



Agenda

Council Meeting

6.30pm, Tuesday 18 June 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 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
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

Leave of absence

- Cr Amanda Stone Councillor

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 14 May 2024 be confirmed.

That the minutes of the Extraordinary Council Meeting held on Monday 3 June 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	2024/25 Budget and Long Term Financial Plan	10	23	Matt Jarvis – Chief Financial Officer
7.2	2024/25 Annual Plan	25	27	Matt Jarvis – Chief Financial Officer
7.3	Cambridge Street Reserve - Consultation Findings for Additional Play Equipment	28	41	Susan Stanes - Senior Coordinator Design and Place Making
7.4	Charlotte Street Traffic Analysis Update	42	49	Kate Yuncken – Manager City Strategy
7.5	Proposed Discontinuance of Road at Charlotte Street, Richmond	50	55	Fadi Fakhoury – Manager Property and Leisure
7.6	Charles Evans Reserve - Draft Concept Design	56	68	Kate Yuncken – Manager City Strategy
7.7	Proposed C247yara - 21 Northumberland Street and 26 Wellington Street Collingwood	69	78	Joerg Langeloh – Project and Policy Coordinator Strategic Planning
7.8	Bridge Road Special Charge 2024-2030	79	85	Simon Osbourne – Coordinator Economic Development
7.9	Proposed Discontinuance of Road abutting 98A -106 Balmain Street, Cremorne	86	89	Fadi Fakhoury – Manager Property and Leisure
7.10	C1659 Open Space Maintenance Tender Report	91	95	Brett Grambau – Manager City Works
7.11	Animal Pound Services - Extension of Contract C1498	96	98	Aoife Mulligan – Manager Parking and Compliance
7.12	Governance Report - June 2024	99	102	Phil De Losa - Manager Governance and Integrity

8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No.9 of 2024 - Eid Celebrations	103	103	Anab Mohamud - Deputy Mayor
8.2	Notice of Motion No.10 of 2024 - Ramsden Street Oval	104	104	Bridgid O'Brien - Councillor
8.3	Notice of Motion No.11 of 2024 - Release of Council Documents	105	105	Stephen Jolly - 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 **View Street, Alphington**

This item is to be considered in closed session to allow consideration of council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

These grounds are applicable because the report contains information which if released, may be contrary to Councils interests in the process.

14.2 **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 personal information of a resident.

7.1 2024/25 Budget and Long Term Financial Plan

Reference	D24/162457
Author	Dennis Bastas - Manager Financial Services
Authoriser	Chief Financial 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.

Purpose

1. The purpose of this report is to present for adoption the:
 - (a) Annual Budget 2024/2025 (Budget) (**Attachment One**), and
 - (b) Long Term Financial Plan 2024/2025 to 2033/34 (Financial Plan) (**Attachment Two**).

Critical analysis

Background

2. Section 94 of the Local Government Act 2020 provides that Council must prepare and adopt a Budget for each financial year and the subsequent three financial years.
3. Section 91 of the Local Government Act 2020 provides that Council must prepare and adopt a Financial Plan for a period of at least the next 10 financial years.
4. The Budget has been developed over the last seven months through a rigorous process of review by Councillors and Council Officers.
5. At the meeting on 09 April 2024, Council resolved to adopt for the purpose of seeking feedback;
 - (a) The Draft Budget 2024/25, and
 - (b) The Draft Long Term Financial Plan (LTFP) 2024/25 to 2033/34.
6. On 03 June 2024, Council held an Extraordinary Council Meeting to hear any person who wished to speak in support of written feedback to the draft Budget and draft Financial Plan. Twenty three submitters spoke in support of their feedback.

Financial Sustainability

7. One of Council's key responsibilities is to ensure that it is financially sustainable for both current and future communities. Furthermore, it is important that decisions are future focused and have regard to the emerging and future needs of the City.
8. Council is deeply committed to serving the best interests of the community and recognises that consistent effort will be required to ensure that we remain financially sustainable and make the most effective use of public funds.
9. Financial sustainability and the ability to plan and provide for community in the years to come remains a key strategic risk for all Victorian Councils. For Yarra the population is predicted to grow by almost 42% to 2046 which will put increasing pressure on Councils services and infrastructure.
10. Like all Councils in Victoria, Yarra is facing serious financial challenges including rising cost pressures, rate capping, cost-shifting from other levels of government and the impact of unprecedented growth on our services and infrastructure.

11. Until recently, Council's borrowings were at an all-time high as a result of legacy debt and the \$50m support offered to the community during the COVID-19 pandemic. In addition, over time Council's reserves had declined to unsustainable levels, eroding our ability to respond to the emerging needs of our community.
12. Over the last two years all Victorian Council's (and other levels of government) have also been impacted by escalating contract prices for infrastructure projects driven by factors such as inflation, supply pressures and competition from state infrastructure initiatives and increasing cost-of-services above the rate of the Consumer Price Index (CPI).
13. Whilst work to meet these challenges will need to be ongoing, over the last two years significant effort has been directed to strengthening Council's financial position and in turn, Council's long term financial sustainability.
14. This has had substantial benefits – including addressing known future financial risks, reducing borrowings and improving Council's overall cash position.
15. This effort has been multifaceted and included:

(a) *Adoption of the Yarra Financial Sustainability Strategy (FSS):*

Following community engagement, Council's adoption of the FSS on 12 December 2023 marked a major milestone demonstrating Yarra's commitment to achieving long term financial sustainability.

The Yarra Financial Sustainability Strategy is a Victorian sector first.

The FSS provides an assessment of macro-economic trends, the current financial landscape, long-term financial goals and outlines a roadmap to achieve these objectives. Importantly, the FSS is a forward-thinking financial strategy that extends beyond short-term budgeting cycles.

The Financial Sustainability Strategy identifies seven levers for change: The strategic levers include plans to build reserve funds, responsible borrowing, optimisation of revenue, a focus on well-planned assets, ongoing reviews of the service landscape, digital transformation, robust financial management and a strengthening of advocacy and strategic partnerships;

(b) *Separation of Waste Charges:*

Separate but related, is the responsibility of Council to also take action to limit the impacts of known future financial risks wherever possible. This was the case with waste services, as the rising cost of providing waste services is a known risk.

The costs associated with waste and recycling continually outpace the rate cap and the rising cost of waste services is one of the key future risks to Council's future financial sustainability. Separating the waste charge from general rates has been critical to addressing this risk to ensure Council's financial sustainability is not eroded further.

As part of the 2023/24 Budget, Council separated waste and recycling costs from general rates and implemented a separate rate for public and kerb-side waste services. This was achieved by reducing general rates by the equivalent value.

Yarra was the last Council in Victoria to make the decision to separate waste charges from general rates;

(c) *The adoption of community supported service planning principles following a deliberative engagement process:*

Over the next decade the Yarra community will grow substantially and change, meaning that Council's service mix and delivery levels may also need to change and adapt to address the current and future needs of Yarra community.

Strategic Lever 4 of the Financial Sustainability Strategy - *Review the Service Landscape* commits Council to establishing a robust service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs.

To inform this work, a deliberative engagement process was conducted to develop a draft set of community-supported service planning and review principles. The engagement was undertaken in two stages.

Stage one of the engagement included a social research component and general community consultation. This stage of engagement sought broad feedback from the community through an online survey and in-person opportunities to understand community sentiment on Council's service offering.

Stage Two involved a deliberative engagement process with a Working Group comprising 44 representative members of the community who developed a draft service planning and review principles.

Adopted by Council in April 2024, the service planning and review principles, and the service review prioritisation triggers will inform and guide Council's future planning and review of services;

(d) *Contemporary approaches to project management:*

VAGO's audits on local government have repeatedly noted the issue of underspend in Councils' capital works program and Yarra was no exception with significant capital works unplanned monies historically carried forward year on year. In 2022/23 the carry forward from 2021/22 was \$17.3m.

Over the last two years Council has worked hard to achieve our goal of substantially reducing/limiting the impact and value of unplanned carry over. This has been achieved through careful oversight and a strengthened approach to project management. The adopted 2023/24 budget included a more realistic capital works program which meets asset renewal requirements and a significantly reduced planned carry over (\$7.2m) from the 2022/23 financial year.

The 2024/25 budget presented for adoption demonstrates further significant improvement with a planned carry over of just \$0.7m from 2023/24;

(e) *Detailed financial reviews:*

An annual, whole of organisation, forensic mid-year budget review process was introduced in December 2022. The mid-year budget review examines all operating, capital and project progress and budgets.

The mid-year review process is supported by all senior leaders from across the organisation and involves detailed discussions with every Manager, Service Manager and Project Manager. This process, together with monthly reviews and a strengthened annual budget process have strengthened Councils financial management; and

(f) *Strong financial management:*

Throughout FY2023/24 work to hold operating costs has been significant. In 2023/24 lower than budget expenditure on legal, consultants and contract payments has been achieved driven by improved financial management and centralisation of a wide range of corporate costs. In addition a reduction of Councils fleet by approximately 50 cars has meant a saving of \$1m. Importantly, this effort has not impacted services or service delivery.

In addition, despite significant cost pressures including from legislated superannuation increases, increased work cover premiums and agency labour hire costs (used to address skill shortages), increases to Councils employee costs are limited.

16. As a result of this holistic approach, significant improvements in Council's financial position have been achieved which has enabled the preparation of a balanced 2024/25 budget.
17. Previously planned additional borrowings (\$20m) are no longer required and the timeframe for achieving financial independence - that is having sufficient unrestricted and unallocated cash to repay debt - has been bought forward. This is an eight-year improvement of the projected financial position from two years ago.
18. Despite the gains, it is important to note that the financial sustainability of all Victorian Council's remains vulnerable to the current uncertain economic climate and the historic pattern of (unbudgeted and unforeseen) external impacts.

2023/24 April Forecast – Operating Budget

19. The ongoing vulnerability has necessitated the considered approach taken throughout this financial year. As a result and following a very detailed real time review of the activities programmed to the end of the FY the 2023/24 forecast has been updated as at the end of April, with an improved forecast operating surplus to \$22.4m (\$7.2m favourable to 2023/24 budget of \$15.2m). The April forecast reflects the stringent measures taken during 2023/24 to hold costs. This is a pleasing result and aligns with the goals outlined in the FSS.
 20. The Financial Sustainability Strategy aims for Council to:
 - (a) 0-2 years:

Maintain a net positive position by delivering a surplus, ensure our operating activities no longer relies on borrowings, hold costs and start to build cash reserves for specified purposes;
 - (b) 3-5 years:

Achieve a financial position where Council has sufficient cash reserves to repay borrowings, generate new revenue, can cover all known operating expenses without borrowing, deliver a long-term financial plan that more reliably reflects future financial requirements ('unknown risks'), and have approximately \$20m available in cash reserves for risk and strategic growth; and
 - (c) Within 10 years:

Ensure that Council has sufficient cash reserves (approximately \$30m) to meet unforeseen or emergency expenses and support population growth without relying on borrowing or compromising essential services.
 21. In December 2023, Council resolved:

"...endorses the creation the following reserves as recommended by the Financial Sustainability Strategy;

 - (i) *Risk Mitigation Reserve; and*
 - (ii) *Strategic Growth Reserve...."*
 22. For Yarra, having adequate cash reserves is essential for managing and accommodating the predicted population growth expected over the next twenty years. Over the next 10 years, reserves will be required to allow Council to respond to the financial risks and assumptions whilst limiting borrowing, including potential unknown events that are outside the control of Council.
 23. The reserves that have been established are;
 - (a) Risk Mitigation Reserve: to tackle unexpected events, including climate events, with significant financial impacts, safeguarding our long-term stability; and
 - (b) Strategic Growth Reserve: to fund major community projects that arise due to population growth, benefiting our community directly.
 24. As reported in the Q2 and Q3 Community Reports, Officers recommend that any surplus be transferred to reserves, consistent with the Financial Sustainability Strategy.
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[2023/24 April Forecast - Capital Works Program](#)

25. 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.
26. Planned capital carryovers have been identified and reported at \$0.751m. The planned carry forward projects included in the 2024/25 budget are listed in the table below.

Project	Amount
Golden Square	\$26,000
Brunswick/Gertrude	\$35,000
Smith Reserve Playground	\$249,000
Wellington Langridge Blackspot	\$266,784
Retention of Swan St trees	\$60,000
New Deal for Schools	\$50,000
Public artwork - Archie Roach AC & Ruby Hunter	\$64,000
	\$750,784

[2024/25 Budget](#)

27. Council has worked hard to prepare a balanced budget that aligns with Yarra's Council Plan 2021-25 and Community Vision and to deliver what our community has told us it wants, while also addressing ongoing financial challenges and prioritising financial sustainability.
28. The budget and Financial Plan have been developed in alignment and consideration of the following:
 - (a) Council Plan 2021-25 and Community Vision;
 - (b) Financial Sustainability Strategy (2023);
 - (c) Municipal Monitor's Report (2022);
 - (d) VAGO ratios and principles;
 - (e) Economic, employment and general market conditions; and
 - (f) Community and Councillor feedback.
29. Each year the Minister for Local Government sets the average rate cap for the following rating year based on the forecast change in the consumer price index (CPI). The 2024-25 rate cap figure of 2.75% is a decrease from 2023-24 and lower than the Reserve Bank of Australia's CPI forecast for 2024-25 of 3.2%.
30. Rates and charges are the most significant revenue source for Council and will make up approximately 55% of our annual income in 24/25.
31. Since its inception, the 'Fair Go Rates System' has challenged Council's long-term financial sustainability, and it continues to restrict Council's ability to raise revenue to maintain service delivery levels and invest in community assets.
32. The CPI does not accurately reflect increases in costs faced by councils because they have a significantly different composition of expenditure compared to households. Key council expenditures (wages, construction, utilities, etc.) required to provide council services and deliver infrastructure projects have been increasing faster than the CPI.
33. In contrast, in 2024, the State government increased a range of fees beyond the cap set for local government - for example, public transport fees increased by an average of 6%, Ports Victoria fees and charges by 10%, electrical safety certificates by up to 11%. In addition, Victorians will be paying an additional 23 per cent in Fire Services property levies, as outlined in Victoria's state budget 2024/25.

34. In an article published in The Mandarin on 7 May 2024, Treasurer Tim Pallas noted “Rising prices of materials, labour and transportation have pushed up construction costs by around 22% since 2021... and Infrastructure Australia estimates the demand for workers exceeds the current national public infrastructure workforce by 129%...” “Early childhood worker vacancies are three times higher than in 2019.”
35. The 2024/25 budget proposes no new debt and no increase to staffing numbers.
36. Whilst the 2024/25 budget is restrained and holds costs wherever possible, for investment in capital works and services to occur, increases in user fees balance community benefit, financial sustainability and true cost.
37. In 2023/34, and again in 2024/25, Council applied a benchmarking exercise to other comparable Councils, including the M9 Councils, to ensure a consistent and transparent approach to the setting of non-statutory (user fees) for services delivered. Competitively neutrality requirements have also been considered.
38. Council will continue to support vulnerable community members through its Hardship Policy and Pensioner Rebate.
39. Council's cash and cash equivalents will decrease from \$95.7m to \$75.8m over the four years of the budget, this in part reflects the repayment of borrowings. Non-current assets of property, infrastructure, plant and equipment is expected to increase from \$1.9b to \$2.1b over the four years of the budget.
40. The Capital Works Program is a comprehensive asset renewal, upgrade and new works program of \$35.5m, including \$0.75m carry over from 2023/24.
41. A surplus for the 2024/25 Budget of \$15.7m is projected despite increasingly challenging economic circumstances. Generating sufficient levels of surpluses is critical to fund our capital works and other programs in the future.
42. Local Government Victoria (LGV) released Minister’s Good Practice Guidelines for Service Rates and Charges in late December. It is noted that the guidelines are not legally binding and together with the whole of the Victorian local government sector we are working to better understand the intent of guidelines and what, if any actions are required.
43. The program of service reviews will continue in 2024/25 to ensure services are efficient, cost effective and align to community benefit.

[Highlights of the 2024/25 Budget](#)

44. Addressing the climate emergency and sustainability:
 - (a) Introducing a new service - the Food Organics, Garden Organics (FOGO) service as required by the State Government, to turn food waste into compost, addressing the climate emergency and contributing to the circular economy;
 - (b) Implementing the new Climate Emergency Plan with a focus on protecting those most at risk from the impacts of climate change;
 - (c) Electrifying Council assets, including commencing works to get Collingwood Leisure Centre off gas; and
 - (d) Accelerating Yarra's Tree Planting program as a natural cooling climate emergency response and improving liveability by increasing annual planting of trees.
45. Creating more open space including parks:
 - (a) Designing and delivering new open spaces through Council’s Roads to Parks program in consultation with the community; and
 - (b) Upgrading sporting facilities including Yambla Pavilion and Brunswick Street Oval.
46. Building a stronger and safer city and transport network:
 - (a) Renewing critical infrastructure like roads, footpaths and kerbs including renewal of drains and re-lining of brick drains to mitigate flood risks; and

- (b) Improving infrastructure and safety for vulnerable road users while encouraging uptake in sustainable transport with the New Deal for Walking, New Deal for Cycling and New Deal for Schools.
47. Investing in our future through children and young people:
- (a) Expanding kindergartens to accommodate free 3 and 4-year-old kinder under the State Government's reforms including the refurbishment and reactivation of the new 44-place Atherton Gardens Kindergarten; and
 - (b) Providing empowering programs and activities for children and young people with a focus on members of culturally and linguistically diverse, at risk and hard-to-reach communities, including leadership training for the Yarra Youth Advocacy Group.
48. Supporting people who are vulnerable or at risk:
- (a) Trialling pop-up heatwave cooling relief centres for people experiencing homelessness and people from other at-risk communities within the municipality, improving safety and inclusion; and
 - (b) Supporting the Yarra Zero program, a collective and collaborative initiative addressing homelessness and rough sleeping in Yarra.
49. Investing in new initiatives to improve Council connections with community:
- (a) A deliberative engagement on the new Council Plan that will bring a representative panel of the Yarra community together to inform Council's plans for years to come; and
 - (b) Uplifting digital capability, improving efficiency, and providing a better customer experience that enables the community to connect with Council.
50. Keeping our vibrant city active and connected:
- (a) Delivering the hugely successful Leaps and Bounds Music Festival for its 12th year to support our diverse arts community and stimulate the local economy in the winter months; and
 - (b) Partnering and supporting Yarra's Neighbourhood Houses, which offer responsive, local programs designed to empower, connect, and educate individuals and groups.
51. Other initiatives include:
- (a) Brunswick Street Oval Project - Design and Year 1 partial construction of new sports pavilion;
 - (b) Yambla Pavilion redesign and construction and Yambla Reserve renewal of turf irrigation and drainage;
 - (c) Design for future upgrades to Alphington Bowls Club;
 - (d) Charles Evans Reserve upgrade;
 - (e) Construction of Charlotte Street Park;
 - (f) Streetscape improvements corner Gertrude and Brunswick Streets;
 - (g) Design and feasibility for two new Roads to Parks projects;
 - (h) Miller Street – construction of road safety/traffic works;
 - (i) Renewal works to Councils three leisure centres (Richmond, Collingwood and Fitzroy);
 - (j) Installation of bicycle hoops and repair stations; and
 - (k) Smith Reserve upgrade.

Community and stakeholder engagement

52. The draft Budget 2024/25 consultation was undertaken from Friday 12 April to Friday 10 May 2024.

53. The engagement approach including promotion to reach our diverse community included:
- (a) Online survey via the Your Say Yarra project page;
 - (b) Two in person 'pop-up' sessions with Bi-cultural Liaison Officers at relevant sessions, and hardcopy surveys available;
 - (c) Your Say Yarra email newsletter;
 - (d) News item via corporate website;
 - (e) Yarra Life newsletter;
 - (f) Yarra News;
 - (g) Digital Screens in customer service centres, libraries and leisure centres;
 - (h) Postcards (for pop-up sessions and at customer service centres);
 - (i) Social media;
 - (j) Hard copy surveys and postcards distributed to key Council locations;
 - (k) FAQs on Your Say Yarra project page; and
 - (l) Email to past budget participants.
54. On 3 June 2024, a Special Council Meeting to hear any person who wished to speak in support of written feedback to the draft Budget and draft Financial Plan was held. Twenty three submitters spoke to support their feedback.
55. A total of 266 community members provided feedback on the Draft Budget. Of note, 176 community members opposed the funding change for Neighbourhood Houses, 21 community members expressed support for active transport initiatives, 15 community members provided feedback in support of the funding for traffic calming and active transport measures for Miller Street, North Fitzroy and 17 community members requested reductions in Council costs.
56. A summary of the feedback received is provided at Attachment 3. In addition, Officers provide the following additional information in response to some of the feedback received.
- (a) *Waste services – Abbotsford Trial area collection:*

The 2019 Abbotsford waste and recycling alternative collection schedule remains in place and provides weekly FOGO collections, fortnightly general waste collections, fortnightly mixed recycling collection and fortnightly glass collection (a total of 130 bin lifts per annum) for 1400 residents.

The rest of the city currently has 104 bin lifts per annum (although this will change with the introduction of the universal FOGO service).

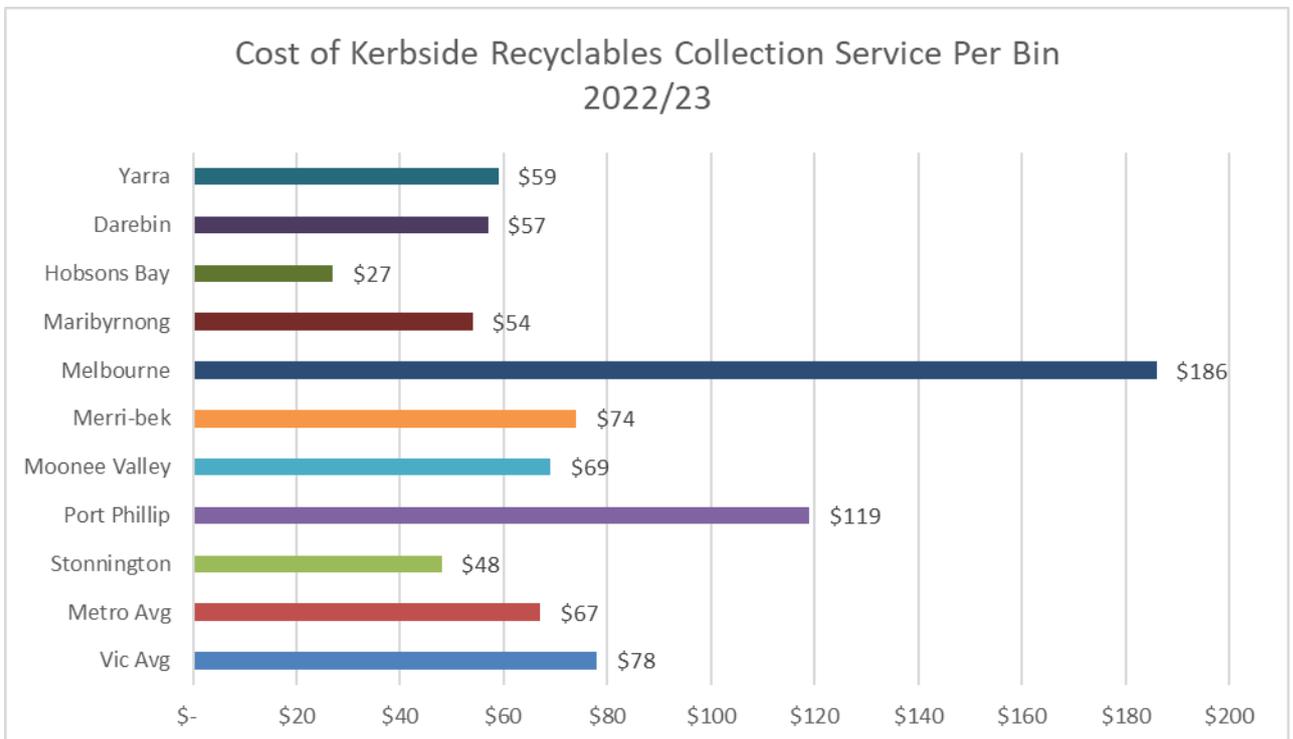
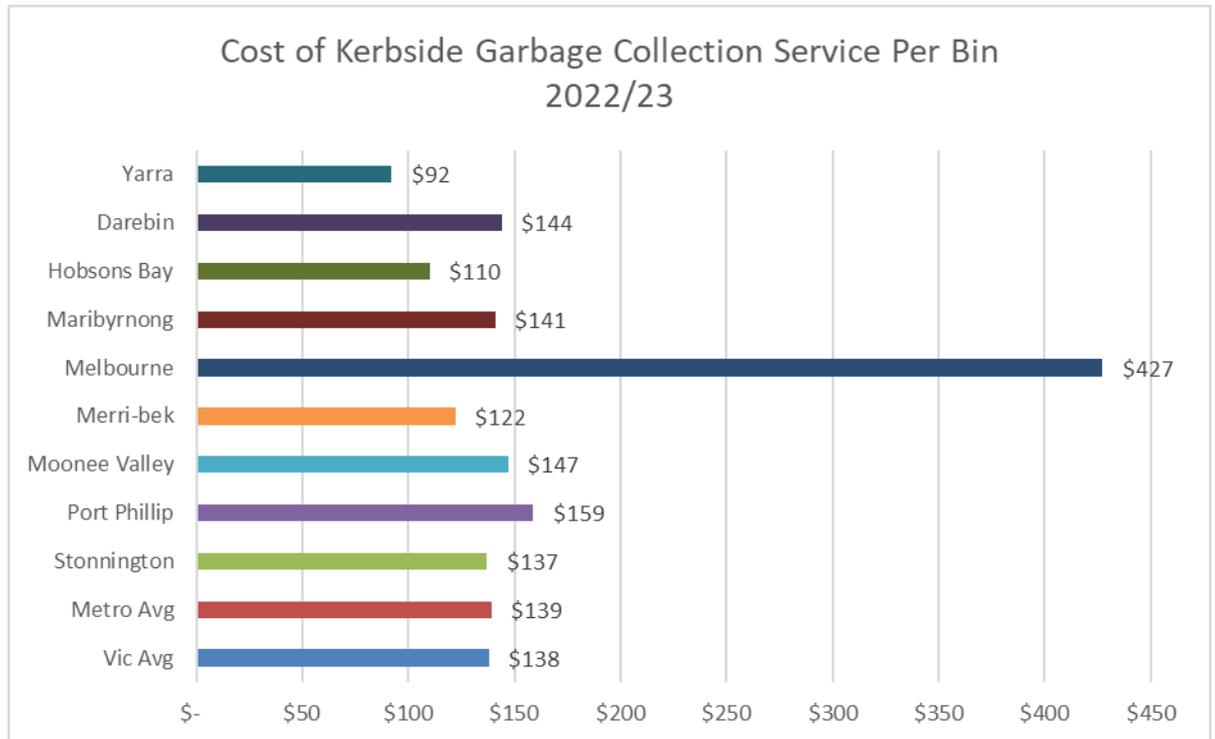
There are some residents within the trial area that want a weekly general waste collection service but there are others who prefer the general waste collection service remains at fortnightly intervals.
 - (b) *Waste costs:*

Changes to Council's waste and recycling costs in the 2024/25 budget are largely as a result of the State Government mandated introduction of a new universal FOGO service.

