications

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

Conclusion

69. This report presents an officer recommendation on:
- (a) Update on Council integrity reforms;
 - (b) Correction to the instrument of delegation to Council staff;
 - (c) Audit and Risk Committee Biannual Activity Report; and
 - (d) Appointment of authorised officers under the Planning and Environment Act 1987.

RECOMMENDATION

1. That Council note the government’s response to the recommendations of the Independent Broad-based Anti-corruption Commission and the content of the Local Government Amendment (Governance and Integrity) Bill 2024.
2. That in the exercise of the powers conferred by the Local Government Act 2020, Council:
 - (a) varies the instrument of delegation by the Council to Members of Council Staff endorsed on 10 October 2023 as set out in the instrument at **Attachment Four**; and
 - (b) declare that this variation to the Instrument of Delegation comes into force immediately the common seal of Council is affixed to the instrument.
3. That Council receive the Audit and Risk Committee Biannual Activity Report.
4. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that Aoife MULLIGAN be appointed and authorised as set out in the instrument at **Attachment Seven**, with the instrument coming into force immediately it is signed by Council’s Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.

AUDIT AND RISK COMMITTEE RECOMMENDATION

1. That Council note the following statement from the City of Yarra Audit and Risk Committee:

“The Audit and Risk Committee acknowledges the progress by management toward ongoing financial sustainability, including the adoption by Council of a Financial Sustainability Strategy and the preparation of a balanced draft 2024/2025 budget for Council’s consideration. The Committee notes the significant focus, effort and achievements of management to date to achieve these outcomes and the ongoing commitment to managing these risks.”

Attachments

- 1 Attachment 1 Government response to Operation Sandon recommendations
- 2 Attachment 2 Original version - Local Government (Governance and Integrity) Bill 2024
- 3 Attachment 3 Operation Sandon - Recommendation summary
- 4 Attachment 4 Delegation variation - Instrument of delegation from Council to staff
- 5 Attachment 5 Biannual Audit and Risk Committee activity report - July to December 2023
- 6 Attachment 6 Yarra City Council Audit and Risk Committee Charter
- 7 Attachment 7 Enforcement officer instrument of appointment - Aoife Mulligan

7.10 C1663 Building Cleaning Services - Aquatic Leisure Centres - Tender Report

Reference	D24/161175
Author	David Laidlaw - Coordinator Building and Property Services Contracts
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To consider and recommend awarding a tender for Contract Number C1663 to provide building cleaning services at Council's three aquatic leisure centres as well as the Burnley Golf Course, for an initial term of two years with the option to extend by four further one-year periods (six years in total if all options are exercised).

Background

2. The tender sought proposals from suitably qualified and experienced contractors that specialise in cleaning both indoor and outdoor pools environments as well as spa, steam room and sauna facilities.
3. The four facilities covered by the scope of tender are:
 - (a) Richmond Recreation Centre;
 - (b) Collingwood Leisure Centre;
 - (c) Fitzroy Swimming Pool; and
 - (d) Burnley Golf Course
4. Collingwood Estate Gym is cleaned by the building owner, Department of Families, Fairness and Housing, and is outside the scope of this contract.
5. This contract is a replacement for the service contract C1420 Building Cleaning Leisure Centre Buildings which expired on 30 April 2024. Interim arrangements are in place to continue the cleaning service at leisure centres pending the award of this replacement contract.
6. A thorough review of the service specification and scope of services required was undertaken as part of the tender process. The new scope demands an improved cleaning service through the technology and innovation required by contractors which will lead to an improved experience by patrons at Council's leisure centres.

Tender Process

Pre-Tender Panel Review Meeting

7. The evaluation criteria and weightings were discussed and agreed upon at the pre-tender panel meeting.

Tender Evaluation Panel

8. The panel consisted of the following personnel:
 - (a) Procurement Team Leader (chairperson);
 - (b) Leisure Assets and Facilities Officer;
 - (c) Coordinator Building & Property Services Contracts; and

- (d) Coordinator Building Maintenance.

Invitation to Tender

9. A tender for building cleaning services for Council's aquatic leisure centres inviting suitably qualified contractors to submit a tender response was advertised on Saturday 17 February 2024 in 'The Age' newspaper and on Council's eProcure tendering portal, which is accessible from Council's website. The closing date for tenders was Friday 8 March 2024.

Tenders Received

10. Thirteen submissions were received as outlined in **Confidential Attachment 1**.

Tender Evaluation Criteria

11. The tender evaluation criteria are outlined in **Confidential Attachment 1**.

Qualitative Assessment

12. Each panel member assessed and scored the tender responses against the qualitative evaluation criteria. Upon completion of individual assessments, the panel met to discuss the results of the qualitative assessments before referee checks. A consensus of each score was agreed on and weightings applied to determine each tenderer's qualitative score.
13. The consensus qualitative scores are outlined in **Confidential Attachment 1**.

