



## **YARRA CITY COUNCIL**

# **PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**to be held on Tuesday 7 February 2006 at 7.30 pm  
at the Richmond Town Hall**

### **Councillor Membership**

Cr Annabel Barbara (Chair)  
Cr Paul D'Agostino  
Cr Jackie Fristacky  
Cr Judy Morton  
Cr Gurm Sekhon

### **Council Officer Attendees**

Lydia Wilson (Chief Executive Officer)  
Geoff Cockram (Director Corporate Services)  
Bryan Lancaster (Director Asset Management)  
Jane Homewood (Director City Development)  
Craig Kenny (Director Community Development)  
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 of 28

## **PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MEETING**

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## 2.1 Community Accord

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### Executive Summary

#### Purpose

To seek Council endorsement of the Community Accord ('CA') and to recommend the signing of the CA at the 'Celebrating 30 Years of Ethnic Broadcasting in Australia' event during Cultural Diversity Week this year.

#### Key Issues

The CA is an affirmation of the Universal Declaration of Human Rights and all other relevant international instruments which protect individuals from racial and religious vilification and discrimination.

#### Economic Implications

Migrants and refugees have made important contributions to Victoria's economic development. This proposal will facilitate future economic participation through promoting positive community relations and equal opportunity.

#### Social Implications

The endorsement of the CA has the potential to increase social cohesion, bring about a greater understanding between people from culturally, linguistically and religiously diverse backgrounds and encourage respect for all in the City of Yarra.

#### Council Plan, Strategy and Policy Implications

The CA affirms all of the seven core principles of the Council Plan 2005/09, in particular the Diversity Principle:

*"Diversity is an integral part of Yarra's history and contemporary identity. Council values this diversity and aims to foster acceptance and appreciation of the many different people, cultures and lifestyles that shape our community and contribute to its vitality and vibrancy. Council aims to ensure that diversity continues to thrive in the face of social, demographic and economic change."*

#### Financial Implications

This proposal will be funded from within existing resources in the 2005/06 budget.

#### PROPOSAL

That Council endorse the CA and host an event inviting Councillors, ethnic community leaders, Yarra winners of the Victorian Multicultural Commission's Awards for Excellence in Multicultural Affairs and the community to a formal signing of the Accord.

It is also proposed that the event be held in Cultural Diversity Week 2006 which occurs between 17-23 March or very close to it and that it opens a multicultural event celebrating thirty years of ethnic broadcasting in Australia by 3ZZZ.

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## 2.1 Community Accord

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File: 50/05/01-03  
Responsible Officer: Manager Culture and Community Planning

### Purpose

1. The purpose of the report is to:
  - (a) seek Council endorsement of the Community Accord ('CA'); and
  - (b) conduct the signing of the CA at the event 'Celebrating 30 years of Ethnic Broadcasting in Australia' during Cultural Diversity Week this year.

### Background

2. The Multicultural Policy and Action Plan 2004/06 ('the Plan') was endorsed by Council on 10 February 2004 (Attachment 1).
3. The Plan makes the following statements:

*"The City of Yarra will:*

- (a) work towards ensuring all residents gain access to services, facilities, opportunities and information provided by Council regardless of their race, culture, religion, or language;*
  - (b) actively engage with, and seek the views of residents from culturally and linguistically diverse communities so that they have more say, and participate in Council decision making;*
  - (c) develop a culturally responsive and culturally aware work-force;*
  - (d) take an advocacy role in championing key issues for Yarra's culturally and linguistically diverse communities;*
  - (e) collaborate with other organisations in promoting cross-cultural harmony with a focus on promoting and celebrating Yarra's cultural diversity, and building the capacity of culturally and linguistically diverse communities; and*
  - (f) acknowledge that addressing the needs of culturally and linguistically diverse communities is a mainstream management issue that will be incorporated into the annual budget planning process and internal accountability practices."*
4. The Plan outlines five key actions:
    - (a) communicating effectively and appropriately with residents who are not fluent in English to maximise their access to Council information and services;