In 2020, the Victorian Government released Recycling Victoria; A new economy, a ten-year policy and action plan to reform the waste system and support the transition to a circular economy. The Circular Economy (Waste Reduction and Recycling) Act 2021 mandates that all Victorian Councils roll out new standard waste systems, most notably the introduction of a four-stream kerbside waste and recycling service, comprising rubbish, recycling, glass and food organics and green organics (FOGO). The new system also includes the standardisation of bin lid colours, bin material acceptance lists and education campaigns.

Whilst the State’s efforts to address systemic issues with the waste and recycling system and support the transition to a circular economy are strongly supported, the reality is that the cost of these reforms has a direct and significant impact on all Victorian local governments.

Notwithstanding the increasing cost of waste services, a comparison with other councils highlights the efficiency of Yarra’s kerbside waste services, as per the graphs below:



In the 2024/25 budget the kerbside waste rate has increased by 28% to \$15.200m but when combined with the public waste rate, a reduction of 7% to \$6.705m, the total waste rate increases by approximately 15%.

Most of the increase in kerbside cost in FY25 is a result of the State Government mandated introduction of the universal FOGO service – both the FOGO collection service and a separate FOGO processing service.

The increases to the landfill levy from the State Government are also substantial. Since 2019/20 the levy has increased by 106%. The table below shows the steadily increasing impact of the landfill levy on municipal waste costs.

Year	Landfill levy
2019/2020	\$64.30
2020/2021	\$65.90
2021/2022	\$105.90
2022/2023	\$125.90
2023/2024	\$129.27
2024/2025	\$132.76

(c) *Active transport initiatives:*

Council has proposed a capital works investment in active transport totalling \$2.14m. This includes funding for 17 individual projects under the new deal for schools, cycling and walking programs. In addition to this proposed investment, Council is planning to renew dozens of footpaths as part of a \$5.6m budget to upgrade civil assets throughout the city. \$964,000 is also proposed for pedestrian, vehicle and cycling safety works across 6 priority projects;

(d) *Cremorne:*

There are four projects proposed for 2024/25. These are:

- (i) Balmain/Cotter/Church St intersection upgrade - \$300,000;
- (ii) Balmain St Pedestrian Crossing Design (at Cherry Hill Hotel) - \$50,000;
- (iii) Electric to Balmain St Road and associated infrastructure renewal - \$103,000;
- (iv) Upgrade of Charles Evans Reserve - \$900,000;

(e) *Miller Street traffic – traffic calming works:*

A total of \$500,000 is included in the budget to deliver works in Miller Street;

(f) *Neighbourhood house funding:*

A large number of submissions were received regarding the impact of a budget oversight relating to the vital work of Neighbourhood Houses in supporting our community. Officers have recommended adjustments to the draft budget, to restore funding for Neighbourhood Houses to current FY24 funding levels and include an additional 2% increase. This information was conveyed to all neighbourhood houses on 8 May 2024;

(g) *Victoria Street 50-year celebration of migration:*

In October 2023, Council acknowledged the significant contribution of the Vietnamese and broader Asian community and businesses to Victoria Street’s cultural identity and the upcoming anniversaries.

The budget includes \$50,000 for the recognition of the 50-year anniversary and Officers have been progressing preparations for Council to host a celebratory event in August 2024 marking the 10 year anniversary of the Victoria St gate and the 50th anniversary of the Vietnamese community in Australia.

(h) *Clifton Hill Cricket Club:*

Council made a decision in 2014 to ensure the multi-use space at Ramsden Oval could be used by many and varied groups all year round. The cricket club's request to use it all year round may require a permanent structure to be built (the current nets are not designed for all-year round purposes). Officers would recommend community consultation prior to proceeding with this proposal;

(i) *Materials and services - consultancy costs:*

There is modest increase in consultants 2023/24 budget from \$5.360 23/24 to \$6.348m 24/25.

The budget allocates \$14.5m for information technology primarily related to the implementation of an Enterprise Resource Planning (ERP) technology system. (Refer to Note 4.1.8 in the budget document).

Materials and services also includes costs associated with contract services, utilities, insurances, building maintenance. All of these items are budgeted to rise in excess of CPI (and the rate cap);

(j) *Employee costs:*

Yarra City Council prides itself on providing high-quality services to our community. The majority of these services are provided in-house, rather than being outsourced, resulting in higher staffing numbers and in turn, costs, making comparisons with other Councils challenging.

The 24/25 budget does not include any increase in staffing numbers. The 2024/25 budgeted employee costs represents an increase of less than one per cent compared to forecast actuals in 2023/24;

(k) *Leisure fees:*

Council's Pricing Policy establishes a consistent and transparent approach to the setting of fees and charges for transactional services delivered by Council.

The pricing considers the community benefit, the needs and capacity to pay of particular user groups, the cost of running services, and reflects corporate and strategic objectives.

Yarra Leisure offers a 40% discount to eligible, means tested concession card holders. The 40% discount offered is greater than a significant number of comparable facilities that typically offer a 20% concession discount. Concession pricing is available to customers who can produce evidence of being on a means tested and/or government supported program. To receive a concession discount, you must have one of the following:

- (i) Health Care Card;
- (ii) Commonwealth Seniors Health Card;
- (iii) Pensioner Concession Card;
- (iv) Veterans' Affairs Pensioner Concession Card;
- (v) Veterans' Affairs Gold Card; and
- (vi) Carer Card (We Care),

Carers accompanying a person with disability are eligible for free entry on presentation of a Companion Card; and

(l) *Victorian First Peoples Assembly – Statewide and Local Treaties:*

The Victorian First Peoples Assembly will soon negotiate a statewide Treaty and will also empower Traditional Owner groups to negotiate local Treaties, as outlined by the Victoria Treaty Authority and other Treaty Elements Act 2022.

Officers recommend that \$200,000 be allocated in 24/25 to enable Council to take a leadership role, develop a plan and undertake respectful participation in advancing treaty negotiations with the Wurundjeri Corporation. This includes the potential to partner with Wurundjeri and neighbouring Councils.

Policy analysis

Alignment to Community Vision and Council Plan

57. Council adopted its first Community Vision on 20 July 2021, in accordance with the Local Government Act 2020. The Vision – Yarra 2036 - identifies the long-term aspirations and priorities of the community and provides a future lens to guide planning and decision making.
58. The Council Plan 2021-25, formally adopted on 19 October 2021 in accordance with the Local Government Act 2020, addresses Yarra 2036 Community Vision and outlines six Strategic Objectives, representing Council's direction for the next four years.
59. The Budget and Financial Plan incorporate the financial resources necessary to implement the Council Plan objectives and to work towards achieving the Community Vision over the next 10 years.
60. The 2021-25 Council Plan includes commitment on financial stewardship in strategy Objective 6:
'Manage our finances responsibly and improve long-term financial management planning.'

Climate emergency and sustainability implications

61. The Budget and the Financial Plan support Council's climate emergency and sustainability policies and objectives.

Community and social implications

62. The Budget and Financial Plan places an emphasis on the delivery of services for our community. Council will continue to support vulnerable community members through its Hardship Policy and Pensioner Rebate.

Economic development implications

63. Fees and charges have been drafted in consideration to the benefit and cost to users of services, business owners and residents and are reflective of Council's commitment to support and promote access and participation.

Human rights and gender equality implications

64. A number of gender impact assessments (GIA) have been completed on projects and programs planned for delivery in 24/25. These GIAs include the new FOGO service, Collingwood Estate Gym operations, open space maintenance service, Brunswick St Oval Pavilion, Yambla Pavilion and building cleaning services. Further GIAs will be developed as projects and programs progress.

Operational analysis

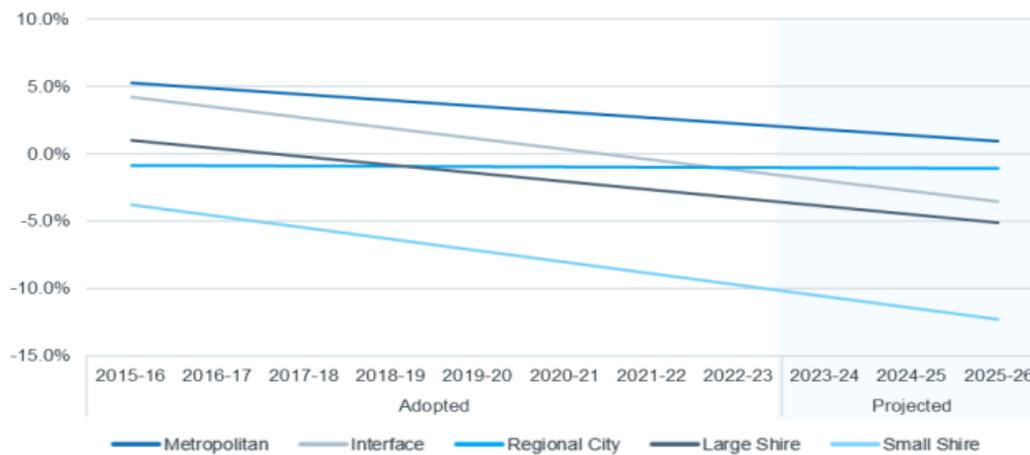
Financial and resource impacts

65. The 2024/25 budget and Financial Plan documents have been prepared in accordance with Local Government Victoria (LGV) planning and reporting, the *Local Government Act 2020* (the Act) and Australian Accounting Standards.
66. 2024/25 will deliver constant changes to the economic landscape, compounding the challenges with no real reduction of the general level of prices (despite declining inflation) and significant increases to the cost of materials and services and labour.

67. A balanced 2024/25 budget has been achieved whilst still delivering on the Council Plan. This is despite Yarra continuing to experience external pressures from rate capping, Enterprise Agreement obligations, labour market pressures and increases to the costs of materials and services.
68. Ongoing efforts to ensure financial sustainability are critical. A recent Discussion Paper – Committee Inquiry into Local Government Funding and Services, outlines that Adjusted underlying results trends are deteriorating across the Local Government sector in Victoria. Refer to Table 1 below.

Table 1 Local Government Sector Performance

Adjusted Underlying Result Ratio Trendlines



69. Deteriorating adjusted underlying results result in less cash and are a direct result of the following:
- (a) Fees and charges not reflecting the cost to deliver services and capital works programs;
 - (b) Increasing costs from population growth - this is a major concern if the population growth exceeds predications in the Financial Plan and where there is population growth due to social housing increases;
 - (c) Cost shifting from state and federal government;
 - (d) Greater capital requirements to be identified through the asset plan and strategy objectives (including the high number of heritage buildings and ageing infrastructure);
 - (e) Capital works price increases, especially with supply chain challenges and inflation;
 - (f) Expenses increase at a higher rate than assumed in the Financial Plan (enterprise agreements, waste management, environmental sustainability, etc.);
 - (g) Historical underinvestment in information technology coupled with escalating Information technology costs;
 - (h) Pressure to expand service delivery, and
 - (i) Rate cap unaligned with inflation.

Legal Implications

70. The overarching objectives of the Act are to ensure councils adhere to sound financial practices, put in place long-term planning and effective risk management frameworks to support financial sustainability and achieve the best interests of the community, including future generations.
71. Section 9 (2) of the Local Government Act 2020 ("the Act") states: "...overarching governance principles include "the ongoing financial viability of the Council is to be ensured".

72. Section 101 of the Act provides for financial management principles, including 101 (b); "financial risks must be monitored and managed prudently having regards to economic circumstances."
73. Section 102 (1) states a Council must prepare and adopt financial policies that give effect to the financial management principles.

Conclusion

67. Council has satisfied the legislative requirements of the process and is now in a position to adopt its Annual Budget 2024/2025 and Long Term Financial Plan 2024/2025 to 2033/34.
68. Any further changes resulting from the budget deliberation and resolution will be incorporated in the final version of the documents.

RECOMMENDATION

1. That the Council, following a community engagement process conducted in accordance with its community engagement policy:
 - (a) notes that the Budget and Financial Plan are updated to reflect the April 2024 forecast;
 - (b) notes that the current Council Plan 2021-2025 and Yarra Vision 2036 was used to develop this Budget and Financial Plan;
 - (c) adopts the Budget 2024/2025 (shown as **Attachment One**) for the purpose of section 94 of the Local Government Act 2020 subject to any changes made via Council resolution, and
 - (d) adopts the Long Term Financial Plan 2024/2025 to 2033/2034 (shown as **Attachment Two**).
2. That Council declares the rates and charges, as per pages 44-47 of the budget document (**Attachment One**), of \$139.277m (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:

Category	\$000
General Rates	\$116,179
Public waste rate	\$6,705
Kerbside waste rate	\$15,215
Service rates and charges	\$55
Special rates and charges	\$143
Supplementary Rates and rate adjustments	\$1,000
Interest on rates and charges	\$400
Revenue in lieu of rates	\$40
Council Pension Rebate	(\$439)
Cultural & Recreational Lands and EPU's	(\$21)
Total Rates and Charges	\$139,277

3. That Council advises in respect to General Rates:
 - (a) a general rate be declared in respect of and for the entire duration of the 2024/25 financial year;

- (b) it further be declared that the general rate be raised by application of a uniform rate;
 - (c) a percentage of 0.033808137 be specified as the percentage of the uniform rate which may be alternatively expressed as 0.033808137 cents in the NAV dollar;
 - (d) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
 - (e) the Council funded Pensioner Rate Rebate be declared at \$209.70 for 2024/25.
4. That Council:
- (a) declares no Municipal Charge in respect of the 2024/25 financial year;
 - (b) authorises the Chief Executive Officer to effect administrative and wording changes to the Annual Budget 2024/25 and Financial Plan 2024/25 to 2033/34, which may be required; and
 - (c) approve the following amendments to the Budget 2024/2025:
 - (i) increase to neighbourhood house funding - \$30,659;
 - (ii) transfer \$2.5m to the Risk Mitigation Reserve and \$2.5m to the Strategic Growth Reserve consistent with the adopted Financial Sustainability Strategy (if available at 30 June 2024); and
 - (iii) participation in advancing treaty negotiations with the Wurundjeri Corporation - \$200,000.

Attachments

- 1 Attachment 1 - Budget 2024/25
- 2 Attachment 2 - Long Term Financial Plan 2024/25 to 2033/34
- 3 Attachment 3 - 2024-25 Draft Budget Community Engagement Report Summary

7.2 2024/25 Annual Plan

Reference	D24/208968
Author	Emily Woodin - Coordinator Business Planning and Performance
Authoriser	Chief Financial 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.

Purpose

1. To present the 2024/25 Annual Plan (Annual Plan) to Council for adoption.

Critical analysis

History and background

2. Council develops an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan.
3. The Annual Plan is the organisation's annual response to Initiatives contained in the four-year Council Plan. Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Annual Plan should monitor and report on the progress of major projects and Initiatives that support Council's commitment to the Strategic Objectives.
5. The 2024/25 Annual Plan responds to the Council Plan 2021-25, which is in its fourth and final year.

Discussion

6. The Annual Plan (Attachment 1) includes 38 actions and was developed following a rigorous cross organisational process.
7. The Annual Plan is built primarily from Initiatives in the adopted Council Plan 2021-25. Noting that the Council Plan is a four-year document, not all Initiatives will feature in every Annual Plan over its four-year term.
8. Actions in the Annual Plan are funded in the 2024/25 Budget (Annual Budget). Any change to the Annual Budget may have a consequent change in the Annual Plan.
9. Progress of the Annual Plan is monitored and reported to Council in the Quarterly Community Report.
10. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.
11. The Annual Plan includes 11 Actions that are working towards the goals of the Financial Sustainability Strategy (FSS). They are indicated on page 5 and throughout the document by 'FSS' noted in the Action title.

Options

12. This report does not consider any options.

Community and stakeholder engagement

13. The Annual Plan is informed by Initiatives in the adopted Council Plan 2021-25 and community engagement was undertaken during the development of the Council Plan 2021-25.
14. Consideration is given to the community feedback received during the Annual Draft Budget community feedback.
15. Projects in the Annual Plan are subject to community consultation and engagement on a project-by-project basis.

Policy analysis

Alignment to Community Vision and Council Plan

16. 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.
17. Actions in the Annual Plan are closely aligned to Initiatives in the Council Plan.

Climate emergency and sustainability implications

18. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The Annual Plan includes three actions that respond to Initiatives in this Strategic Objective.
19. Actions in the Annual Plan include work to deliver a new Climate Emergency Plan and support community to take climate action, work towards a Zero Carbon Yarra and Expand the Library of Things to support circular economy strategies.
20. The Council Plan 2021-25 includes a Strategic Objective 'Transport and movement' that is an integral part of our climate emergency response to reduce transport emissions. The Annual Plan include six actions that respond to Initiatives in this Strategic Objective.

Community and social implications

21. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes twelve Actions that respond to Initiatives in this Strategic Objective.
22. Actions in the Annual Plan include Improving Access and Inclusion, Ageing Well in Yarra, Youth Engagement and Open Library Program.
23. The Council Plan 2021-25 includes a Strategic Objective 'Place and nature' which recognises the important role that public places, streets and green open space have in bringing our community together. The Annual Plan includes eight Actions that respond to Initiatives in this Strategic Objective.
24. Actions in the Annual Plan include Commencement of a new Community Infrastructure Plan, Greening Yarra new open space and urban design projects and Rewilding Yarra – Bringing Nature back to Yarra initiative.

Economic development implications

25. 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.
26. Actions in the Annual Plan include Implement Leaps and Bounds Cultural Music Festival, Precinct Activation Program and Night Time Economy Action Plan.

Human rights and gender equality implications

27. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses human rights and gender equality implications.

28. Actions in the Annual Plan under this Strategic Objective include Celebrating Cultural Diversity, LGBTIQ+ and Women Making Waves.

Operational analysis

Financial and resource impacts

29. Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

Legal Implications

30. There are no legal implications.

Conclusion

31. The 2024/25 Annual Plan responds to Initiatives in the Council Plan 2021-25 and is presented to Council for endorsement.

RECOMMENDATION

1. That:
 - (a) Council adopts the 2024/25 Annual Plan.

Attachments

- 1 Attachment 1 - 2024-25 Annual Plan

7.3 Cambridge Street Reserve - Consultation Findings for Additional Play Equipment

Reference	D24/162304
Author	Susan Stanes - Senior Coordinator Design and Place Making
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. In response to community feedback in relation to the Cambridge Street park, on 13 February 2024 Council resolved to:
 - (a) *continues to proactively investigate new opportunities to increase open space offerings in Collingwood, including potential new playgrounds in line with Yarra's soon to be adopted Play Space Strategy and opportunities for Joint Use Agreements with private and public land owners of open space and play equipment for broader use by the community (as mentioned at paragraph 44 of the report);*
 - (b) *notes the options outlined in this report for the installation of additional children's play equipment for the Reserve;*
 - (c) *resolves to put the following options to consultation:*
 - (i) *Revise Option 5 to:*
 - a. *remove the existing pull up / turnover bars and install two items of play equipment in this space beside the existing swing and*
 - b. *provide additional natural play elements, meandering linear detail and four square play; and*
 - (ii) *Alternative Option which is a hybrid of the Revised Option 2 and Option 5:*
 - a. *remove the existing pull up / turnover bars and install two items of play equipment in this space beside the existing swing;*
 - b. *provide additional natural play elements, meandering linear detail and four square play; and*
 - c. *provide additional play equipment in the existing grassed area, and ensuring the equipment and the fall zones occupy no more than 7% of the existing grassed space and reposition the existing balance beam outside this space. The choice of play equipment will be based on safety needs and the available area,*
and that both options consider disability access;
 - (d) *resolves to undertake a range of onsite and online consultation options, including options available to children, on the above, including the type of equipment to be installed; and*
 - (e) *report back to Council on all of the above at the conclusion of the consultation period.*
 2. This report outlines the results of the community engagement process.
-

Critical analysis

History and background

3. The Yarra Open Space Strategy 2020 (YOSS 2020) identified the lack of open space in Collingwood and recommended investigating the opportunity to increase the size of Cambridge Street Reserve to meet the needs of the increasing population.
4. Prior to the park's expansion, Council received a number of complaints from the community about antisocial behaviour due to the number of hiding places available within the playground equipment as well as dense plantings. In addition to this, the Reserve did not receive adequate sunlight and grass was difficult to establish and grow. The play equipment within the park only catered for very young children.
5. Council consulted with the community on a number of occasions and at various stages of the Cambridge Street Reserve Expansion Project. Consultation occurred from May 2020 until December 2022.
6. During these consultations with the community on the expansion of the reserve, the majority of participants indicated they wanted more open space for people to gather, relax and connect with nature.
7. Construction of the Cambridge Street Reserve expansion took place from 27 February to 17 October 2023 and the expanded Reserve is now open.





Photos of Expanded Cambridge Street Reserve late 2023 to March 2024

8. Current play opportunities in Cambridge Reserve include:
- (a) A basket swing which was selected due to its suitability for people of all ages, including children and adults. The swing can accommodate groups of children or carers and their children together. It encourages social interaction and sharing;
 - (b) A balance beam that allows all ages opportunity to develop balance, spatial awareness, and strength whilst also providing a support handrail for infants learning to walk;
 - (c) A turnover / pull up bar providing opportunities for most ages including activities such as climbing, sliding down a pole, hanging upside down and exercise; and

(d) Varying surfaces and level changes for walking, running, cycling, balance, play and interaction. The grassed surface (almost 600m²) with a mound provides a flexible space for informal recreation.

9. Whilst the current/new opportunities for play in the expanded Reserve are different to the playground that previously existed, the Reserve now provides for more flexible use over a greater age range and provides for a wide range of uses and users without excluding any particular community group.



Photo of Cambridge Street Reserve prior to the expansion - December 2018

10. Following the completion of the Cambridge Street Reserve expansion, feedback was received from members of the community who sought additional/more traditional play equipment for young children to be re-introduced into the park, in particular comparing the new play equipment to the previous play items that were originally at Cambridge Street Reserve.
11. At the Council Meeting on 13 February 2024, Council resolved to consult with the community again on play equipment and play element options.
12. In order to deliver an independent analysis of the engagement data and findings, Council engaged an external consultant, Capire Consulting Group (Capire), to collate and analyse community feedback gathered during the play space engagement, the findings of which are detailed in Attachment One.

