



Ordinary Meeting of Council Agenda

**to be held on Tuesday 9 July 2013 at 6.30 pm
Fitzroy Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confirmation of minutes**
- 5. Petitions and joint letters**
- 6. Public question time**
- 7. General business**
- 8. Delegates' reports**
- 9. Questions without notice**
- 10. Council business reports**
- 11. Notices of motion**
- 12. Urgent business**
- 13. Confidential business reports**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land. Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Jackie Fristacky (Mayor)
- Cr Geoff Barbour
- Cr Roberto Colanzi
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Ivan Gilbert (Executive Manager Governance)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Guy Wilson-Browne (Director Infrastructure Services)
- Erin Marcon (Governance Advisor)

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

4. Confirmation of minutes

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 25 June 2013 be confirmed.

That the minutes of the Special Council Meeting held on Monday 8 July 2013 be confirmed.

5. Petitions and joint letters

6. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Questions should not relate to items listed on the agenda. (Council will consider submissions on these items separately.)

Members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their questions to the chairperson;
- (c) ask a maximum of two questions;
- (d) speak for a maximum of five minutes;
- (e) refrain from repeating questions that have been asked previously by themselves or others; and
- (f) remain silent following their question unless called upon by the chairperson to make further comment.

7. General business

8. Delegates' reports

9. Questions without notice

10. Council business reports

Item		Page	Rec. Page	Report Presenter
10.1	Amendment C133 Environmentally Efficient Design Local Policy Consideration of Submissions	7	14	David Walmsley - Manager City Strategy
10.2	Contemporary Arts Society	15	18	Siu Chan - Coordinator Arts, Culture and Venues
10.3	Yarra Leisure - Supply of Swimming Lessons	19	25	Peter Watson - Manager Leisure Services
10.4	Proposed Discontinuance of Road at the Rear of 452-456 Bridge Road, Richmond.	26	28	Bill Graham - Coordinator Valuations
10.5	Proposed Discontinuance of Road at the Rear of 312 - 314 Hoddle Street, Abbotsford.	29	31	Bill Graham - Coordinator Valuations
10.6	Collingwood Football Club Foundation - Additional Lease Matters	32	35	Craig Kenny - Director Community Programs
10.7	Proposed Hire of Kevin Barlett Reserve for Event in October 2013	36	41	Jay Rogan - Coordinator Venues and Events
10.8	Report on Assemblies of Councillors Held - Period 24 May - July 9 2013	42	43	Ivan Gilbert - Executive Manager Governance

Public submissions procedure

Council may extend an invitation for members of the public to make verbal submissions (but not ask questions or engage in debate) regarding items on the agenda.

If the chairperson invites verbal submissions from the gallery, members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their submission to the chairperson;
- (c) speak for a maximum of five minutes;
- (d) confine their remarks to the matter under consideration;
- (e) refrain from repeating information already provided by previous submitters; and
- (f) remain silent following their submission unless called upon by the chairperson to make further comment.

11. Notices of motion

Nil

12. Urgent business

13. Confidential business reports

Item	Page	Rec. Page	Report Presenter
13.1 Matters prejudicial to Council and/or any person			

10.1	Amendment C133 Environmentally Efficient Design Local Policy Consideration of Submissions
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Executive Summary

Purpose

To consider submissions received during the exhibition of Amendment C133 Environmentally Efficient Design Local Policy to the Yarra Planning Scheme.

Key Issues

Amendment C133 was exhibited between 28 February 2013 and 29 April 2013 and a total of 29 submissions were received. Twenty-five of the submissions provided full or in-principle support for the introduction of ESD application requirements to the planning scheme. A number of these submissions recommended some changes to the policy, and four submissions objected to the amendment.

As Council is undertaking this Amendment as part of a joint process with the Cities of Banyule, Moreland, Port Phillip, Stonnington and Whitehorse it is considered that, other than a number of minor changes to the Amendment recommended by officers, the submissions be referred to a joint Planning Panel and Advisory Committee for consideration.

Financial Implications

The cost of preparing and processing the Amendment is included in the Strategic Planning Unit's 2013/2014 budget.

PROPOSAL

That Council:

- (a) consider submissions made to Amendment C133 and refer the submissions to a joint Planning Panel and Advisory Committee in accordance with Sections 23 and 151 of the *Planning and Environment Act 1987*;
- (b) endorse changes to the exhibited Amendment C133 in response to the submission to present to the Planning Panel and Advisory Committee as outlined in Attachments 3 and 4;
- (c) note the Minister for Planning's appointment of a joint Planning Panel and Advisory Committee;
- (d) note the Terms of Reference for the Advisory Committee as Attachment 5 of this report; advises all submitters to the Amendment C130 of the request for an Planning Panel; and
- (e) endorse the *Yarra Sustainable Design Assessment in the Planning Process (SDAPP) 10 Key Sustainable Building Categories Fact Sheets* as a Reference Document within the policy, noting that they will be subject to future updates.

10.1 Amendment C133 Environmentally Efficient Design Local Policy Consideration of Submissions

Trim Record Number: D13/55299

Responsible Officer: Coordinator Strategic Planning

Purpose

1. To consider submissions received during the exhibition of Amendment C133 Environmentally Efficient Design Local Policy to the Yarra Planning Scheme.

Background

2. Amendment C133 to the Yarra Planning Scheme proposes to introduce a new Clause 22.17 Environmentally Efficient Design (EED) policy into the Local Planning Policy Framework (LPPF) and update Clause 21.07 Environmental Sustainability to reference environmentally sustainable development (ESD). The new EED policy is based on a template provided by DPCD similar to the policy originally prepared by Yarra.
3. The proposed EED policy provides policy objectives and application requirements for residential, mixed use and non-residential development. The policy recognises the importance of considering environmentally sustainable design at the time of planning approval for new development so as to maximise sustainable design outcomes and minimise costs associated with retrofit and poor design. The policy also aims to achieve the following efficiencies and benefits:
 - (a) easier compliance with building requirements through passive design;
 - (b) reduction of life cycle of building costs;
 - (c) improved housing affordability and running costs.
 - (d) improved amenity and liveability; and
 - (e) more environmentally sustainable urban form.

Amendment Timelines

4. In February 2011 Council submitted a request for authorisation as well as a draft Environmentally Sustainable Design local planning policy to the Minister for Planning. A number of other Councils submitted similar requests to the Minister. No formal response regarding the applications for authorisation was received and Councils actively lobbied the Minister for Planning and the Department of Planning and Community Development (DPCD) for a response.
5. In August 2012 Whitehorse City Council and the Cities of Banyule, Moreland and Yarra received authorisation from the Minister for Planning to prepare and exhibit amendments to introduce Environmentally Efficient Design policies into their respective planning schemes subject to the following conditions:
 - (a) additional notice requirements in addition to those outlined within the Planning and Environment Act 1987;
 - (b) simultaneous exhibition of the four Environmentally Sustainable Design amendments prepared by Banyule, Moreland, Whitehorse and Yarra City Councils;
 - (c) an exhibition period of no less than two months; and
 - (d) exhibition of a policy based on a template provided by DPCD with the name changed from Environmentally Sustainable Development (ESD) Policy to Environmentally Efficient Design (EED) Policy.
6. At the time of authorisation the DPCD also indicated that it anticipated a single Planning Panel would be appointed to hear all submissions received by the four Councils

simultaneously. It was also indicated that it may be appropriate to appoint a Ministerial Advisory Committee to consider broader policy issues relating to the proposed policy.

7. Following the authorisation for the four initial Councils, the City of Port Phillip was granted authorisation with a condition their exhibition period was to be concurrent with the initial four Councils. Shortly after the exhibition period commenced the City of Stonnington also received authorisation to exhibit the policy, however their exhibition period was only required to last for one month to allow their exhibition to conclude shortly after the other five Councils.
8. DPCD reiterated that a single Panel would be appointed to hear all submissions received by the six Councils simultaneously.
9. While the same policy template was used, each Council was able to tailor the policy basis, application requirements and reference documents within the policy to reflect local variations in development type. The need for submissions to be considered by each Council meant that submitters were required to submit their submissions six times.

Consultation

10. Amendment C133 was exhibited between 28 February 2013 and 29 April 2013 and the exhibition comprised of a collaborative approach across the Councils, as well as individual exhibition within each municipality.
11. The collaborative exhibition process included a joint letter signed by the Cities of Banyule, Moreland, Port Phillip, Whitehorse and Yarra to prescribed ministers, relevant community and sustainability groups, regular planning permit applicants, Victorian Councils who offer the Sustainable Design Assessment in the Planning Process (SDAPP) program, and other built environment professionals and groups. An industry briefing session for key stakeholders was also held at the offices of the MAV on 15 March 2013.
12. In addition to the joint letters, advertising occurred within local publications including an article in Yarra News (March edition) and notices about Amendment C133 in the Leader and Melbourne Times in March and April. Amendment documentation was also available at City of Yarra town halls and libraries, and on the City of Yarra website.

