

ORDINARY MEETING OF COUNCIL MINUTES

held on Tuesday 10 February 2004
at the Richmond Town Hall
at 7.30pm

I. ATTENDANCE

Councillor Greg Barber (Mayor)
Councillor Deborah Di Natale
Councillor Jenny Farrar
Councillor Jackie Fristacky
Councillor Li Lai
Councillor Judy Morton
Councillor Gurm Sekhon

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Cr Sue Corby was not in attendance as she had previously been granted leave of absence.

Cr Kay Meadows

III. DECLARATIONS OF PECUNIARY INTEREST

Nil.

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor Morton **Seconded:** Councillor Di Natale

That the minutes of the Ordinary meeting of Council held on 9 December 2003 and Special Meeting of Council held on 19 January 2004 be confirmed.

CARRIED

***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.***

ORDINARY MEETING OF COUNCIL

FINANCE AND RESOURCES COMMITTEE RECOMMENDATIONS

ITEM	PAGE	RECOMMENDATION
1.1		Electoral Representation Review
1.2		Monthly Finance Report
1.3		Crown Land Transfers

PLANNING AND COMMUNITY DEVELOPMENT RECOMMENDATIONS

- 2.1 Amendment C50 to the Yarra Planning Scheme – Design Guidelines for Development above Three Storeys
- 2.2 Amendment C54 to the Yarra Planning Scheme – Cnr Bedford, Johnston and Perry Streets, Collingwood – Amendment Adoption Stage
- 2.3 Statutory Planning – Protocol for the Representation of Council at the Victorian Civil and Administrative Tribunal (VCAT)
- 2.4 Nicholson Street, Abbotsford – Introduction of 40 km/hr Speed Limit
- 2.5 Multicultural Action Plan and Multicultural Policy Statement 2004/06
- 2.6 Strategy for Growth in Housing for Low Income Victorians - Development of Housing Associations - Council Submission

COUNCIL BUSINESS ITEMS

Nil.

CONFIDENTIAL ITEMS

ITEM	PAGE	RECOMMENDATION
4.1		Contractual Matter
4.2		Matter Prejudicial to Third Parties

PETITIONS AND JOINT LETTERS

5.1		Fraser Street, Richmond – Street Tree Planting
5.2		Butler Street, Richmond – Car Parking Issue
5.3		Newry Street, North Carlton – Car Parking Issue

GENERAL BUSINESS

6.1		Footpath Trading Policy
6.2		Yarra Car Free Day
6.3		Planning Permit Applications Consultative Meetings

CONFIDENTIAL BUSINESS REPORTS

The following items are 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) contractual matters; and
 - (b) Prejudicial to other parties.
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.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Morton

That the recommendation be adopted.

CARRIED

The Council meeting resumed in open session at 7:16pm.

PROCEDURAL MOTION

Moved: Councillor Sekhon

Seconded: Councillor Di Natale

That the Council meeting be adjourned.

CARRIED

The Council meeting adjourned at 7:16pm.

The Council meeting resumed at 7:30pm.

PETITIONS AND JOINT LETTERS

5.1 Fraser Street, Richmond – Street Tree Planting

A petition with 27 signatures was received requesting Council plant street trees in Fraser Street, Richmond as a matter of urgency.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Lai

That the petition be received and referred to the appropriate Officer for action.

CARRIED

5.2 Butler Street, Richmond – Car Parking Issue

A joint letter with 26 signatures was received requesting Council reinstate car parking in Butler Street, Richmond.

COUNCIL RESOLUTION

Moved: Councillor Lai

Seconded: Councillor Morton

That the joint letter be received and referred to the appropriate Officer for action.

CARRIED

5.3 Newry Street, North Carlton – Car Parking Issue

A joint letter with 7 signatures was received requesting Council provide resident permit only car parking in Newry Street, North Carlton.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Morton

That the joint letter be received and formally referred to the appropriate Officer for action.