Discussion

2020 – 2022 Cambridge Street Reserve Expansion Engagement

13. In December 2020, due to COVID-19 restrictions, Council's consultation was not in person, however feedback was sought via online surveys, online forums, emails and phone calls.
14. 83 people from the community indicated they used Cambridge Street Reserve to rest, relax and read. The top ideas people had for the space were to include dog-friendly spaces, exercise equipment and some nature play elements.
15. In November 2021, Council received over 170 pieces of feedback from a diverse section of the local community. The majority of the respondents said they wanted a park with lawns and spaces to sit in the sun. The central focus of the current design is a large expanse of grass where people can kick a ball or sit under a tree and read a book or socialise with friends.
16. At the time, play equipment was not prioritised by the community providing feedback on the design. Five people requested traditional play equipment during that round of consultation.

2024 Cambridge Street Reserve Play Space Consultation

17. Council delivered a community engagement program between 21 February – 25 March 2024, to understand community preferences regarding four concept plans for additional play equipment and play elements within the reserve which were informed by the following considerations:

- (a) Removing the existing pull-up and turnover bars and installing a four-way rocker and mini trampoline beside the existing swing.

This option is present in all four concept plans;

- (b) Providing additional natural play elements, meandering linear detail and four-square play.

This option is present in all four concept plans.

A further safety assessment has been undertaken and it has been determined that the location of the four-square line marking space is considered a safety risk and will be deleted;

- (c) Removing up to 7% of the existing grass area and installing additional play equipment. Councillors resolved to consult with the community on the option to set aside up to 7% of the grassed area for additional play equipment. The play equipment options provided as part of the consultation take that into consideration; and

- (d) Accessibility and inclusion were considered in the original design and met requirements such as path connections, sightlines, lighting, and flush-edged. The new designs include rubber surfacing to connect the path and the basket swing, which can be used by all ages and abilities.

Four Concept Plan Options Presented to the Community for Feedback (Figures 1-4 below)

18. Concept 1.c.i:

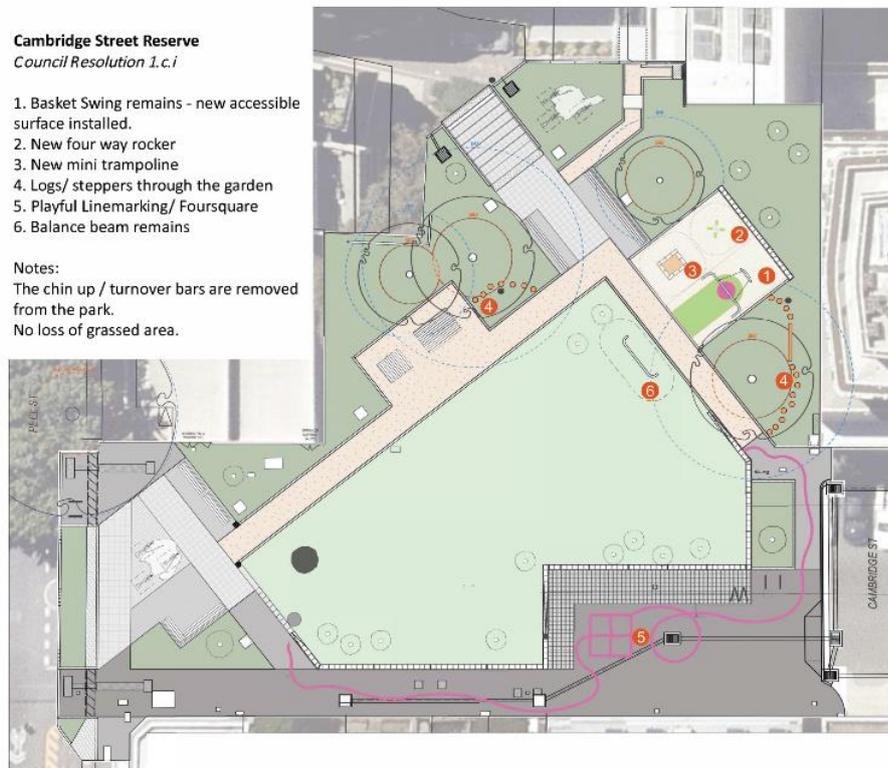


Figure 1: Council Resolution 1.c.i

19. Concept 1.c.ii – Figure 2 Slide variation:

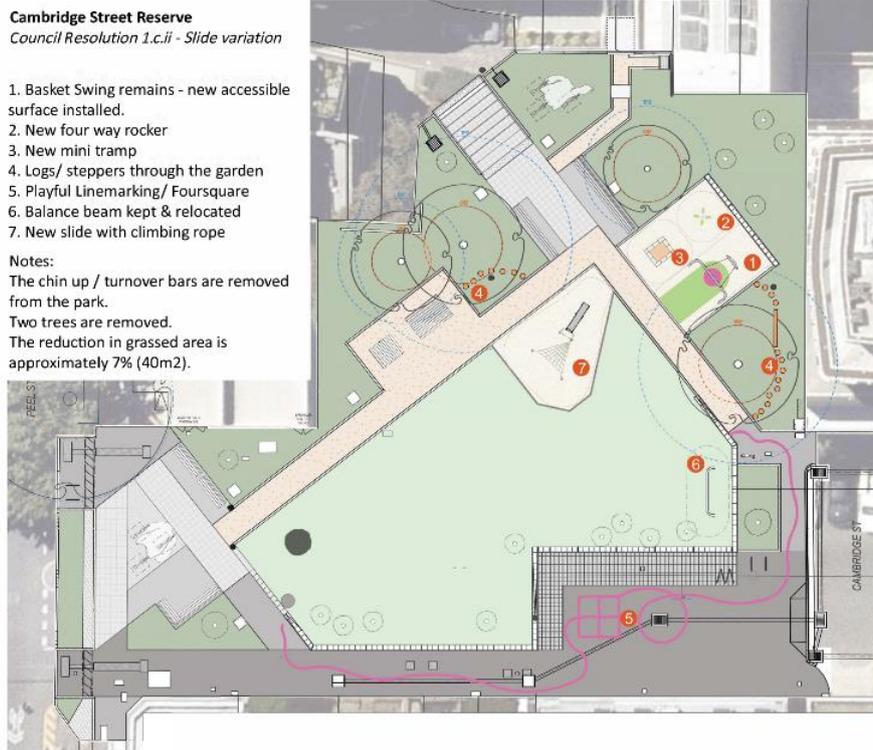


Figure 2: Council Resolution i.c.ii - Slide variation

20. Concept 1.c.ii- Figure 3 Spinner variation:

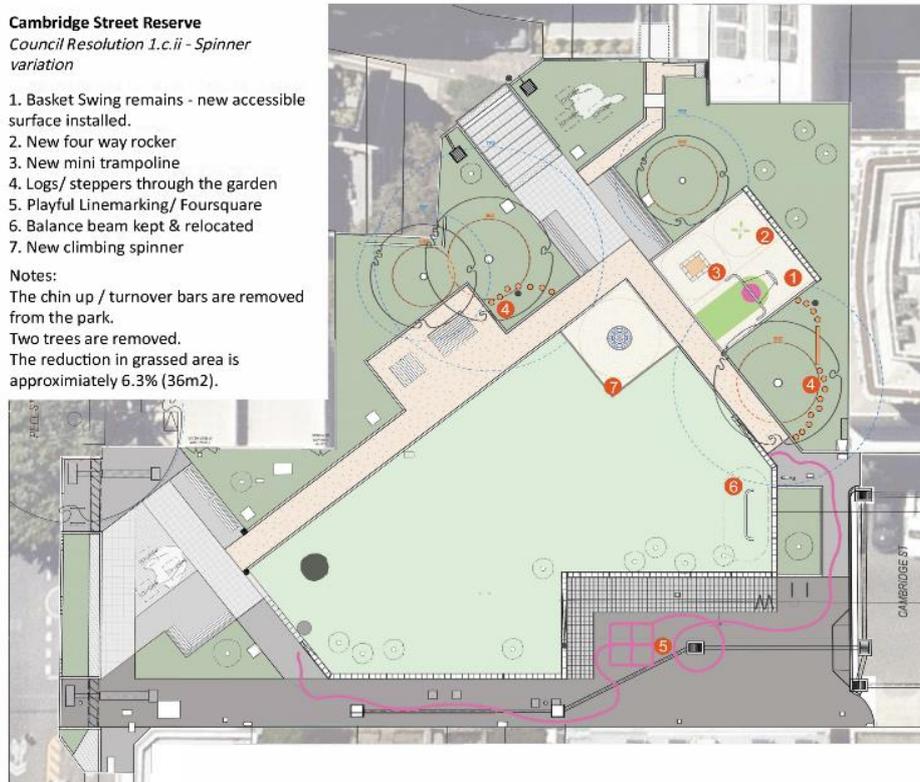


Figure 3: Council Resolution 1.c.ii - Spinner variation

21. Concept 1.c.ii – Figure 4 Climber variation:

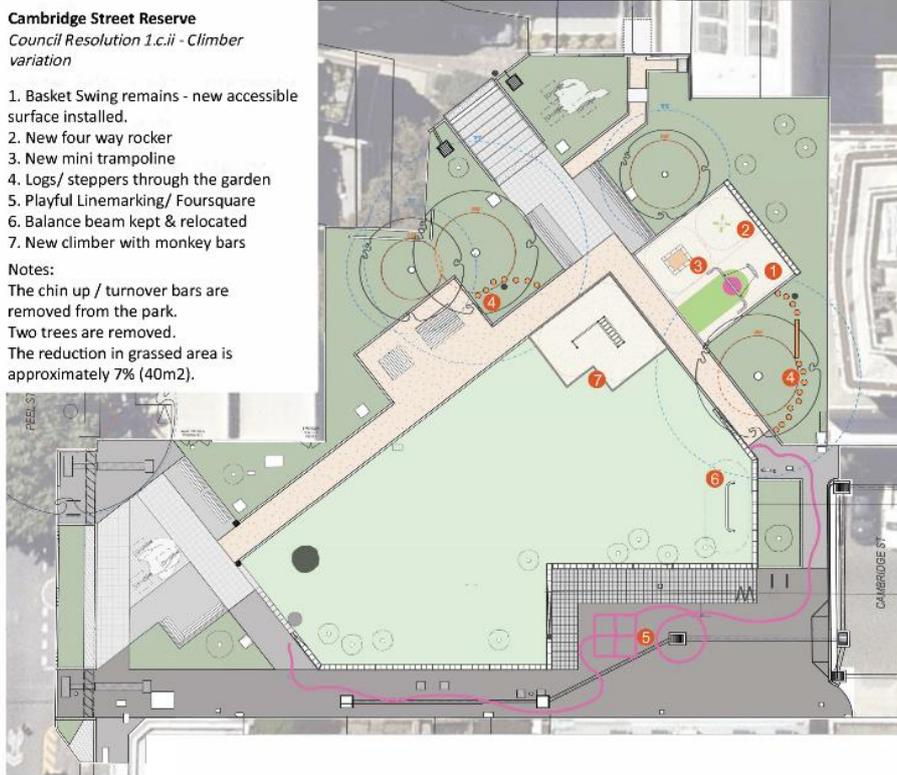


Figure 4: Council Resolution 1.c.ii - Climber variation

2024 Engagement Process - Cambridge Street Reserve Play Space



In-person pop up session, March 2024

22. The objectives of the 2024 engagement program were to:

- (a) Understand which of the four concept plans is preferred by the community and why;
- (b) Understand the types of play equipment and play elements that are preferred by the community and why; and
- (c) Hear perspectives and preferences from a diverse range of voices and cohorts who utilise the reserve including children, residents close to the reserve, and people who identify as having a disability.

23. Two methods of engagement were used including:
- (a) An online survey where participants were invited to select from the four concept plan options and to describe why they chose that option.
Participants were also invited to provide any other comments relating to the play space and the Reserve. The survey also gathered demographic information; and
 - (b) Three in person pop up sessions at varying times of the day and week including Thursday 7 March 6 -7.30pm, Tuesday 12 March 11- 1pm, Saturday 16 March 10 – 12pm.
24. Various other tools and channels were used to provide the community with information about the project and to promote engagement opportunities. These included Your Say Yarra webpage, options for children, social media and email newsletters.

Consultation Process - Limitations (*identified by Capire*)

25. Capire have noted the limitations of the Cambridge Street community engagement process, noting that all engagements have some limitations. The extract from the Capire report is copied below:
- Capire did not deliver the engagement. Capire has reported and interpreted the information documented by participants within the survey and other data sources to represent the views of participants as closely as possible.
 - The media's significant interest in the project may have influenced the community's sentiment and the overall results of the survey.
 - The survey was edited one day into the engagement to remove a fifth 'no change' option (due to the Council resolution of providing four clear options for community consultation on the reserve play space). The initial data collected was disregarded and respondents were asked to re-issue their response, this may have resulted in some respondents' initial preferences or attitudes not being captured.
 - The survey did not include a 'no change' option, and it was not clear that selecting a concept plan option was not a mandatory question on the survey. This led to some participants stating they selected an option only because 'no change' was not available, which may have resulted in some data inconsistencies. Where it is clearly stated, this data has not been recorded in the quantitative concept plan selection data, but the sentiment has been documented.
 - The engagement approach included multiple opportunities for participants to contribute. Some people may have taken part in multiple engagement activities, for example completed the survey and participated in pop-up sessions multiple times. Their views may have been captured more than once. A total of 43 survey responses were identified as potentially duplicated feedback, based on the indicated Internet Protocol (IP) addresses¹. Regardless, all feedback has been included for analysis in this report.
 - People who participated in the engagement self-selected to take part. As such, whilst every effort has been made to gather the views of key stakeholders and the community the information in this report does not reflect the views of a representative sample.

Participants Demographic Data

26. Over the engagement period, 469 complete online survey responses were received.
27. Most respondents live in Yarra (89%, 419 respondents) with 39% (185) indicating that they own a property or mortgage in Yarra. A total of 27% (127) respondents work in Yarra, and 8% (35) own a business within the municipality. Refer Figure 5: Demographics of Respondents.

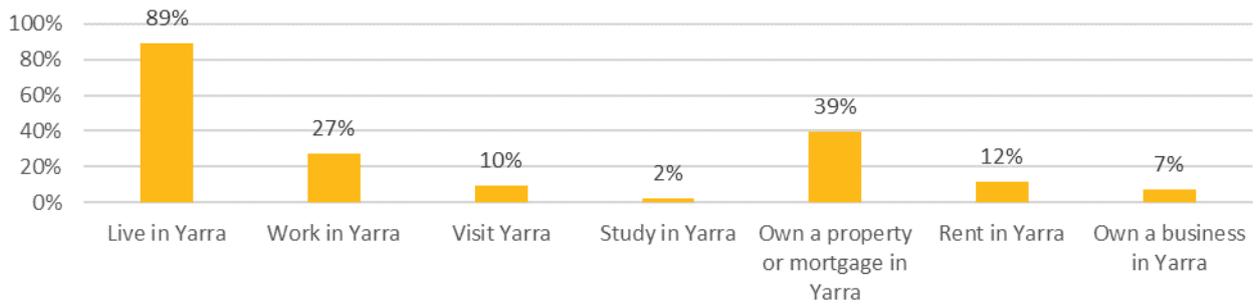


Figure 5: Demographics of Respondents

- 28. Slightly more than half of the respondents, 55% (258), identified as women, 38% (178) as men and 2% chose self-described. A total of 5% of participants preferred not to state their gender.
- 29. Age range of participants can be seen in Figure 6: Survey respondents' age (n=469).

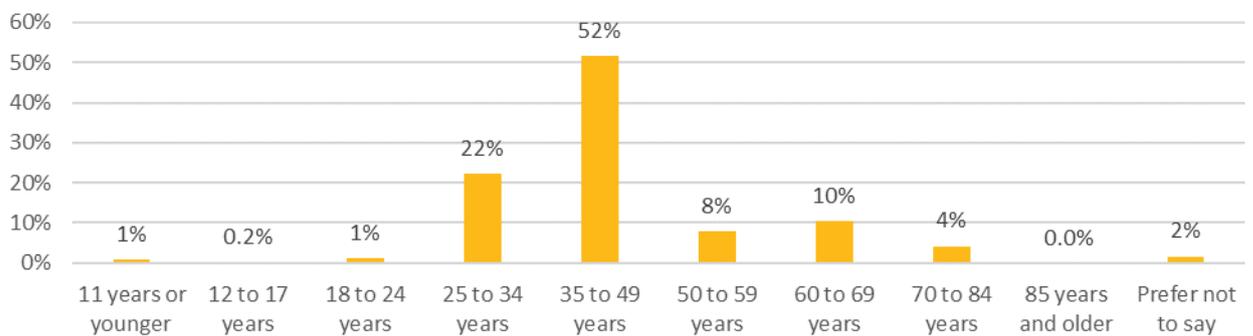


Figure 6: Survey respondents' age (n=469)

- 30. The majority of respondents 66% (309) live in Collingwood, where the Reserve is located. Richmond, Fitzroy, Abbotsford and Fitzroy North were other common suburbs of residency. 6% (29) of respondents said they live outside of Yarra.
- 31. The City of Yarra recognises the diversity of our community and seeks to understand whether groups that may be underrepresented at times are included within the engagement.
- 32. Respondents were able to select all groups which apply to them. 18% (86) of survey respondents identified as being part of the LGBTIQA+ community, 9% (41) speak a language other than English at home, 5% (25) are living with a disability and 1% (4) identified as being of Aboriginal or Torres Strait Islander descent.

Engagement Findings

- 33. Overall, participants perceived the Cambridge Street Reserve as a valuable, quality open space in Collingwood located in close proximity to nearby residential areas, businesses, and schools.
- 34. When evaluating the concept plan options, many participants reflected on their experience and observations of the changing site and their participation in previous engagements to help shape the expansion of the Reserve. There were divergent opinions regarding whether the expansion project has provided the right space for the changing community.
- 35. Many participants emphasised that the Reserve must cater to the evolving community's diverse needs in Collingwood. At times, participants were at odds over whose needs were of most importance.
- 36. Users of the Reserve were categorised into different user groups including: Families with children, Families without children, working professionals in Collingwood, young people, pet owners, people with a disability.

Refer Attachment 1: Cambridge Street Reserve play space engagement – Summary Report, Table 3.

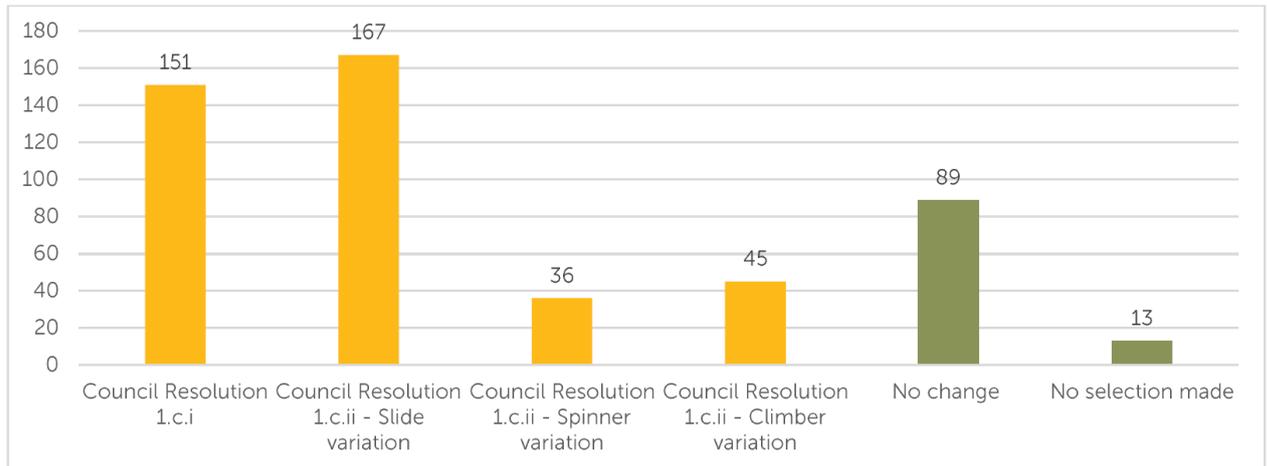


Figure 8: Capire’s graph showing the number of counts in Yellow for concept plan options, and number of counts in Green for ‘no change’ and ‘no selection made’ are displayed in Green (n = 501)

41. Referring to the results show in Yellow in *Figure 8* above, the results show that of the 4 preferred concepts:
 - (a) 1.c.ii – Slide variation was selected the most at 167 responses, closely followed by;
 - (b) 1.c.i no reduction in grass area and replacement of chin up/turnover bar with trampoline and spinner with 151 responses; and
 - (c) 1.c.ii – Climber variation, and Council Resolution 1.c.ii – Spinner variations received the least support, with 36 responses and 45 responses respectively.
42. The number of responses relating to no change or did not make a selection are provided below for noting as these cannot be included in determining the preferred option as the engagement with the community was based on only the 4 play options.
43. For noting, references to other options are outlined below:
 - (a) 89 responses expressed their preference for no change; and
 - (b) 13 responses did not make a selection for reasons other than seeking no change.
44. Some of the 89 participants that preferred no change, also included a vote for one of the play options, therefore it cannot be determined as to what was their actual preference. The true number of respondents who wanted a ‘no change’ option therefore is unknown.

Additional Comments

45. Participants were asked to provide comments on the Cambridge Street Reserve play space. The feedback received, in addition to those relevant to the options above, has been summarised in Attachment 1: Cambridge Street Reserve play space engagement – Summary Report, section 4.4.
46. Some key feedback to note is that multiple participants provided comments about the design of the online survey, stating that the concept plan options were hard to understand with similar names and more detailed descriptions about each option would be more beneficial for participants to provide feedback.
47. Some participants also indicated that an option for the Reserve to stay as is (no change) should have been included in the survey.
48. The open text responses provide a divergent range of comments responses including:
 - (a) more grass;
 - (b) more play equipment;
 - (c) more interesting play options;

- (d) don't spend any more money on this park;
- (e) prefer brighter colours;
- (f) replace the basket swing;
- (g) fenced dog area; and
- (h) outdoor gym equipment.

Summary of Findings

49. All of the four options included the following:
- (a) Removing the existing pull-up and turnover bars and installing a four-way rocker and mini trampoline beside the existing swing; and
 - (b) Providing additional natural play elements, meandering linear detail and four-square play. This option is present in all four concept plans. Subsequent to the engagement process it has been determined that the 4 square line marking location could be a safety risk so will be removed from any future design or implementation.
50. Based on responses received from participants for their concept plan preference there are two options proposed in the survey that received the strongest support:
- (a) Council Resolution 1.c.ii - Slide variation received the most support (167 responses);
 - (b) Council Resolution 1.c.i - no reduction in grass area and replacement of chin up/turnover bar with trampoline and spinner received a close second support (151 responses); and
 - (c) Council Resolution 1.c.ii Climber and Spinner variations received the lowest support with 45 and 36 responses each respectively.
51. Further, 20 children indicated a specific preference for a singular piece of play equipment - 11 for a slide, 5 for a spinner and 4 for a climber.
52. The data shows that the highest number of responses for an individual option for changes to the play equipment is for the Slide variation at 167 plus 11 children who preferred this option.
53. The next highest is 151 responses for no reduction in grass and replacement of the chin up /turnover bar.

Policy analysis

Alignment to Community Vision and Council Plan

54. The Council Plan 2021-2025 Strategic Objective 4: Place and Nature contains the following Strategy and Initiatives relevant to the Cambridge Street Reserve Playground project.
- (a) To create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community;
 - (b) To protect and enhance the biodiversity values of Yarra's natural environment;
 - (c) To plan, design, deliver and maintain high quality open spaces, parks and reserves including the creation of seven new or expanded parks;
 - (d) To support and facilitate active recreation that is safe, inclusive and accessible for all genders; and
 - (e) To reduce the urban heat island effect through the planting of trees and vegetation and an increase in green open space.
55. This precinct in Collingwood is currently underserved for open space and efforts to identify opportunities to increase open space is ongoing. This includes exploring the potential for Joint Use Agreements with private and public land owners and schools.

Climate emergency and sustainability implications

56. The four significant mature native trees within the Reserve provide shade in the hot weather and habitat for birds and insects. These trees as well as the new plantings provide amenity to the park and benefits to fauna.
57. The large garden bed to the southeast corner provides an overland flow path for stormwater in heavy rainfall events.