Submissions

13. A total of 29 submissions were received by the City of Yarra, and a summary of these submissions is attached as Attachment 1. The majority of these submissions were sent to all Councils however a number were only sent to the City of Yarra. A breakdown of the submissions received by each Council is shown in the table below:

Amendment	Object	Change	Support	TOTAL
Moreland C71	2	9	14	25
Banyule C73	3	10	14	27
Port Phillip C97	3	7	15	25
Stonnington C177	3	6	2	11
Whitehorse C130	2	12	14	28
Yarra C133	4	10	15	29
Banyule C73	3	10	14	28

14. Twenty-five of the 29 submissions received by Yarra provided full or in-principle support for the introduction of ESD application requirements to the planning scheme. Many of these submissions commended the concurrent approach to introducing the EED policy and the leadership demonstrated by the six Councils.
15. As shown in the table above, a number of these submissions recommended some changes to the policy, and responses to these recommendations are included as part of the summary of submissions. A discussion of the key issues raised will follow in this report.
16. A number of submissions suggested that the ESD application requirements would be better located in the State Planning Policy Framework (SPPF), although a number of these submitters would support the requirements in either the LPPF or the SPPF.
17. Four submissions objected to the amendment.

Concerns with the Amendment

18. The practicality of the amendment was questioned by some submitters. One submitter questioned the meaningfulness of the new EED policy given it contains 'non-quantifiable' objectives. A number of submitters considered that the EED policy duplicates provisions already within the Building Code of Australia and the potential for inconsistencies between Councils was also raised as an issue.
19. The implications of the new EED policy on the planning permit application process and subsequent development time and cost were highlighted as a key issue. The need to provide ESD information prior to a planning permit being approved was seen as an unfair upfront cost, and may not be appropriate due to the number of changes made to plans prior to their approval. Three submissions also considered that the effects of the policy would be disproportionate on smaller developments, and that this could provide a disincentive for such developments.
20. The role of the planning system in relation to ESD requirements within the built environment was questioned. One submission considered the Building Code of Australia (BCA) a more appropriate tool as it applies consistently across Australia and applies to all buildings, not just those requiring a planning permit. Two submissions considered that the details required to be provided as part of the new EED policy are '*at a level that cannot nor should not be controlled by the planning system*' such as lighting. One submission objected to the inclusion of mandatory provisions within the LPPF.

Response

21. It is considered that the BCA provides minimum rather than preferred standards in relation to sustainability. This policy is designed to complement the BCA where it does not provide guidance on elements that can improve the sustainability of a building. Consideration of sustainability during the planning stage also enables a broader range of elements to be considered which are beyond the BCA, for example, the orientation of a building which can influence energy usage. Considering these elements before the design is 'locked in' at planning stage is important. In addition, the BCA cannot be easily updated. However, Council would support changes to improve the ESD performance of the BCA, either nationally or as part of a Victorian variation.
22. Providing consistency across Councils is an important element of this Amendment; however it is not considered that each policy must be identical in order to achieve this consistency. Each Council has its own Planning Scheme which responds to its unique community and development context. The EED policies have been tailored to reflect local conditions and variations, but are consistent in other areas such as the policy basis and objectives. However, it is acknowledged that a State provision may result in greater consistency across Victoria.
23. The need to provide information upfront when lodging a planning permit application is considered appropriate. The information requirement is differentiated to match the scale of development so small developments on a small lot will not be expected to provide the same level of detail as a large development. It is noted that in many cases a two stage process

exists where general information may be provided upfront with finer details provided towards the end of the planning permit application process.

24. The policy and wording have been drafted in accordance with DPCD's *Practice Note – Writing a Local Planning Policy*, and was refined further by DPCD when the policy was provided back to the Councils as a template.
25. No changes to the policy are recommended in response to these issues and it is considered appropriate that these submissions are referred to a Planning Panel for consideration.

Submissions requesting changes to the Amendment

26. Some submitters provided suggestions to improve the proposed EED policy. Two submissions suggested that the tools required to achieve best practice needed to be defined to provide clarity. A number of submissions requested a definition of 'best practice' to be included in the policy, as well as the requirement for information on the implementation of sustainability initiatives on an ongoing basis.
27. Similarly, some additional content for inclusion within the amendment was also suggested. The submission from Melbourne Water suggested a new objective in relation to integrated water cycle management. One submission also felt the policy should go further and include stronger wording and more objective, measurable outcomes.
28. Some submissions were critical of the requirement for all planning permit applications to be subject to the new policy and requested changes to that effect. Two submissions suggested that the triggers for particular types of developments and tools needed to be assessed in more detail before finalisation, particularly where different sized developments have different environmental impacts and therefore more stringent reporting should not be required for relatively minor works. One submission suggested that the application of the policy should not include permits that are solely triggered by an overlay such as the Heritage Overlay or Neighbourhood Character Overlay.

Response

29. Officers do not believe it is appropriate to define 'best practice' standards within the EED Policy as it may result in the standards not being able to be altered to align with changes in the industry due to the slow process of undertaking amendments to the planning scheme. It is therefore recommended that the *Yarra Sustainable Design Assessment in the Planning Process (SDAPP) 10 Key Sustainable Building Categories Fact Sheets (Attachment 2)* are included as a reference document to the policy as these include best practice standards and are more easily updated to ensure they remain relevant.
30. It is not considered appropriate to mandate the use of particular tools, particularly when the tools are not controlled by Council. It is therefore seen as more appropriate to provide example tools but to also provide flexibility for applicants to use other means to display that they are meeting the objectives of the policy if they do not wish to use the recommended tools, and to reflect that other tools may be developed in the future.
31. Some wording changes have been recommended in line with suggestions made in some of the submissions, and these have been included in a revised version of the policy in **Attachment 3**. This includes an additional dot point around the policy basis, an expansion of one of the objectives under the subheading of 'urban ecology' and the deletion and replacement of one of the decision guidelines.
32. In line with the application of all local policies, the EED Policy will not apply to permits that are solely triggered by an overlay such as the Heritage Overlay. Officers are not recommending any changes be made to the triggers as there was a mix of views in the submissions as to where these trigger points should be set and therefore it is an issue that is best considered by a Planning Panel.

Other recommended changes

33. Officers are recommending a number of other minor changes to the Amendment which are:
- (a) Renaming the policy from the Environmentally Efficient Design Policy back to the Environmentally Sustainable Development Policy, in line with the original title. It is the officer view that the original title is better understood by the community and the development industry and more accurately reflects the intent of the policy. The name was changed by DPCD prior to the Amendment receiving authorisation.
 - (b) Subsequent changes have also been made to the relevant section of the MSS – Clause 21.07 Environmental Sustainability to reflect the change of the name of the policy back to ESD Policy (see Attachment 4).
 - (c) Similarly, officers are recommending updating some wording of the policy to reflect the change in name and that the policy applies more broadly than just to improving the efficiency of a building and also beyond just the design phase, through to construction and operation.

Consideration of submissions by Yarra City Council

34. The concurrent exhibition of six planning scheme amendments presents an unconventional process, particularly as it is considered appropriate that all six Councils present a consistent position at any Panel hearing, and that this response be prepared collectively.
35. For this reason, officers at all six Councils have provided consistent responses to each submission received and are recommending only minor changes to their exhibited policy, with all other issues raised in the submissions to be referred to a Planning Panel for consideration.

Financial Implications

36. The cost of preparing and processing the Amendment is included in the Strategic Planning Unit's 2013/2014 budget.

Economic Implications

37. The proposed amendment is expected to have positive economic impacts as it will provide a clear and locally specific policy framework to guide decision making. This is expected to result in fewer delays in the assessment of applications and fewer VCAT appeals relating to ESD matters.
38. The amendment does not introduce any new permit triggers but rather establishes a minimum application requirement to ensure consistent, transparent and more efficient assessment of planning permit applications.

Sustainability Implications

39. The proposed amendment will have a positive effect in terms of minimizing the impact of development on the environment throughout the life of the project through the consideration of environmental sustainability from the conceptual design phase.

Social Implications

40. The proposed amendment is expected to have positive social benefits by strengthening community recognition of ESD values within the City of Yarra. It would provide a clear framework for the management of development and the consideration of its impact on the environment, which in turn encourages a heightened awareness of environmental sustainability and social responsibility.

Human Rights Implications

41. There are no known restrictions or infringements on the substantive rights outlined in the *Charter of Human Rights and Responsibilities Act 2006*.

Council Plan, Strategy and Policy Implications

42. The proposed amendment is consistent with the Council Plan 2013-2017 and the Yarra Environment Strategy which advocate for more sustainable development and measures to support Council's aim for carbon neutrality.

Legal Implications

43. The proposed amendment has been prepared and exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

Other

44. The Minister for Planning has decided that a combined Planning Panel and Advisory Committee (PAC) should be appointed to consider submissions to the six amendments.
45. A single report will be produced by the PAC which will be provided to the Minister and the six Councils at the same time. The Councils will retain their role as Planning Authority.
46. The Terms of Reference are based on a standard approach to joint Planning Panel and Advisory Committees and sets out a range of matters to be considered. The PAC must provide their findings no later than 8 weeks after the completion of the hearing.
47. Officers from the joint Councils had requested that DPCD meet 50% of the costs of the PAC. However the Terms of Reference have outlined that DPCD will meet an equal share of the costs with the six Councils – approximately 14% of the costs.
48. The letter from DPCD advising of the appointment of the PAC and a copy of the Terms of Reference are attached as Attachment 5.