CARRIED

PUBLIC QUESTION TIME

1. Question (Mr Graham Browne)

What is happening about matters raised in a previously submitted petition by Yambla Street, Clifton Hill residents for traffic modifications?

Answer

The Director Asset Management took the question on notice.

2. Question (Mr Ian Quick)

What is Council going to about instances of persistent trader non compliance of the footpath trading policy? Will Council remove the trader's footpath trading license?

Answer

The Director City Development advised that Council officers are monitoring non compliance issues under Council's footpath trading policy and that Council had issued over 300 notices to comply and about 100 infringement notices to date. He advised that Council is undertaking enforcement on a regular basis and that in most instances where notices to comply are issued, traders generally, do comply. Given available resources, every effort is being made to achieve a high level of compliance with the policy.

Subsequent Question

When are we going to the next stage of enforcing the policy and are we going to get there before the April 2004 review?

Answer

The Director City Development advised that as enforcement of the policy is ongoing, there is no specific cut off time in regard to achieving full compliance. He advised that where we have instances of business owners not cooperating or complying with notices to comply, they will incur fines and will be closely monitored.

3. Question (Ian Quick)

Last October we had a meeting about changing the parking restrictions in Zone 7, and even though there was close to 100% agreement on what needed to be done, no follow up meeting has been scheduled since. When will this be occurring? How can we get this matter progressed?

Answer

The Director Asset Management advised that this project will be progressed in the next couple of weeks.

4. Question (Ian Quick)

Some months ago I asked about developing an "information access / technology" strategy for the city of Yarra, covering issues such as electronic submissions of documents, to the availability of information in electronic form. At the moment the City badly handles electronic input, and has one of the worst web site (sic) of any council.

These aren't necessarily expensive things to fix - but ideally we need a strategy outline what we want to accomplish, how we are going to do it, and how we are going to measure the performance of what we are doing. How can this be moved forward, and when might we expect such a policy? And when could it be actually implemented by?

Answer

The Director Corporate Services advised as follows:

" Council's web site is actively updated on a daily basis and currently contains more than 1200 pages of information, ranging from general background about council services through to highly targeted, specific data needed by our community. In relation to being "one of the worst websites" we have received favourable comments about it and this seems to be supported by the fact there are nearly 20,000 unique visitors per month generating over half a million page accesses. We accept it can still be better and are working to improve it on several fronts.

Our existing strategy document is being revised by the Web Strategy committee to take account of new developments in this area. It is expected these discussions will continue over the next few months.

In parallel with improvements in content, the actual website has been completely redesigned to make it easier to navigate and locate information. The new look is expected to be launched in the last week of February once corresponding changes to our electronic payments section have been tested. In the following weeks we will be making it possible to pay for many more types of Council services through the web site.

Aside from the existing provision of information such as Planning Applications, and submission of graffiti, dangerous tree and similar feedback, Council hopes to incorporate a major upgrade of its electronic submission facilities in the next budget year. This should include online submission of planning and building applications, plus permit applications such as those for animals, footpath trading and so on. This is dependent on further technical work and budget approval."

5. Question (Mr Wayne New)

What is Council going to do about the loss of car parking spaces in Butler Street, Richmond?

Answer

The Director Asset Management advised that he would arrange a meeting with affected residents and traders concerning this matter.

GENERAL BUSINESS

6.1 Footpath Trading Policy

COUNCIL RESOLUTION

Moved: Councillor Di Natale

Seconded: Councillor Sekhon

- ** That a report on Footpath trading policy compliance levels be presented to the April 2004 Council cycle outlining:
- (a) what steps Council will take to ensure the high levels of compliance is maintained;
 - (b) what additional enforcement resources will be allocated to ensure compliance in particular, when Schedule C of the policy (Goods and Ancillary items) is introduced on 1 March 2004.
 - (c) what analysis has been undertaken to determine that the deterrents and actions in the policy are sufficiently effective