Community and social implications

58. A key objective in planning the open space network is to provide open space within easy walking distance for the majority of the community and a place of respite and opportunity for social interactions.

Economic development implications

59. This area of Collingwood is expected to see an increase in the worker population of just over 2,400 people by 2031. Flexible spaces with solar access such as Cambridge Street Reserve provide a lunchtime refuge for workers, as well as flexible work opportunities for outdoor meetings.

Human rights and gender equality implications

60. The current park design caters to a broad range of members of the community without excluding any particular group or individuals. The flexibility of the grassed area, seating and play items recognises and supports the socially diverse community in Collingwood.

Operational analysis

Financial and resource impacts

61. The estimate cost for council to deliver Option 1.c.ii has been estimated at \$177K.
62. Option 1.c.i - the no reduction in grass area and replacement of chin up/turnover bar with trampoline and spinner received a close second support has been estimated at \$114K.
63. The draft budget includes an allocation for construction works to occur in 2024/25.

Legal Implications

64. Changes to the Reserve are within the existing boundaries and will not impact the road discontinuance status.
65. Planning permission will be required to deliver Option 1.c.ii. Contingent upon the Council resolution for this matter, officers will lodge a planning application seeking approval for the works.

Conclusion

66. Feedback in relation to the Cambridge Street Reserve indicates that the community see the park as a valuable, quality open space in Collingwood located in close proximity to nearby residential areas, businesses, and schools.
67. The results of the community feedback show that of the options outlined:
 - (a) 1.c.ii – Slide variation was selected the most at 167 responses, closely followed by;
 - (b) 1.c.i no reduction in grass area and replacement of chin up/turnover bar with trampoline and spinner with 151 responses; and
 - (c) 1.c.ii – Climber variation, and Council Resolution 1.c.ii – Spinner variations received the least support, with 36 responses and 45 responses respectively.

RECOMMENDATION

1. That Council:
 - (a) notes the outcomes of the 2024 Community Engagement process as outlined in this report including that Option 1.c.ii - Slide variation received the most community support (167 responses);
 - (b) resolves to proceed with Option 1.c.ii as follows as part of the 2024/25 Capital Works program:
 - (i) the existing chin up / turn over bar is removed from the Reserve;
 - (ii) two trees are removed from the Reserve;
 - (iii) the existing balance beam is relocated within the Reserve;
 - (iv) new accessible surface is installed to access the basket swing;
 - (v) installation of a slide in the grassed area of the Reserve (and subsequent reduction in the grassed area of approximately 7%);
 - (vi) installation of a new four way rocker;
 - (vii) installation of a new mini trampoline;
 - (viii) installation of logs/stepper through the garden; and
 - (ix) installation of new playful line marking; and
 - (c) thanks all of the participants for their participation in this engagement.

Attachments

- 1 Attachment 1 - Cambridge Street Reserve Play Space Engagement Summary Report

7.4 Charlotte Street Traffic Analysis Update

Reference	D24/185723
Author	Kate Yuncken - Manager City Strategy
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

- On 12 December 2023, Councillors endorsed the final Concept Plan for Charlotte Street Park and agreed to commence the road discontinuance process. Council resolved (unanimously);
That Council:
 - endorses the final concept plan for Charlotte Street pocket park;*
 - approves the commencement of road discontinuance process;*
 - approves the concept design to proceed into the design development and documentation phase;*
 - notes the commencement of the temporary road closure in late January 2024, while the formal road discontinuance process is initiated;*
 - notes that further traffic and parking studies will be undertaken to determine the transport movement impacts of a road discontinuance in the local neighbourhood; and*
 - thinks the community for their involvement in the engagement process.*
- The purpose of this report is to respond to part 1(e) above to provide the outcomes of the further traffic analysis that have been conducted.

Critical analysis

History and background

- The Yarra Open Space Strategy 2020 identified the need for more green open space in Richmond. Council's Swan Street Streetscape Masterplan included a proposal to create a pocket park in Charlotte Street which received high levels of support from the community.
- A first round of consultation was completed in late 2022. Of those surveyed, 68% were in favour of the new pocket park and the creation of more green open space in Richmond.
- A second round of consultation was undertaken in August – September 2023 to seek community feedback on the draft concept plan for the pocket park. Of those surveyed, the large majority, approximately 88% responded positively to the design and were in support of the pocket park.
- Some members of the community have raised concerns that the closure of Charlotte Street will have an adverse traffic and on street parking impact on the surrounding streets. Recent correspondence includes a petition against the closure of Charlotte Street was presented at the Council Meeting on 14 May 2024. The petition, signed by 206 individuals, expressed concerns about the impact of the street closure on traffic.
- Council engaged an independent traffic consultant Traffix Group Pty Ltd to carry out a traffic engineering assessment, traffic surveys and spot surveys in the area. These took place in 2022 and 2024. Based on the findings of the assessments, the independent consultant concluded that a permanent road closure is feasible.

8. The assessments have also identified that there has been an increase of traffic in the local streets from 2022 to 2024, including when Charlotte Street was not closed to traffic. The traffic consultant has advised that the increase in traffic is due to increased congestion in Swan Street, motorists ignoring statutory turning restrictions, and live traffic mapping apps advising motorists to detour via the local streets. The recommendations of this report seek to assist in reducing traffic on local streets.



Figure 1: Render of Charlotte Street Pocket Park

Temporary Road Closure

9. In order to test and simulate future traffic conditions, a temporary road closure in the form of a temporary pop-up park took place from February to mid-April 2024.
10. During that time further traffic and parking studies were undertaken to determine the transport movement impacts in the local neighbourhood.
11. Figure 2 below shows the extent of the temporary road closure in Charlotte Street with the 'Kit of Parts' that was installed in order to activate the space.



Figure 2: Charlotte Street temporary road closure and pop-up park

12. The period of temporary road closure allowed Council to further understand the impact a permanent road discontinuance would have on local traffic and parking conditions.
13. The traffic and parking studies were undertaken by an independent traffic engineering and transport planning consultancy to determine any transport movement impacts in the local neighbourhood.

Discussion

Traffic Analysis from 2022 and 2024

14. Traffix Group Pty Ltd was engaged in 2022 to conduct a traffic engineering assessment of the proposed road closure of Charlotte Street between Church Street and St Crispin Street, Richmond. The traffic assessment was based on a range of traffic and parking surveys undertaken in March 2022, 4 months after Victoria's last COVID lockdown (prior to Charlotte Str trial closure). The assessment largely concluded that there would be some redistribution of traffic onto neighbouring streets (particularly Elm Grove and Charles Street), while the reduced number of on-street parking spaces would likely accommodate parking demand in the surrounding area.
15. In mid-March 2024 Traffix Group Pty Ltd undertook traffic surveys during the trial closure of Charlotte Street. Intersection turning counts, 7-day vehicle volumes, and parking occupancy surveys were undertaken to establish changes in traffic patterns on adjacent streets following the closure of Charlotte Street to accommodate the pop-up park.
16. The key changes in traffic patterns between 2022 and 2024 (with temporary road closure in place and pop-up park in place) intersection surveys included:
 - (a) AM Peak:
 - (i) 12 additional vehicles were observed turning into Elm Grove from Church Street (1 movement every 5 minutes);
 - (ii) 10 of the additional vehicles turning into Elm Grove from Church Street ignored the AM peak left turn ban;

- (iii) 30 additional vehicles were observed turning into Charles Street from Swan Street (1 movement every 2 minutes);
 - (iv) 23 of the additional vehicles turning into Charles Street from Swan Street ignored the AM peak right turn ban;
 - (v) There was an increase of 19 vehicles turning right from Elm Grove into Church Street;
 - (vi) There were an additional 59 through movements Charles Street at the Charles Street / Charlotte Street intersection (approximately one (1) additional movement per minute); and
 - (vii) Higher levels of traffic were also identified accessing Church Street and Swan Street from McNamarra Street, via Charles Street and Elm Grove; and
- (b) PM Peak:
- (i) 16 additional vehicles were observed turning into Elm Grove from Church Street (1 movement every 4 minutes);
 - (ii) 65 additional vehicles were observed turning into Charles Street from Swan Street (1 movement every 55 seconds). This included 59 additional vehicles turning right from Swan Street into Charles Street;
 - (iii) There was an increase of 82 vehicles turning right from Elm Grove into Church Street;
 - (iv) There were an additional 91 through movements Charles Street at the Charles Street / Charlotte Street intersection (approximately one (1) additional movement every 40 seconds); and
 - (v) Higher levels of traffic were also identified accessing Church Street and Swan Street from McNamarra Street, via Charles Street and Elm Grove.
17. While the detailed surveys identified traffic movement patterns generally in line with expectations, the surveys recorded a notable increase in vehicles undertaking a short cut from Swan Street to Church Street via Charles Street and Elm Grove (26 more vehicles in AM peak and 56 more vehicles in the PM peak). Higher levels of traffic were also identified accessing Church Street and Swan Street from McNamarra Street, via Charles Street and Elm Grove.
18. As noted within the Traffic report (see Attachment 2), this increase in traffic could not reasonably be attributed to the pop-up park, rather an issue with congestion or slower travel times on the wider road network, which encouraged vehicles to seek alternative routes, noting the parking surveys did not identify any notable change in increased vehicles visiting the area.
19. Additional spot surveys undertaken in May 2024 following the removal of the temporary road closure and pop-up park, showed a similar (much higher than 2022) level of vehicles turning right from Swan Street into Charles Street then travelling to Church Street, via Elm Grove during the PM peak.
20. A screenshot of Google Maps during the May 2024 spot survey shows traffic heading towards the CBD being redirected from Swan Street to Bridge Road, via Charles Street and Elm Grove and several other local streets. Site observations by the independent traffic consultant confirmed most vehicles accessing Church Street from Elm Grove were following the route as directed by Google Maps.

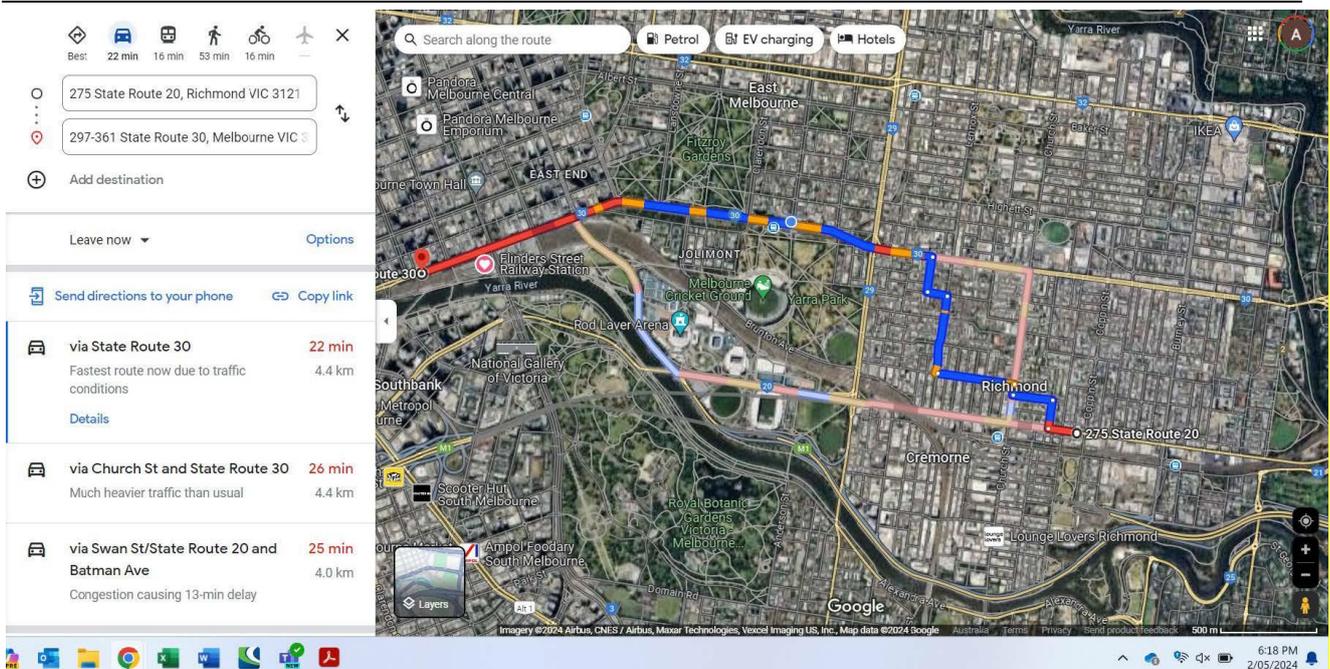


Figure 3: Google Maps directs traffic through local streets (Elm Grove) in PM peak to get from Swan St to City (result from 6:20pm Thursday 2 May 2024)

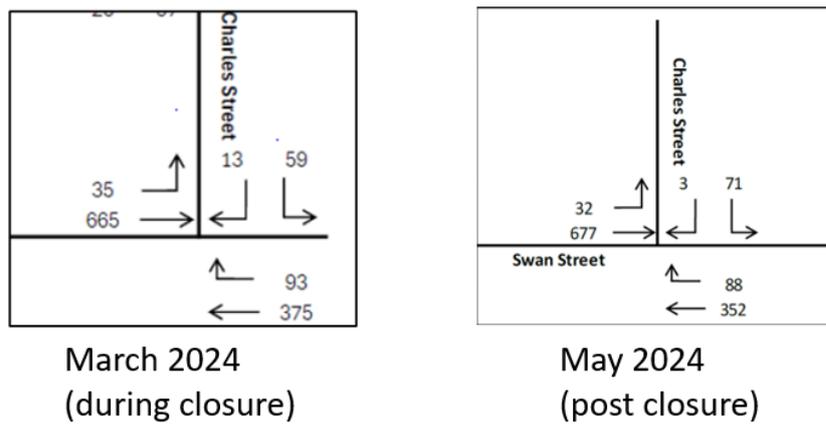


Figure 4: Similar result in terms of right turning traffic from Swan Street into Charles Street

21. It is clear from the surveys that there has been an increase in traffic using both Charles Street and Elm Grove that is not only associated with the pop-up park.
22. Even with the increased traffic volumes associated with the through traffic, the increase in traffic on Charles Street and Elm Grove were generally in line with expectations with recorded average daily vehicle volumes of around 1,100 – 1,500 vehicles per day.
23. Other key findings of the assessment include:
 - (a) There has not been an overall increase in vehicles ignoring left turn bans from Church Street in the area. However, those vehicles previously ignoring left turn bans at Charlotte Street has been transferred to Elm Grove;
 - (b) There is no identified value in converting St Crispin Street to a one-way street based on low traffic volumes and rare incidents of conflicting movements;
 - (c) There has been no notable change to the operation of Swan Street / Church Street intersection; and
 - (d) The small loss of parking spaces associated with the temporary road closure was noted to have no significant impact on parking conditions in the study area.

24. Based on the findings of the assessment independent consultant has concluded that a permanent road closure is feasible. See Attachments 2, 3 and 4 for further details.

Options

25. In light of the increase of traffic on local streets, due to increased congestion in Swan Street, motorists ignoring statutory turning restrictions, and live traffic mapping apps advising motorists to detour via the local streets, it is recommended that officers:
- (a) Contact the Victorian Police and request enforcement of peak period turn bans;
 - (b) Contact the Department of Transport and Planning and request that it investigates what changes can be made to its network to discourage vehicles undertaking short cuts at this location; and
 - (c) Contact Google Maps to request that its navigation tools avoid redirecting vehicles on local streets.

Community and stakeholder engagement

26. The initial proposal for a pocket park in Charlotte Street as per the adopted Swan Street Streetscape Masterplan (2022) received high levels of support from the community. The Masterplan includes an artist's impression of a new civil library garden with notations including 'open lawn area to provide informal play, meeting, and small events'.
27. The Stage 1 consultation for the Charlotte Street project held in late 2022 indicated that 68% of respondents were in favour of the new park, while there was also a petition opposing the proposal. The five key themes from the community in order of prevalence are green space, library integration, traffic, parking & accessibility and children & community.
28. The Stage 2 consultation on the draft concept plan generated over 239 responses to the survey, again there was a majority of support for the creation of a pocket park and the proposed design was well received by approximately 88% of survey respondents.
29. A petition objecting to the closure of Charlotte Street was tabled at the Council Meeting on 14 May 2024. The petition contains 206 signatures from people who objecting to the closure of Charlotte Street and its impact on traffic. The petition is provided at Attachment 1.
30. The road discontinuance process will require formal notice to the surrounding community and is the subject of a separate report on the Council Meeting agenda.

Policy analysis

Alignment to Community Vision and Council Plan

31. The Open Space Strategy 2021 has identified the need for more green open space in Richmond.
32. The proposal also aligns with the overarching Council Plan (2012-25) that supports the following strategies and initiatives:
- (a) Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
 - (b) Manage access, safety and amenity to enhance people's experience when visiting Yarra;
 - (c) Improve our streetscapes, accessibility, safety, and amenity, including embedding outdoor dining, increase greenery and active transport infrastructure, to attract more people to visit, spend time and shop across our precincts; and
 - (d) Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space.

33. The proposal supports the Urban Forest Strategy (2017), to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability; and consistent with the draft Climate Emergency Plan.
34. The final design will incorporate green infrastructure elements where possible, in line with the Embedding Green Infrastructure Best Practice Toolkit. This would assist in mitigating climate change and also strive to be a flagship project within Yarra.

Climate emergency and sustainability implications

35. Increased tree canopy cover would assist in the mitigation of the urban heat island effect resulting in cooler streets and contribution to mitigating climate change and create a more pleasant local environment.
36. Flood mitigation and permeable surfaces would contribute to reduce the effect of localised flooding to adjacent buildings and increase moisture in the ground.
37. Wind mitigation, additional trees would reduce wind corridor effects along the streets.

Community and social implications

38. New and improved public spaces is important with a rapidly growing city, new high-density residential developments, and this site, between Richmond Library building at the RSL offers the opportunity to further develop a civic space.

Economic development implications

39. A more attractive and welcoming urban environment would enhance people's experience when visiting Yarra and spending more time in the municipality.

Human rights and gender equality implications

40. There are no identified human rights implications from the proposed project.
41. Universal design principles would be underpinning the future design of the park to ensure best practice design is implemented for persons of all movement abilities.
42. The existing DDA parking bay by the library is non-compliant, two new compliant DDA parking bays will be delivered as part of this project.
43. CPTED (Crime Prevention Through Environmental Design), gender equity and providing spaces for all abilities principles would inform the design to create a safe and equitable space for all users.

Operational analysis

Financial and resource impacts

44. The estimated construction and associated costs for this project is \$1.9M. This amount is included in the draft 2024/25 budget.
45. Due to the location of the project, 50% of the costs can be funded through the Open Space Reserve consistent with the endorsed Open Space Strategy.

Legal Implications

46. The legal process to discontinue the road is lengthy and complex and will run in parallel with the detail design phase.

Conclusion

47. A new park at Charlotte Street will provide long term benefits to the local and wider area for generations to come and help address the existing shortfall in open space. Approximately 88% of respondents from the Stage 2 consultation were positive to the proposed design and supportive to the proposal to build a park.
48. Although the project has received high levels of support so far, some members of the community are concerned about traffic impacts and loss of parking and DDA parking. The Key Findings of the 2024 traffic analysis are that:

- (a) Traffic volume changes in-line with expectations apart from increase in northbound volume on Charles St and westbound volume on Elm Gr which is primarily due to congestion in Swan St & not the closure of Charlotte St;
 - (b) All streets remain well below environmental capacity in terms of the daily traffic volume;
 - (c) A notable number of vehicles illegally turn against existing turn ban restrictions during the AM peak; and
 - (d) There is negligible change in parking occupancy within the area due to the trial closure.
49. Based on the findings of the traffic assessment the permanent road closure is feasible without any changes required to surrounding network of streets.

RECOMMENDATION

1. That Council:
 - (a) notes that the findings of the additional traffic and parking studies, including that the increased congestion in Swan Street, motorists ignoring statutory turning restrictions, and live traffic mapping apps advising motorists to detour via the local streets is resulting in an increase of traffic on local streets; and
 - (b) requests officers to write to:
 - (i) Victorian Police and request enforcement of peak period turn bans;
 - (ii) Department of Transport and Planning and request that it investigates what changes can be made to its network to discourage vehicles undertaking short cuts at this location; and
 - (iii) Google Maps to request that its navigation tools avoid redirecting vehicles on local streets.

Attachments

- 1 Attachment 1 - Petition - Closure of Charlotte Street Richmond
- 2 Attachment 2 - Charlotte Street Richmond - Proposed Road Closure Assessment - Traffic Engineering Assessment - May 2024
- 3 Attachment 3 - Charlotte Street Richmond - Assessing the Environmental Capacity of Local Residential Streets
- 4 Attachment 4 - Charlotte Street Richmond - Proposed Road Closure Assessment - Traffic Impact Assessment - 2022

7.5 Proposed Discontinuance of Road at Charlotte Street, Richmond

Reference	D24/199764
Author	Kirti Madan - Property Project Officer
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. This report seeks Council's authority to commence statutory procedures pursuant to the Local Government Act 1989 (Vic) (Act) to discontinue the road shown as the 587 square metre parcel marked Lot '1' on the title plan attached as Attachment 3 to this report (Title Plan).
2. As outlined in a separate report in this Council Meeting agenda a new park at Charlotte Street will provide long term benefits to the local and wider area for generations to come and help address the existing shortfall in open space.

Critical analysis

History and background

3. On 12 December 2023, Councillors endorsed the final Concept Plan for Charlotte Street Park and agreed to commence the road discontinuance process. Council resolved (unanimously);
That Council:
 - (a) *endorses the final concept plan for Charlotte Street pocket park;*
 - (b) *approves the commencement of road discontinuance process;*
 - (c) *approves the concept design to proceed into the design development and documentation phase;*
 - (d) *notes the commencement of the temporary road closure in late January 2024, while the formal road discontinuance process is initiated;*
 - (e) *notes that further traffic and parking studies will be undertaken to determine the transport movement impacts of a road discontinuance in the local neighbourhood; and*
 - (f) *thinks the community for their involvement in the engagement process.*
4. This report relates to the formal implementation of point (b) above and is the legally advised process Council must follow to commence a road discontinuance process.
5. The road is part of the land remaining in Conveyance Book P No. 980, Part Crown Portion 20, Parish of Jika Jika in manual search of the Title as Attachment 2 and is shown as the 587 square metre parcel marked Lot '1' on the title plan attached as Attachment 3 to this report (Title Plan).
6. Council proposes to discontinue the road and retain the land comprising the road for public open space purposes, including the proposed construction of a pocket park (proposal).
7. A site inspection of the road was conducted by Smith Land Surveyors on 12 February 2024 and updated on 29 April 2024. The site inspection report notes that:
 - (a) at the time of the site inspection report, the road was set up as a temporary pop up park;
 - (b) the road is constructed of bitumen;

- (c) part of the road is being utilised for car parking;
- (d) the road provides access to the Council library and the RSL land;
- (e) the Council library and RSL land have alternative access to their properties from St Crispin Street; and
- (f) The road is not required for general public access as:
 - (i) Notwithstanding that the road is part of the public road network and currently provides direct vehicular access to Church Street, the general public has alternative vehicular access to Church Street from the balance of Charlotte Street via the surrounding public road network; and
 - (ii) the general public will retain pedestrian access to Church Street from the balance of Charlotte Street through the proposed pocket park.

A copy of the site inspection report is attached as Attachment 4 to this report.

Adjoining Owners

- 8. The road directly abuts the following properties:
 - (a) 399 - 405 Church Street, Richmond, being the whole of the land contained in Certificate of Title Volume 11961 Folio 140 which is registered in the names of Jeffrey Vassy Woods, Stephen Damien Paul Munn and Peter Reginald Crosby which is currently used as a RSL club (RSL Land); and
 - (b) 415 - 417 Church Street, Richmond, being the whole of the land contained in Certificates of Title:
 - (i) Volume 936 Folio 038;
 - (ii) Volume 3616 Folio 127;
 - (iii) Volume 3665 Folio 940; and
 - (iv) Volume 5904 Folio 609,which is owned by Council and operated as a municipal library (Richmond Library).
- 9. The owners of the RSL Land are aware of the proposal and have not objected to it.
- 10. There will be an additional opportunity for the affected owners to comment on the proposal during the public notice period if Council resolves to commence the statutory process to discontinue the Road.