- (b) improving cross-cultural understanding among staff so they can be responsive to culturally and linguistically diverse (CALD) residents' needs;
  - (c) ensuring CALD residents have equal access to services;
  - (d) advocating on behalf of CALD residents especially those who are disadvantaged; and
  - (e) collaborating with other organisations to celebrate Yarra's cultural diversity.
5. Further to this the City of Yarra Refugee and Asylum Seeker Statement (the Statement) was endorsed by Council on 8 March 2005 (Attachment 2).
6. The Statement outlines four key actions:
- "The City of Yarra will:*
- (a) engage with our citizens, community groups and local service providers to ensure that refugees and asylum seekers settling in our municipality receive appropriate support to deal with the challenges of living in a new society;*
  - (b) provide opportunities for participation in local decision making processes, undertake capacity building in emerging communities and foster leadership development;*
  - (c) seek to empower people through building knowledge and understanding of how Australian institutions and services work, with the aim of increasing participation in all aspects of community life; and*
  - (d) advocate for policy change and additional resources for refugees and asylum seekers from other levels of government where these are discriminatory or lacking."*
7. This is an opportunity for the City of Yarra to recommit itself to the principles and actions underlying the Plan and the Statement through signing of the CA as outlined in Attachment 3.
8. The CA, a statement of principles, evolved out of a series of roundtable discussions sponsored by the State Government. These discussions contributed to the development of new legislation by the Victorian Parliament, the *Racial and Religious Tolerance Act 2001* which came into effect on the 1 January 2002.
9. The initial CA was signed in 2001 by 36 community organisations wishing to affirm their commitment to the principles of community harmony and respect for all Victorians.
10. The CA is an affirmation of the Universal Declaration of Human Rights and all other relevant international instruments which protect individuals from racial and religious vilification and discrimination.

11. Signatories to the CA make a commitment to:
  - (a) respect for all ethnic, cultural, religious and linguistic communities;
  - (b) seek opportunities to work together to re-affirm our similarities as human beings and the fundamental principles which unite us as Victorians;
  - (c) advocate for the elimination of racial and religious intolerance; and
  - (d) reject all forms of racial and religious vilification, violence, harassment and unlawful discrimination.
12. The CA was renewed at the 'Celebrating and Promoting Harmony' event at Queen's Hall, Parliament House on 30 March 2005. The wording of the new CA has been slightly amended to reflect the new principles of multiculturalism outlined in the *Multicultural Victoria Act 2004* which came into effect on 1 January 2005.
13. Council can take a lead role in supporting the CA and promoting its principles through community leadership and fostering community links. The CA also provides a platform for Council to explore strategies for community leadership that balances cultural identity with the need to respect and recognise the beliefs of others.
14. The endorsement of the CA is an initiative of Council. This leadership position comes at a time when commitment to multiculturalism needs to be promoted and emphasised as important to all in our community.
15. Examples of other signatories to the Accord include the Darebin, Moreland and Brimbank City Councils, Victoria Police and the Royal Children's Hospital. The Victorian Multicultural Commission formally lists all signatories.

### **Consultations**

16. No formal consultation has taken place in relation to the CA by Council. However, the State Government consulted extensively in developing the Accord.

### **Financial Implications**

17. The signing of the CA will be funded within the 2005/06 Budget allocation to Multicultural Affairs.

### **Economic Implications**

18. Migrants have contributed to Victoria's economic development. Within Yarra, there are visible signs of how migrants are involved in all sectors of the economy such as business, the service industry, welfare organisations and hospitality. Yarra's history is testament to the invaluable contribution of migrants to the economy.
19. Refugees have also contributed to Victoria's economic development. A recent campaign by the Ecumenical Migration Centre has highlighted the value of welcoming refugees and asylum seekers as valuable workers into our

community. Council's leadership would be expected to have a positive economic implication over time.

### **Social Implications**

20. The endorsement of the CA has the potential to increase social cohesion in the City of Yarra and Council's leadership position will set the scene for more opportunities for people from culturally, linguistically and religiously diverse backgrounds to participate in community life.
21. The CA has the potential to bring about a greater understanding between diverse cultures, help shape community dialogue and encourage respect for all in the community.

### **Council Plan, Strategy and Policy Implications**

22. The CA affirms all of the seven core principles of the Council Plan 2005/09, in particular the Diversity Principle:

*"Diversity is an integral part of Yarra's history and contemporary identity. Council values this diversity and aims to foster acceptance and appreciation of the many different people, cultures and lifestyles that shape our community and contribute to its vitality and vibrancy. Council aims to ensure that diversity continues to thrive in the face of social, demographic and economic change."*

23. The CA will provide additional support for Council's commitment to championing human rights and cultural and religious diversity.

### **Proposal**

24. That:
  - (a) Council endorse the CA (Attachment 3);
  - (b) Council host an event inviting all Councillors, ethnic community leaders, Yarra winners of the Victorian Multicultural Commission's Awards for Excellence in Multicultural Affairs and the community for a formal signing of the CA;
  - (c) the event be held in Cultural Diversity Week 2006 (17-23 March) or very close to it; and
  - (d) the formal signing of the CA opens the multicultural event 'Celebrating 30 Years of Ethnic Broadcasting in Australia' organised by 3ZZZ. The event is scheduled to be held at the Fitzroy Town Hall or another Yarra venue.