Referee Checks

14. The referee check summary and scoring are outlined in **Confidential Attachment 1**.

Quantitative Assessment

15. The Value For Money (VFM) formula was applied whereby qualitative scores (consensus panel scores) are multiplied by the price factors to arrive at a VFM score against the shortlisted tenderers that measures the ratio of value to price for each tender, to determine value for money rankings.
16. The VFM analysis combining the qualitative scores and quantitative scores is outlined in **Confidential Attachment 1**.

Tender Recommendation

17. Based on the VFM analysis, the panel agreed to recommend a preferred tenderer for the contract as representing the best value for money to Council, subject to a successful financial assessment.

Financial Assessment

18. Corporate Scorecard Pty Ltd was commissioned to perform an independent standard financial and performance assessment of the preferred tenderer which is outlined in **Confidential Attachment 1**.

Probity

19. The Procurement Team Leader provided probity oversight of the tender and evaluation process. All probity requirements have been met and no concerns have been raised.
20. In accordance with Council's Procurement Policy, preparation of a probity plan and appointment of an external probity advisor was not required as the expenditure of the contract is not assessed to exceed \$10 million.
21. Members of the panel have all completed conflict of interest declarations that have been approved by the Procurement Team Leader.
22. Further probity information is outlined in **Confidential Attachment 1**.

Occupational Health and Safety

23. The recommended tenderer has an occupational health and safety management system that complies with the requirements of the Occupational Health and Safety Act 2004 and the Occupational Health and Safety Regulations 2017 and has been implemented throughout the organisation.
24. The tender document contained occupational health and safety conditions which require the following prior to commencement:
 - (a) A risk assessment, including requirement for a Job Safety Analysis (JSA);
 - (b) A health and safety plan (includes 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 (includes acts, regulations and codes of practice).
25. The panel has verified that it is satisfied with the recommended tenderer's previous history in respect of occupational health and safety claims or incidents. The contract will be managed by a Council officer who will ensure compliance with the health and safety plan monitoring of monthly performance, and JSA reports.

Financial and Resource Implications

26. This contract is an output-based contract for cleaning services to be delivered each night at all facilities, a day-time interim clean at aquatic centres only, and periodic major cleans at each facility. The contract provides for annual indexation of rates on the contract anniversary date, linked to the Wages Price Index published by the Australian Bureau of Statistics.
27. The tenderers also tender estimated consumable materials to be provided under the contract, which is used to value the total annual expenditure under the contract.
28. Further financial implications are outlined in **Confidential Attachment 1**.

Economic Development Implications

29. Yarra's leisure centres encourage and support visitation to the municipality, contributing to a thriving local economy and also support local employment.

Stakeholder Consultation

30. Council officers from the Leisure Services team within the Property & Leisure branch participated in the development of the tender documents.

Sustainability Implications

31. The recommended tenderer provided positive environmental sustainability responses in their tender submission. Ongoing monitoring of sustainability practices will occur during the life of the contract.
32. Some examples of good environmental practices listed by the recommended tenderer include:
 - (a) procedures to ensure reduced water and chemical usage by using steam cleaning units;
 - (b) using more energy efficient equipment such as battery-operated vacuum cleaners; and
 - (c) an extensive recycling and waste minimising program.

Social Procurement Implications

33. Tenderers were required to demonstrate any socially responsible practices they currently apply or can implement while providing the services.

34. The recommended tenderer provided positive social sustainability responses in its tender submission including having a diverse and inclusive workforce, employing people from disadvantaged backgrounds and using social and environmental responsible suppliers.

Human Rights and Disability – Access and Inclusion Implications

35. The operation of many of Council’s buildings such as leisure centres, is consistent with Article 24 of the Universal Declaration of Human Rights which protects the right to rest and leisure, with equality of access to the facilities and programming of services.

Community Vision and Council Plan Implications

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

Legal Implications

37. The contract is based on a service specification incorporated into a formal contract agreement which ensures that the contract is enforceable and incorporates protocols for its management.
38. The tender form of agreement is the Services General Conditions - Long Form bespoke contract form prepared for Council by Maddocks and used for many of Council’s service contracts.
39. Further legal implications are outlined in **Confidential Attachment 1**.

Other Issues

40. The following key performance indicators will be applied to the contract and will be used in assessing overall performance of the contractor.

KPI service area	Unsatisfactory standard	Satisfactory standard	High standard
KPI 1. Performance monitoring	Contractor response to Oracle Requests not meeting 24 hr timelines was below 80%	Contractor response to Oracle Requests not meeting 24hr timelines was below 90%	Contractor response to Oracle Requests 24hr timelines was 100%
KPI 2. External auditor results	Results of external audits, scored the service lower than 75%	Results of the external audits, scored the service between 75 - 89%	Results of the external audits, scored the service at 90% or above
KPI 3. Periodical cleaning performance	Not all periodical tasks were carried out to the specified standards, and on more than one occasion, the service or remediation was a week late	Not all periodical tasks were carried out to the specified standards or dates, but were rectified within 48 hours	All periodical tasks in all premises were carried out to the specified standards within the agreed time frame

KPI service area	Unsatisfactory standard	Satisfactory standard	High standard
KPI 4. Issues remediation	Issues raised by the contract manager were not remedied satisfactorily in the agreed time, or the same issue was repeated more than once	Issues were raised by the contract manager but were remedied satisfactorily in the agreed time, and the same issue was not repeated	No issues were raised by the contact manager that required remediation

Communities with CALD Communities Implications

41. All public communications will be in accordance with best practice principles for communicating with culturally and linguistically diverse communities.