Conclusion

49. Amendment C133 proposes to introduce a new Clause 22.17 Environmentally Sustainable Development policy (exhibited as the Environmentally Efficient Design policy) into the Local Planning Policy Framework of the Yarra Planning Scheme and update Clause 21.07 Environmental Sustainability to reference environmentally sustainable development. The amendment has attracted twenty nine (29) submissions some of which support the amendment in whole or part, and others that oppose the exhibited policy.
50. In considering the submissions Council must decide either to change the amendment as requested, refer the submissions and amendment to a Planning Panel or abandon the amendment.
51. However, due to the unconventional nature of exhibiting this amendment and as Council cannot agree to some of the changes sought to the amendment by submitters, it is considered that the only appropriate option available to Council is to refer the amendment and all submissions to a joint Planning Panel and Advisory Committee, to be held in conjunction with the other five Councils.

RECOMMENDATION

1. That Council:
 - (a) consider submissions made to Amendment C133 and refer the submissions to a joint Planning Panel and Advisory Committee, in accordance with Sections 23 and 151 of the *Planning and Environment Act 1987*;
 - (b) endorse changes to the exhibited Amendment C133 in response to the submissions to present to the joint Planning Panel and Advisory Committee;
 - (c) note the Minister for Planning's appointment of a joint Planning Panel and Advisory Committee;
 - (d) note the Terms of Reference for the joint Planning Panel and Advisory Committee included as Attachment 4 to this report;
 - (e) advise all submitters to Amendment C133 of Council's request for an Planning Panel; and
 - (f) endorse the *Yarra Sustainable Design Assessment in the Planning Process (SDAPP) 10 Key Sustainable Building Categories Fact Sheets* as a Reference Document within the policy, noting that they will be subject to future updates.

CONTACT OFFICER: Elizabeth Brant
TITLE: Strategic Planner
TEL: 9205 5332

Attachments

- 1 Amendment C133 - Summary of Submissions
- 2 Amendment C133 - SDAPP Fact Sheets
- 3 Amendment C133 - Revised ESD Local Policy
- 4 Amendment C133 - Revised Clause 21.07
- 5 Amendment C133 - Terms of Reference for Advisory Committee

10.2 Contemporary Arts Society

Trim Record Number: D13/62243

Responsible Officer: Director Community Programs

Purpose

1. To provide Council with information about support provided to the Contemporary Arts Society (CAS).

Background

2. Council resolved at the 7 May 2013 meeting "That officers report providing information to Council on issues raised by the Contemporary Art Society (CAS) and the means by which Council has confidence that the CAS will receive support, including promotion and publicity of its events."
3. CAS is a not for profit membership organisation for artists. CAS has been established for many years and its activities include a number of key events each year, including Art and Burnley Harbour, exhibitions at Herring Island, and the Brooch Show.
4. The relationship between CAS and Yarra City Council is primarily through two channels:
 - (a) as a recipient of Council's Community Grants program; and
 - (b) through the use of Council's display spaces at Fitzroy Library and Richmond Library.

Community Grants

5. The CAS, like other organisations, has applied regularly to Council's Community Grants program. Over the last ten years, it has received cash funding totalling about \$10,000. The CAS received \$3,500 in cash plus in-kind support for the 2009 Art at Burnley Harbour and \$4,320 in cash plus in-kind support for the 2010 Art at Burnley Harbour projects.
6. The CAS was not successful in its application for the Art at Burnley Harbour in the 2013 Community Grants program. The grants program was determined by Council in consideration of the recommendations of the Yarra Arts Advisory Committee.
7. Grant recipients may also receive further in-kind support from Council through marketing and promotions, as Council sponsored or supported events and activities. As Art at Burnley Harbour was not a Council funded event, it was not considered in Council produced marketing material.
8. Marketing and promotion is seen as an important aspect of community initiatives and Council's position is that all Council initiated, funded or sponsored events may be promoted in Council publications, such as the *Yarra News*, *Arts and Cultural Calendar*, *Yarra Libraries What's On* and through the Council digital communication channels, such as the website and twitter.
9. For community events and activities that do not have a formal connection with Council, such as those outlined above, Council does offer a community notices section on the Council website. This is submitted by community groups for inclusion.

Richmond Library and Fitzroy Library Display Areas

10. Richmond Library and Fitzroy Library both have display areas that are suitable for two dimensional works and three dimensional works.
11. At the Richmond Library, there is a period display case in the entry foyer called the Budgeons Display Case. The CAS has exclusive use of this case for display.
12. Further to this, the CAS also displays its artworks within the Richmond Library, often these works are for sale. The display of artworks within Richmond Library is currently exclusive to the CAS. This is by historic arrangement, no formal documentation of this has been found.

13. At the Fitzroy Library, there are 12 secure display cabinets in the corridor near the meeting rooms. The use of these cabinets is currently managed by the local library. The CAS's Brooch Show is exhibited here regularly.
14. In the recent two years a number of community groups have sought display space for their works, and the local library has tried to accommodate the CAS's use, whilst enabling access by other groups.
15. Currently, there are no fees charged to users of these display areas. Nor is Council recognised for its support in providing these spaces at no cost. There is no published information available about how to access these spaces and any use of these spaces is made by request to the local librarian.
16. It is apparent the CAS's access to the display spaces at both Richmond and Fitzroy libraries are unique arrangements that were made between the libraries and the CAS during the Melbourne-Yarra Regional Library Corporation and have carried over post re-integration of the Yarra Libraries into Council services.
17. This year, the following support will be given to the CAS. The CAS will use the Fitzroy display cabinets on three occasions for a total of six months and will have exclusive use of the Richmond Library display.

What's On at Yarra Libraries

18. In accordance with Council practice, What's On has listed only activities actively organised by Yarra Libraries staff. In recognition of the arrangements with CAS, Yarra Libraries offered to feature in the What's On wording to the effect: "Please visit CAS exhibitions at Richmond Library and Fitzroy Library. For further information on exhibitions and floor talks, please visit www.contemporaryartsociety.org.au or phone 9428 0568." As with Council practice, this is subject to availability of space in each publication.
19. It should be noted that no event is guaranteed in any Council publication. This is determined by Council priorities from issue to issue.
20. In response to Council direction the following promotional support was provided to the CAS: details about the CAS event were put on Council's on website - Events Calendar and Things To Do. It was also included in the What's On listing of the Yarra News (delivered monthly to 45,000 households/businesses)

Future Direction for the Library Display Areas

21. It is clear there is a need for a more formalised process to manage community access to display areas and other community assets. The aim of such a process would be to broaden participation by the community, to ensure equity of access, to strengthen a curatorial purpose for these sites and also clarify these as Council managed assets.
22. The capacity of Yarra to exhibit the works of artists in its civic spaces is a matter raised in the Yarra Arts and Cultural Strategy 2011 – 2015. An expressions of interest (Eoi) process for artists to exhibit at Richmond Town hall was been introduced in 2012. The program developed called *Locale* has been well received by the community and artists alike and is the model that will be used to expand to other civic sites such as libraries and community hubs.
23. In recognition of the long standing arrangement for these display areas for the CAS, officers wrote to the CAS via its president Mr Robert Lee in May 2012 advising of Council's intention to introduce an Eoi process to facilitate use of these spaces and that this is likely to be in mid 2013.
24. It is anticipated that a Council curated exhibition program at the libraries would embed a community participation element and that there would be opportunities for community groups, such as CAS and individual artists to apply.

Consultation

25. No external groups were consulted in the preparation of this report.

Financial Implications

26. These are not considered in this report.

Economic Implications

27. These are not considered in this report.

Sustainability Implications

28. These are not considered in this report.

Social Implications

29. These are not considered in this report.

Human Rights Implications

30. There are no human rights implications in this report.

Council Plan, Strategy and Policy Implications

31. Yarra Arts and Cultural Strategy 2011 – 2015
32. Yarra Libraries Plan 2013 – 2016

Legal Implications

33. These are not considered in this report.

Other Issues

34. Council is not resourced to provide marketing/publicity support for community and non-profit organisations in Yarra beyond Community Notices on our website. This provides an opportunity for all events occurring in our municipality to share information, submissions are made by community groups but each item is managed by Council.
35. If Council were to determine to promote community events that are not formally affiliated to Council, e.g. not developed by Council, funded by Council and sponsored by Council in our publications, this would foreseeably present a range of challenges and Council might lose the editorial capacity to effectively manage Council's publications and cause confusion in the Community between Council supported initiatives and community driven projects.
36. The issues that arise from unique arrangements between Council and any community group, outside the policies and procedures, or indeed in the absence of these, have the potential to cause confusion and a perception of lack of transparency.

