

YARRA CITY COUNCIL

FINANCE & GOVERNANCE COMMITTEE MEETING

AGENDA

**to be held on Monday 6 March 2006 at 6.30 pm
at the Richmond Town Hall**

Councillor Membership

Cr Jenny Farrar (Chair)
Cr Paul D'Agostino
Cr Jackie Fristacky
Cr Stephen Jolly
Cr Kay Meadows

Council Officer Attendees

Lydia Wilson (Chief Executive Officer)
Geoff Cockram (Director Corporate Services)
Jane Homewood (Director City Development)
Craig Kenny (Director Community Development)
Bryan Lancaster (Director Asset Management)
Erin Nairn-Marcon (Governance Adviser)

- I. ATTENDANCE**

- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**

- III. COMMITTEE BUSINESS REPORTS**

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***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.***



Public participation at Council and Committee meetings

PoLiCY

1. Council welcomes the opportunity for members of the public to address the Finance and Resources Committee, the Planning and Community Development Committee, the Internal Development Approvals Committee, and in certain circumstances, Council.
2. The following guidelines shall apply to public submissions:
 - (a) in any matter before and under discussion by Council or a Committee, where a member of the public has been invited to make a submission, a **five-minute** restriction shall be placed on the speaker;
 - (b) the Chairperson shall have the sole discretion as to extending the speaking time or varying the conditions of these guidelines in any other respect;
 - (c) it is the responsibility of the minute clerk or the Chief Executive Officer to advise the Chairperson when the times allocated or extended as permitted pursuant to this policy have expired;
 - (d) there will be no time restriction imposed on submissions made pursuant to section 223 of the *Local Government Act 1989*, however submitters will be encouraged to accord to the spirit of these guidelines;
 - (e) where prior notice has been given, Council officers will facilitate arrangements to enable members of the public to nominate representative speakers on their behalf where necessary. In circumstances where a group of people wish to make a submission on the same subject and no prior notice given, a representative speaker on the group's behalf shall be encouraged;
 - (f) all public comment is to be made prior to commencement of debate on matters to be determined;
 - (g) any person accepting the Chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration;
 - (h) people making submissions shall address the meeting as a whole and the debate shall be conducted at the conclusion of submissions; and
 - (i) town planning permit applicants shall be given an opportunity to present their submission before objectors and may exercise a right of reply following the hearing of all submissions.
3. The general provisions of these guidelines shall be made known to all intending speakers and members of the public, prior to the commencement of business at meetings.

Responsible Officer	Approval date:	Document No.	Page:
Manager Governance	Approved: Council 22 July 1996 Amended: Cnl 10 February 1997 Reviewed: 31 October 2003	govcni.pol.00022	1

FINANCE & GOVERNANCE COMMITTEE MEETING

ITEM		PAGE	REC. PAGE	REPORT PRESENTER
1.1	Council Plan Quarterly Report	1	2	Craig Kenny – Director Community Development
1.2	Legal Expenses – Year to Date	39	40	Geoff Cockram – Director Corporate Services
1.3	Code of Conduct	41	42	Ivan Gilbert – Manager Governance

CONFIDENTIAL ITEMS

Nil.

1.1 Council Plan 2005/09 – Progress Report (Second Quarter)

File: (25/40/04/07)
Responsible Officer: Manager Culture and Community Planning

Purpose

1. To provide Council with the second quarterly progress report against Council Plan 2005/09 actions, as at 31 December 2005.

Background

2. Council is required under Section 125 of the *Local Government Act 1989* to prepare a Council Plan, which is a key strategic and planning document for the organisation.
3. At its meeting of 22 June 2005, Council adopted the Council Plan 2005/09 and determined that it would receive a report for each quarter on progress against actions identified.

Issues

4. Some of the important achievements, in addition to Council Plan actions, for the quarter commencing 1 October and ending 31 December 2005 are documented below:
 - (a) the City of Yarra became the first Fair Trade Municipality in Victoria, by participating in the Fair Trade Awards Program;
 - (b) the *Warming up for the Games* event was held on Sunday 20 November at Dights falls in Abbotsford;
 - (c) the Gleadell Street Market traders earned a Waste Wise Accreditation on 14 October enabling them to continue working through the program;
 - (d) to mark the 30th anniversary of the Vietnamese community settling in the local area, the Yarra Settlement Forum, with the support of Council, hosted an official celebration at the Collingwood Town Hall on Saturday 26 November;
 - (e) Yarra City Council invited local businesses and the community to march under its banner and join the Rally against Federal IR changes - National Day of Community Protest on 15 November; and
 - (f) Staff and Councillors joined about 10,000 residents for The Long Walk on 4 December;
5. The second quarter report (Attachment 1) has analysed all 104 actions in the Council Plan as at 31 December 2005 of which:
 - (a) 72 actions or 77% are on-track;
 - (b) 18 actions or 17% are delayed;
 - (c) 5 actions or 5% are completed;

- (d) 1 action or 1% is abandoned.