Ethical Practices

42. The recommended tenderer has identified that it complies with Council's ethical standards.

Options

43. An option is outlined in **Confidential Attachment 1**.

Conclusion

44. The tenderer recommended for cleaning services contract at the Council's leisure centres (three aquatic centres and the golf course) was identified through a tender and evaluation process that is compliant with Council's Procurement Policy.
45. This contract will provide value for money and support Council's leisure services offering to the community.

RECOMMENDATION

1. That Council:
- awards the contract C1663 for Building Cleaning Services - Aquatic Leisure Centres to _____ (ABN _____) for an estimated sum in the first year of \$_____ (exclusive of GST) and a maximum sum of \$_____ (exclusive of GST) if Council exercises its options to extend for a further four one-year periods following the initial term of two years; and
 - authorises the General Manager Infrastructure and Environment to sign the contract documentation and exercise options (as required and subject to satisfactory performance) on behalf of Council.

Attachments

- 1 Attachment 1 - C1663 Building Cleaning Services - Aquatic Leisure Centres - Tender Report - Confidential Attachment 1 - *Confidential*

8.1 Notice of Motion No.7 of 2024 - Garden Waste

Reference	D24/171121
Author	Sue Wilkinson - Chief Executive Officer
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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 14 May 2024:

That Council receives a report at the June Council meeting regarding options to retain a booked garden waste service for residential properties in the municipality.

RECOMMENDATION

1. That Council:
 - (a) receives a report at the June Council meeting regarding options to retain a booked garden waste service for residential properties in the municipality.

Attachments

There are no attachments for this report.

8.2 Notice of Motion No.8 of 2024 - Medically Supervised Injecting Room

Reference	D24/172174
Author	Sue Wilkinson - Chief Executive Officer
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Herschel Landes, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 14 May 2024:

1. *That Council:*
 - (a) *recognises that the Medically Supervised Injecting Service (MSIR) in North Richmond is saving lives, and thanks the Victorian Government for its ongoing commitment to this critical facility; and*
 - (b) *expresses disappointment at the Government's recent announcement to not proceed with a second medically supervised injecting room (MSIR) in Melbourne's central business district, despite Ken Lay AO APM's recommendations for a small discrete facility.*
2. *That the Mayor write to the Premier The Hon. Jacinta Allen MP, outlining the following on behalf of Council:*
 - (a) *welcomes the Victorian Government's trial of Trauma-Informed Enhanced Outreach in the North Richmond Precinct and requests that this essential program become ongoing, as it is already proving beneficial to people who inject drugs and the broader community;*
 - (b) *commends the Victorian Government's commitment to a two-year trial of opioid replacement therapy using hydromorphone for 60 drug users, who have not responded to other treatments, and requests that the implementation of this program be expedited to the earliest practicable date; and*
 - (c) *seeks support from the Victorian Government to fund Council's efforts in maintaining the North Richmond Precinct, where Council has doubled its cleaning and syringe management efforts, including more frequent street sweeping and foot patrols, with total expenditure nearing \$1.7 million since the 2020-21 financial year.*

RECOMMENDATION

1. That Council:
 - (a) recognises that the Medically Supervised Injecting Service (MSIR) in North Richmond is saving lives, and thanks the Victorian Government for its ongoing commitment to this critical facility; and
 - (b) expresses disappointment at the Government's recent announcement to not proceed with a second medically supervised injecting room (MSIR) in Melbourne's central business district, despite Ken Lay AO APM's recommendations for a small discrete facility.
2. That the Mayor write to the Premier The Hon. Jacinta Allen MP, outlining the following on behalf of Council:
 - (a) welcomes the Victorian Government's trial of Trauma-Informed Enhanced Outreach in the North Richmond Precinct and requests that this essential program become ongoing, as it is already proving beneficial to people who inject drugs and the broader community;
 - (b) commends the Victorian Government's commitment to a two-year trial of opioid replacement therapy using hydromorphone for 60 drug users, who have not responded to other treatments, and requests that the implementation of this program be expedited to the earliest practicable date; and
 - (c) seeks support from the Victorian Government to fund Council's efforts in maintaining the North Richmond Precinct, where Council has doubled its cleaning and syringe management efforts, including more frequent street sweeping and foot patrols, with total expenditure nearing \$1.7 million since the 2020-21 financial year.

Attachments

There are no attachments for this report.