### **RECOMMENDATION**

28. That:
  - (a) Council endorse the Community Accord;
  - (b) Council host a public signing of the Community Accord at the event 'Celebrating 30 years of Ethnic Broadcasting in Australia,' to be held

during Cultural Diversity Week 2006; and

- (c) signed copies of the Community Accord be promoted widely to the community and displayed in the city's Town Halls.

**CONTACT OFFICER:** Aldo Malavisi  
**TITLE:** Community Planner – Multicultural Affairs  
**TEL:** 9205 5036

**Attachment 1 – Multicultural Policy and Action Plan**  
**Attachment 2 – Refugee and Asylum Seeker Statement**  
**Attachment 3 – Community Accord**



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## **2.2 Inner Regional Housing Statement – Endorsement**

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### **Executive Summary**

#### **Purpose**

To seek Council's endorsement of the Inner Regional Housing Statement ('IRHS').

#### **Key Issues**

The IRHS was developed by the Inner Regional Housing Working Group to consider housing issues and needs, identify housing challenges, and determine innovative and sustainable responses to these issues.

The Statement was released for public feedback from 21 June to 22 July 2005. Eleven submissions from interested parties were received. These submissions, along with comments received from Government agencies, were analysed and considered by the Technical Working Group, and modifications to the Statement were recommended.

The Inner Regional Housing Working Group (IRHWG) met on 30 November 2005 and adopted the recommended changes to the Statement. The IRHWG also adopted a recommendation that the Inner Regional Councils endorse the IRHS in order to inform strategic policy work and infrastructure and service planning.

The IRHS provides a comprehensive snapshot of the inner region in respect to housing issues and a well-rounded vision for the future provision of housing. The main findings of the IRHS were that each Council shares similar objectives of development. New housing development needs to be channelled towards strategic sites and away from established residential locations. However diversity, liveability and economic capacity needs to be maintained, and infrastructure needs to be managed to support housing growth. The IRHS includes strategies and actions that enable these objectives to be achieved.

The Inner Melbourne Regional Housing Working Group believes that by working together, and with the State Government and key stakeholders, that regional outcomes can be delivered beyond those that could be achieved by Council's working individually. It is considered that the IRHS provides a sound well researched document, that addresses the issues faced by the City of Yarra, and will proactively manage housing growth and change in the inner Region.

#### **Financial Implications**

There are no direct financial implications to Council by endorsing the Housing IRHS. However some actions will require a commitment by Council and will be considered in the 2006/7 budget process.

#### **Economic, Environmental and Social Implications**

The IRHS contains a range of actions designed to have economic benefits in providing affordable housing, enhance environmental performance of new housing developments and to maintain the social and cultural diversity of the Inner Region by providing accessible, adaptable and affordable housing.

#### **PROPOSAL**

That Council endorse the IRHS.

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## 2.2 Draft Inner Regional Housing Statement – Endorsement

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File: 45/05/04/02-09  
Responsible Officer: Coordinator Strategic and Economic Policy

### Purpose

1. To seek Council's endorsement of the Inner Regional Housing Statement ('IRHS').

### Background

2. *Melbourne 2030 - Planning for sustainable growth* (Melbourne 2030) establishes a metropolitan wide strategy to guide growth and change across metropolitan Melbourne over the next thirty years. As a key initiative of *Melbourne 2030*, the Minister for Planning established five Regional Housing Working Groups as forums to highlight housing issues and needs, identify housing challenges, and determine innovative and sustainable responses to these across each region.
3. Each Regional Housing Working Group (RHWG) was required to prepare a Regional Housing Statement to assist in the future planning needs of present and future households for the region. The RHWG was required to:
  - (a) identify forecast population and household growth and change and demographic trends over a 30-year period;
  - (b) identify current housing market trends - including dwelling type, tenure, and housing costs and affordability - and likely housing needs;
  - (c) outline objectives, strategies and implementation mechanisms for accommodating housing opportunities and constraints and ways to accommodate the proposed household distributions within the region as identified within *Melbourne 2030*; and
  - (d) outline a process for monitoring and review against the policies of *Melbourne 2030*.
4. Yarra City Council is a member of the Inner Regional Housing Working Group. The Inner Region includes the Cities of Melbourne, Port Phillip, Yarra and Stonnington (west of Kooyong Road). The Region also includes the Docklands area of Melbourne currently administered by VicUrban.
5. The Inner Regional Housing Working Group (IRHWG) includes a Councillor and Officer representative from each member Council, as well as Officer representatives from the Department of Sustainability and Environment (DSE) and the Department of Human Services (Office of Housing). The Yarra Councillor representatives are currently Cr. Stephen Jolly (primary representative) and Cr. Gurm Sekhon (alternate representative).