CARRIED

6.2 Yarra Car Free Day

COUNCIL RESOLUTION

Moved: Councillor Di Natale

Seconded: Councillor Sekhon

1. That Council encourages the development of behaviour compatible with sustainable development and in particular:
 - (a) the protection of air quality and the prevention of greenhouse effects;
 - (b) promoting opportunities for people to use alternative modes of transport to the single occupancy private car; and
 - (c) offering the Yarra community an opportunity to rediscover their city, its inhabitants and its heritage in a healthier, safer and friendly environment.
- **2. That in recognition of the above, a report be prepared for the March 2004 Council cycle, outlining how Council will implement and promote a **“Yarra Car Free Day”** or **“Can your Car Day”** in conjunction with relevant international campaigns under the auspice of such organisations as the United Nations, European Union and Earth Day Network.
3. The City of Yarra commit to undertaking the ‘Yarra Car Free Day’ in Spring 2004.

CARRIED

6.3 Planning Permit Applications Consultative Meetings

COUNCIL RESOLUTION

Moved: Councillor Di Natale

Seconded: Councillor Morton

** That a report be presented to the April 2004 Council cycle outlining options for improving planning consultative meetings.

CARRIED

DELEGATES REPORTS

Cr Farrar reported on the Friends of Baucau Trivia Night to be held at the Richmond Town Hall on Saturday 20 March 2004 to help raise funds for the Friendship Learning Centre.

Cr Di Natale reported on the East Timor Coffee Campaign, part proceeds which assists funding of the Friendship Learning Centre.

Cr Farrar and Cr Sekhon reported on the Australian Local Government Association National General Assembly where they attended as Council delegates in November 2003 and tabled a written report at Council. A copy of the report is attached.

Cr Farrar reported on the Victorian Local Governance Association's Planning Day held recently in the Hepburn Shire. Cr Farrar advised that she would provide a written report to Council.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Sekhon

**That the reports be noted.

CARRIED

QUESTIONS WITHOUT NOTICE

1. Question (Cr Fristacky)

Could the Chief Executive Officer report on the award received by Council for its role in pursuing the issue of asylum seekers?

Answer

The Chief Executive Officer reported that Council had received a United Nations award for its advocacy on behalf of the 'Asylum Seekers Campaign' and that this award was presented to a Council delegation comprising Cr Corby and the Director Community Development in New York in early February 2004.

2. Question (Cr Fristacky)

Will Council be having representatives in the Great Melbourne Bike Ride to be held in March 2004?

Answer

The Chief Executive Officer advised that she was unaware of any specific representation at this time, however Council will support and sponsor any staff and councillors interested in participating in this event.

3. Question (Cr Di Natale)

When can I obtain a copy of a map showing disability parking bays in the City?

Answer

The Director Asset Management took the question on notice.

FINANCE & RESOURCES COMMITTEE MEETING

**Tuesday 3 February 2004
Richmond Town Hall
Commencing 6:30pm**

ATTENDANCE

Councillor Jackie Fristacky (Chairperson)
Councillor Greg Barber
Councillor Jenny Farrar
Councillor Li Lai

APOLOGIES

Councillor Sue Corby

DECLARATIONS OF PECUNIARY INTEREST

Nil

1.1 Electoral Representation Review

File: 25/30/02/01
Responsible Officer: Manager Governance

Purpose

1. To inform Council of a notification received from the Minister for Local Government (“Minister”) concerning a electoral representation review (“Review”) for Yarra City Council and of the requirement for Council to appoint a Reviewer pursuant to the provisions of the *Local Government Act 1989* (“the Act”).