Road Status

- 11. The Road:
 - (a) is known to title as a 'road' and 'Charlotte Street';
 - (b) is listed on Council's Register of Public Roads;
 - (c) has been registered in the name of Henry Creswick since 30 June 1852. A copy of the manual search of the Title is attached as Attachment 2.
 - (d) currently provides direct public vehicular and pedestrian access to Church Street from the balance of Charlotte Street as part of the public road network;
 - (e) is constructed as an asphalt road and adjoining pedestrian footpaths with concrete curbing;
 - (f) contains a number of street parking spaces on the eastern side of the Road;
 - (g) contains a number of improvements within those sections of the Road constructed as a footpath, including:
 - (i) kerbs;
 - (ii) street bench;

- (iii) trees;
- (iv) electricity pole;
- (v) bicycle racks; and
- (vi) street signage.

Discussion

Public Notice

12. Before proceeding with the discontinuance, public notice of the proposal is required to be given in 'The Age' newspaper and published on the Council's website in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the proposal.
13. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
14. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Public Authorities

15. 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) Telstra;
 - (e) Optus;
 - (f) APA Gas;
 - (g) AusNet Services; and
 - (h) Yarra City Council.
16. Ausnet Services and Melbourne Water have advised that they have no assets in or above the Road and no objection to the proposal.
17. Optus has advised that it has no assets in or above the Road.
18. Internal Council coordination is ongoing to ensure that Council owned and managed assets in the road are appropriately considered and integrated as part of the road discontinuance and the associated future construction of any park in Charlotte Street.
19. On 30 April 2024, Greater Western Water advised that it did not object to the proposal, subject to the following conditions:
 - (a) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
 - (b) any proposed fence lines must be located a minimum distance of 1.0 metre from sewer manholes and/or inspection shafts;
 - (c) The area over the water main for a distance of 2.0m either side of the centreline of the water main must not be built over or be enclosed by any structure. It must remain public land/reserve which provides GWW clear access to the asset for emergency maintenance and operational purposes;

- (d) Any GWW assets that may require relocation or alteration will require a separate application to carry out such work; and
- (e) any proposal to build over Greater Western Water's assets requires Greater Western Water's prior written consent.

A copy of the correspondence received from Greater Western Water is attached to this report as Attachment 5.

20. On 23 April 2024, Telstra responded that it had assets within the vicinity of the Road, but did not object to the proposal, provided that Council:
- (a) undertakes a Dial Before You Dig investigation prior to any construction activities in the vicinity of Telstra's communications plant;
 - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the assets; and
 - (c) does not build over any Telstra assets and engages Telstra's Asset Relocation team to obtain a quote to relocate any assets within the area of any construction activities.

A copy of the correspondence received from Telstra is attached to this report as **Attachment 6**.

21. On 3 April 2024, APA Gas advised that it had assets in the vicinity of the Road but has not provided a formal response to the proposal.
22. On 26 April 2024, CitiPower advised that it had assets in the vicinity of the Road but had no objection to the proposal provided that its assets (being overhead electrical cabling attached to a public light pole) were unaffected by the proposal and an easement is granted in favour of CitiPower.
23. Council will continue to liaise with APA Gas and CitiPower:
- (a) CitiPower has been engaged by Council to redesign the overhead cables and existing poles to accommodate the future park; and
 - (b) For the recently completed Otter Street Reserve project in Collingwood (a road discontinuance process was completed for this project), APA agreed for low wall structures to be built over its gas asset with the requirement of a protective steel culvert where the low walls intersect with the gas, with no requirements for an easement.

Options

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

Community and stakeholder engagement

25. All community and stakeholder engagement activities associated with the road discontinuance are listed above.
26. Two rounds of consultation were undertaken for the pocket park. The first round was completed in late 2022. Of those surveyed, 68% were in favour of the new pocket park and the creation of more green open space in Richmond.
27. A second round of consultation was undertaken in August – September 2023 to seek community feedback on the draft concept plan for the pocket park. Of those surveyed approximately 88% responded positively to the design and were in support of the pocket park.
28. It is anticipated that community members will take up an opportunity to respond to the proposed discontinuance consultation process. Any feedback received will be considered by Council at a future Council meeting.

Policy analysis

Alignment to Community Vision and Council Plan

29. This proposal aligns with the overarching Council Plan (2021-25) that supports the following strategies and initiatives:
- (a) Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
 - (b) Manage access, safety and amenity to enhance people's experience when visiting Yarra;
 - (c) Improve our streetscapes, accessibility, safety, and amenity, including embedding outdoor dining, increase greenery and active transport infrastructure, to attract more people to visit, spend time and shop across our precincts; and
 - (d) Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space.
30. The proposal supports the Urban Forest Strategy (2017), to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability, and consistent with the draft Climate Emergency Plan.
31. The final design will incorporate green infrastructure elements where possible, in line with the Embedding Green Infrastructure Best Practice Toolkit. This would assist in mitigating climate change and also strive to be a flagship project within Yarra.

Climate emergency and sustainability implications

32. There are no climate emergency and sustainability implications related to the discontinuance process.

Community and social implications

33. There are no community or social implications related to the discountenance process.

Economic development implications

34. There are no economic development implications related to the discountenance process.

Human rights and gender equality implications

35. There are no human rights or gender issues related to the discountenance process.

Operational analysis

Financial and resource impacts

36. Council will bear its own costs in respect of the proposal.

Legal Implications

37. The legal process to discontinue the road is lengthy and complex and will run simultaneously with the detail design work phase and proposed construction of a pocket park.

Conclusion

38. It is recommended that Council commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (b) directs that, pursuant to sections 207A and 223 of the Act public notice of the proposed discontinuation be given in 'The Age' newspaper and published on the Council's website.
2. That in accordance with Governance Rule Chapter Two, Rule 10.1, Council calls an Extraordinary Council meeting at 6.30pm on Tuesday 6 August 2024 to hear feedback in relation to the proposed road discontinuance and that in accordance with Governance Rule Chapter Two, Rule 54.6 determines that persons be heard in support of their written submissions at that meeting in accordance with Governance Rule Chapter Two, Rule 54.
3. That Council notes the intention to consider the feedback and determine the outcome of the road discontinuance process at the Ordinary Council meeting on Tuesday 13 August 2024 and further notes that under Governance Rule Chapter Two, Rule 54.1.2 there will not be an opportunity for members of the public to address Council in relation to that item.
4. That in the event that no submissions are received, delegates the Chief Executive Officer to cancel the Extraordinary Council Meeting scheduled.

Attachments

- 1 Attachment 1 - Site Plan
- 2 Attachment 2 - Manual Search of Title
- 3 Attachment 3 - Title Plan
- 4 Attachment 4 - Surveyor Report
- 5 Attachment 5 - Letter from Greater Western Water
- 6 Attachment 6 - Letter from Telstra

7.6 Charles Evans Reserve - Draft Concept Design

Reference	D24/201364
Author	Daniel Perrone - Senior Landscape Architect
Authoriser	Senior Coordinator Design and Place Making
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

- The purpose of this report is to:
 - endorse the Charles Evans Reserve *Draft Concept Design* following community feedback received during Community Engagement Stages 1 & 2; and
 - proceed to the detailed design development and documentation phase of the project.

Critical analysis

History and background

- Charles Evans Reserve is a small-local open space reserve located at the southern end of Cubitt St in Cremorne, bounded by Cubitt St, Dover St, and the Citylink tollway, as shown below.



Figure 1: Location Map – not to scale.

- At 978m² Charles Evans Reserve is identified in the *Yarra Open Space Strategy 2020* as a “Small Local Open Space”. Small Local Open Spaces compliment larger reserves and provide smaller, more intimate spaces within safe and easy walking distance of the local community. They are usually only large enough to accommodate a single use (such as seats in a small park, a small playground, or an open grassed area for informal use).

Existing Facilities:

4. The Reserve's main entrance is via a steep ramp from Cubitt St at the east, and a narrow, secondary entrance is located at the western end of the park and provides access to Dover St. Neither of these entrances provide safe access for all abilities (see images below).



Figure 2: Cubitt St Ramp.



Figure 3: Dover St Entrance

5. The Reserve currently accommodates the following facilities:
- (a) A children's playground (installed in 2006), which offers limited play value and takes up approximately 20% of the reserve;
 - (b) An informal lawn area, which has struggled to establish despite ongoing horticultural intervention due to its location in a heavily shaded area of the park; and
 - (c) Limited seating, a picnic table, drink fountain, and rubbish bin.



Figure 4: Existing Facilities, noting the grassed area is impacted by shade from the trees, whilst a shade sail is required to shade the playground

Strategic Context:

6. The *Yarra Open Space Strategy 2020* (YOSS) identifies the need to improve the quality and diversity of existing open space facilities in Cremorne. The *Revised Cremorne Urban Design Framework 2023* also recommends upgrading and expanding existing open space to provide better quality, multiple purpose open spaces. The proposed upgrade is a priority within both these documents.
7. The YOSS identifies the need for an upgraded playground based on the residential demographics of the area. Cremorne is very isolated in terms of access to open space and playgrounds due to train line and the road layout. There is a clear rationale for a playground upgrade and retention of the size of the existing playground and/or expansion of play opportunities as the function and size of the space allow. It is noted that into the future, all our playgrounds will also be informed by the Play Space Strategy which is currently in development.

Community Engagement:

8. Stage 1 of community engagement was undertaken in August – September 2023 to seek community input to inform the concept design of the Charles Evans Reserve upgrade.
9. The Stage 1 Community Engagement Report (Attachment 2 – Charles Evans Reserve Stage 1 Community Engagement Report), was published on Council's Your Say Yarra Website, along with the *Draft Concept Design*.
10. Stage 2 community engagement was undertaken in February – March 2024 to seek community feedback on the *Draft Concept Design* for Charles Evans Reserve.
11. The Stage 2 Community Engagement Report (Attachment 3 – Charles Evans Reserve Stage 2 Community Engagement Report) will be published on Council's Your Say Yarra Website, along with any changes to the *Draft Concept Design*.

Draft Concept Design – Overview:

12. The *Draft Concept Design* has been prepared by Andrea Proctor Landscapes in response to:
 - (a) Stage 1 community feedback;
 - (b) Internal Council workshops;
 - (c) A meeting with Bricolage Design (the consultant engaged to develop Council's Play Space Strategy) to review the playground design approach; and
 - (d) A meeting with Transurban (the managing authority of the adjacent freeway land and sound wall).
13. A summary of the *Draft Concept Design* is provided in Attachment 1: Charles Evans Reserve – Draft Landscape Concept.
14. The *Draft Concept Design* addresses feedback received during Stage 1 community engagement, where 126 people (121 were Cremorne and Richmond residents) completed an online survey about the Reserve and what they would like to see in the new design.
15. Foremost among the requests were:
 - (a) A new place space with some nature-play elements;
 - (b) Space for walking dogs;
 - (c) More picnic facilities, including and BBQ and more tables and chairs;
 - (d) Lighting;
 - (e) Space for meeting friends and family;
 - (f) Separation between dogs and children's play; and
 - (g) A basketball/sports area with play opportunities for older children and young adults.

16. The *Draft Concept Design* for Charles Evans Reserve captures these requests and also makes the most of the available space to provide a garden for residents to enjoy as an extension of their own homes. In creating a welcoming, green space with flexible seating and walking opportunities the space will also cater to office workers during the day.

Functional Arrangement:

17. The design of the Reserve has been inspired by gardens in Melbourne, New York, and London, seeking inspiration from spaces that achieve a lot in a small area.
18. The play space has been moved further west into the Reserve, and placed in a naturally shaded area, reducing the need for shade sails that block winter light in this naturally dark area.
19. The lawn area has been moved east to the sunniest part of the reserve where it will have the most chance of success.
20. A new picnic area is also proposed, comprising of four tables, including one for larger groups, an electric BBQ, bin, and drinking fountain.
21. A continuous, sealed path runs through the Reserve from Dover Street, past the play space, lawn and picnic area, to Cubitt Street.
22. Figure 5: *Draft Concept Plan* can be viewed below.

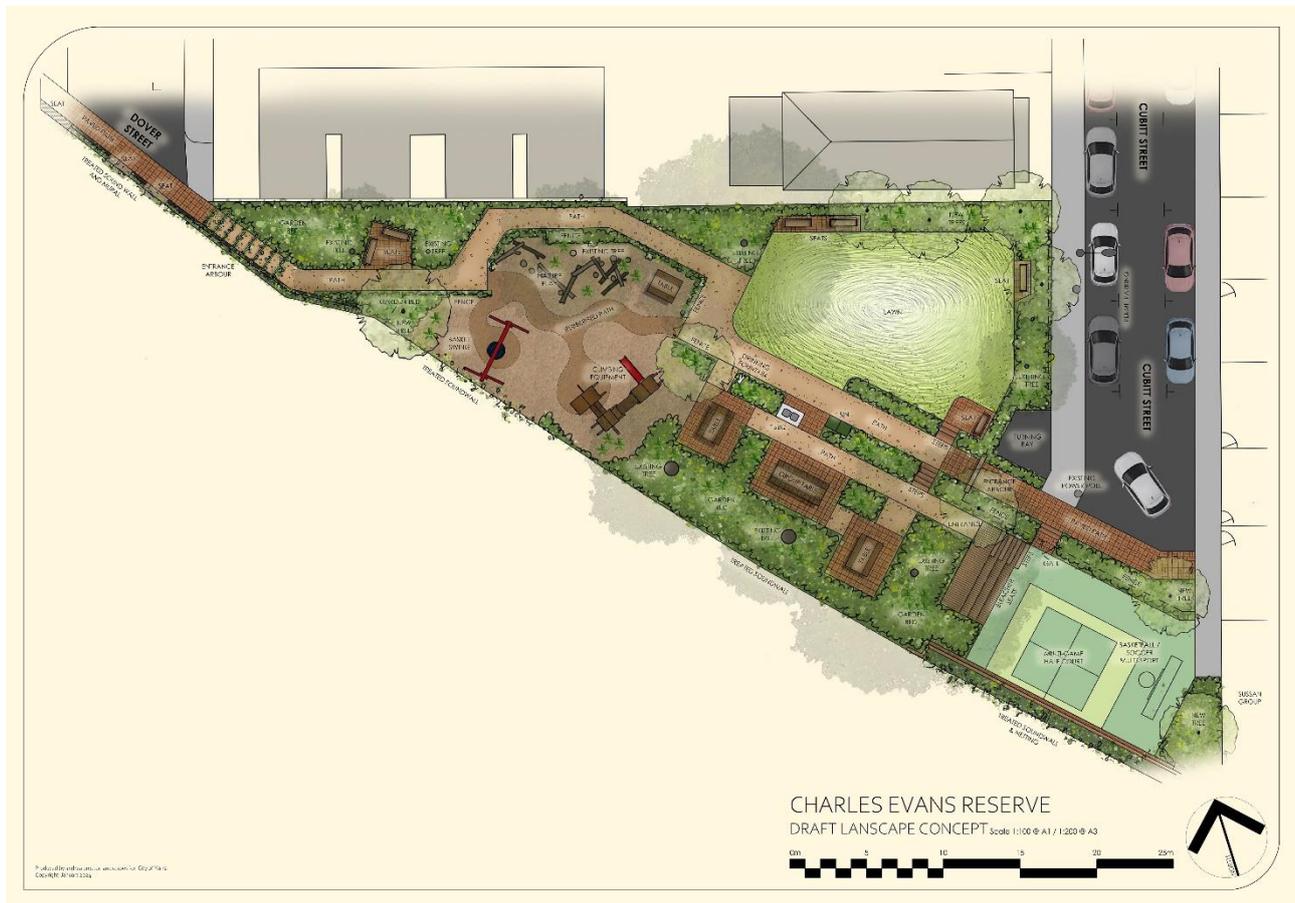


Figure 5: Draft Concept Plan – not to scale.

Artist's Impressions:

23. Three artist's impressions prepared by Andrea Proctor Landscapes are provided below to give an overview of the proposed design.



Figure 6: Artist's Impression of Proposed Design (Aerial View) – not to scale.



Figure 7: Artist's Impression of Proposed Picnic and Lawn Areas – not to scale.



Figure 8: Artist's Impression of Proposed Cubitt St Extension – not to scale.

Dover St Entrance:

24. The Reserve is accessible from both Dover Street and Cubitt Streets. The existing Dover Street entrance is narrow and difficult to see, and the existing Cubitt Street entrance is too steep to provide access-for-all.
25. At Dover Street the proposal is to provide a new entrance path, render and brick cap the existing retaining wall and add informal seating. The sound wall would be either painted, or have a pattern added to it, to soften its visual impact. Planting along the sound wall would also be refreshed.

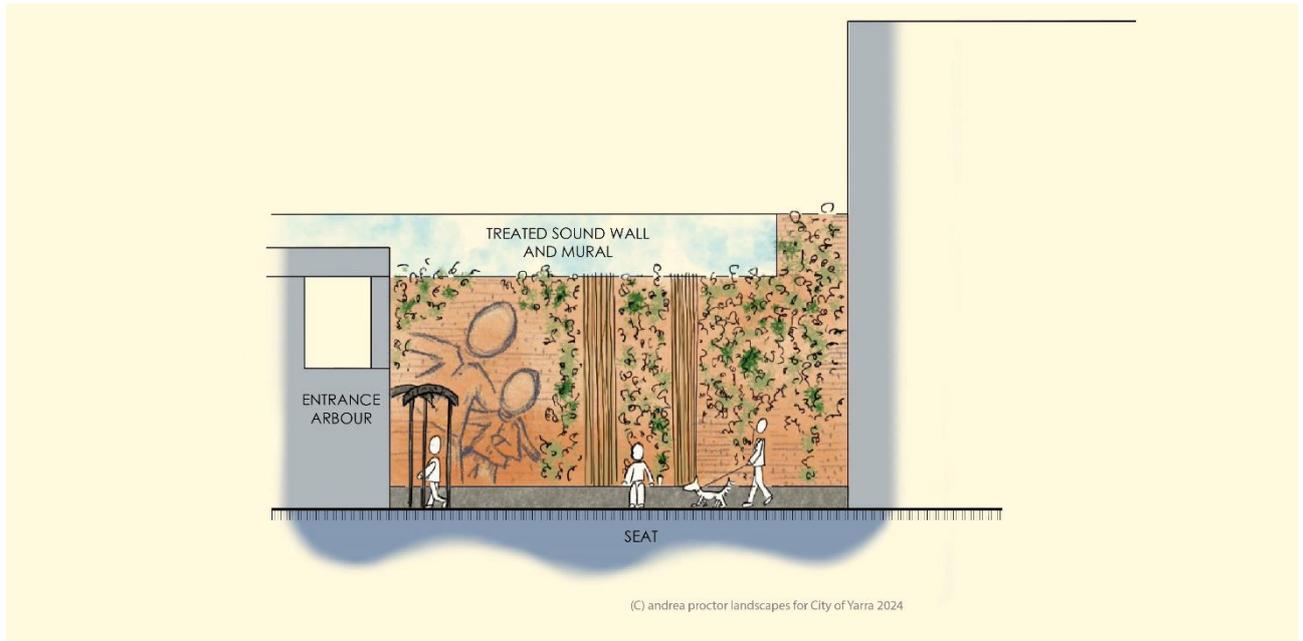


Figure 9: Proposed Dover St Section – not to scale.

Children's Play Space:

26. Officers are working with our playground designer and play expert to create a customised play solution that will deliver the same or increased range of play opportunities as the existing playground.
27. It is proposed to relocate the play space further west into the Reserve in a naturally shaded area. This will reduce the need for shade sails that block winter light in this naturally dark area.
28. The final design of the play space will be dependent on detailed design, however it will include:
 - (a) A basket swing or similar, suitable for all ages and abilities;
 - (b) A small nature-play area; and
 - (c) A combination play equipment piece with toddler slide.
29. In response to Stage 1 community feedback an informal fence is proposed to reduce unplanned interactions between dogs and children.
30. The play space is easily accessible while being separated from the streets and has two picnic tables directly connected to it.
31. The design of the proposed play space will be peer reviewed to ensure that it responds to Council's Play Space Strategy that is currently under development.

Changes to Cubitt St:

32. The most significant design change proposed is the expansion of the Reserve into the southern end of Cubitt St. This area is poorly used, predominantly serving as a car turning bay adjacent the freeway sound wall.

33. The proposed design relocates the entrance to the Reserve further south down Cubitt St, allowing the lawn area to be securely fenced and improving accessibility into the Reserve.
34. It is proposed that the southern end of Cubitt St is then closed to vehicle traffic, to create a multi-sport area for sports such as basketball, soccer, four-square, and a rebound wall. Bleacher seats are also proposed to create an area for relaxing and sports watching.
35. Due to the proximity to the freeway, this sports area would need to be netted to prevent balls from entering the freeway.



Figure 10: Photo of existing conditions at southern end of Cubitt St.

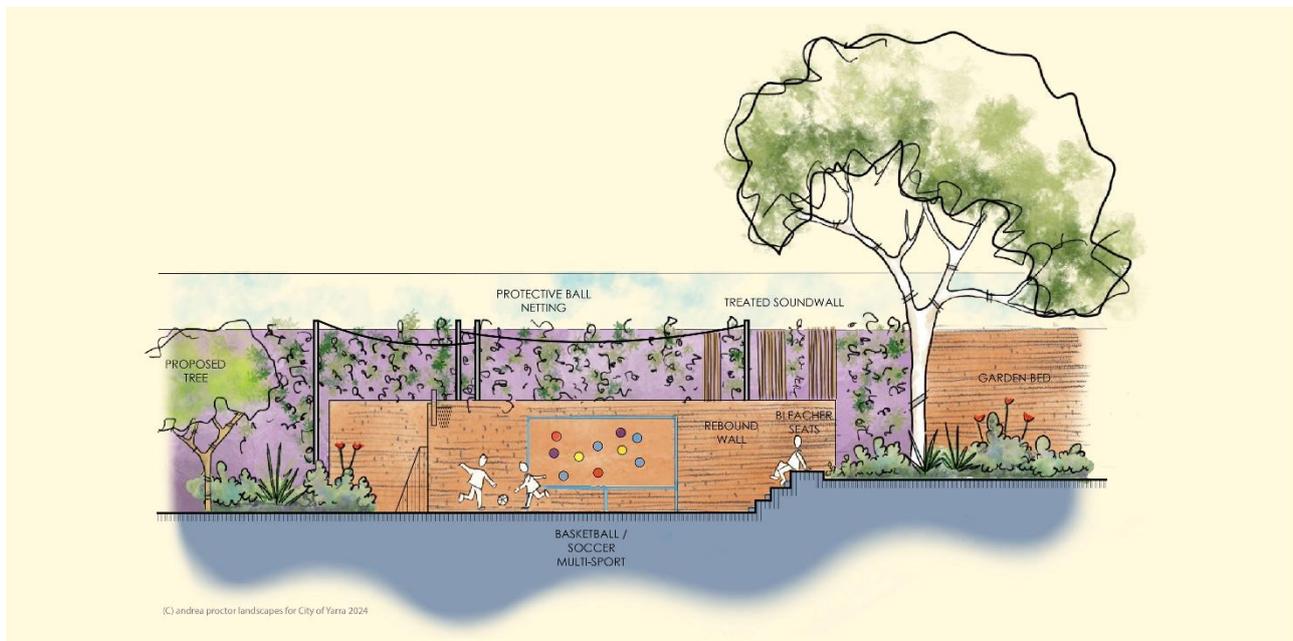


Figure 11: Proposed Cubitt St Section – not to scale.

36. This proposal would result in an approximately 16% (160 m²) increase in the size of Charles Evans Reserve and would result in the loss of three parking spaces.
37. The proposal to close the end of Cubitt St was presented to the community for feedback during Stage 2 community engagement. 77% of respondents supported the expansion of the reserve into Cubitt St.

38. As part of the Stage 2 Community Engagement, letters were also sent to affected residents and property owners regarding the proposed expansion of the reserve, inviting them to make a one-on-one appointment with Council project officers to discuss any concerns or questions they had about the project. Project officers conducted five (5) one-on-one meetings and also received detailed email submissions regarding the project. The Road Discontinuance process will allow for further consultation and feedback.
39. The proposal to expand the Reserve into Cubitt St will be subject to further detailed feasibility during the detailed design stage.
40. A formal road discontinuance process will be required in order to proceed with the proposed expansion.