### Public Consultation on the IRHS

6. The Draft IRHS was released for public feedback from 21 June to 22 July 2005. Copies of the Draft IRHS, fact sheets and feedback forms were sent to interested parties nominated by Councils (e.g. housing related interest groups and individuals), other organisations with an interest in housing [e.g. Housing Industry Association (HIA) and Urban Development Institute of Australia (UDIA)], and key State Government Departments and agencies. Documents were made available for viewing at Council service centres and libraries and through Council and DSE websites. Advertisements were also placed in local papers inviting feedback on the Draft IRHS .
7. Across the region, eleven submissions, generally in support of the IRHS , were received from the following parties:
  - (a) Stan Cooke (resident);
  - (b) Sharon Miles (Sustainable Energy Authority Victoria, now Sustainability Victoria);
  - (c) Bernd Bartl (Disability Support and Housing Alliance);
  - (d) Trevor Jackson (Housing and Resource Support Service Inc);
  - (e) Elizabeth Raut (Royal Institute of Architects);
  - (f) Julie Hyde (Department of Education and Training);
  - (g) Heidi Dixon (VicUrban);
  - (h) John Beckwith (Yarra City Activity Centres Business Forum);
  - (i) Peter Matthews (Residents 3000);
  - (j) Malcolm Johnson (Department of Infrastructure); and
  - (k) Stephen Hare (National Trust).
8. Feedback from key State Government Departments and agencies was also sought to determine whether those departments and agencies nominated as partner organisations for specific actions, supported the actions and were prepared to participate as partners in implementing these actions.
9. The Technical Working Group of Officers (which advises the IRHWG) considered the public feedback and comments from agencies and recommended a number of changes to be made to the IRHS. A summary of the submissions and recommended changes is included in Attachment 1.

### Changes to the IRHS

10. At the Inner Regional Housing Working Group (IRHWG) meeting held on 30 November 2005, the IRHWG members were briefed on the feedback received and considered the recommended changes to the IRHS made in response to the feedback. A summary of the changes made to the IRHS is included at Attachment 2.

### *Editing Changes*

11. Editing changes have been made throughout the IRHS to improve the readability and clarity of the document. Changes have also been made to ensure all terminology in the document is consistent and clear. This included ensuring all references to the term *strategic sites and precincts* was changed to *major redevelopment sites and precincts*, and changing references to *Melbourne's inner region* and *inner Melbourne* to the new term of *the Inner Region* to provide for a consistent and clear definition of the area.

### *Changes to Update and Expand Issues*

12. Changes have been made to the Policy Context section at Chapter 3, primarily to update this section and make it consistent across the Housing Statements that are being prepared within the other regions. The changes reflect the current status of National and State policy and programs regarding affordable housing. This includes references to the *Framework for National Action on Affordable Housing* which was endorsed by a joint national meeting of Housing, Local Government and Planning Ministers in August 2005; legislation relating to the operation of Housing Associations which was passed in mid 2005; and the State Government Document *A fairer Victoria, Creating opportunity and addressing disadvantage*, which was released in April 2005 and aims to boost access to affordable housing.
13. Additional references on sustainable transport, the need to maximise the use of public transport, the importance of open space, and the need for access and transport for an aging population have been added to Chapter 5 - Housing Vision and Opportunities.

### **Modifications to the Vision**

14. Additional wording has been added to the Vision in response to comments received from VicUrban. The Vision now reads:

*"Facilitate access to a diverse range of housing, including affordable housing that will meet the needs of current and future residents."*

### **New Strategies and Actions**

15. Chapter 6 sets out the objectives, strategies and actions developed to achieve the Vision of the IRHS. The major issues recognised in the IRHS are divided into themes. Key objectives have been developed for each theme which include a number of strategies and actions. As a result of public feedback and consultation regarding the IRHS, several new actions have been added including actions to:
  - (a) research housing issues including influences on the housing market and the impact of housing preferences on development activity; and to investigate accessible and adaptable housing needs;
  - (b) monitor issues such as changes in housing affordability, including housing stress; changes in dwelling stock; and to establish a framework to monitor regional targets for affordable housing;

- (c) investigate planning tools and other mechanisms to promote and provide for increased housing diversity and adaptability.

#### *Implementation*

16. Modifications have been made to address the implementation and governance of the IRHS.
17. The Inner Regional Housing Working Group is committed to having an ongoing role in the implementation of the objectives, strategies and actions identified in the IRHS. An implementation plan outlining a list of actions will be developed to facilitate this.
18. A copy of the modified IRHS is included in Attachment 3.