Options

37. Council has the option of leaving the current management of the display areas of the libraries as is, or implement a more formal process for the use of these spaces.
38. Council has the option of maintaining the current procedures and practices of promoting community events, or direct Officers to investigate options that may enable community groups to promote non-Council affiliated activities.

Conclusion

39. There is a strong rationale for the current direction of Council's publications and to change these to accommodate for all community events would make it difficult to manage and confusing to residents.
40. Council's civic buildings, such as our libraries are important community spaces and are excellent opportunities for community groups and artists to exhibit their works.
41. Council has afforded significant support to the CSA through the Community Grants Program, through exclusive access to the display areas at two of our five libraries and to promotion of its events in Council's publications.

RECOMMENDATION

1. That Council:
 - (a) notes this report;
 - (b) maintains the current procedures and practices guiding Council publications; and
 - (c) directs Officers to expedite a process to formalise the use of the display areas at Yarra Libraries, commencing at Richmond and Fitzroy.

CONTACT OFFICER: Siu Chan
TITLE: Coordinator Arts, Culture and Venues
TEL: 9205 5045

Attachments

There are no attachments for this report.

10.3 Yarra Leisure - Supply of Swimming Lessons

Trim Record Number: D13/63896

Responsible Officer: Director Community Programs

Purpose

1. This report provides background to the provision of swimming lessons for the Yarra community with a focus on how supply might be increased.
2. Council originally considered this report on 7 May 2013 and resolved to seek further information on the following matters:
 - (a) options to increase Learn to Swim places available, such as training additional Swim Instructors and examining the Fitzroy Pool for generic learn to swim classes; and
 - (b) provide additional background to the process where families not able to access services are provided priority consideration for the following term.
3. Additional information is provided from paragraph 39 in this report.

Background

4. Council endorsed the preparation of this report on 5 March 2013 in response to the General Business item outlined below:
Can officers prepare a report to Council on how to increase the availability of swimming lessons for Yarra residents?
5. The supply of pool space in peak and convenient times for the community is a very scarce resource that is carefully allocated between a range of different program demands.
6. The Richmond Swimming Pool alone provides access for the following programs and activities:
 - (a) 1,500 lap swimmers weekly;
 - (b) aqua play;
 - (c) 1,000 children in Learn to Swim (240 lessons);
 - (d) Yarra Tri and Squad Program - 250 members;
 - (e) Junior Squad Program - 100 members;
 - (f) Richmond Swim Club;
 - (g) Schools – swim lessons and competitions;
 - (h) Sporting & Community Groups;
 - (i) Deep Water Running;
 - (j) Canoe Polo; and
 - (k) Aqua Aerobics.
7. The entire leisure programs timetable is reviewed four times per year and consideration is given to the following factors:
 - (a) user numbers;
 - (b) instructor availability;
 - (c) industry trends;
 - (d) balance of class types across days and centres;
 - (e) other competing interests; and
 - (f) patron feedback and requests.

8. For group fitness classes there are required minimum occupancy rates:
 - (a) Off Peak 40%
 - (b) Shoulder 50%
 - (c) Peak 70%
9. The process utilised to conduct the quarterly review process is outlined below:
 - (a) timetable reviewed week 5 in terms of attendance and requests for change from staff, patrons and other sources;
 - (b) patrons surveyed on potential changes weeks 6- 9;
 - (c) draft timetable to marketing week 10 + 11; and
 - (d) new timetable offered with two weeks notice.

Learn To Swim Program – Collingwood Leisure Centre

10. The following table provides an outline of the growth in the learn-to-swim program at the recently opened Collingwood Leisure Centre. As can be seen there has been significant growth in the year since the re-opening of the Centre with an addition 500 places being offered to the community.

Class Type	T1 2012	T2 2012	T3 2012	T4 2012	T1 2013
Level	No. Booked	No. Booked	No. Booked	No. Booked	No. Booked
AAA	0	3	5	7	6
ACSP Beginner	0	0	0	0	17
ACSP Intermediate	0	0	0	0	7
Adult Beginner	0	3	10	10	10
Adult Intermediate	0	0	7	8	8
Babies	62	80	87	84	105
Level 1	204	201	216	240	272
Level 2	133	157	208	214	227
Level 3	103	99	118	136	171
Level 4	61	71	96	117	138
Level 5	26	36	57	57	59
Preschoolers	63	87	79	80	98
Pre-squad	28	29	33	35	37
Toddlers	56	80	89	100	110
TOTAL students booked	736	846	1005	1088	1265
Additional places		110	159	83	177
Percentage increase		13%	16%	8%	14%

Program Capacity – Current Supply and Future Capacity

11. The current capacity of the Learn to Swim Program is outlined below:
 - (a) RRC – 928 students over 203 classes
 - (b) CLC – 1337 students over 276 classes
 - (c) Total – 2,319 students over 479 classes
12. It is estimated that Learn to Swim classes at Collingwood Leisure Centre could grow to 2,000 students depending on pool space allocation and availability of instructors.

Enrolment Process

13. Parents seeking access to the Yarra Leisure learn-to-swim program is a very competitive process. Priority is given to existing participants in the program during the re-enrolment process to ensure continuity through the various levels.
14. The process commences with parents of participating children completing a preference form. These forms are followed up by a telephone call to confirm preferences, finalise the booking and class allocation for the following term.
15. The new enrolment booking process is then opened until appointments are exhausted, normally over a number of days in the week. Individual assessment appointments are scheduled with staff for the following week between 2pm and 7pm to ensure the needs of the child and family are fully understood. Once individual assessments are completed the enrolment form, class allocation and payment are completed and membership cards and information sheets issued.
16. All families attending an assessment appointment who are not able to access a suitable class in the current term are automatically provided priority consideration for entry in the following term.

Online Booking System

17. Yarra Leisure are working towards implementation of an online booking system
18. From 1 July 2013 parents will be able to book an assessment online for their child during the whole of the 3rd term. Once the child / participant has received their assessed level, from a nominated date they will be able to go online and book as a new enrolment in the Learn to Swim program for term 4. This will be similar to booking a cinema ticket, the availability of all classes relative to their assessed level, days, times and the number of vacancies in each class will be able to be viewed. This will increase equity and transparency of enrolment processes.
19. Impediments or barriers around the use of technology will be considered as part of the project planning.

Supply Factors

20. Aside from the availability of pool space at convenient times to families, parents and carers, the other 'supply side' factor is the availability of suitably qualified instructors.
21. Council through Yarra Leisure is in continuous recruitment for new instructors and this is a large part of the success in being able to grow the learn-to-swim program at the Collingwood Leisure Centre by 50% over the past year.

Options for Increasing Supply

22. There are limited options for increasing the supply of learn-to-swim classes that have not already been explored by the Yarra Leisure management team. The only options would be to:
 - (a) trial classes at times that might be inconvenient to families and participants; or
 - (b) to reduce access to pool space for group fitness and other programs at 'peak' and 'shoulder' periods.
23. Neither of these options are considered reasonable or worth trialling at this time.

Options for Increasing Supply for Yarra Residents

24. Council applies an active 'priority of access policy' for access to Council provided or auspiced children's services. This was introduced a number of years ago in response to significant local and external demand for Council subsidised child care places.
25. This policy is currently not applied in any other program area at present and very careful consideration would need to be given to the potential application to a program such as the Yarra Leisure learn-to-swim program.

26. If this was an area that Council wanted to explore then a separate report would be brought back to examine the relative benefits and disadvantages of such an approach. The initial officer view is that applying a priority of access policy for relatively low value (compared to child care subsidy) but very high volume (2,500 participants) would be administratively burdensome and difficult to justify.

Consultation

27. No external consultation has been conducted in the preparation of this report.

Financial Implications

28. The learn-to-swim program is a marginal revenue generating activity for Council. On a 'cash' basis it provides a better than break even position but if the 'sunk' cost of the capital development and maintenance of swimming pools is taken into consideration then it would be a loss making venture.

Economic Implications

29. There are no significant economic implications arising from this report.

Environmental Sustainability Implications

30. There are no significant environmental sustainability implications arising from this report.

Social Implications

31. The provision of learn-to-swim classes are an important community service provided by Yarra City Council.

Human Rights Implications

32. There are no significant human rights implications arising from this report.

Council Plan, Strategy and Policy Implications

33. There are no significant Council Plan or strategy implications arising from this report.
34. If Council wanted to consider the application of a 'priority of access' policy then a significant amount of time would need to be invested in understanding the consequences of such a policy.

Legal Implications

35. There are no significant legal implications arising from this report.

Options

36. The options available for Council are:
- (a) to note the processes currently applied to effectively manage supply, demand and allocation of a scarce resource; or
 - (b) seek a further report on the following options:
 - (i) development and application of a 'priority of access' policy to apply to the learn-to-swim program; or
 - (ii) the potential for displacement of other programs to accommodate additional learn-to-swim activities.

Conclusion

37. Yarra Leisure, on behalf of Council, manages the allocation of a very scarce resource between a range of competing interests and program areas. Each program has significant intrinsic value to its community of interest and there are significant social, safety and health outcomes from most of the programs offered.
38. This report provides Council with background to processes currently in place to actively manage the tension in allocations between programs, how access to the learn-to-swim program is managed and how programs are grown over time.