Tree Removal:

41. All existing trees have been arborist and climate assessed, and all mature trees worthy of retention have been carefully designed around to ensure that they are protected during construction.
42. A copy of the *Arboricultural Assessment Report* prepared by Tree Logic is attached to this report for reference – refer Attachment 4.
43. The proposed concept design will require the removal of approximately 11 trees, all either in poor condition or planted within the last 10 years.
44. It is proposed that approximately 9 new trees will be planted in replacement. The retention of existing mature trees limits the extent of new tree planting. If additional trees were to be planted, they would suffer from competition from existing trees and would not become good specimens (as is the case for many of the trees proposed for removal).
45. These tree removals will enable the park to be significantly improved by providing much needed access to sunlight within the lawn area and allowing the relocation of the playground to a naturally shaded area, rather than needing to provide a shade sail.
46. Information on the extent of the proposed tree removal and new tree plantings was included in the YSY website and the consultation material.
47. The proposed tree planting strategy will allow for better management of succession planting into the future, meaning that senescing trees will be able to be replaced gradually with minimal amenity impact on the reserve.
48. As the Reserve is located within the Significant Landscape Overlay, a planning permit will be required for tree removal.

Project Funding:

49. Funding for the *Final Concept Design* and tender documentation was approved as part of the 2023/24 capital works budget, with the intention of having a 'shovel ready' project by end of June 2024.
50. Due to the legal requirements of the Road Discontinuance process, construction of the project will need to be staged, with the upgrade of the existing reserve to be undertaken in the second half of FY2024/25 and the Cubitt St expansion to be deferred to the following financial year if supported.
51. Council has engaged Andrea Proctor Landscapes, a landscape architectural consultant to develop the design of Council's requirements and in response to community feedback received through the community engagement process.

Discussion

52. Council received 99 survey contributions during Stage 2 Community Engagement. Additionally, Council project officers conducted 5 individual meetings with surrounding residents/property owners to answer questions about the proposed design.

53. Overall, the proposed *Draft Concept Design* was well received by the community. Detailed community feedback can be viewed in Attachment 3: *Charles Evans Reserve Upgrade – Stage 2 Engagement Report*.
54. The following feedback themes represent common items that the community thought could be improved. These items will be addressed during the detailed design phase.

Feedback Theme 1: Children's Playground:

55. 39 survey respondents were concerned that the proposed playground represented a reduction in play equipment and size. Project officers' response is as follows:
- (a) The new playground will occupy approximately the same size footprint as the existing playground;
 - (b) Due to existing tree protection zones, and the need to accommodate other existing uses within the park, it is not possible to increase the size of the playground;
 - (c) Officers are working closely with a playground designer and play expert to create a customised play solution that will deliver the same or increased range of play opportunities as the existing playground; and
 - (d) Council is currently preparing a Play Space Strategy. The final playground design will be peer reviewed by council's consultant to ensure it meets the objectives of this strategy.

Feedback Theme 2: Off-leash Dog Area:

56. 8 respondents said they would like an off-leash dog area to be included in the design. Project officers' response is as follows:
- (a) Dog off-leash areas are designated in the Council Order that was adopted by Council at its meeting on 10 October 2023;
 - (b) Changes to the Council Order are outside of the scope of this project, however, the issue was raised with Council's Open Space Services Unit to investigate whether a dog off-leash area should be considered at Charles Evans Reserve; and
 - (c) Both the Project officers and the Open Space Services officers agreed that the Reserve is too small to safely accommodate an off-leash dog area as well as its other uses.

Feedback Theme 3: Cubitt St Carparking / Traffic Implications:

57. Some surrounding residents were concerned about the parking and traffic implications of expanding the Reserve into Cubitt St. Project officers' response is as follows:
- (a) 77% of survey respondents supported the expanding of the Reserve in Cubitt Street to create a multi-sports area. However, officers acknowledge the concerns of residents living in the immediate vicinity of the Reserve;
 - (b) The design of the proposed expansion into Cubitt St will be reviewed in detail to minimise carparking losses; and
 - (c) In order to deliver the Cubitt St expansion part of the project, a separate Road Discontinuance process needs to be followed. As part of this process, a traffic impact assessment will need to be undertaken, and surrounding residents/property owners will have the opportunity to make a formal submission to Council about the proposal.

Feedback Theme 4: Sports Facilities:

58. The proposal for a multi-sport court area was well received by the community.
59. Basketball, tennis rebound wall, and handball were the top three sports requested by respondents.

60. Project officers will continue to investigate the feasibility of creating a sports area at the southern end of Cubitt St, considering concerns raised by community relevant to closing the road.
61. The final design of the sports area will need approval by Transurban (who manages the adjacent freeway) and will be required to be netted to prevent balls from entering the freeway.

Feedback Theme 5: Amenity & Maintenance Concerns:

62. 11 respondents raised concerns about amenity and ongoing maintenance of the proposed design, including:
 - (a) that the playground and sports area are too close to residential buildings;
 - (b) safety concerns around the park at night, including provision of seating on Dover St;
 - (c) that the picnic area will create additional rubbish and use; and
 - (d) that Council will not be able to maintain the proposed facilities.
63. Project officers' response is as follows:
 - (a) The reason for relocating the playground is to address existing site issues, that is, that the existing lawn area (which needs sunlight to grow) is located in the shade, and the existing playground is located in the sunniest part of the park, requiring a shade sail. Whilst the new playground location will be closer to residences, the overall use of the park will remain unchanged and is not expected to generate additional noise;
 - (b) The project will include low-level ambient lighting to the park during dusk hours to improve user safety, without attracting additional use of the park at night. The project will also review the placement of seating throughout the park and its surrounds;
 - (c) Officers will review the park's current maintenance inputs and adjust these as necessary to accommodate the new design; and
 - (d) Officers will address recurring maintenance issues through appropriate design and materials.

Requests that cannot be accommodated in this project:

64. Council received 7 requests for public toilets at this site. Due to the small size of the park and the high cost of installation, public toilets cannot be accommodated at this location as part of this project. In addition the Reserve is not listed as a location for new toilets in Council's Public Toilet Strategy. Given the size of the Reserve (Small Local) it is intended to service the population within 200m walking distance, as such it is not expected that visitors will visit the Reserve from afar.
65. Two requests to upgrade the freeway soundwall were received. This is not a Council asset and is out of the scope of this project, however this project will improve the visual presentation of the wall through improvement to plantings and the installation of a mural (subject to Transurban approval).
66. As stated under Feedback Theme 1 above, we cannot accommodate requests to further expand the playground.

Options

67. If the expansion of the Reserve into Cubitt St cannot proceed (due to the result of further investigation or an unsuccessful road discontinuance process), the remaining components of the proposed design for the existing Reserve can still be achieved.
68. Subject to final tender prices received, materials and finishes may need to be substituted, however, the functionality of the proposed design will still be able to be achieved.

Community and stakeholder engagement

Community Consultation

69. Stage 1 community engagement was undertaken in August – September 2023 and has informed the draft concept design. A copy of the Stage 1 Community Engagement Report is attached to this report (see Attachment 2).
70. Stage 2 community engagement on the *Draft Concept Design* was undertaken in February – March 2024. A copy of the Stage 2 Community Engagement Report is attached to this report (see Attachment 3).
71. A Community Engagement Plan was prepared with the Communications and Engagement team and included Council's standard consultation practices such as the Your Say Yarra webpage, online survey, and pop-up events.
72. Furthermore, Council officers sent letters to residents and property owners surrounding the reserve inviting them to meet with Council officers to discuss any concerns or queries they have about the project.

Internal Consultation

73. Targeted internal consultations will continue to be facilitated with relevant Council units throughout the detailed design stage to ensure the proposed design meets Council's requirements regarding cleansing and maintenance, trees, traffic, access, drainage etc.

External Authorities

74. The project team has met with Transurban to discuss the opportunities and limitations that the adjacent freeway and sound wall will impose on the design.
75. Any proposed changes to the freeway sound wall will require Transurban and State Government consent, however, discussions with Transurban to date have indicated that the proposed changes are generally acceptable and that they have approved similar works from other councils along the Citylink corridor.
76. The project team will continue to liaise with Transurban to ensure that the proposed design meets their requirements.

Policy analysis

Alignment to Community Vision and Council Plan

77. The *Yarra Open Space Strategy 2020* identifies the need to improve the quality and diversity of existing open space facilities in Cremorne.
78. The *Cremorne Urban Design Framework* also recommends upgrading and expanding existing open space to provide better quality, multiple purpose open spaces.
79. The proposal also aligns with the overarching *Council Plan (2021-25)* that supports the following strategies and initiatives:
 - (a) Strategic Objective 2 – Social equity and health:
 - (i) Strategy 2: "*Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing*"; and
 - (b) Strategic Objective 4 – Place and nature:
 - (i) Strategy 1: "*Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community.*"
 - (ii) Strategy 2: "*Plan and manage community infrastructure that responds to growth and changing needs.*"

Climate emergency and sustainability implications

80. The project will provide environmental benefits such as seating in shaded areas, improved greenery, use of sustainable materials, and use of efficient lighting.

Community and social implications

81. A key objective in planning the open space network is to provide open space within easy walking distance for the majority of the community. At approximately 978m² in size, the Reserve is categorised in the Open Space Strategy as a 'Small Local' Park (150-200m walking catchment).
82. In 2021 there were 600 residents living within 200m of Charles Evans Reserve characteristics of the population living within 200 metres of the Reserve according to the Australian Bureau of Statistics (2021 Census) people aged 0-11 years old are 8% of the population, while the whole of Yarra is 8%.
83. The Cremorne sub-precinct (YOSS 2020, p. 259) predicted increase in residential population increase from 2016 to 2031 is 175%.
84. New and improved public spaces are important in this rapidly growing suburb with new high-density developments. As development continues in Cremorne, Charles Evans Reserve will be utilised by a growing number of people and needs to provide adequate facilities to meet this demand.

Economic development implications

85. A more attractive and welcoming urban environment would enhance people's experience when visiting Yarra and spending more time in the municipality, particularly in the enterprise precinct of Cremorne.

Human rights and gender equality implications

86. There are no identified human rights implications from the proposed project.
87. Universal design principles would be underpinning the future design of the park to ensure best practice design is implemented for persons of all movement abilities.
88. CPTED (Crime Prevention Through Environmental Design), gender equity and providing spaces for all abilities principles would inform the design to create a safe and equitable space for all users.

Operational analysis

Financial and resource impacts

89. The estimated construction and associated costs for this project is \$900,000. If the option to expand the reserve into Cubitt St is not pursued, the estimated construction and associated costs for this project is \$700,000. 70% of the construction of this project will be funded through the Open Space Reserve. The project is included in the draft 2024/2025 budget.
90. Generally, creating additional open space through the conversion of local roads into parks is a cost efficient option for Council for the creation of additional open space.

Legal Implications

91. If the option to expand the Reserve into Cubitt St is supported, a road discontinuance process will be required. This process is complex and can be lengthy, and would need to commence following Council's endorsement of the *Draft Concept Design*.

Conclusion

92. Council project officers will proceed with detailed design and documentation for the Reserve, taking into account community feedback received during Stage 2 Community Engagement.
93. Further investigation will be undertaken to determine the feasibility of proceeding with the expansion of the Reserve into Cubitt Street, including gaining support from Transurban.
94. A formal road discontinuance process is required to proceed with the expansion of the reserve into Cubitt Street.

RECOMMENDATION

1. That Council:
 - (a) endorses the *Draft Concept Design* for the upgrade and expansion of Charles Evans Reserve;
 - (b) notes that a traffic impact assessment will be completed;
 - (c) approves the *Draft Concept Design* to proceed into the detailed design and documentation phase; and
 - (d) thanks the community for their involvement in the engagement process.

Attachments

- 1 Attachment 1 - Charles Evans Reserve - Draft Landscape Concept
- 2 Attachment 2 - Charles Evans Reserve - Stage 1 Engagement Report
- 3 Attachment 3 - Charles Evans Reserve - Stage 2 Engagement Report
- 4 Attachment 4 - Treelogic Report Charles Evans Reserve, Cremorne

7.7 Proposed C247yara - 21 Northumberland Street and 26 Wellington Street Collingwood

Executive Summary

Purpose

The purpose of this report is to present a request to amend the Yarra Planning Scheme to permit residential use of 20 lots within the development at 21 Northumberland Street and 26 Wellington Street, Collingwood (the Request). The request has been made by Best Hooper Lawyers on behalf of the Victorian Distillery and Silo Consortium (the Consortium).

Council has two options:

- (a) Option 1: Request authorisation to prepare and exhibit amendment C247yara; or
- (b) Option 2: Refuse the amendment request.

Key Issues

Council has received a request to amend the Yarra Planning Scheme to permit the use of dwelling for 20 lots at 21 Northumberland Street and 26 Wellington Street, Collingwood (the Site).

The Request has been made following enforcement notices being issued for lots within the Site not being used in accordance with their approved planning permits.

The Site is located within the Gipps Street Major Employment Precinct and included within the Commercial 2 Zone (C2Z). The purpose of the C2Z is to *'encourage commercial areas for offices, appropriate manufacturing and industrial, bulky goods retailing, other retail uses, and associated business and commercial services'*. Specifically, the C2Z prohibits residential uses.

Council must decide whether it wishes to proceed with or refuse the request to amend the Yarra Planning Scheme.

Financial Implications

The costs associated with the exhibition of the amendment, statutory fees and panel fees would be met by the proponent as outlined in the Planning and Environment (Fees) Regulations 2016. Council's own legal advice and representation throughout the process would be subject to Council's Governance budget.

RECOMMENDATION

That Council adopts option 1 and requests authorisation to prepare and exhibit amendment C247yara.

7.7 Proposed C247yara - 21 Northumberland Street and 26 Wellington Street Collingwood

Reference	D24/47120
Author	Kyle Everett - Strategic Planner
Authoriser	Manager City 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. The purpose of this report is to present a request to amend the Yarra Planning Scheme to permit residential use of 20 lots within the development at 21 Northumberland Street and 26 Wellington Street, Collingwood (the Request). The Request has been made by Best Hooper Lawyers on behalf of the Victorian Distillery and Silo Consortium (the Consortium).
2. Council has two options:
 - (a) Option 1: Request authorisation to prepare and exhibit amendment C247yara; or
 - (b) Option 2: It can refuse the amendment request.

Critical analysis

History and background

Site Context

3. The Request applies to the land at 21 Northumberland Street and 26 Wellington Street, Collingwood (the Site). The Site is located within the Gipps Street Major Employment Precinct and is included within the Commercial 2 Zone (C2Z). The purpose of the C2Z is to *'encourage commercial areas for offices, appropriate manufacturing and industrial, bulky goods retailing, other retail uses, and associated business and commercial services'*. Specifically, the C2Z prohibits residential uses.
4. The Site is a L shaped parcel of land which extends from Wellington Street to Northumberland Street and is approximately 2790 m² (see Image 1).



Image 1 Aerial Map - 21 Northumberland Street and 26 Wellington Street Collingwood (red)

5. The Site consists of various buildings including four silos that are associated with the historic brewing use, common areas and a car park.
6. The buildings are identified as being of individual significance to the City of Yarra for local historic and architectural significance (see HO116). The buildings are an example of a large 19th century distilling complex.

Planning permits granted to develop the site

7. Two planning permits were granted to the site in 1996 and 1997 for the site to facilitate a mix of office, warehouse and caretaker dwellings. Importantly, with regards to the caretaker dwellings, these permits specifically identified the area designated that could be used as a dwelling and office within each caretaker unit.
 - (a) Planning permit 95/103 allowed for the redevelopment of the complex. The permit allowed the use of 15 office/warehouses with caretaker dwellings and two commercial only lots. This permit did not identify the uses that were allowed within the silo structure; and
 - (b) Planning permit 97/828 followed 95/103 and spatially identified the permitted uses in each lot within the silo structure.
8. There are a total of 29 lots on the Site, 24 lots have caretaker permits approved and 5 lots have permits for commercial uses only.

Enforcement action and required amendment documentation

9. In 2017, the Site became subject to Council enforcement action after becoming aware of illegal residential uses within the Site due to a formal objection that was lodged against a nearby commercial development planning permit application.
10. Council first wrote to the parties on 4 October 2017, giving them 60 days to either cease use or prove existing use rights. Enforcement action was paused when a request to permit residential uses within the Site was received.
11. Council received the formal request on 26 March 2018 from Best Hooper lawyers on behalf of VDASC to consider an amendment C247yara to the Yarra Planning Scheme to permit the residential uses for selected lots. The Request included the following documentation:
 - (a) A Planning Report prepared by Urbis Consultants; and
 - (b) Amendment documentation for C247yara.

12. Officers reviewed the Request documentation and were unable to properly consider the request with the information that was provided.
13. Additional information was requested and provided by the proponent to Council in February 2019. Council officers sought advice from both internal and external parties. A peer review of the proponent's information was undertaken on issues of contention.

Strategic and technical reports

14. The following technical reports have informed Council's consideration of the Request.

Planning Advice

15. The Planning Report (see Attachment 8) prepared by Urbis (Planning Consultants) on behalf of the proponent considered the use of the lots as dwellings on the physical and planning context of the Site. It recommended the Specific Control Overlay (SCO) and an incorporated document are the appropriate planning tools to achieve the desired outcome to permit the use of certain lots for a dwelling.
16. Officers generally agree with the planning tools proposed but required changes to the incorporated document. For details, please see the Discussion section below.

Traffic Engineering Advice

17. A traffic report (see Attachments 6 and 7) was prepared by Traffix Group Pty Ltd on behalf of the proponent. The report found that there was no broader impact to the traffic network that would arise from the use of a dwelling as opposed to a caretaker use. Officers are satisfied with the advice.

Heritage Advice

18. A Heritage Report (see Attachment 5) was prepared by GJM Heritage Pty Ltd on behalf of the proponent. The report concluded that the amendment would have no significant impact on the cultural significance of the heritage place. Officers are satisfied with the advice.

Economic Impact Assessment

19. An Economic Impact Report (see Attachment 4) was prepared by Essential Economics Pty Ltd on behalf of the proponent. The advice supported dwelling use, sighting that the change in use would not adversely affect the Gipps Street Major Employment Precinct.
20. Officers engaged SGS Consultants Pty Ltd to conduct a peer review (see Attachment 10) of the proponent's advice. The SGS Peer Review recommended that Council consider planning controls to manage resident amenity expectations and placing an expiry on the use by revising the proponent's Incorporated Document (Attachment 1).

Acoustic Assessment

21. An Acoustic Assessment (see Attachment 3) by Acoustic Logic Pty Ltd on behalf of the proponent considered the current acoustic levels and whether any acoustic treatment measures are required for the existing residents.
22. Officers engaged SLR Consulting to conduct a peer review (see Attachment 9) of the proponent's advice. The review highlighted that the proponent's Acoustic Assessment did not properly consider future uses or changes in commercial operations and identified some gaps in their findings. The peer review recommended a series of potential treatment options which have been considered by officers in drafting the proposed Incorporated Document (see Attachment 1).

Referral to the Environmental Protection Authority and assessment of risk to human health

23. On 25 October 2019 Council officers notified the Environmental Protection Agency (EPA) of the matter. Following discussions with the proponent, the EPA and Council officers, it was determined that an environmental audit could be provided later in the planning scheme amendment process.

24. To allow the deferral of the audit until later in the process, the EPA requested that the following work was to be undertaken immediately and checked by a certified environmental auditor to establish whether there was any immediate risk to human health:
 - (a) An environmental auditor verified vapour risk assessment; and
 - (b) The development and implementation of an auditor verified management plan to respond to potential risks.
25. The proponent was made aware of the above requirements on 29 November 2019.

Land Contamination Assessment

26. In August 2020, Edge Group was engaged by the proponent to provide a land contamination assessment for the Site and to determine whether there was any immediate risk to human health.
27. The proponent requested multiple extensions to provide the required Soil Vapour Risk Assessment (SVRA) and Site Management Plan (SMP).
28. Council received the SVRA and SMP in September 2021. The assessment concluded that the potential risk to human health under its current use is low. The assessment also recommended that the SMP be implemented to reduce the potential risk from soil contamination on the Site.
29. On 19 September 2023 the proponent provided confirmation that the recommendations of the SMP had been implemented.

Discussion

Rationale for considering the Amendment Request

30. Typically, councils are not supportive of single site amendments that allow residential uses in employment areas, unless they are strategically supported more broadly, do not cause negative impacts on the surrounding precinct and achieve clear and tangible benefits.
31. Council's Yarra Spatial Economic and Employment Strategy 2018 (SEES) outlines that any site-specific zone changes should be avoided and that any land use changes be considered at a broader scale before entertaining them.
32. The two planning permits that were issued for the development of the Site at the time would not be issued in today's context. At the time when these permits were assessed, the City of Yarra had only recently formed, and the Yarra Planning Scheme had not been finalised.
33. It is likely these permits were issued in a different policy context and to facilitate the sensitive reuse of the heritage place at a time when demand for employment space in Collingwood was not as high as today.
34. This amendment request has been considered by officers due to the unusual permit allowing numerous caretaker residence to support the reuse of the heritage buildings and the significant impact enforcement action may have.
35. Technical studies provided by the proponent and advice prepared on behalf of Council found that any health risks can be managed and potential impacts on the Gipps Street Major Employment Precinct (MEP) could be mitigated.
36. The EPA has been notified of the current stage of the Request and the incorporated document. The EPA has provided comment and is supportive of the contents of the incorporated document.

Rationale for applying the Specific Control Overlay (SCO) and Incorporate Document vs rezoning.

37. Officers consider rezoning the land to another zone to permit residential uses is not strategically supported and could have tangible implications on the surrounding businesses within the Gipps Street Major Employment Precinct (MEP).
38. Planning policy at State and Local levels support retaining Yarra's current employment zoned land, especially within MEPs like the Gipps Street Precinct.

39. Commercial businesses face stricter planning requirements when they are located in residential zones or adjacent to residentially zoned land. If the Site was to be rezoned to a residential zone, any planning application for these businesses would need to address potential amenity concerns, such as noise, odours, light pollution, unsightly views, and hours of operation.
40. Additionally, properties within 30 meters of a residential zone face more extensive notice and review requirements for planning applications. If the Site is rezoned to residential, new land uses such as offices, creative enterprises, and startup businesses would require a permit, while certain uses, like warehouses, would be prohibited.
41. In a Gipps Street Precinct context this includes businesses such as clothing warehouse / distribution, online goods distribution and light manufacturing. Collectively these planning restrictions are a disincentive for businesses to invest, operate and remain in these areas closer to residentially zoned land.
42. The Gipps Street MEP is unique due to the size of employment land in the inner city location. This makes the area attractive to many businesses that add to the vibrancy of Collingwood and Yarra.
43. Typically, once rezoning of employment land occurs in inner city locations it is transformed to residential uses in the long-term, if not in perpetuity.
44. There is sufficient housing capacity within Yarra's current zones that allow residential development to meet Yarra's forecasted housing demand as per *Victoria in the Future 2023* data.
45. This being a single site the contribution towards the housing supply is negligible, while the impacts of a rezoning on surrounding business would outweigh the benefits.
46. By not rezoning the land the option for commercial only uses on the land is being retained into the future. Utilising an SCO and incorporated document retains the intent of the current caretaker dwelling permits to provide opportunities for small businesses and creative uses to work and live in the area.

Proposed planning scheme amendment C247yara

47. The proposed amendment consists of:
 - (a) Changes to ordinances in the Yarra Planning Scheme:
 - (i) Introduction of Schedule to Clause 45.12 Specific Control Overlay, Schedule 22 (Attachment 2);
 - (ii) Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme (see Attachment 2);
 - (b) Mapping changes to apply the Specific Control Overlay to the site (Attachment 2); and
 - (c) Introduction of the Incorporated Document (Attachment 1).

Lots to be included in proposed amendment C247yara

48. The initial request received by officers sought to permit 24 of the 29 lots for residential purposes. Overall, the residential use of 20 of the 29 lots on the Site is either unlawful or in question.
49. Officers do not support the inclusion of 24 lots in the amendment and found the information provided to support the listed 24 lots to be inaccurate.
50. A review was requested and following this the proponent agreed to include 20 lots. The other 9 lots could either:
 - (a) Prove existing use rights; or
 - (b) Are lawfully being used as a caretaker dwelling and upon contact with officers did not wish to participate in the amendment; or

- (c) Are lawfully being used as a commercial property.