#### Adoption of the IRHS by the IRHWG

19. The Inner Regional Housing Working Group adopted the IRHS at its meeting of the 30 November 2005, by adopting the following four recommendations:

- “1. That the Inner Regional Housing Working Group adopts the Inner Regional Housing Statement, November 2005 subject to minor editorial changes in preparing the document for publication.*
- 2. That the Inner Regional Housing Working Group sends the adopted Inner Regional Housing Statement to the Minister for Planning and Minister for Housing and Councils within the Inner Region.*
- 3. That Technical Working Group members brief their respective Council on the adopted Inner Regional Housing Statement in early 2006 and that Councils endorse the Inner Regional Housing Statement to inform strategic policy work and infrastructure and services planning.*
- 4. That the Technical Working Group commences preparation of an Implementation Plan for consideration by the Inner Regional Housing Working Group in late March 2006.”*

#### **Issues**

20. The Inner Region differs from the mid to outer suburbs of Melbourne and planning and housing strategies must be targeted to its unique character and needs. The Statement provides a comprehensive snapshot of the inner region in respect to housing issues and a well-rounded vision for the future provision of housing.
21. The main findings of the IRHS were that each Council shares similar objectives of development. New housing development needs to be channelled towards strategic sites and away from established residential locations. However diversity, liveability and economic capacity needs to be maintained, and infrastructure needs to be managed to support housing growth. The IRHS includes strategies and actions that enable these objectives to be achieved.
22. The IRHS will have no formal status in planning schemes. However, the actions contained in the IRHS will provide a work program for the IRHWG and act to inform the work programs of individual Councils. The IRHS is being used

to inform Yarra's MSS review and once it is endorsed by Council, it is proposed that the IRHS will be used to assist the preparation of a more detailed local housing strategy and inform forward planning for infrastructure and service delivery.

23. The performance of the IRHS in meeting desired objectives will be monitored on an annual basis and a full review of the IRHS will occur after five years.
24. The Inner Melbourne Regional Housing Working Group believes that by working together, with the State Government and key stakeholders, regional outcomes can be delivered beyond those that could be achieved by Council's working individually. It is considered that the IRHS provides a sound well researched document, that addresses the issues faced by the City of Yarra, and will proactively manage housing growth and change in the inner Region.

### **Financial Implications**

25. There are no direct financial implications to Council by endorsing the IRHS. However some actions will require a commitment by Council and will be considered in the 2006/7 budget process.

### **Economic Implications**

26. The IRHS will have economic benefits as it contains a range of objectives, strategies and actions designed to provide new affordable housing opportunities in the inner region.

### **Environmental Implications**

27. The IRHS contains a range of objectives, strategies and actions designed to enhance the environmental performance of new housing developments.

### **Social Implications**

28. The IRHS contains a range of objectives, strategies and actions designed to maintain the social and cultural diversity of the Inner Region, and provide for accessible, adaptable and affordable housing within socially connected and inclusive communities.

### **Council Plan, Strategy and Policy Implications.**

29. The IRHS has been developed based on the existing policies of each of the member Councils.

### **Legal Implications**

30. There are no legal implications associated with endorsing the IRHS.

## **RECOMMENDATION**

31. That Council:

- (a) note that the Inner Regional Housing Working Group has adopted the Inner Regional Housing Statement; and
- (b) endorse the Inner Regional Housing Statement to inform strategic policy work and infrastructure and services planning.

**CONTACT OFFICER:** Lyndal Byrne  
**TITLE:** Senior Strategic Planner  
**TEL:** 9205 5322

**Attachment 1 – Summary of Submissions received on the Statement**

**Attachment 2 – Summary of Changes made to the Statement**

**Attachment 3 – Inner Regional Housing Statement, as adopted by the IRHWG**



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## 2.3 Flag Policy

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File:

Responsible Officer:                      Manager Governance

### Purpose

1. To report to Council on protocols and policies relative to the flying of flags both on Council buildings and other places in Yarra City and having particular regard to the Aboriginal flag and the Eureka flag.

### Background

2. Council has sought information on any protocols relative to the flying of various flags within the City. The question arose following a presentation at Public Question time during the November Council Meeting when a suggestion was made to Council that the Eureka flag could be flown on certain occasions.