Background

2. At its meeting on 18 November 2003, Council considered a report on the *Local Government (Democratic Reform) Bill 2003* and in particular, its implications for Council concerning the Council elections in November 2004. Council resolved to write to the Minister requesting a Review of its electoral structure given that Yarra has currently four multi member wards and one single member ward. The present structure could be problematic given the introduction of Proportional Representation (PR) voting system for multi member wards.
3. Council received notification from the Minister on 10 December 2003 that Yarra has been selected as one of nine councils to conduct a Review prior to holding elections on 27 November 2004. (The Minister’s letter did not refer to Council’s request for a review). The other councils are:
 - (a) Warrnambool;
 - (b) Moorabool;
 - (c) Corangamite;
 - (d) Greater Bendigo;
 - (e) Pyrenees;
 - (f) Hobson’s Bay;
 - (g) Moreland; and
 - (h) Stonnington.
4. A notice pursuant to section 219C of the Act was published in the Victoria Government Gazette on Monday 15 December 2003.

Issues

5. The Review will commence in mid February 2004 and the last date by which the final report of the Review is to be submitted to the Minister is 17 May 2004.

6. Section 219C(1)(a) of the Act requires that councils appoint their Reviewers by 13 February 2003.
7. The Act requires that the Reviewer be an electoral commission. The Victorian Electoral Commission (VEC) is an appropriate body for the conduct of such a Review.
8. Section 219D of the Act prescribes the purpose of the Review as follows:

“The purpose of the Review is to recommend:

- (a) *the number of Councillors and the electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a general election of the Council;*
- (b) *if the municipal district is to be divided into wards, boundaries for the wards which –*
 - (i) *provide a fair and equitable division of the municipal district;*
 - (ii) *satisfy paragraph (c);*
- (c) *if paragraph (b) applies, whether the number of voters represented by each Councillor is within 10% of the number derived from the following calculation:*

$$\frac{V}{C}$$

where –

V is the number of persons who are entitled to vote at a general election of the Council;

C is the number of Councillors elected to represent individual wards.

9. The scope of this Review does not include a review of external municipal boundaries.
10. The Review timetable is shown in Table 1.

	Date	Particulars
1.	16 February	VEC to deliver (ie: by mail) to voters, an information brochure to coincide with the publication of the public notice. The public notice will provide information in relation to the Review and opportunity to submit preliminary written submissions.
2.	24 February	Public information session – Richmond Town Hall 7.30pm to 8.30pm.
3.	15 March	Closing date for preliminary submissions.

4.	5 April	Publication of notice announcing the release of the preliminary report and inviting submissions.
5	26 April	Closing date for submissions.
6.	Week commencing 3 May	Public hearing for people to be heard in support of their submission.
7.	17 May	Reviewer to submit final report to the Council and the Minister.
8.	Early June	Minister to recommend to Governor in Council the making of such orders under section 220Q as are necessary to implement the final report.

Table 1

Resource and Financial Implications

11. The cost of the Review is \$59,000 including GST. Council is required to meet the cost. The cost includes:
- (a) advertising – both specific to Yarra and a share of the state wide generic advertising;
 - (b) printing and distribution by mail (*) of a leaflet to all voters.
 - (*) – This is consistent with the approach taken when distributing electoral material at the 2002 Yarra elections. While more expensive than a letterbox/"junk mail" approach, it ensures a far more acceptable level of information to the community. The mail out will be supplemented by state wide advertising and use of the VEC and Yarra website;
 - (c) VEC resources including preparation of community consultation material, ward boundary modelling, merging of voter's rolls, report production, preparation of new boundary maps, project management, web production and processing submissions; and
 - (d) consultancy expenses (the Review Panel will include an independent member).
12. The cost of the Review was not budgeted because at the time the budget was prepared, there was no indication of the next elections being brought forward, the introduction of PR for multi member wards or of the requirement for a review. The cost of the review has been factored into the EOY forecasts.

Legal Implications

13. Given the timeframe and after consultation with Councillors, the VEC has been appointed as the Reviewer by the Chief Executive Officer. If that had not occurred, the Minister would have appointed the Reviewer.

Proposal

14. It is proposed that through the February and March meeting cycles, the key principles to be included in Council's submission will be developed and agreed

and that at its meeting on 9 March 2004, that Council approve a submission to be forwarded to the Reviewer.