Incorporated Document

- 51. The purpose of the Incorporated Document is to achieve the following:
 - (a) To allow the Identified Lots to be used as a residential dwelling in accordance with site specific controls set out in the document; and
 - (b) To ensure that the permitted uses do not adversely impact the normal operations of the surrounding current and future non-residential (commercial) land-uses with the Gipps Street MEP.
- 52. The introduction of the Incorporated Document is needed to place conditions on the identified lots so the permitted uses can be managed. This includes conditions that:
 - (a) Place an expiry on the permitted use akin to standard provisions in the scheme;
 - (b) Ensure that realistic amenity expectations are held by current and future residents within the Site;
 - (c) Ensure that the identified lots may need to make reasonable adjustments to their properties at their own cost to minimise noise impacts from surrounding uses; and
 - (d) Ensure that potential land contamination is managed.
- 53. An expiry condition is proposed to ensure current residents have security in tenure for as long as they remain at the Site, while requiring the lots to transition back to the intended commercial use should they decide to vacate the site. This condition is in response to economic and planning advice provided by SGS Consultants. The condition to achieve this outcome states:
 - (a) If the residential use has been unoccupied for a continuous period of 2 years, or has not stopped for two or more periods which together total 2 years in any period of 3 years.
- 54. A condition has been applied that requires the residents to enter a Section 173 agreement with the responsible authority (Council) to properly manage the amenity expectations of the residents within the Site. This condition is in response to planning and economic advice provided by SGS consultants. The Section 173 agreement would do the following:
 - (a) Ensure that the owners acknowledge reduced amenity expectations due to its location within the Gipps Street MEP;
 - (b) Acknowledge that future planning applications within the surrounding Gipps Street MEP may not need to take residential amenity of those properties into consideration;
 - (c) The owners would agree not to object to a planning permit application or lodge an application for review with the Victorian Civil and Administrative Tribunal based on amenity grounds in relation to commercial planning permit applications within the Gipps Street MEP; and
 - (d) The owners of the identified lots may need to make reasonable adjustments to their properties at their cost, if any non-residential uses generate noise levels greater outlined in the Noise Protocols under the Environmental Protection Regulations 2017.
- 55. A clause is applied to ensure that, if required, an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued as soon as reasonably practicable. If the Environmental Audit Statement contains conditions or recommendations of an ongoing nature, the owners of all affected Identified Lots must enter into an agreement as soon as reasonably practicable with the Responsible Authority.

Changes to ordinances and maps within the Yarra Planning Scheme

- 56. The proposed amendment makes the following changes to ordinances and maps within the Yarra Planning Scheme (Attachment 2):
 - (a) Introduce a new Schedule to Clause 45.12 Specific Control Overlay;

- (b) Amend the Schedule to Clause 72.04 Documents incorporated in this Planning Scheme; and
 - (c) Amend planning scheme maps to apply the Specific Control Overlay to the site.
57. These changes are required to functionally implement the incorporated document within the Scheme.
58. The Specific Control Overlay identifies land where an incorporated document applies. Schedules to Clauses 45.12 and 72.04 list the map reference, name of the incorporated document and its expiry (if applicable).

Options

59. Council has two options at this stage of the process:
- (a) Option 1: Request authorisation to prepare and exhibit amendment C247yara; or
 - (b) Option 2: It can refuse the amendment request.
60. Officers recommend that Council proceed with Option 1:
- (a) The amendment in its recommended form would ensure the uninhibited functioning of the Gipps Street MEP by introducing conditions to manage the residential uses and their amenity expectations; and
 - (b) The amendment provides for the potential transition from residential to commercial uses should residents decide to vacate their premises.

Next Steps

61. If Council were to pursue Option 1 the following steps would be taken:
- (a) Notify the land owners of the site of Council's intention to progress C247yara;
 - (b) Request authorisation from the Minister for Planning to prepare and exhibit Amendment C247yara; and
 - (c) Once authorisation has been received, officers would undertake a formal exhibition of the amendment with the opportunity for the community to make submissions.
62. If Council were to pursue Option 2 and refuse the amendment request, Council would be required to resume the enforcement process for units where existing use rights for residential use could not be provided.

Community and stakeholder engagement

63. If Council were to proceed with the amendment and authorisation from the Minister for Planning is obtained, formal public exhibition of the amendment would occur under the Planning and Environment Act 1987.
64. Council officers have been in contact with the owners of the properties through their legal representatives Best Hoopers Lawyers prior to drafting this report.
65. Council officers have engaged with owners that were not represented by Best Hoopers Lawyers to understand the status of the use of their lot.

Policy analysis

Alignment to Community Vision and Council Plan

66. The proposed amendment is supported by Objective 3 Local Economy, Strategy 1: *Support Yarra's employment precincts and drive economic development opportunities.*
67. It does this by ensuring the impacts on the Gipps Street MEP are minimised and managed through the introduction of the incorporated document.

Climate emergency and sustainability implications

68. Progressing amendment C247yara would not have any implications on Yarra City Council's commitment to addressing the climate emergency or have any known negative sustainability outcomes.

Community and social implications

69. There are no adverse community or social implications in progressing Amendment C247yara to the Yarra Planning Scheme.

Economic development implications

70. The economic impact of allowing the identified lots to be used as a residential dwelling is likely to be minimal in the context of the wider Gipps Street MEP.
71. If the amendment were to progress it would implement a range of conditions to ensure the functioning of the Gipps Street MEP. It would also apply an expiry date to these uses to enable a potential transition from residential to commercial uses over time.

Human rights and gender equality implications

72. There are no known human rights implications for requesting authorisation to prepare and exhibit Amendment C247yara to the Yarra Planning Scheme.

Operational analysis

Financial and resource impacts

73. The costs associated with the exhibition of the amendment, statutory fees and panel fees would be met by the proponent as outlined in the Planning and Environment (Fees) Regulations 2016. Council's own legal advice and representation throughout the process would be subject to Council's Governance budget. This would largely depend on whether a public panel hearing following the exhibition is required or not.

Legal Implications

74. The amendment would be processed and considered in accordance with the provisions of the Planning and Environment Act 1987.

Conclusion

75. Following enforcement action to either cease or rectify illegal residential uses on the land at 21 Northumberland Street and 26 Wellington Street, Collingwood, Council received a request to amend the Yarra Planning Scheme to permit dwelling use for 20 lots within the Site.
76. Strategic work and technical reports have been prepared by the proponent to support the Request. Where required, a peer review has been conducted to understand the implications of permitting the identified illegal dwellings. The relevant provisions and control mechanisms have been amended based on independent advice.
77. Council officers have considered the Request and conclude that the Amendment with its Special Controls Overlay and Incorporated Document balances the need for the proponent to rectify the difficult situation whilst also protecting the longevity of the Gipps Street Major Employment Precinct.
78. The community and stakeholders will be able to make a submission on the Amendment when it is exhibited. After the exhibition, Council will consider submissions and can chose to abandon the Amendment or to progress it.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report and Attachments 1 to 10 considering the amendment Request C247yara that applies to the land at 21 Northumberland Street and 26 Wellington Street, Collingwood;
 - (b) adopts the proposed C247yara amendment documentation in Attachments 1 and 2 and requests authorisation to prepare and exhibit C274yara under section 8A of the Planning and Environment Act 1987;
 - (c) exhibits Amendment C247yara, in accordance with section 17, 18 and 19 of the Planning and Environment Act 1987, if authorisation to prepare Amendment is received from the Minister for Planning; and
 - (d) authorises the Manager City Strategy to make any minor adjustments required to meet the intent of the resolution.

Attachments

- 1 Attachment 1 - C247yara - Incorporated-Document
- 2 Attachment 2 - C247yara - Amendment Documents Council to consider
- 3 Attachment 3 - C247yara - Acoustic Assessment by Acoustic Logic
- 4 Attachment 4 - C247yara - Economic Considerations Report by Essential Economics
- 5 Attachment 5 - C247yara - Heritage Report by GJM Heritage
- 6 Attachment 6 - C247yara - Traffic Engineering Assessment Memorandum by Traffix Group
- 7 Attachment 7 - C247yara - Traffic Memorandum by Traffix Group
- 8 Attachment 8 - C247yara - Urban Planning Report by Urbis
- 9 Attachment 9 - C247yara - SLR Peer Review of Acoustic Report
- 10 Attachment 10 - C247yara - SGS Peer Review of Economic and Urban Planning Reports

7.8 Bridge Road Special Charge 2024-2030

Reference	D24/213405
Author	Simon Osborne - Coordinator Economic Development
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.

The Chief Executive Officer has declared a general conflict of interest on this item.

Purpose

1. To advise Councillor on the process to commence the statutory process to renew the Bridge Street Special Charge Funding Agreement for the purpose of marketing, tourism, promotion, business development and centre management of the Bridge Road business precinct.
2. The renewed agreement is proposed from 1 October 2024 to 30 June 2030 with the current agreement expiring 30 September 2024.

Critical analysis

History and background

3. Across Yarra City Council's 12 major retail and service precincts, Bridge Road in Richmond is the only precinct which has a Special Rate or Charge.
4. The Bridge Road Special Charge (the charge) has been in place since 1997, with the current agreement being in place since 1 October 2018 and expires on 30 September 2024.
5. The charge is a collection of money from commercial properties within a defined geographic area, to be used for the sole purpose of marketing, promotion, business development and centre management of the specified activity centre, and is referred to as a Special Charge. All funds collected for this distinct purpose, are then distributed to the incorporated business association under a funding agreement with Council.
6. Special Rate and Charge declarations are a statutory process governed by Sections 163 - 185C of the Local Government Act 1989. In declaring a Special Rate or Charge, Council must consider that:
 - (a) the proposal relates to the performance of a function authorised under Section 163 of the Act;
 - (b) there will be a special benefit to those persons liable to pay the Special Rate or Charge levy; and
 - (c) there is a reasonable distribution of the rate amongst those persons liable to pay the Special Rate or Charge levy.
7. Council's Rates Department collects the Special Charge through the normal rating process, whilst compliance and reporting are managed by the Economic Development team.
8. All funds collected are distributed to the Bridge Road Main Street (BRMS) Association under a funding agreement with Council.
9. In late 2023, at Council's request, BRMS undertook an external review of the current Special Charge by engaging Peter McNabb and Associates to understand the effectiveness of the program, and to understand if recommendations from the 2018 review were implemented.

10. The outcome from the recent review highlighted some major improvements, in particular a significant increase in the number of members increasing from 19 to well over 200, committee meetings being held on a regular basis with significant attendance, and a marked improvement on the type and delivery of marketing programming across the precinct.
11. Should Council resolve to commence the Statutory process of the renewal, the BRMS Association will be required to submit a 5 year 9 month Business Plan, as well as a 2024-2025 Marketing Plan prior to the September Council meeting, which will highlight how the Association have actioned recommended changes, as well as providing a detailed account of the strategic direction and tangible projects that the Association are endeavouring to deliver should the Charge be adopted.
12. On 3 April 2024, Council received a letter from BRMS requesting that Council begin the statutory process to renew the Bridge Road Special Charge for a further 6 years, from 1 October 2024 to 30 June 2030 (Attachment 2).
13. The proposed new Special Charge will include 671 properties which will raise an estimated \$217,000 in the first year of the scheme, with a CPI increase of 4% annually for the subsequent years through to 2029-2030.
14. In addition, a formal request was made by the BRMS Association for an annual contribution from Council of \$45,000, to supplement the amount raised by the levy. Under the current scheme that has been in effect since 2018, Council contributed \$60,000 annually.
15. The proposed boundary map (see figure 1) and property addresses is included in Attachment 1.

Discussion

16. To gauge support for striking a new Special Charge for 2024 – 2030, Council officers set BRMS a threshold of requiring 50 percent support from occupied, open and available for comment businesses, in order for Council to consider progressing the statutory process to this next stage which is the Intention to Declare a Special Rate.
17. The total number of commercially rateable properties eligible for the Special Charge in the precinct is 671, although only 448 were identified as being contactable for this initial consultation. The three largest proportions of properties who were not contactable were;
 - (a) vacant properties (106);
 - (b) serviced apartments (74);
 - (c) businesses in the process of closing down (11); and
 - (d) other (residential, car parks, post boxes, signs) (32).
18. Throughout March and April, the BRMS Association visited the 448 properties that were occupied, open, and available for comment and carried out a business poll to identify the level of support for the renewal of the Special Charge.
19. From this poll, Council Officers received indications of business support including signed documents from 225 businesses, which accounts for 51 percent of 448 properties. (See attachment 3).
20. Conversely, Council officers received indications from BRMS that only 18 properties or 4 percent out of the 448 properties currently occupied, open, and available for comment are not supportive of the proposed Special Charge. The remaining 205 businesses were neutral in their support.

Scheme Boundary

21. The property boundary of the scheme was decided upon by the BRMS Association, comprising of 6 elected Bridge Road business operators. To ensure that properties are being charged the Special Rate correctly, there will be quarterly reviews and updates conducted by the Valuations and Economic Development teams of Council. If redevelopments resulting in subdivisions happen within the proposed boundary, the new properties will have the Special Charge applied to them. Conversely, any property that changes from commercial, retail, leisure, tourism or light industrial to residential use will be removed from the Special Charge Scheme.



Figure 1 – Boundary Map

22. The boundary of the Special Rate is outlined above, and provided in Attachment 1 and includes commercial properties:
- (a) 2 - 662 (inclusive) Bridge Road, Richmond;
 - (b) 196 - 280 (inclusive) Church Street, Richmond;
 - (c) 166 - 195 (inclusive) Lennox Street, Richmond; and
 - (d) 37 Griffiths Street, Richmond.
23. Properties exempt from paying the Special Rate levy include:
- (a) all residential properties;
 - (b) automatic teller machines; and
 - (c) non rateable properties.

Collection of funds

24. It is proposed that there are four tiers of charge for the Scheme, that reflect the size and value of the property, and as determined by Council receive a special benefit from the charge.
25. The charge would be applied to properties that are used, or reasonably capable of being used, for retail, commercial, leisure, tourism, entertainment, light industrial or professional purposes:
- (a) Properties with a CIV above \$5.398 million (29) on Bridge Road - pay \$1000 p.a. in 24/25;
 - (b) Ground floor properties on Bridge Road - pay \$390 p.a. in 24/25;
 - (c) Upper-level properties on Bridge Road - pay \$260 p.a. in 24/25; and
 - (d) Side street properties - pay \$130 p.a. in 24/25.
26. Based on a total of 671 properties, and applying the four-tiered model, the Special Charge would raise an approximate total of \$217,000 in the first year of the scheme.

27. A 4% CPI increase is proposed for each of the financial years following from 2024-2025 to 2029-2030, resulting in \$272,007* being collected in the final year of the scheme. (Please Note: This amount is assuming no changes in the number, valuation or location of properties being charged.
28. In addition to the amount raised by the Special Charge to property owners, the BRMS Association are seeking a Council contribution of \$45,000 p.a. for the duration of the 6 year scheme. The basis of this request is that:
 - (a) BRMS recognises Council's own financial sustainability, and has reduced the amount being requested from \$60,000 (under the current scheme) to \$45,000;
 - (b) The investment of \$45,000 by Council is comparable to investments into other streets such as Victoria Street for Lunar Festival and Johnston Street for the Hispanic Fiesta;
 - (c) BRMS would commit to an annual \$20,000 festive investment for the Bridge Road Town Hall during November/December;
 - (d) BRMS recognises that Council will not fund marketing and promotion activities for the Bridge Road precinct; and
 - (e) The amount being requested would not have a 4% CPI applied to it.

Distribution of funds

29. Council will provide the BRMS Association with the collected levy every 3 months (quarterly), on receipt of an accepted Activity Report and valid tax invoice. Prior to BRMS issuing a valid tax invoice, Council will confirm the total levy collected for the 3 month period, to include on the tax invoice. Should the collected levy be less than the expected levy, Council will not supplement payments to cover the balance, Council will only issue funds received.
30. BRMS is currently developing their Business Plan for the proposed 2024 – 2030 Scheme. It is expected that this will be finalised in the coming weeks and will form part of the new funding agreement between BRMS and Council.
31. The Special Charge will be for the sole purpose of marketing, promotion, business development and centre management of the specified Activity Centre. It is considered that the value of the properties included in the Special Charge, their desirability as a letting proposition and their general amenity could be enhanced by the activities generated from the Special Charge funds.
32. Any submissions and objections in relation to the Scheme will be presented to Council for consideration in September 2024.
33. Section 163B(6) of the Act states that Council cannot make a declaration of a special rate or charge if it receives objections from a majority of the rateable properties in respect of which the special rate and charge would be imposed (that being greater than 50 percent).
34. Council must consider all submissions and objections received in relation to the Scheme in accordance with the Act prior to making a decision regarding the declaration of the proposed Scheme.

Community and stakeholder engagement

35. Council officers have worked closely with the BRMS Association throughout the pre-intention period to declare stage of this proposed Scheme.
36. Council is bound by the statutory process and cannot promote the benefits or achievements of the Scheme to those affected by it. The BRMS Association is responsible for securing support for the Scheme and communicating its benefits to the property and business owners.
37. Council, through the Economic Development team, will communicate the statutory process to those affected property and business owners through the stages dictated by the Act.

Policy analysis

Alignment to Community Vision and Council Plan

38. *Climate and environment* - Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.
39. *Transport and movement* - Yarra's transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected:
 - (a) There is opportunity for Council to work with Business Associations to educate and examine ways to 'green' businesses including waste reduction, energy usage, sustainable design, circularity and use of sustainable transport.
40. *Social equity and health* - Yarra's people have equitable access and opportunities to participate in community life. They are empowered, safe and included:
 - (a) A successful business/retail precinct provides a multitude of services to the community ensuring all have access to health and wellbeing services and facilities. A community that is connected is a healthy community and business precincts provide these connectivity opportunities.
41. *Local economy* - Yarra's neighbourhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire diverse creative communities, cultural activities, businesses, and local employment:
 - (a) Special Charge funds empower the business community to actively and creatively market, promote and develop their precinct to maintain vibrancy and economic viability and to provide the community with a well-resourced business precinct that provides excellent services, gathering places and employment.
42. *Place and nature* - Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature:
 - (a) Successful business/retail precincts underpin the liveability of a high-density city, like Yarra and are pivotal in creating a city of diverse and distinctive neighbourhoods and public spaces.
43. *Democracy and governance* - Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making:
 - (a) Business Associations enable Council to efficiently understand business precinct needs and work with Associations in a collaborative way for the benefit of the community.

Climate emergency and sustainability implications

44. A financially sustainable business association allows Council to work with businesses in the Precinct on sustainable best practice programs that will reduce emissions, waste and energy usage and achieve improved sustainability outcomes.
45. Vibrant local activity centres provide residents with the opportunity to shop locally and sustainably by walking, cycling or taking public transport to access their centre rather than driving elsewhere.

Community and social implications

46. Vibrant activity centres are critical to the health and development of the local community. Centres provide employment, community meeting places, resources, leisure opportunities and essential services to the community.

Human rights and gender equality implications

47. No known implications.

Operational analysis

Financial and resource impacts

48. Council incurs administrative costs for the renewal of the Scheme. These have been included in the FY2023/2024 budget. A place holder exists in the 24/25 budget to support the scheme.
49. Council administers the collection of the funds for the life of the Scheme and distributes the Scheme funds to the BRMS in four quarterly instalments after they submit an Activity Report.

Legal Implications

50. The risks associated with the proposal are limited by the following:
- (a) If the Scheme is declared, the BRMS Association will enter into a formal funding agreement with Council for the duration of the Scheme which outlines the specific purposes for which the funds can be spent;
 - (b) Under the terms of the proposed funding agreement, BRMS Association:
 - (i) will be required to submit an Activity Report that includes financial reporting documentation every three months (profit and loss, balance sheet, general ledger, and marketing activity report). Scheme monies will not be paid to the Association until all reporting is received and approved;
 - (ii) must be an incorporated entity through the life of Scheme and must act in accordance with the *Associations Incorporation Reform Act 2012*;
 - (iii) will be required to adopt their six-year Business Plan to guide expenditure of the funds;
 - (c) The BRMS Association will expend the monies raised by the Scheme on behalf of Council as an administrator of the funds and at all times bound by the funding agreement with Council and under the direction of Council, and Council will reserve solely all discretions relevant to the application of the proceeds of the Scheme. Section 164 of the Act enables Council to discontinue the Scheme if there is any inappropriate expenditure; and
 - (d) If Council does not wish to support the Bridge Road Special Charge, there may be an expectation from the commercial precinct that Council will fund marketing and promotion activities for the precinct.

Conclusion

51. Council has two options to consider:
- (a) Option 1: Council resolves to commence the statutory process, for the renewal of the charge; and
 - (b) Option 2: Council resolves not to commence the statutory process of the proposed Charge and instructs officers to advise the BRMS Association and all affected rate payers in writing of this decision.

RECOMMENDATION

1. That Council:
 - (a) commence the statutory process in accordance with Section 163 of the Local Government Act 1989 to renew the Bridge Street Special Charge Funding Agreement by:
 - (i) giving rate payers notice by the nominated postal address and the street address in the designated Scheme area of the proposed renewal of the Scheme, the statutory process and their estimated charge amounts from 1 October 2024;
 - (ii) publish a Public notice in The Age on 20 June 2024, include information on the Yarra City Council website and have physical copies available at Richmond and Collingwood Town Halls;
 - (iii) ensure that the proposed declaration be available for public inspection, allow submissions for at least 28 days after the publication of the notice, and that any objections must be received within 28 days of the public notice, and conclude the objection and submission process at 5pm on 19 July 2024;
 - (b) review and collate submissions and objections and report back to Council at the Ordinary Council Meeting on 10 September 2024, to consider submissions and objections and whether to declare (or not) the Scheme for 2024-2030; and
 - (c) gives rate payers notice by the nominated postal address and the street address in the designated Scheme area of the decision regarding the Scheme following the decision at an Ordinary Council Meeting on 10 September 2024.

Attachments

- 1 Attachment 1 - Bridge Road Special Charge 2024-2030 - Boundary Map
- 2 Attachment 2 - BRMS Special Charge Scheme 2024-2030 Letter from Association to CEO
- 3 Attachment 3 - Evidence of Support for Renewal of Special Charge

7.9 Proposed Discontinuance of Road abutting 98A -106 Balmain Street, Cremorne

Reference	D24/191043
Author	Kirti Madan - Property Project Officer
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. This report seeks Council's authority to commence the statutory procedures pursuant to the *Local Government Act 1989 (Vic)* (Act) to consider discontinuing the road shown as the 31.5 square metre parcel marked '1' on the title plan attached as Attachment 1 to this report (Road), being part of the land contained in certificate of title Volume 11543 Folio 697.

Critical analysis

History and background

2. The road is the area shown coloured yellow on the plan attached as Attachment 2 to this report (site plan). A copy of the title search of the road is attached as Attachment 3 to this report, which shows that "The Equity Trustees Executors and Agency Company Ltd and Gershon Bennet as legal personal representative of John Monash (deceased) are the registered proprietors of the road.
3. Skylife Cremorne (Vic) Pty Ltd (the applicant) is the registered proprietor of the following adjoining properties being the whole of the land contained in Certificates of Title:
 - (a) Volume 6483 Folio 516, known as 98A Balmain Street, Cremorne;
 - (b) Volume 6885 Folio 964, known as 100 Balmain Street, Cremorne; and
 - (c) Volume 6406 Folio 180, known as 106 Balmain Street, Cremorne
(together, the Skylife properties).
4. In addition, the applicant owns the other parcels of land being:
 - (a) Volume 5931 Folio 188, known as 108 Balmain Street, Cremorne;
 - (b) Volume 5951 Folio 124, known as 110 Balmain Street, Cremorne; and
 - (c) Volume 10423 Folio 130 known as 112 – 114 Balmain Street, Cremorne
(together, the additional Skylife properties).
5. The Skylife properties are shown delineated blue on the site plan attached as Attachment 2 (Site Plan) and are referred to collectively as the Adjoining Properties.
6. Michael Roche (adjoining owner) is the registered proprietor of the following parcels of land abutting the Road, shown delineated in red on the Site Plan attached as Attachment 2 (Site Plan), comprising the whole of the land contained in Certificates of Title:
 - (a) Volume 6683 Folio 562, known as 102 Balmain Street, Cremorne; and
 - (b) Volume 5701 Folio 081, known as 104 Balmain Street, Cremorne
(together, the Roche properties).
7. The applicant has requested that Council discontinue and sell the road to it (proposal).

8. The applicant has 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 applicant.

Adjoining Owners

9. As the Skyclife properties and Roche properties are the only properties which abut the Road, the applicant was not required to seek the consent of any other adjoining owners to the proposal. The applicant has provided Michael Roche's (the director of Roche properties) consent to the proposal, a copy of which is attached as Attachment 4 to this report.

Road Status

10. The road:
- (a) is the whole of the land contained in Certificate of Title Volume 11543 Folio 697;
 - (b) is shown as road 'R1' on plan of subdivision no. LP12143; and
 - (c) is not listed on Council's Register of Public Roads.
11. 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.
12. It was considered that the road is not reasonably required for public use as:
- (a) the road is not currently being used or accessed by the general public;
 - (b) the road is not constructed as a road or available for use by the public as a right of way;
 - (c) only provides pedestrian access to some of the Skyclife properties and the Roche properties; and
 - (d) is a dead end and does not connect as a thoroughfare to any other public roads.