3. More specifically, Council on 15 November 2005 resolved:

*“That a report be presented to Council on:*

- (a) *protocols pertaining to the flying of flags on Council buildings, particularly town halls or in other places within the boundaries of the City of Yarra*
  - (b) *any rules or guidelines that may affect individuals and groups wishing to fly flags in private and public places in the City of Yarra; and*
  - (c) *without limiting the generality of this report, the report should include advice about the Aboriginal flag and the Eureka flag in particular and the possibility of flags other than the flag of the Commonwealth of Australia being flown at town halls.”*
4. The flying of flags in Australia is governed by strict protocols, adopted and amended from time to time by the Commonwealth and State Governments.
5. The flying of flags protocol provides:
  - (a) the Australian National flag takes precedence over any other flag and therefore the following applies in the instance:
    - (i) of only one flagpole, the Australian National flag should be flown;
    - (ii) of two or an even number of flagpoles in a row, the Australian National flag is flown on the left of the observer facing the flagpoles;
    - (iii) of three or an odd number of flagpoles in a row, the Australian national flag is flown in the centre;
    - (iv) of flagpoles at differing elevations, the Australian National flag shall take prominence at the highest point and other flags at the lower elevation;

- (b) the Australian Aboriginal flag was first raised 12 July 1971, National Aborigines' Day. It is popularly recognised as the flag of the Aboriginal peoples of Australia and:
- (i) is flown permanently at Aboriginal centres throughout Australia;
  - (ii) should only be flown in accordance with Australian official flag protocol in terms of precedence;
  - (iii) may be flown on every day of the year;
  - (iv) could be flown:
    - on the right of the Australian National flag in the instance of an even number of inline flag poles;
    - on either side of the Australian National flag in the instance of an odd number of in line flag poles;
    - below the Australian National flag if flag poles are at different elevations;
- (c) the Torres Strait Islands Flag was adopted in 1992 and is usually flown in association with the Australian Aboriginal; flag and:
- (i) should be flown in accordance with Australian official flag protocol in terms of precedence;
  - (ii) may be flown on every day of the year, could be flown;
  - (iii) on the right of the Australian National flag in the instance of an even number of in line flag poles;
  - (iv) on either side of the Australian National flag in the instance of an odd number of in line flag poles;
  - (v) below the Australian National flag if flag poles are at different elevations;
- (d). the Eureka flag which displays the southern cross, was used as the battle flag of the Eureka Stockade in 1854. It can be flown:
- (i) in accordance with Australian official flag protocol in terms of precedence;
  - (ii) on every day of the year;
  - (iii) on the right of the Australian National flag in the instance of an even number of in line flag poles;
  - (iv) on either side of the Australian National flag in the instance of an odd number of in line flag poles;

- (v) below the Australian National flag if flag poles are at different elevations.
6. Council has a “Flying of Flags at Town Halls Policy” which was last reviewed and approved 9 September 2003. This document details policy which accords with the Australian official flag policy and also gives specific direction to Council staff on the flying of flags other than the Australian National flag, including the United Nations flag, Yarra city Council flag and Football Club flags from the secondary flagpoles located at Richmond and Collingwood Town Halls (Refer Attachment 1).

### **Consultations**

7. The flag protocol has been researched through the Victorian Department of Premier and Cabinet.
8. Note is also made of Council’s adopted policy in relation to its Aboriginal Partnership Plan 2004/08.

### **Financial Implications**

9. If the currently operable flagpoles are used, there should be no additional financial implications.

### **Economic Implications**

10. Nil.

### **Environmental Implications**

11. Nil.

### **Social Implications**

12. The flying of the Australian Aboriginal flag, Torres Strait Island flag and/or the Eureka flag would serve to indicate a strong Council and community appreciation and understanding of the history of development of the Australian cultural heritage and social structure. It would convey recognition, understanding and perhaps appreciation of the contributions made and social “costs” incurred by diverse community groups in connection with the nation’s development.

### **Council Plan, Strategy and Policy Implications**

13. The flying of the Aboriginal and Torres Strait Island flags as outlined in this report would ensure implementation of Strategy 12.3 – “Acknowledging, Understanding and Celebrating Aboriginal Culture” of Council’s Aboriginal Partnership Plan 2004/08.

### **Legal Implications**

14. Provided Council adheres to the National Flag protocols there should be no legal implications.

## **Proposal**

15. Given that Council's current policy provides for certain flags to be flown in specific circumstances, Council could amend its policy to include flying of the Aboriginal, Torres Strait Island and Eureka flags on special days, for example:
- (a) the Australian Aboriginal flag and/or the Torres Strait Island flag during NAIDOC Week, Sorry Day and Reconciliation Week in accordance with the Council's adopted Aboriginal Partnership Plan 2004/08; and
  - (b) the Eureka flag for a week commencing on the anniversary of both:
    - (i) the official founding of the Ballarat Reform League on 11 November 1854, and
    - (ii) the Battle of Eureka on 3 December 1854.