Original Officer Recommendation

39. That Council:
- (a) note the report; and
 - (b) affirm current arrangements on the active management of the supply and demand for program activities within Yarra Leisure.

Council Resolution

40. The following resolution was passed at the Ordinary meeting of Council on 07 May 2013.

That Council:

- (a) *request officers to prepare a report outlining options to increase the Learn to Swim places available, such as training additional Swim Instructors; and looking at the Fitzroy Pool for generic Learn to Swim classes and other pool activities; and*
- (b) *include in this report details about how the component of the policy whereby all families attending an assessment appointment who are not able to access a suitable class in the current term are automatically provided priority consideration for entry in the following term, is implemented in practice.*

Further Information

41. The following information is provided in response to the Council resolution passed at the 07 May 2013 Council Meeting.

Fitzroy Swimming Pool

42. As advised in the previous report the majority of Learn to Swim lessons are conducted at either Richmond Recreation Centre or the Collingwood Leisure Centre. It is confirmed that a small number of summer Learn to Swim classes are held at the Fitzroy Swimming Pool as well as holiday intensive programs. The table below provides enrolments for Fitzroy Swimming Pool for the past two terms and holiday program which represents approximately 5% of participants across the entire program.

Fitzroy Swimming Pool	Students
Term 4 2012	29
Term 1 2013	34
Holiday Intensive	
Week 1 Jan 14th	34
Week 2 Jan 21st	34

43. It is acknowledged that non-inclusion of this data was an officer oversight that these lessons were not included in the previous analysis and discussion.
44. It is proposed that Yarra Leisure will offer 50 places per term at Fitzroy Swimming Pool in the coming summer season, this will include:
- (a) Term 4 (50 places) – babies – pre squad – Saturday morning; and
 - (b) Term 1 (50 places) – pre-squad – Saturday morning.
45. It is noted that the children's pool at Fitzroy Swimming Pool is only open for 6 months of the year, with the majority of attendances during the December and January school holiday period. In January the Fitzroy Swimming Pool has a peak of 26% of total visits however this reduces to 1.9% of total visits to swimming pools by April.
46. A further challenge in offering Learn to Swim at Fitzroy Swimming Pool is that the shared pool gets very busy on hot days which would make it very difficult from an operational and service perspective to dedicate space to small groups of children doing learn to swim when there are as many as 100 children with parents wanting to utilise the same space. For this reason the further expansion of the program is not recommended.

Supply of Qualified Swim Instructors

47. One of the key supply side factors is the availability of qualified swim instructors.
48. Details of recruitment for Term 3 2013 is outlined below:
 - (a) Council received 28 applications;
 - (b) 16 were shortlisted after assessing against Key Selection Criteria; and
 - (c) 15 were interviewed and 9 new teachers appointed to the team.
49. Yarra Leisure currently employs 48 swim instructors with:
 - (a) 8 instructors working one shift per week due to availability;
 - (b) 12 only available to cover casual vacancies; and
 - (c) 4 have resigned to pursue other work.
50. One of the key issues with swim instructors is that the majority of work is seasonal and available only 41 weeks per year during school terms. This means that people are less attracted to the role and it is often a fill in role for university students.
51. In response Yarra Leisure are seeking to introduce a new type of role in the form of a Leisure Services Officer which will seek to provide more stable employment by incorporating swim teaching into other activities to provide an incentive to remain with the service.

Priority Consideration

52. As outlined at paragraph 16 parents who are not able to access the Yarra learn to swim program are provided 'priority consideration'.
53. The process utilised for 'priority consideration' at Yarra Leisure is that:
 - (a) if participants are assessed but then not able to be provided with a suitable class allocation the Aquatics Team maintain a register of names;
 - (b) if there are cancellations early in the term the Aquatics Team Leader will make contact with the family and make an offer;
 - (c) if nothing can be found then the Team Leader holds onto the list of names for the next term allocations;
 - (d) prior to the enrolment process for the new term the Team Leader will make contact with the family and offer them an appointment time on the 'sibling' priority day which is the first day of new enrolments; and
 - (e) this is done without the parents having to call and make an appointment.
54. Note that this does not a guarantee that there will be a class to suit, but every effort will be made to ensure the opportunity is there. This type of assistance is not offered to families who have an appointment, were offered class times at the appointed time, and did not accept any of the available times for their own lifestyle reasons.

Priority of Access Policy

55. Further discussions have been held with Yarra Leisure staff regarding the possible application of a Priority of Access Policy for Yarra residents. The previous advice remains that applying a priority of access policy for relatively low value (compared to child care subsidy) but very high volume (2,500 participants) would be administratively burdensome and difficult to justify.

Conclusion

56. The Yarra Leisure Swimming Lessons have experienced significant growth in recent years and staff are continuing to review means by which the supply of lessons might be able to be increased over time.
57. A critical issue is the number of swim instructors available and to keep pace with anticipated growth there is a continuing aggressive recruitment process and also job redesign in the form

of a new job role, the Leisure Services Officer to attract and retain instructors in a work area with traditionally inconsistent employment patterns.

58. Additional space for lessons is being offered at the Fitzroy Swimming Pool but this is not considered as a realistic option due to the short season and competing demands from recreational swimmers.

RECOMMENDATION

1. That Council:
 - (a) note the update report; and
 - (b) note the current arrangements on the active management to increase the supply of swimming lesson activities within Yarra Leisure.

CONTACT OFFICER: Craig Kenny
TITLE: Director Community Programs
TEL: 9205 5100

Attachments

There are no attachments for this report.

10.4 Proposed Discontinuance of Road at the Rear of 452-456 Bridge Road, Richmond.

Trim Record Number: D13/57592

Responsible Officer: Manager Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the Local Government Act 1989 (Act) to consider discontinuing the road at the rear of 452-456 Bridge Road, Richmond which is shown hatched on the plan provided as Attachment 1 to this report (Road) and being the part of the land contained in certificate of title volume 2076 folio 046.

Background

2. NEA Developments Pty Ltd ACN 154 420 023 (Owner) is the registered proprietor of the property known as 452-456 Bridge Road, Richmond and 1 Fraser Street, Richmond (Owner's Properties), which properties abuts the Road.
3. The Road also abuts the property at 450 Bridge Road, Richmond which abuts the southern boundary of the Road (Adjoining Property), as shown on the plan attached at Attachment 1 to this report.
4. The Owner has applied for a planning permit in respect of the Owner's Properties and the Road, and has therefore requested that Council discontinue the Road and sells the discontinued road to the Owner. The planning permit has not yet been issued.
5. The Road is not currently fenced into the Owner's Property.
6. The Owner has agreed to pay Council's costs and disbursements associated with the proposed road discontinuance, and the transfer of the discontinued Road.

Discussion

Road Status

7. The Road is shown on title as a 'road'. The Road is therefore a 'road' for the purposes of the Act, which Council has the power to consider discontinuing. Upon being discontinued, the Road will vest in Council. A copy of the title showing the road is attached as Attachment 2 to this report.

Adjoining Owners

8. The Owner contacted the owner of the Adjoining Property on 25 April 2013 in respect of the Owner's proposal for the Road to be discontinued and sold to the Owner (Proposal). A copy of this letter is attached as Attachment 3 to this report.
9. No response has been received to this letter from the Owner of the Adjoining Property. However, the Valuations Co-coordinator spoke at length with the Adjoining Owner and explained the discontinuance process and proposal at hand.

Public Authorities

10. The following statutory authorities have been advised of the proposed Road discontinuance and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act:
 - (a) City West Water;
 - (b) APA Group;
 - (c) Telstra;
 - (d) Optus;
 - (e) Melbourne Water;

- (f) Citipower; and
 - (g) Yarra City Council.
11. APA Group, Telstra, Optus, Melbourne Water, Citipower and Yarra City Council advised they have no assets in or above the road and no objection to the proposed discontinuance of the Road.
 12. City West Water (CWW) advises that it has assets in the Road but that it would not object to the discontinuance of the Road providing the following conditions are adhered to:
 - (a) a sewerage easement to be created in favour of CWW. It will be necessary to clarify with CWW the exact location of this requested sewerage easement;
 - (b) the Owner must obtain CWW's written consent prior to any building over the easement in its favour;
 - (c) the Owner must erect fences at least 800mm from existing sewer assets; and
 - (d) the Owner must ensure that fence lines are at least 1m from sewer manholes and inspection shafts.
 13. A copy of correspondence from CWW is attached as Attachment 4 to this report.

Site Inspection

14. A site inspection of the Road was conducted by Eddie Zagami, of Planning Studio on Peel, on the 7 March 2013. The site inspection report notes that:
 - (a) the road is only used for pedestrian and vehicular access to the Owner's Properties;
 - (b) there are no obstructions over the Road; and
 - (c) the Road is not required for public access.
15. A copy of the site inspection report is attached as Attachment 5 to this report.