RECOMMENDATION

15. That the report on the Electoral Representation Review be noted.

Submission

Mr John Beckwith addressed the Committee on this item.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Farrar

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Finance and Resources Committee recommendation be adopted.

CARRIED

1.2 2003/04 Monthly Financial Report – Period Ending 31 December 2003

File: 40/40/02
Responsible Officer: Manager Management Accounting

Purpose

1. To provide a financial report for the six months ending 31 December 2003 and information on the current status of Council's financial performance and position.

Background

2. The 2003/04 Annual Budget was adopted by Council on 8 July 2003.
3. This report is being presented in accordance with Regulation 18 of the *Local Government Regulations 2001*.
4. The report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the period ending 31 December 2003.

Issues

5. The end of year forecast operating result at 31 December 2003, before transfers, is projected to be a surplus of \$3.084m being an unfavourable variance of \$0.172m compared to the Annual Budget surplus of \$3.256m. This is a minor improvement of \$0.039m on the surplus forecast for the previous period. This result is reflected by a unfavourable forecast income variance of \$0.827m and a favourable forecast expenditure variance of \$0.655m. The overall forecast variance comprises of the following significant variances:
 - (a) parking revenue unfavourable to budget by \$0.997m;
 - (b) leisure centre fees unfavourable to budget by \$0.111m;
 - (c) reimbursements and contributions favourable to budget by \$0.150m;
 - (d) employee costs favourable to budget by \$0.337m;
 - (e) contract payments unfavourable to budget by \$0.391m;
 - (f) other materials and services favourable to budget by \$1.135m; and
 - (g) provision for doubtful parking debtors unfavourable to budget by \$0.365m.
6. As outlined in the Statement of Financial Performance, the year to date operating result before reserve transfers reflects a favourable variance of \$2.293m.

7. The overall year to date variance in income is an unfavourable result of \$0.038m comprising the following significant variances:
 - (a) parking revenue is unfavourable to budget by \$0.639m (7.64%) due to a significant decline in the number of PIN's issued to date partially offset by additional parking meter income. The implications of these changes in relation to Council's future financial planning will be considered in the preparation of the coming year's budget and the revised long term financial plan;
 - (b) user charges, fees & fines income favourable to budget by \$0.416m (11.95%) mainly as a result of income generated from the Burnley Golf Course and Local Law and permit income to date; and
 - (c) reimbursements and contributions \$0.280m (32.92%) favourable to budget primarily due to receipt of unbudgeted Roads to Recovery funding plus additional road reinstatement income to date.
8. The overall year to date variance in expenses is a favourable result of \$2.330m comprising the following variances:
 - (a) employee costs are favourable compared to budget by \$0.180m (1.29%) due to a higher than planned level of vacant positions across the staff establishment for some Council activities;
 - (b) contract payments are favourable compared to budget by \$0.317m (4.30%) reflecting a lower than anticipated cost of various contract services to date; and
 - (c) other materials & services is favourable compared to budget by \$1.526m (14.41%) primarily reflecting lower than planned expenditure for consultants and professional services, contributions, materials, training and other expenses.
9. Council's 2003/2004 adopted budget from a rate determination perspective would result in a rates surplus carried forward of \$2.026m. The current forecast result is for a rates surplus carried forward of \$3.229m. The favourable budget variance of \$1.202m is mainly as a result of a forecasted under spending of the capital works program (\$0.678), a favourable carry forward rate surplus (\$0.696) and an unfavourable operating result of \$0.172m.
10. Council's cash position at the end of December stood at \$11.89m, reflecting a net cash inflow of \$2.359m for the year to date.
11. Rates outstanding as at the end of December totalled \$23.75m, of which \$1.5m pertains to rates outstanding from previous rate years.
12. Parking debtors amounted to \$6.3m (net of provision for doubtful debts). Infringements outstanding for more than 90 days are referred to the PERIN Court for collection.
13. Other debtors (excluding GST-ATO) outstanding at the end of December were \$2.134m of which \$0.5m has been outstanding for more than 90 days.