## **RECOMMENDATION**

16. That Council:
- (a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) to incorporate flying of the Aboriginal National flag, the Torres Strait flag and the Eureka flag in the following manner (in instances where there are sufficient flagpoles):
    - (i) the Australian Aboriginal flag and/or the Torres Strait Island flag during NAIDOC Week, Sorry Day and Reconciliation Week in accordance with the Council's adopted Aboriginal Partnership Plan 2004-2008 (This will require removal of reference from Policy, to flying of the United Nations flag during NAIDOC week, due to insufficient numbers of flagpoles);
    - (ii) the Eureka flag for a week on the anniversaries of:
      - the official founding of the Ballarat Reform League on 11 November 1854, and
      - the Battle of Eureka on 3 December 1854;
  - (b) refer to the Budget estimate process, the matter of funding for:
    - (i) installation of a second flagpole at Richmond Town Hall (preliminary estimate \$2,000),
    - (ii) making good access to the main flagpole from an occupational risk viewpoint and subject to heritage approval, the installation of two additional flagpoles at Fitzroy Town Hall (preliminary estimate \$24,000),
    - (iii). making good the access to at least three of the five flagpoles at Collingwood Town Hall (preliminary estimate subject to detailed inspection by the Engineers),

to enable additional flags to be flown, in accordance with Council's Flying of Flags at Town Halls policy (as amended) and with Strategy 12.3 in the Aboriginal Partnership Plan 2004/08).

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

**Attachment 1 – Flying of Flags at Town Halls Policy**  
**Attachment 2 – Extracts from Australian National Flag Policy**  
**Attachment 3 – Extract from the Council's Aboriginal Partnerships Plan.**



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## 2.4 Community Amenity Unit – Quarterly Report

File No.: 25/25/07  
 Responsible Officer: Manager Building & Regulatory Services

### Purpose

- To provide a quarterly update on planning enforcement complaints received and subsequent investigations.

### Background

- At its meeting of 12 December 2001 Council resolved to receive quarterly reports on planning enforcement issues. At its meeting of 10 May 2005, Council resolved to receive quarterly reports on footpath trading issues. Councillors have also requested information on liquor licensing issues. This document incorporates this information.

### Issues

#### Planning Enforcement Requests

- Table 1 lists the planning enforcement requests received by Council for the period 1 November 2005 – 31 December 2005.

Suburb	Ward	Breach of Planning Scheme	Breach of Scheme – Use	Breach of Permit – Construction Noise	Breach of Permit – Heights	Breach of Permit – Screening	Breach of Permit – Vegetation	Development without a Permit	Development with a Permit	Inspection required to determine compliance (multiple issues)	Illegal Brothels
Richmond	Melba	3	3	7	0	3	0	3	0	10	0
Burnley	Melba	0	0	0	0	0	0	0	0	0	0
Cremorne	Melba	0	1	0	0	0	0	0	0	0	0
Abbotsford	Langridge	0	0	3	0	1	1	1	0	2	0
Collingwood	Langridge	1	1	0	0	1	0	3	0	2	0
Collingwood	Nicholls	0	0	0	0	0	0	0	0	0	0
Clifton Hill	Langridge	2	1	0	0	3	0	1	0	2	0
Fairfield	Langridge	0	0	0	0	0	0	0	0	0	0
Alphington	Langridge	0	0	0	0	0	1	1	0	0	0
Fitzroy	Langridge	4	1	2	0	0	0	4	0	0	0
Fitzroy	Nicholls	0	0	0	0	0	0	0	0	0	0
Nth Fitzroy	Nicholls	1	0	0	0	0	0	1	0	2	0
Nth Carlton	Nicholls	2	0	0	1	2	0	0	1	2	0
Princes Hill	Nicholls	0	0	0	0	1	0	0	0	0	0
<b>SUB -TOTAL</b>		<b>13</b>	<b>7</b>	<b>12</b>	<b>1</b>	<b>11</b>	<b>2</b>	<b>14</b>	<b>1</b>	<b>20</b>	<b>0</b>

Table 1

4. The report covers a period of two months and incorporates the Christmas public holidays. The number of complaints received and inspections conducted reflect this quieter period.

Planning Enforcement Action

5. Table 2 lists planning enforcement action undertaken by Council for the period 1 November 2005 – 31 December 2005. The list also includes items that arose during previous reporting periods, but are yet to be fully resolved.