Consultations

- 6. The Council Plan is based on the following:
 - (a) a review of significant Council policies and strategies;
 - (b) issues identified through major community consultations undertaken by Council (including Yarra Community survey and DVC Community Satisfaction survey);
 - (c) preliminary consultations undertaken to inform the development of Council's Municipal Public Health Plan and review of the Municipal Strategic Statement (and proposed focus groups sessions); and
 - (d) a short survey 'Have your Say' of people who live, work or visit Yarra to identify hopes, issues and solutions for their neighbourhood and the City as a whole.

Resource and Financial Implications

- 7. The Council Plan provides direction for the organisation during the current financial year and influences Council's planning and budgetary processes.

Council Plan, Strategy and Policy Implications

- 8. The Council Plan consists of five themes for the city over the next four years. Yarra's approach is informed by a number of Core Principles that in turn drive our internal Core Operations. Each Theme incorporates a number of Strategic Objectives (what we want), Strategies (how we will approach it) and Actions (what we will do). The Strategies and Actions will be reviewed and updated every 12 months and form the basis of Annual Service Plans and Budgets for each Branch of Council.

Legal Implications

- 9. Council is required to prepare an annual council plan pursuant to section 125 of the *Local Government Act 1989*.

RECOMMENDATION

- 10. That the Council Plan 2005/09 quarterly progress report, as at 31 December, 2005 be noted.

CONTACT OFFICER: Sally Isaac
TITLE: Manager Culture and Community Planning
TEL: 9205 5096

Attachment 1 – Council Plan 2005/09 report as at 31 December 2005



Adobe Acrobat
Document

1.2 Legal Expenses – Year to Date

File: 10/10/07-18
Responsible Officer: Director Corporate Services

Purpose

1. The purpose of this report is to provide Council with the legal expenses to date for the year 2005/06.

Background

2. At the Council meeting on 21 February 2006 a report was requested on legal expenses to date in 2005/06 year.
3. The report was to include costs broken down by supplier and to include costs of 'in house' legal services provided by Maddocks Lawyers.
4. Table 1 lists costs by provider up to the date of preparation of this report Tuesday 28 February 2006.
5. It includes all invoices received (paid and not paid) as at 28 February, 2006.
6. It does not include costs for work which may have been undertaken but not yet invoiced.

Provider	\$
Maddocks including 'in house' lawyer	219,070.00
Holding Redlich	8,794.09
Heather M Masters-Solicitor	3,100.30
Coady's Barrister and Solicitors	5,751.72
Rigby Cooke	40,515.46
Elliott Stafford & Associates	3,300.00
TOTAL	280,531.67

Table 1

Financial Implications

7. The total amount budgeted for legal expenses in Council's 2005/06 budget is \$757,100.

Legal Implications

8. Nil

RECOMMENDATION

9. That the report be noted.

CONTACT OFFICER: Geoff Cockram
TITLE: Director Corporate Services
TEL: 9205 5438

1.3 Councillors Code of Conduct

File: govcnl.pol.00234
Responsible Officer: Manager Governance

Purpose

1. To consider and adopt revised Councillors Code of Conduct in accordance with provisions of Section 76C of the *Local Government Act 1989*.

Background

2. The Council resolved 14 June 2005:

“That Council adopt the Councillors’ Code of Conduct dated 14 June 2005 as provided in Attachment 1, and amended at clause 2.6.2 to replace the word ‘policies’ with ‘protocols.’

That it be noted that this Code will be reviewed in 2009 in accordance with Section 76C (2) of the Local Government Act 1989.

That Council undertake a review of its media protocols.”

Consultations

3. Clause 2.6.2 as amended is now clause 4.6.2.
4. In addition to the above, Councillors gave detailed consideration to a revised draft of the Code and which has been further modified in accordance with those discussions (refer to the “Track Changes”).

Financial Implications

5. There are no financial implications in the consideration and adoption of the Code.

Economic Implications

6. Save that the Code sets out the manner in which Councillors conduct themselves in the consideration of Council matters including economic development issues, there are no economic implications in the adoption of the Code.

Environmental Implications

7. Refer principle outlined in Economic Implications above.

Social Implications

8. The Code importantly sets out the principles by and the manner in which Councillors conduct themselves both as a Council and as individual Councillors. These principles have important implications in establishing the integrity of the Council and its respect and credibility in the wider community. In

turn these aspects determine the level of support for the Council and its ability to pursue its advocacy and other social responsibilities.

Council Plan, Strategy and Policy Implications

9. For the reasons outlined in Social Implications above, the earned respect and credibility of the community greatly assists Council in developing strategy and policy and importantly, implementing the Council Plan. For this reason, it is considered important that the Code of Conduct be relevant, fair and current in its format and requirements.

Legal Implications

10. The Local Government Act 1989, Section 76C requires that Council adopt and maintain a current Code of Conduct.

Proposal

11. That Council adopt the revised Councillors Code of Conduct.

RECOMMENDATION

12. That Council adopt the revised Councillors Code of Conduct as presented in Attachment 1.

CONTACT OFFICER: Ivan Gilbert
TITLE: Manager Governance
TEL: Extension 5110

Attachment 1 – Draft Councillors Code of Conduct



Adobe Acrobat
Document