14. The attached capital works report reflects expenditure to the end of December of \$4.9m compared to a year to date budget of \$8.4m and represents 30% of the annual capital works program. However, the value of works completed at the end of December is estimated to total \$6.8m, and this represents a shortfall against the year to date budget of an amount of \$1.6m, mainly due to timing differences. These include the significant year to date budget allocations for works at the Fitzroy Town hall, Fitzroy Pool and also for the plant replacement program.

The current year end Capital Works program forecast is currently \$15.6m, which represents an under spending to budget of \$0.678m.

15. The purchase order compliance rate for the month of December was 95% against a target of 100% (excluding exempt payments).

Community Implications

16. The 2003/04 Annual Budget resources the second year of the City Plan 2002-05 adopted by Council on 25 June 2002 and thus ensures achievement of the major strategies and actions of the key commitment areas of the City Plan.

RECOMMENDATION

17. That the financial report for the six months ending 31 December 2003, be noted by Council.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Barber

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Lai

That the Finance and Resources Committee recommendation be adopted.

CARRIED

See Attachment

1.3 Crown Land Transfers

File: 15/15/16
Responsible Officer: Coordinator Asset Management

Purpose

1. To assess the suitability and viability of assuming control for nine parcels of land offered to Council by the Department of Sustainability and Environment (DSE).

Background

2. Nine parcels of land were offered to Council by the DSE on 17 March 2003. The sites were previously under the control of Melbourne Parks and Waterways, which was abolished on 1 December 2001.
3. The parcels of land are not offered separately.
4. The land area is approximately 7,500m² in total:

Dights Falls	3,820m ²
Flockhart Reserve	2,975m ²
Maugie St	663m ²
TOTAL	7,458m ²
5. The proposed mechanism to transfer the land to the Council is to sell the land under Section 99 of the *Land Act* 1958 for \$1.00 per parcel if demanded.
6. The land is offered subject to restricted Crown grants, with the prime restriction being that the land must be maintained and used solely as public open space.
7. The DSE has confirmed that it does not expect the Council to maintain the sites above their current level of maintenance .
8. The nine parcels of land are as follows:

Address	Zoning	Volume	Folio
Trenerry Cres., Abbotsford	PPRZ	8916	303
Flockhart St., Abbotsford	PUZ1	8983	934
Maugie St., Abbotsford	PPRZ	8399	836
Maugie St., Abbotsford	PPRZ	8399	835
Maugie St., Abbotsford	PPRZ	8543	714
Maugie St., Abbotsford	PPRZ	8399	834
Maugie St., Abbotsford	PPRZ	8230	522
Maugie St., Abbotsford	PPRZ	8434	890
Maugie St., Abbotsford	PPRZ	8183	305

Table 1

Site Reviews

Maugie Street, Abbotsford (7 parcels of land)

9. The land is a flat rectangular section of land, which is a buffer between the Maugie St residential and industrial zones and the Eastern Freeway. (Refer Attachment 1)
10. No site access issues exist.
11. The site was previously used as residential accommodation prior to the construction of the Eastern Freeway.
12. The Open Space Unit has confirmed that the Council currently maintains the site.

Trenerry Crescent, Abbotsford (1 parcel of land)

13. The land is contained within the Dights Fall Park and comprises two flat, irregularly shaped portions. The first portion of land to the east directly adjoins land owned by Council; the second portion of land (to the south) also adjoins land owned by the Yarra City Council. (Refer Attachment 2)
14. The water race is located centrally within Dight's Falls. The land on offer abuts the water race at the eastern end.
15. The land also adjoins the Heritage Mill structure water race of which Council is the registered proprietor.
16. The Heritage Mill and adjoining water races received a substantial capital upgrade to the main structure, bluestone retaining walls, surrounding fencing and landscaping five years ago.
17. These works were designed and project managed by Council with funding contributions from Melbourne Parks and Waterways and Heritage Victoria
18. No site access issues exist.
19. The Open Space Unit confirms that Council currently maintains the site on behalf of the owner. An agreement for maintenance of this area was adopted some time ago, however specific documentation has not been located.