<b>Inspections</b>	<b>No. Actions Taken</b>
To be inspected (includes complaints received at end of this quarter – result to be included in next quarterly report)	15
Proactive inspections	1
<b>Compliance Rate</b>	
Initial inspection conducted (includes carry over of the last quarter)	58
No offence detected (on initial inspection)	33
First inspection compliance rate	56.9%
<b>Action taken this quarter</b>	
Compliance with enforcement action in preceding quarter (1 August 2005 to 31 October 2005)	17
Further action required	20
No further action required (compliance following inspections)	52
<b>Issues on hold / pending</b>	
Referred to Building / Planning / Other	5
Court Attendance	2
Interim Enforcement Order	0
Enforcement Order	2
Liquor Control Reform Act Section 90 applications	2
Awaiting advice from Solicitors	1
Unpaid Planning infringements – with Solicitor for prosecution	18
Unpaid Planning infringements – sent Solicitor this quarter for follow up	7
Matters with Investigators for prosecution (planning/building)	2

Table 2

Liquor Licensing Complaints

6. Table 3 lists the liquor licensing complaints received by Council for the period 1 November 2005 – 31 December 2005.

<b>Complaint Type</b>	<b>Number Received</b>
Liquor Licensing / Planning breach complaints received	3
Music noise complaints received	30
Public Behaviour complaints received	40
<b>TOTAL COMPLAINTS</b>	<b>73</b>
Number of complainants	36
Number of venues involved	36

Table 3

7. The warmer season tends to see increases in complaints.

**Planning Enforcement – Infringement Notices Issued**

8. Table 4 presents the quantity and value of planning enforcement infringement notices issued by Council (including those for liquor license breaches) for the period 1 November 2005 – 31 December 2005.

Number issued	\$ Value PINs issued	\$ Paid (including fines paid at Court)
<b>4</b>	<b>\$3668.00</b>	<b>\$1572.00</b>
(2 Planning Enforcement)		
(2 Liquor Licensing)		

Table 4

9. The infringement notice total reflects the festive season and the two month reporting period.

**Footpath Trading Statistics**

10. Table 5 presents data related to footpath trading complaints and enforcement for the period 1 November 2005 – 31 December 2005.

Breaches	Number of breaches detected	Notices to Comply issued	Warnings issued	Infringement issued
Complaints received	12	3	10	0
Proactive offences detected	39	20	25	2
<b>TOTAL</b>	<b>51</b>	<b>23</b>	<b>35</b>	<b>2</b>

Table 5

11. A number of premises received both a verbal warning and a Notice to Comply resulting in the different totals.

**RECOMMENDATION**

12. That the Community Amenity quarterly report be noted.

**CONTACT OFFICER:** Ken Wolfe  
**TITLE:** Coordinator Community Amenity Unit  
**TEL:** 9205 5015

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## 2.5 Statutory Planning – Quarterly VCAT Activity Report

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File:

Responsible Officer:                    Manager Statutory Planning

### **Purpose**

1. The purpose of this report is to inform the Council about activity in the Planning and Environment List of the Victorian Civil and Administrative Tribunal (VCAT) that is relevant to the City of Yarra.
2. The report details applications for review that have been lodged with or decided upon by VCAT during the months of November and December 2005.

### Applications Lodged with VCAT During November / December

3. During November and December, a total of 20 Yarra planning matters were lodged for review with VCAT. In comparison, 21 matters were lodged in the previous months of August, September and October.
4. The following is a breakdown of the types of matters that were the subject of review during this period:
  - (a) 60 percent of matters were applications by objector/s about Council's decision to grant a permit;
  - (b) 30 percent of matters were applications about the failure of Council to determine a Planning Permit Application within the prescribed time;
  - (c) 5 percent of matters were reviews lodged by applicants about Council's decision to impose conditions on a Planning Permit;
  - (d) 5 percent of matters were applications about Council's decision to refuse to grant a permit.
5. Tables showing the number and type of applications for review that were lodged with VCAT during November and December is contained in Attachment 1.

### Decisions Made by VCAT During November and December

6. The Tribunal decided on 13 review matters in November and December. Of these, Council was fully or partially successful in 77 percent of cases.
7. Consistent with the findings of the last quarterly report, VCAT is using "interim orders" more frequently, giving the applicants the opportunity to amend plans in response to issues raised at the hearing itself.
8. A key finding in the decisions made in November and December related to the extension of time request for 80-110 Trenerry Crescent. In this case the Tribunal approved a further extension of time despite the fact that excessive time had lapsed since the original permit had been issued and that there was a

policy change (being Amendment C66) in the Planning Scheme and the development did not comply with this.

9. A full summary of all decisions made by VCAT during the November and December is contained in Attachment 3.

#### **RECOMMENDATION**

10. That the report be noted.

**CONTACT OFFICER:** Stephen Wainwright  
**TITLE:** Manager Statutory Planning  
**TEL:** 9205 5147

**Attachment 1 – Number of Applications for Review Lodged with VCAT**  
**Attachment 2 – Number of Review Matters Determined by VCAT**  
**Attachment 3 – Summary of VCAT Determinations**



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## **CONFIDENTIAL BUSINESS REPORTS**

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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 property matter.
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.