Public Notice

16. Before proceeding with the discontinuance, Council must give public notice of the proposed discontinuance in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of the publication of the public notice, lodge a written submission regarding the proposed discontinuance.
17. 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.
18. After hearing 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.
19. A copy of the public notice will be given to the Owner, Adjoining Owner and Tenants.

Economic Implications

20. The Owner has agreed to acquire the Road for its market value (plus GST). In addition to the market value the Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Proposal

21. It is proposed that Council resolves to commence the statutory procedures to discontinue the road at the rear of 452-456 Bridge Road, Richmond pursuant to clause 3 of schedule 10 of the Act.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act):
 - (a) resolves that the statutory procedures be commenced to discontinue the road abutting 452-456 Bridge Road, Richmond which is shown hatched on Attachment 1 and being part of the land contained in certificate of title volume 2076 folio 046;
 - (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance be given in the Melbourne Times Weekly Newspaper and the Yarra Leader Newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value; and
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 Plan of Road
- 2 Title Plan
- 3 Adjoining Owner Letter
- 4 CWW Response
- 5 Site Inspection Report

10.5 Proposed Discontinuance of Road at the Rear of 312 - 314 Hoddle Street, Abbotsford.

Trim Record Number: D13/60533

Responsible Officer: Manager Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989* (Act) to consider discontinuing the road at the rear of 312-314 Hoddle Street, Abbotsford which is shown as lot 1 on the plan attached as Attachment 1 to this report (Road), and being part of the land contained in certificate of title volume 1312 folio 227.

Background

2. McCormack Investments Pty Ltd ACN 006 115 016 (Owner) is the Owner of the land known as 312 – 314 Hoddle Street, Abbotsford which abuts the southern and western boundaries of the Road (Owner's Property).
3. Council was approached by the Owner to discontinue the Road and sell the discontinued Road to the Owner, as the Owner wishes to add additional off-street car parking spaces to the Owner's Property.
4. The Road is not currently fenced into the Owner's Property; however, a roller door is located on the Road which prevents public access to the Road when the roller door is closed.
5. The Owner has agreed to pay Council's costs and disbursements associated with the proposed road discontinuance, and the transfer of the discontinued Road.
6. The Owner has now asked Council to commence the statutory process required to discontinue the Road and transfer the discontinued road to the Owner.

Discussion

Road Status

7. The Road is shown on title as a 'road'. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing. Upon being discontinued, the Road will vest in the Council.

Adjoining Owners

8. The Owner has contacted the owners of the following properties seeking their consent to the Act which Council has the power to discontinue the Road and for the Owner to purchase it:
 - (a) 316 Hoddle Street, Abbotsford (Adjoining Owner 1); and
 - (b) 326-330 Hoddle Street, Abbotsford (Adjoining Owner 2).
9. Adjoining Owner 1 refused to provide their consent to the discontinuance of the Road and the sale of the Road to the Owner, by letter dated 26 October 2011. Council's solicitors asked Adjoining Owner 1 to provide reasons for refusing consent; however Adjoining Owner 1 failed to respond to this letter.
10. Adjoining Owner 2 has consented to the discontinuance of the Road and the sale of the Road to the Owner. A copy of the written consent of Adjoining Owner 2 is attached as Attachment 2 to this report.

Public Authorities

11. The following statutory authorities have been advised of the proposed road discontinuance and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act:
 - (a) City West Water

- (b) Melbourne Water
 - (c) Tenix Alliance
 - (d) Citipower
 - (e) Telstra
 - (f) Optus
 - (g) Yarra City Council
 - (h) APA Group (formerly Origin Energy)
12. City West Water (CWW) has advised that it has sewer assets in the Road. If the discontinuance proceeds, CWW requires a sewerage easement to be created in its favour which incorporates the following conditions:
- (a) the sewer mains and fittings in, on or under the Road to be accessible at all times;
 - (b) the Owner must obtain CWW's written consent to build over the sewerage easement;
 - (c) any proposed fencing on the road must be at least 800 millimetres clear of sewer assets; and
 - (d) any fence line must be at least 1 metre from sewer manholes and sewer inspection shafts.
13. A copy of the correspondence from CWW is attached as Attachment 3 to this report.
14. Melbourne Water, APA Group and Telstra have advised that they have no assets in the Road, and no objection to the proposed discontinuance of the Road.
15. Yarra City Council and Citipower have advised that they have no objection to the proposed discontinuance of the Road.
16. Tenix Alliance and Optus have advised that they have no assets in the Road.

Site Inspection

17. A site inspection of the road was conducted by Kirkpatrick & Weber Pty Ltd surveyors on the 14 November 2012. The site inspection report notes that:
- (a) the road is constructed of concrete;
 - (b) there is a roller door located across the Road and public access to the Road is precluded when the roller door is closed;
 - (c) there is fencing erected on the Road;
 - (d) the Owner uses the Road to access the Owner's Property; and
 - (e) the Road is occupied by the Owner.
18. A copy of the site inspection report is attached as Attachment 4 to this report.

Public Notice

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

Economic Implications

22. The Owner has agreed to acquire the Road for its market value (plus GST). In addition to the market value the Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Other Issues

23. If the Road is discontinued and sold to the Owner, Council will require the Owner to;
- (a) attend to the consolidation of the title to the Road and the title to the Owner's Property within 6 months of the date of the transfer of the Road to the Owner, at the Owner's expense.
 - (b) create a sewerage easement in favour of CWW (this can be effected as part of the transfer of land); and
 - (c) agree to observe CWW's conditions in respect of the road.
24. If the Road is not discontinued, the Owner will be required to remove all of the Owner's improvements from the Road.

Proposal

25. It is proposed that Council resolves to commence the statutory procedures to discontinue the road at the rear of 312-314 Hoddle Street, Abbotsford pursuant to clause 3 of schedule 10 of the Act.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act* 1989 (the Act);
- (a) resolves that the statutory procedures be commenced to discontinue the road at the rear of 312-314 Hoddle Street, Abbotsford which is shown as Lot 1 on the plan provided as Attachment 1, and being part of the land contained in certificate of title TP 948796D volume 1312 folio 227;
 - (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance of the Road be given in the Melbourne Times Weekly Newspaper and the Yarra Leader Newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value; and
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 Plan of Road
- 2 Adjoining Owner Letter
- 3 CWW Response
- 4 Site Inspection Report

10.6 Collingwood Football Club Foundation - Additional Lease Matters

Trim Record Number: D13/64378

Responsible Officer: Director Community Programs

Purpose

1. This report seeks formal Council approval of a sub-lease between Collingwood Football Club Foundation Ltd (CFC Foundation) and AFL Sports Ready and Eating Disorders Victoria (EDV). Clause 17 of the lease governing the Collingwood Football Club Community Centre, Victoria Park Social Club Building requires Council approval for any sub-lease arrangement within the facility.

Background

2. The CFC Foundation is currently in the process of redeveloping Level Two and Level Four of the Victoria Park Social Club Building. Funding was secured from the Community Support Fund to part fund the works which have a value of approximately \$1.33 million.
3. This is the last element of the building to be refurbished and it is anticipated that construction will be completed in October or November 2013. The technical project supervision is managed through the Infrastructure Services Division.
4. This report seeks Council approval for CFC Foundation to enter into a sub-lease with two organisations for occupation of Level Two:
 - (a) AFL Sportsready; and
 - (b) Eating Disorders Victoria.

AFL Sportsready

5. AFL Sportsready are an existing tenant of the Community Centre and have secured federal funding of \$3.4m for the establishment of a new program called Artsready.
6. This program will establish specialist arts and creative education and employment pathways for up to 100 new trainees in the first 12 months. There will be a continued emphasis on supporting young indigenous Australians to access sustainable jobs in their chosen fields.
7. Attached is letter of application from CFC Foundation and media release regarding the Federal Artsready funding.

Eating Disorders Victoria

8. EDV provides a comprehensive support and information service to people with eating disorders and their families.
9. It is understood that EDV work closely with Headspace and will complement services currently offered from the Community Centre. They will also complement services offered by Evolve and AFL Sportsready who provide support for young people.
10. Attached is a letter of application and background information to EDV.

Consultation

11. No external consultation has been undertaken in the preparation of this report.

Financial Implications

12. There are no significant financial implications arising from this report.
13. The redevelopment of the final stage of the CFC Community Centre is a significant financial commitment by the CFC Foundation and State Government.

Economic Implications

14. There are no significant economic implications arising from the report but it should be noted that the AFL Sportsready, Artsready and The Collingwood Barrawarn programs focus on providing sustainable employment pathways for young people generally and with a focus on Aboriginal young people.

Sustainability Implications

15. There are no significant environmental sustainability implications arising from this report.

Social Implications

16. The establishment of the CFC Community Centre has provided a base for significant community service organisations including Headspace and AFL Sportsready. Whilst both organisations have a broader reach there is a genuine local benefit derived from having organisations such as this located in Yarra due to ease of access and localised programming that can occur.
17. The Artsready program will complement Yarra City Council's commitment to the creative sector and discussions have been held between relevant Council staff to look at how this will occur.
18. The work of Eating Disorders Victoria will complement the existing programs run by Headspace and extend opportunities for local benefit.
19. The completion of the CFC Community Centre at Victoria Park will provide additional community facilities in the form of meeting rooms and training facilities that will be accessible by local community groups. When Level Two is completed there will be over 150m2 of space available for community use.