Discussion

Public Notice

13. Before proceeding with the discontinuance, the public notice of the proposal is required to be given in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the proposal.
14. Where a person has made a written submission to Council requesting that they be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
15. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Public Authorities

16. 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) Telstra;
 - (e) Optus;
 - (f) APA Gas;

- (g) AusNet Services; and
 - (h) Yarra City Council.
17. Council, Ausnet Services, Melbourne Water, CitiPower and APA Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
18. Optus has advised that it has no assets in or above the Road.
19. On 14 November 2023, Greater Western Water (GWW) advised that the parcel of land proposed for discontinuance contains existing GWW sewer assets. With respect to these assets, GWW will not object to this proposal subject to the following:
- (a) a 2-metre-wide sewerage easement is created over the Road in favour of GWW;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing sewer mains;
 - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over GWW assets will require GWW's written consent.
20. After further discussions with the applicant on 6 February 2024, GWW advised that they will not object to the proposal, provided that:
- (a) the Road comes under the ownership of the Applicant and will form part of the Adjoining Properties once Council confirms that the Road is discontinued;
 - (b) an updated plan of subdivision is created showing all the Adjoining Properties including the Road being consolidated into one lot and is referred to GWW for comment; and
 - (c) once the above is achieved, a land development works application is submitted to GWW to have the existing GWW sewer assets currently within the subject 'road' purchased and abandoned.
21. A copy of the correspondence received from GWW is attached as to this report as Attachment 5.
22. On 21 November 2023, 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.
23. A copy of the correspondence received from Telstra is attached as to this report as Attachment 6.

Options

24. Council has the option to discontinue the road and sell it to the applicant or not to discontinue the road.

Community and stakeholder engagement

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

Policy analysis

Alignment to Community Vision and Council Plan

26. This report aligns to strategy objective 6 in the 2021-25 Council Plan – manage our financial responsibility and improve long-term financial management planning.

27. 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.
28. 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

29. There are no climate emergency and sustainability implications.

Community and social implications

30. There are no community or social implications.

Economic development implications

31. There are no Economic development implications.

Human rights and gender equality implications

32. There are no human rights or gender issues.

Operational analysis

Financial and resource impacts

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

34. 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 applicant, at the Applicant's expense.

Conclusion

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

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act):
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road; and
 - (b) directs that, pursuant to sections 207A and 223 of the Act public notice of the proposed discontinuation be given in 'The Age' newspaper and published on the Council's website.

Attachments

- 1 Attachment 1 - Title Plan
- 2 Attachment 2 - Site Plan
- 3 Attachment 3 - Title Search of Road
- 4 Attachment 4 - Adjoining owner's consent
- 5 Attachment 5 - Copy correspondence from GWW
- 6 Attachment 6 - Copy correspondence Telstra

7.10 C1659 Open Space Maintenance Tender Report

Reference	D24/210882
Author	Glen Williames - Coordinator Open Space Services
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 awarding contract C1659 for the provision of Open Space Maintenance Services for an initial term of 4 years, with options of 2 x 2 year extensions at Council's discretion. A contract length of this type is standard given the need to amortise the plant and equipment purchase cost over the life of the contract.

Background

2. The existing open space maintenance contract T01133 was awarded in 2016 and Council has executed all available extensions. This contract will conclude on 30 June 2024.
3. A thorough review of the service specification and scope of services required was undertaken as part of the contract review and tender process.
4. The open space maintenance service includes sports turf management, litter & debris removal, mowing, weed control and general open space and garden maintenance needs in accordance with the service schedules set out in the contract.
5. Officers have developed the new market specification and adjusted the requirements based on community feedback, compliments and complaints, the new information about the open space network gleaned through the new asset management plan and asset condition work, service standards and priorities, and the EPA requirements for open space waste management to be undertaken by appropriately skilled and resourced contractors.
6. Officers asked for flexibility in tender documentation in relation to the inclusion or exclusion of any new or existing open space increases/decreases throughout the life of the contract. The tenderers have demonstrated willingness to cooperate with Council in relation to these challenges.
7. Council recently advertised a tender which sought proposals from suitably qualified and experienced contractors that specialise in open space maintenance services.

Tender Process

Pre-Tender Panel Review Meeting

8. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings.
9. In accordance with Council's Procurement Policy, an invitation to tender for contractors interested in these services was advertised in The Age on Saturday, 10 February 2024 and on Council's e-Procure tendering portal. The tender closed at 2pm on Friday, 8 March 2024.

Tender Evaluation Process

10. The tender evaluation panel, the tender responses received, the detail of the evaluation process undertaken, and reference checks are included at **Confidential Attachment A** circulated under separate cover.

Tenders Received

11. Tenders closed at 2pm on Friday 8 March 2024 and a number of responses were received. The detail of the tenderers and prices tendered are included at **Confidential Attachment A** circulated under separate cover.

Tender Evaluation Criteria

12. The following key evaluation criteria were used to assess tender submissions:

Non Scoring Criteria

- (a) Completed Statutory Declaration;
- (b) Insurance Coverage;
- (c) OHS; and
- (d) Financial Viability.

Scoring Criteria

- (a) Experience & Capability;
- (b) Capacity & Resources;
- (c) Provision of Services;
- (d) Industrial Relations;
- (e) Quality Management System;
- (f) Environmental Management System;
- (g) Social Sustainability;
- (h) Corporate Social Responsibility; and
- (i) Equal Opportunity.

Qualitative Assessment

13. The tender evaluation panel considered the tenderers' submissions for conformance to the tender document and deemed all tenders to be conforming.
14. Reference checks on the preferred tenderer is also included at **Confidential Attachment A** circulated under separate cover.

Quantitative Assessment

15. To recognise the best value for money bid, the panel applied the Value for Money (VFM) methodology to the tenderers' submissions. Details of the VFM assessment is included at **Confidential Attachment A** circulated under separate cover.

Financial Assessment

16. Corporate Scorecard Pty Ltd was commissioned to perform an independent standard financial and performance assessment of shortlisted tenderers. Each of the shortlisted tenderers was considered an acceptable risk from this financial assessment.

Probity

17. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure will exceed \$10 million. Baron Consulting Pty Ltd was appointed as probity advisors and all relevant tender process documentation was forwarded to it for probity advice purposes. The probity advisor was also present at the pre-tender meeting and all evaluation meetings.
18. The probity advisor has concluded that any decision of the Council to approve a contract award for the recommended tenderer would be defensible from a probity perspective.

Occupational Health and Safety requirements

19. The preferred contractor has an occupational health and safety management system that complies with the requirements of the *Occupational Health and Safety Act 2004*, and this has been implemented throughout the organisation.
20. The tender document contained occupational health and safety conditions which require the following prior to commencement:

- (a) a Risk Assessment (includes 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).
21. The panel has verified that it is satisfied with the contractor`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.

Collaboration

22. The City of Yarra is part of the Western Region Procurement Excellence Network (WRPEN) procurement group. Group members were asked in September 2023 if they wished to collaborate with Council on this tender but no members were interested at that time.

Financial Implications

23. Council has made provision in its draft operating budgets for maintenance of open space. Details of year 1 costs and 8 year costs (if all options are exercised) are included at **Confidential Attachment A** circulated under separate cover. Council has adequately budgeted for open space maintenance in year 1 with budgets for future years to be considered when Council plans for those years as they arise.
24. A bank guarantee of 5% of the total contract price will be required from the successful tenderer.

Economic Implications

25. Yarra encourages and supports visitation to the municipality, contributing to a thriving local economy and also support local employment.
26. The preferred tenderer has listed a series of priorities and promises in its submission to support its tender which are included in the confidential attachment.

Stakeholder Consultation

27. Extensive internal consultation was carried out with all relevant stakeholders to develop relevant specifications including Procurement, City Works staff, Recreation, Open Space Planning and Design, The Biodiversity Unit, in house Horticultural staff, Council Arborists and all operational staff who are to administer this contract.
28. Specific external consultation was not carried out to develop the specification for this tender but officers drew from the feedback Council has received from the community through the satisfaction surveys and from regular service requests.

Sustainability Implications

29. Tenderers were asked to provide details on any specific measures undertaken to address Sustainability practices they can implement while providing the services. Details of specific sustainability initiatives proposed by the recommended contractor are included at **Confidential Attachment A** circulated under separate cover.

Social Procurement Implications

30. The recommended tenderer provided information indicating it has a diverse workforce. It also provided positive social sustainability responses in its tender submission. These details can be viewed at **Confidential Attachment A** circulated under separate cover.

Human Rights and Disability – Access and Inclusion Implications

31. 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.

32. A Gender Impact Assessment is being developed on this delivery of this contract. This will ensure that all genders and those residents and visitors identifying as non-binary will be considered when the services are delivered as part of the contract.

Council Plan, Strategy and Policy Implications

33. The Council Plan includes the following strategic objectives which apply to this project:
- (a) supporting Yarra`s community;
 - (b) ensuring a sustainable Yarra; and
 - (c) making Yarra more liveable.

Legal Implications

34. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure was expected to exceed \$10 million. A probity advisor was engaged through Baron Consulting Pty Ltd, and all relevant tender process documentation was forwarded to it for auditing purposes.
35. The probity advisor was satisfied with Council's approach to calling for and evaluating tenders and has approved the process to recommend the preferred tenderer to Council in June 2024.
36. Neighbouring Councils were consulted in relation to collaborative procurement but none expressed interest in joining Yarra in this activity.

Communities with CALD Communities Implications

37. All public communications will meet CALD policy principles.

Ethical Practices

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

Options

39. Council has a number of options available to it in relation to this report:
- (a) Award contract C1659 to the preferred contractor for Yarra's open space maintenance services at the price tendered commencing from July 2024; and
This is recommended.
 - (b) Re-tender the service in the hope that further market interest in elicited. This is not recommended as there is a chance the contractor(s) that tendered this time may not tender again. And there's no guarantee that a more affordable price will be tendered through a new stage of tendering.

Conclusion

40. The tender evaluation panel considers that the recommended tenderer represents good value for money against industry standard for the needs of Yarra City Council. Officers are confident in the ability of the tenderer to roll out the service to our residents in a timely and seamless manner.

RECOMMENDATION

1. That Council:
 - (a) awards Contract C1659 – Open Space Maintenance Services to _____ at a cost of \$_____ (ex GST) in the first year (with an estimated maximum cost over the life of the contract of \$_____) for an initial term of 4 years commencing on 1 July 2024, with options to extend at for an additional 2 x 2-year periods at Council’s discretion;
 - (b) notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials in Melbourne;
 - (c) authorises that the officer either Acting in the position of, or General Manager Infrastructure and Environment to sign on behalf of Council all necessary documentation including any contract variations relating to contract C1659;
 - (d) authorises the General Manager Infrastructure & Environment to exercise options as they are due and subject to satisfactory performance of the service; and
 - (e) authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

Attachments

- 1 Confidential Attachment A - C1659 Open Space Maintenance Tender - *Confidential*

7.11 Animal Pound Services - Extension of Contract C1498

Reference	D24/196733
Author	Aoife Mulligan - Manager Parking and Compliance
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 seek approval from Council to exercise its option to extend contract C1498 for Pound Services for a further 3 year term.

History and background

2. Council awarded contract C1498 to The Lost Dogs Home with a commencement date of 01 October 2019 for an initial term of five years. The contract included the option for Council to extend the contract for a further 1 x 3 year period.
3. The primary purpose of the contract is for The Lost Dogs Home to provide the Council with the following services:
 - (a) the total care, management, handling accommodation of animals;
 - (b) disposal of domestic animals delivered to the pound by Council’s authorised officers; and
 - (c) assisting with improving reclaim rates and assist with education programs.
4. The current contract includes a notice period of three months should Council wish to exercise the option to extend the terms of the contract.

Critical analysis

Discussion

5. Due to the limited number of options for this type of service, there are no current available options for Council to consider for these services as the Lost Dogs Home is the only facility that is proximate geographically to Council.
6. As the initial term of the contract was ending 1 October 2024, Council received on 30 April 2024 the proposed new fee structure to be implemented by the Lost Dogs Home.
7. The new fees for the main, common/ most used services is provided below (not all fees are listed below):

	Current Fee	New Fee
Impounding of Dogs	\$259.99	\$625.94
Impounding of Cats	\$284.75	\$625.94
Collection of animals	\$136.19	\$450.50

8. Council has been advised that the Lost Dogs Home is now standardising its cost across all contracts.
9. Currently Council charges fees for the release of animals when they have been impounded. The current and proposed fees for the release of animals is shown below.

	Current fee 23/24	Proposed fee 24/25
Release fee – Dog	\$175	\$182
Release fee - Cat	\$120	\$125

10. It is noted that these fees do not cover the cost of the Lost Dogs Home impounding or collection. It is acknowledged that the fees as drafted for the 24/25 budget are divergent from a cost recovery position for Council. Officers recommend for the preparation of the 2025/26 budget work be undertaken to review this position and a benchmarking exercise be undertaken.
11. Additionally, officers note that should a pet owner be suffering financial hardship in the instance of animal pick up, a process is followed in line with Council’s financial hardship policy on a case-by-case basis.

Options

12. This report seeks the exercising of the option to extend the contract for a further three years for Contract C1498.

Community and stakeholder engagement

13. N/A

Policy analysis

Alignment to Community Vision and Council Plan

14. The appropriate and safe management of animals align with the following actions of the Council Plan 2021 – 2025.
 - (a) Strategic Objective three, Local Economy; Strategy 5. Manage access, safety and amenity to enhance people’s experience when visiting Yarra;
 - (b) Objective three, Local Economy; Initiative d) Partner with local stakeholders and analyse available evidence to understand community attitudes towards safety to improve; and
 - (c) Social equity and health: Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental well-being.

Climate emergency and sustainability implications

15. Not applicable.

Community and social implications

16. The contract provides staff the requirements needed relevant to animal management (Domestic Animals Act 1994) across the City.

Economic development implications

17. Not applicable.

Human rights and gender equality implications

18. Not applicable.

Operational analysis

Financial and resource impacts

19. The forecast for expenditure for 2024/25 is approximately \$400,000.

Legal Implications

20. This report seeks to exercise the option to extend the current contract.

Conclusion

21. Contract C1498 includes the option for Council to extend the contract for a further 1 by 3-year period. The variation is accounted for in Council's 2024/25 operating budget.

RECOMMENDATION

1. That Council:
 - (a) endorses the option to extend Contract C1498 for pound services for a further three years.

Attachments

There are no attachments for this report.

7.12 Governance Report - June 2024

Reference	D24/145261
Author	Phil De Losa - Manager Governance and Integrity
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) Municipal Association of Victoria State Council – 17 May 2024;
 - (b) Municipal Association of Victoria State Council – 23 August 2024;
 - (c) The Australian Electoral Commission – Redistribution of Electorates; and
 - (d) Appointment of authorised officers under the Planning and Environment Act 1987.

Discussion

Municipal Association of Victoria State Council – 17 May 2024

4. The Municipal Association of Victoria held its biannual State Council meeting on 17 May 2024. State Council is an opportunity for all Victorian Councils to come together to determine the policy directions of the Municipal Association of Victoria and provides an opportunity for the furtherance of Council's interests at the state level.
5. Yarra City Council submitted two motions to the State Council for consideration. The outcome of the vote on these matters was:
 - (a) Rainbow alliance (carried as part of a consolidated motion with Darebin City Council); and
 - (b) Electrical line clearance (carried).

Motions for the MAV State Council – 23 August 2024

6. The Municipal Association of Victoria (MAV) State Council will be held on 23 August 2024. The meeting is scheduled for an earlier date to avoid the Election period for the Council elections in October.
7. Council has the opportunity to submit motions for consideration by the MAV State Council. To be eligible for inclusion and presentation to the State Council, motions must:
 - (a) be of strategic relevance to the MAV or of such significance to local government that they ought to be considered at the State Council meeting, and

- (b) not be repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council.
- 8. Motions must be submitted to the MAV by 24 June 2024.
- 9. Council resolved on 12 December 2023 to put forward an advocacy position to MAV opposing the demolition of the 44 housing towers.
- 10. The following motions are proposed for submission to the upcoming MAV State Council:
 - (a) MAV submits a 2025-26 Budget Submission to the Victorian Government:
“That the MAV calls on the state to increase funding directly to councils in much needed areas such as:
 - (i) *climate change adaption and sustainability;*
 - (ii) *local roads maintenance;*
 - (iii) *community open space and amenity.”*
 - (b) Assessing the impact of State Government decisions on local government and communities:
“That the MAV call on the Victorian Government to require all new policies, initiatives and legislation affecting local government to have regulatory, financial and community impacts assessed and published”; and
 - (c) Opposing demolition of Melbourne’s Public Housing Towers:
“That the MAV call on the Victorian Government to cease demolition of the 44 public housing towers in metropolitan Melbourne.”
- 11. Officers therefore recommend Council’s endorsement of the following motions for submission to the MAV State Council:
 - (a) MAV Budget 2025-26 Submission to the Victorian Government” (Attachment 1)
 - (b) Assessing the impact of State Government decisions on local government and communities” (Attachment 2); and
 - (c) Opposing Demolition of Melbourne’s Public Housing Towers) (Attachment 3).

The Australian Electoral Commission (AEC) – Redistribution of Electorates.

- 12. The Australian Electoral Commission (AEC) is proposing to redistribute electorates across Australia (see Attachment 4). Victoria’s entitlement to electoral divisions has reduced from 39 to 38 (with the abolition of Higgins), due to a relatively slower rate of population growth compared to other states and territories. Of the 38 electorates remaining, only 4 are unaffected.
- 13. The City of Yarra currently spans two federal electorates – Cooper and Melbourne. The redistribution would see the City span three federal electorates – with the addition of Wills.
- 14. The proposed changes are:
 - (a) North Carlton, Princes Hill and Fitzroy North would be removed from Melbourne and placed in the Wills electorate; and
 - (b) Clifton Hill would be removed from Melbourne and placed in the Cooper electorate.
- 15. Written objections to any aspect of the proposed redistribution must be lodged with the AEC by 6pm on Friday 28 June 2024.

Appointment of authorised officers under the Planning and Environment Act 1987

16. 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.
17. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
18. 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.
19. The proposed Instruments of Appointment and Authorisation are provided at Attachments 5 and 6.

Options

20. There are no options presented in this report.

Community and stakeholder engagement

21. 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

22. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *"informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy."*
23. 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."*
24. 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

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

Community and social implications

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

Economic development implications

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

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

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

Legal Implications

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

Conclusion

31. This report presents an officer recommendation on:
- (a) Municipal Association of Victoria State Council – 17 May 2024;
 - (b) Municipal Association of Victoria State Council – 23 August 2024;
 - (c) The Australian Electoral Commission – Redistribution of Electorates; and
 - (d) Appointment of authorised officers under the Planning and Environment Act 1987.

RECOMMENDATION

1. That Council note the report on the Municipal Association of Victoria State Council – 17 May 2024.
2. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held on 23 August 2024:
 - (a) MAV Budget 2025-26 Submission to the Victorian Government” (Attachment 1)
 - (b) Assessing the impact of State Government decisions on local government and communities” (Attachment 2); and
 - (c) Opposing Demolition of Melbourne’s Public Housing Towers (Attachment 3).
3. That Council note the proposed boundaries from the Australian Electoral Commission.
4. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that **David AU** and **Paul HOWARD** be appointed and authorised as set out in the instruments at Attachments 5 and 6, with the instruments 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.

Attachments

- 1 Attachment 1 - MAV Budget Submission to the Victorian Government - MAV Submission
- 2 Attachment 2 - Assessing the Impact of State Government Decisions on Local Government - MAV Submission
- 3 Attachment 3 - Opposing Demolition of Melbourne's Public Housing Towers
- 4 Attachment 4 - Map of Proposed Boundaries - AEC
- 5 Attachment 5 - Instrument of Appointment and Authorisation for a Planning Enforcement Officer - David Au
- 6 Attachment 6 - Instrument of Appointment and Authorisation for a Planning Enforcement Officer - Paul Howard

8.1 Notice of Motion No.9 of 2024 - Eid Celebrations

Reference	D24/219254
Author	Anab Mohamud – Deputy Mayor
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 Anab Mohamud, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 June 2024:

1. *That Council:*
 - (a) *notes the numerous community initiated and community led Eid celebrations in Yarra supported through the Community Grants and Subsidised Grant program;*
 - (i) *Council provides funding to community groups and organisations for Eid events and celebrations through its Community Grants Program every year; and*
 - (ii) *through our partnerships, Council also provides small amounts of funding to grass-roots Eid celebrations and Iftar dinners upon request;*
 - (b) *acknowledges the significance of Eid celebrations in the local Muslim community, enabling various opportunities to share and celebrate Eid traditions, practices and culture of Yarra's diverse Muslim community with the broader community; and*
 - (c) *requests that officers prepare a report that explores opportunities, models and associated budget considerations for a Council facilitated Eid event in 2025, as part of Council's Civic Events program, co-designed and delivered with community partners.*

RECOMMENDATION

1. That Council:
 - (a) notes the numerous community initiated and community led Eid celebrations in Yarra supported through the Community Grants and Subsidised Grant program;
 - (i) Council provides funding to community groups and organisations for Eid events and celebrations through its Community Grants Program every year; and
 - (ii) through our partnerships, Council also provides small amounts of funding to grass-roots Eid celebrations and Iftar dinners upon request;
 - (b) acknowledges the significance of Eid celebrations in the local Muslim community, enabling various opportunities to share and celebrate Eid traditions, practices and culture of Yarra's diverse Muslim community with the broader community; and
 - (c) requests that officers prepare a report that explores opportunities, models and associated budget considerations for a Council facilitated Eid event in 2025, as part of Council's Civic Events program, co-designed and delivered with community partners.

Attachments

There are no attachments for this report.

8.2 Notice of Motion No.10 of 2024 - Ramsden Street Oval

Reference	D24/222538
Author	Bridgid O'Brien – Councillor
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 18 June 2024:

1. *That Council:*
 - (a) *endorses the immediate installation of the existing cricket nets over winter at the Ramsden Street Oval as a pilot study;*
 - (b) *concurrently runs a community consultation process regarding the use of the space for many and varied groups all year round;*
 - (c) *notes this does not entail exclusive use of the space by the cricket club;*
 - (d) *notes this will have no impact on Council's budget; and*
 - (e) *requests that a report be presented to a future Ordinary Council Meeting regarding the results of the community consultation process.*

RECOMMENDATION

1. That Council:
 - (a) endorses the immediate installation of the existing cricket nets over winter at the Ramsden Street Oval as a pilot study;
 - (b) concurrently runs a community consultation process regarding the use of the space for many and varied groups all year round;
 - (c) notes this does not entail exclusive use of the space by the cricket club;
 - (d) notes this will have no impact on Council's budget; and
 - (e) requests that a report be presented to a future Ordinary Council Meeting regarding the results of the community consultation process.

Attachments

There are no attachments for this report.

8.3 Notice of Motion No.11 of 2024 - Release of Council Documents

Reference	D24/222469
Author	Stephen Jolly – Councillor
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 Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 June 2024:

1. *That Council determine in accordance with Section 125(2) of the Local Government Act 2020 to make the following documents publicly available as per the Residents' Petition presented to the Council Ordinary Meeting on 18 May 2024 with appropriate redactions to avoid being exempted under Freedom of Information laws:*
 - (a) *Executive Meeting Draft Report Strategic Review dated on or about 18 May 2022;*
 - (b) *Atticusnow Strategic Review Report Presentation dated on or about 7 June 2022; and*
 - (c) *Councillor Briefing Confidential Strategic Review Report dated on or about 7 June.2022.*
2. *That the documents be attached to the public minutes if Council determines to make them publicly available.*

RECOMMENDATION

1. That Council determine in accordance with Section 125(2) of the Local Government Act 2020 to make the following documents publicly available as per the Residents' Petition presented to the Council Ordinary Meeting on 18 May 2024 with appropriate redactions to avoid being exempted under Freedom of Information laws:
 - (a) Executive Meeting Draft Report Strategic Review dated on or about 18 May 2022;
 - (b) Atticusnow Strategic Review Report Presentation dated on or about 7 June 2022; and
 - (c) Councillor Briefing Confidential Strategic Review Report dated on or about 7 June.2022.
2. That the documents be attached to the public minutes if Council determines to make them publicly available.

Attachments

- 1 Attachment 1 Executive Report - 18 May 2022 - *Confidential*
 - 2 Attachment 2 Atticusnow Presentation - *Confidential*
 - 3 Attachment 3 Councillor Workshop Report - 7 June 2022 - *Confidential*
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