Human Rights Implications

20. There are no significant human rights implications arising from this report.

Council Plan, Strategy and Policy Implications

21. There are no significant Council Plan or Strategy implications arising from this report.

Legal Implications

22. Clause 17 of the head lease between Council and the CFC Foundation requires the following:
- (a) a request by the Tenant for authorisation to grant a sub-lease will not be referred to Council for determination unless the following criteria are satisfied to the reasonable satisfaction of the appropriate Council officer:
 - (i) the sub-lease is consistent with Council's financial, social and environmental objectives as set out in the expression of interest document;
 - (ii) the sub-tenant is a charitable / not for profit organisation that will deliver community benefit to the residents of Yarra;
 - (iii) the sub-tenant will complement the use of Victoria Park by other tenants and licensees and occupiers;
 - (iv) the use proposed by the sub-tenant is consistent with the Permitted Use;
 - (v) the sub-lease is for a minimum of three years and the term of the sub-lease does not extend beyond the Term of the head lease;
 - (vi) the rent payable is consistent with the rent payable by the Tenant under this lease;
 - (vii) the sub-lease will automatically terminate upon the termination of this lease;
 - (viii) the sub-lease is in the form required by the head lease; and
 - (ix) the Tenant pays to the Council any costs incurred by Council in relation to the sub-lease.
23. It is officer advice that that the request from CFC Foundation generally satisfies the criteria from the head lease (see attached).

Other Issues

24. There are no other issues contemplated in the report.

Options

25. Council has the following options available to it:
- (a) Council can approve the request from CFC Foundation; or
 - (b) Council can seek further information to inform decision making; or
 - (c) Council can reject the request and request the CFC Foundation seek alternative tenants for the spaces.

Conclusion

26. The redevelopment of the Victoria Park Social Club building has been a priority for Council for many years. A significant expression of interest process was run in 2010/11 to select a primary organisation to operate the facility. Council entered into a 5 + 5 + 5 year lease for the facility with the Collingwood Football Club Foundation Ltd.
27. The redevelopment of Level Two is the final capital phase of project to allow full use of the building. Extension of the lease to Level Four was approved through a separate reporting process in recent months.
28. The CFC Foundation Ltd has made a request to Council for approval of sub-lease arrangements for two primary tenants for Level Two, these are Sportsready (Artsready Program) and Eating Disorders Victoria.
29. Officers have assessed the request and are recommending that approval be granted for the sub-lease arrangements.

RECOMMENDATION

1. That Council, under the Clause 17 of the lease governing the use of the Collingwood Football Club Community Centre, Victoria Park Social Club Building:
 - (a) approve the request from the Collingwood Football Club Foundation Ltd for a sub-lease to be entered into with:
 - (i) the AFL Sports Ready (Artsready Program); and
 - (ii) Eating Disorders Victoria (EDV).
 - (b) authorise officers take the required actions to ensure that the terms and conditions of the sub-lease are consistent with the head lease.

CONTACT OFFICER: Craig Kenny
TITLE: Director Community Programs
TEL: 9205 5100

Attachments

- 1 AFL Sportsready Council Letter May 2013
- 2 AFL SportsReady Media Release
- 3 Eating Disorders Victoria Letter of Application
- 4 EOI Scoring Criteria CFC Community Centre Victoria Park

10.7 Proposed Hire of Kevin Bartlett Reserve for Event in October 2013

Trim Record Number: D13/55815

Responsible Officer: Coordinator Arts, Culture and Venues

Purpose

1. To seek Council direction on a proposed hire of the Kevin Bartlett Reserve to stage a one day large-scale outdoor music festival.

Background

2. Clockwork Entertainment is seeking to hold a large-scale outdoor hip-hop music festival named Sprung Festival within the City of Yarra. They anticipate attendance of up to 9,000 people and have signalled an interest to run this event annually.
3. Clockwork Entertainment is an event management and promotions company based in Queensland specializing in festivals and concerts. They produced a number of highly successful events both locally and interstate such as Summafieldayze, Future Music Festival and Parklife. However they are not a local organisation and have no affiliation with the City of Yarra.
4. The Bastow Ovals 1 & 2 within the Kevin Bartlett Reserve in Burnley has been identified as a preferred site as it is less likely to impact on residents and has good access to public transport.
5. The proposed date for the event is Saturday October 19th 2013 and would run from the 10am to 9pm. Clockwork Entertainment have requested access to the venue on Thursday 17 October 2013 and would vacate the venue by 5pm Monday 21 October 2013.
6. The Sprung Festival has been run successfully on a similar scale for the past two years in Brisbane. The Festival features only Australian hip-hop acts. It is also a celebration of urban youth culture and contains elements such as dance competitions, urban artwork competitions and an emerging young singer's competition. It is a 16+ ages event with a separate licensed bar area.
7. Clockwork Entertainment has indicated to Officers that it intends to partner with nominated community organisations to share the proceeds derived from the event. Their partners for this proposed event one of which is "My Room" a program that is run from Children's Cancer Centre at the Royal Children's Hospital.
8. Clockwork Entertainment has indicated to Officers that it intends to invite Yarra Youth Services Unit to run suitable programs leading up to and at the event.
9. A hire of Council facilities for a music festival of this scale has not occurred before and as there are no current policies and guidelines that deal with this type of hire, Officers are seeking for Council direction for the proposed hire for the event.
10. Council Officers have identified the following as key issues relating to the proposed hire:
 - (a) Support from relevant stakeholders is needed for such an event (including, but not limited to: residents, local Richmond businesses, local sporting clubs; public transport authorities);
 - (b) Logistical elements and site considerations, including traffic & pedestrian management and no access to power, water or sewerage on-site;
 - (c) Community Amenity limitations and considerations, e.g. safety management, noise, alcohol, parking;

- (d) Protection and conservation of Council land and assets, including existing fencing and the surface of Bastow Ovals 1 & 2; and
- (e) Protection of the other ovals at Kevin Bartlett Reserve during the weekend of the event.
- 11. No planning permit is required and this event has been deemed suitable to be held on Crown Land.
- 12. If Council approves of the proposed hire, Clockwork Entertainment would still be required to obtain relevant Council permits and submit the relevant maps and plans.
- 13. Council Officers have advised that the following permits would be required:
 - (a) Event Application form to hold the event on public land;
 - (b) Application for Temporary Road Occupation; and
 - (c) A Place of Public Entertainment permit.
- 14. Council Officers have advised that the following maps and plans are required:
 - (a) Detailed site plans;
 - (b) Detailed Safety Management Plans that include: crowd management plans; universal access considerations etc;
 - (c) Traffic Management plans (incorporating public transport services);
 - (d) Parking management plans in line with permissions granted by General Electric and the University;
 - (e) Turf management plan of ovals Bastow 1 & 2;
 - (f) Protection of other ovals at Kevin Bartlett Reserve during the weekend of the event
 - (g) Sound management plan; and
 - (h) Waste management plan.
- 15. One the largest risks of this event is the potential damage to the turf of the Bastow ovals 1 & 2 which are the grounds used by the Richmond Soccer Club. There are turf protection products that can be used by the hirer to minimise risk of turf damage to suitable levels (as used at commercial stadiums). The event organiser would need to provide detailed plans on how this would be managed and implemented. It would be also recommended that event organisers would provide a suitable bank guarantee to Council to ensure there are sufficient funds to repair any damage it if it occurred. The soccer season recommences in March 2014 however preseason training requests are considered as early as December 2013.
- 16. The size of the event and the associated logistics are such that other ovals at Kevin Bartlett Reserve will be affected, as will club activities for the weekend of the event. If the event was to be approved, it is possible that other sport scheduled for that weekend will have to be transferred to other venues, or that clubs will have to be fixture for away games.
- 17. Clockwork Entertainment has also indicated that part of the ticket price would incorporate free public transport. The nearby Burnley Circus Site has already been booked by the Silvers Circus so it will be unable to be used for additional parking.
- 18. It would be essential that the proposed event would not impact the flow of traffic around the area. A formal traffic and pedestrian management plan would have to be submitted to Council and other key stakeholders for approval. Richmond Soccer Club and the Kevin Bartlett Sporting Complex are within walking distance of one direct tram line and Burnley Station so festival attendees will be strongly encouraged to use public transport.
- 19. There is good access to public transport, with the number 70 tram along Swan Street. There is a super stop situated right in front of the GE building which is close to the proposed venue. Two train lines also stop at Burnley Station which is a 10 minute walk.
- 20. As the event is planned for the weekend, festival attendees will not be competing for service with the majority of weekday commuters. Previous events held within the area show that the transport system can adequately accommodate the movements of large scale attendees. In

addition to this event organisers (as indicated above) are planning negotiations (pending event approval) of including public transport costs into the event ticketing fee, thereby encouraging attendees to use the public transport network. As part of such negotiations, the Victorian Public Transport system operators would be apprised of full attendance numbers in advance and can accommodate such with supplementary services. The organisers have also indicated they would hire several buses to ferry people away from the venue to both Burnley Rail station and Swan Street at the end of the event.

Consultation

21. To date all relevant internal stakeholders regarding this proposal have been consulted, as well as the Richmond Soccer Club, who have provided letters of support for the event.
22. Due to its status as the premium soccer facility in Yarra, the Recreation and Open Space Branch has recommended that the event does not have access the oval at Bastow 1 for the event.
23. No consultation has occurred with other local clubs that use Kevin Bartlett Reserve for sport and no community consultation has occurred.
24. Clockwork Entertainment have provided references from Brisbane City Council and South Bank Parklands Corporation in Brisbane
25. Should Council approve of the proposed hire, Clockwork Entertainment will be required to consult with local business, sporting clubs, emergency services and Public Transport Authorities and Council will be requesting evidence of their advice in writing.
26. Council will also be ensuring that we are consulted in regards to any liquor license granted by the Victorian Gambling Commission.

Financial Implications

27. Clockwork Entertainment will be responsible for all costs associated with conducting this event.
28. Council Officers recommend setting a hire fee of \$15,000 which is comparable to hire fees charged by the City of Sydney and the City of Melbourne for this type of event. It should be noted that should the hire occur in October 2013, Council may need to make provisions of approximately \$2,500 to cover additional staff costs due to the quick turn-around times.
29. Clockwork Entertainment has also agreed to supply a \$60,000 bank guarantee to cover the cost of re-turfing the field if the ground protection does not work and is damaged by this event.
30. If the playing surface of the Bastow Ovals were damaged, it would cost approximately \$50,000 to restore and would impact users of the ovals throughout October and November. To prevent this, Clockwork Entertainment will be responsible for providing and installing adequate event ground protection to that the surface of the Bastow Ovals.
31. The anticipated crowd is likely to have an impact on the condition of the remainder of Kevin Bartlett Reserve, beyond the land requested by the event organiser. The impact of the crowd will be dependent on the weather conditions up to and during the event and additional services will be required by the open space maintenance and street cleansing contractors. These costs cannot be quantified prior to the event, however additional costs could be transferred to the event organiser.

Economic Implications

32. These are not considered widely in this report, however, it should be noted this event may provide the opportunity for Council to attract other large events of this nature which may provide increased revenue for Council and other local businesses and community organisations.

Sustainability Implications

33. Council has been actively promoting environmental sustainability with our two existing major street events. The initiatives thus far include encouraging the use of green transport and use

of recyclable materials. We would be recommending that Clockwork Entertainment considers these strategies in their waste management plan.

34. The site does not have adequate existing power, water and waste utilities for an event of this size; all of these utilities would need to be installed, maintained and removed by Clockwork Entertainment. They have advised a clean-up crew will remain on site for duration of event to handle any sanitary issues.
35. Clockwork Entertainment would be encouraged to work in conjunction with Council's contractors UMS to ensure the site is restored to a high level of cleanliness. A street sweeper will also be utilized post event for the removal of any excess material.

Social Implications

36. Live music and festivals can make cultural and economic contribution to Yarra and enhance the vibrancy and diversity of the city.
37. Live music has been noted by the Deloitte Access Economics report to making a significant contribution to the Victorian cultural landscape. In particular, the live music industry has a number of important public and private benefits: nurturing culture and creativity; cultural vibrancy; career development and incubation (performance opportunities); attendance opportunities; and youth participation.
38. Council's Youth Services anticipate there may be several opportunities for this event to complement existing youth programs and that it could be beneficial to the youth of Yarra.

Human Rights Implications

39. This project has no human rights implications.

Council Plan, Strategy and Policy Implications

40. Council Plan 2009-2013:
 - (a) To support a diverse and dynamic Yarra by supporting vibrant and diverse neighbourhoods and centres;
 - (b) To foster and promote vibrant arts, cultures and communities;
 - (c) Ensure access to a range of quality recreational and sporting places, spaces and activities;
41. Yarra Youth Services Strategy & Action Plan 2009-2013:
 - (a) Meaningful opportunities for young people to contribute and participate in a range of self development activities.
42. Yarra Open Space Strategy Report 2006:
 - (a) Upgrade existing and develop new open space reserves - Encourage community festivals and events to be held in regional and city-wide parks and provide guidelines to assess commercial event use of open space;
 - (b) Manage the competing recreational uses in open space to provide opportunities for the diverse community

Legal Implications

43. No additional legal implications are considered in this report outside of what will be in the final hire agreement.

Other Issues

44. To successfully protect Council's valuable assets from the volume of people expected in the area during this event, Council Officers are recommending that the unused areas in Kevin Bartlett Reserve (including playground, public toilets and other ovals) be fenced off in order to protect these assets from any damage caused by the event attendees.
45. Officers recommend fencing off the unused part of Kevin Bartlett Reserve from Friday 18 October to Sunday 21 October. This may negatively impact casual users of the park. All other sporting events in the vicinity will need to be cancelled; this is likely to include cricket matches played on Friday (evening), Saturday (all day) and Sunday (all day). We may be able to reduce the negative impact through prior notice and adequate signage in the park prior to the event.
46. It should be acknowledged that there is sometimes a tension between residents, local businesses, and large scale music festivals providing live music. Although the venue is not in a residential area, and will be held on a Saturday to limit the impact of local businesses, as this is the first time an event of this nature has been proposed, it is difficult to gauge the impact it will have. Local businesses will need to be consulted by Clockwork Entertainment and any reservations they have will need to be addressed.
47. The location has limited public lighting along paths of travel to and from car parking and public transport opportunities that support Kevin Bartlett Reserve. In addition to the specific requirements of the event, the Safety Management Plan will need to consider the all access to and from the site.

Options

48. The options are:
 - (a) Option 1 – Approve use of Bastow Oval 1 & 2 for the Festival to run in October 2013:
 - (i) This is the preferred option for Clockwork Entertainment.
 - (b) Option 2 – Approve festival in principle but recommend that it is delayed for 12 months:
 - (i) If Council approves the proposed festival in principle but recommends that the date of the festival is pushed back to mid 2014 it will allow Council Officers time to properly organise an event of this scale. Clockwork Entertainment may not wish to pursue the venue in 2014 and may find a better alternative venue so Council may miss out on the opportunity to gain revenue and the opportunity for community group/youth involvement.
 - (c) Option 3 – Decline the proposed festival:
 - (i) There are significant amenity & safety issues to be considered in allowing the festival to proceed at this site. The event organisers are not locally based and the benefit to local residents and local businesses may be low. If the proposal is declined altogether it may prevent other organisations from proposing other events. Should no event occur, the impact on sporting activities is eliminated and no additional park maintenance services are required.

Conclusion

49. It appears the event organisers are competent to run a successful event of this size, though Council would need to commit administration resources to manage potential risks and ensure all Council's conditions are met. It should be noted the pressures of the short turn-around time may have a negative impact on the smooth delivery of the event.
50. The proposed location is the most suitable area within Yarra boundaries to hold a large scale music event. The site is adjacent the Monash Freeway, Yarra River, Melbourne University and businesses. A sound management plan would be required and if the event is approved a formal communication plan would be required to communicate with stakeholders, businesses and residents in the surrounding areas.

51. Should Clockwork Entertainment not be able to satisfy all relevant conditions and criteria, Council reserves the right to decline the application for hire.

RECOMMENDATION

1. That Council:
- (a) notes the report for proposed large-scale Hip Hop Music Festival in Yarra; and
 - (b) approves in principle the proposed hire of both ovals by Clockwork Entertainment for October 2013 for a fee of \$17,500 subject to Officers being satisfied that all relevant conditions and criteria have been met.

CONTACT OFFICER: Jay Rogan
TITLE: Coordinator Venues and Events
TEL: 9205-5446

Attachments

- 1 Proposed site map: Sprung Festival 2013

10.8 Report on Assemblies of Councillors Held - Period 24 May - July 9 2013

Trim Record Number: D13/62033

Responsible Officer: Executive Manager Governance

Purpose

1. To report on the number of Assemblies of Councillors held since the previous Report.

Background

2. The *Local Government Act* 1989 (The Act) now requires that ... "The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
 - (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.....".

Consultation

3. Not applicable.

Financial Implications

4. Not applicable.

Economic Implications

5. Not applicable.

Sustainability Implications

6. Not applicable.

Social Implications

7. Not applicable.

Human Rights Implications

8. Not applicable.

Council Plan, Strategy and Policy Implications

9. Not applicable.

Legal Implications

10. Section 80A (2) of The Act, was amended and becoming operative from 24 September 2010 to now require the above information be reported to the next available Council Meeting and also be recorded into the Minutes of the Council.

Other Issues

11. Not applicable.

Options

12. Nil.

Conclusion

13. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

CONTACT OFFICER: Ivan Gilbert
TITLE: Executive Manager Governance
TEL: 9205 5110

Attachments

- 1 Assembly of Councillors Report

13. 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 89 (2) of the *Local Government Act* 1989. 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 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) Matters prejudicial to Council and/or any person
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.