Flockhart Street, Abbotsford (1 parcel of land)

20. The land adjoins the Flockhart Reserve and abuts the Yarra River at a sharp incline. (Refer Attachment 3)
21. Council is currently Committee of Management for the Flockhart St Reserve, which adjoins the parcel of land on offer.
22. As the land is offered as a grant to Council, accessing the land is reliant upon the adjoining land remaining Crown land and Council remaining as Committee of Management. Were this status to change, Yarra may need to arrange future access rights with the owner or manager of the adjoining land.

23. The Open Space Unit has confirmed that Council currently maintains the site.

Consultations

Open Space Planning

24. The draft Open Space Strategy Plan identifies the parcels of land as being strategic environmental, pedestrian and cycle links within the city. Specifically these sites increase the provision of open space along the Yarra River corridor and public access to it. These are both key objectives of the proposed Open Space strategy. In addition these sites contribute to the net increase in open space within the City.
25. Dights Falls and Flockhart Reserve are particularly important as they provide public access to the Yarra River corridor as well as much needed open space in parts of the municipality where the availability of open space is minimal.
26. The Maugie Street land is important as it softens the interface of the street to the freeway, with the recent plantings reinforcing its function as an extension of the Dight's Falls parkland.
27. Furthermore, the recent involvement from the community in the planting activities further strengthens the importance of the land to the local community.

Risk Management and Insurance Unit

28. A Strategic Risk Review was undertaken for the Dight's Falls. The findings indicate that the Council owned land and the land on offer from the DSE contain a number of identified risks.
29. The majority of the risks are located on land currently owned and maintained by the Council and will need to be minimised through ongoing maintenance programs and capital works.

Maugie Street

30. The Maugie Street land parcel comprises primarily flat land with some trees and vegetation in situ. No notable natural or man-made hazards are present on this site.

Flockhart Reserve

31. The Flockhart Reserve land parcel comprises a flat area with a natural drop off to the riverbank. This in itself is not a latent hazard and is considered typical in terms of the obvious topography of the area. Caution would be needed when designing and constructing pathways and fences in this area.

Dights Falls

32. The Dights Falls Park land parcel in conjunction with the existing land under the control of Council has a number of both natural and man-made hazards and risks within its boundaries. These risks include but are not limited to:
- (a) trip & fall hazards;
 - (b) unprotected edges leading to potential fall from heights or to depths;
 - (c) uneven surfaces and undefined access paths;
 - (d) overgrown vegetation;
 - (e) uneven steps;
 - (f) restricted access issues; and
 - (g) lack of appropriate signage.
33. In conjunction with the proposed works to be undertaken by Open Space Planning, a priority risk mitigation plan should be developed to address the existing risk issues. A majority of the risks can be simply controlled with an improved maintenance regime, however several may require future capital works funding.
34. A majority of risks associated with this site emanate from land already under the control of Council therefore irrespective of the decision to acquire the land on offer, the risk mitigation plan will still be required.

Heritage Victoria

35. Dights Falls is subject to Heritage Overlay 48 and is on the Victorian Heritage Register (H1522).
36. The DSE advises that Council would not be expected to maintain the site above its current level of maintenance. However, the Council would be expected to consult with Heritage Victoria if any major works were proposed for the site that may affect heritage significance.

Urban Planning

37. The Urban Planning Branch have reviewed the sites and confirmed that none of the nine parcels of land are subject to any environmental overlay.

Financial and Resource Implications

38. The cost to transfer the land from the DSE to Council is \$1 per parcel of land if demanded.

39. All costs associated with the proposed land transfers would be met by the DSE.

Insurance Costs

40. The Risk Management and Insurance Unit confirms that the Council will be covered under its existing CMP liability policy for any claim which may eventuate from the properties.

Site Maintenance Costs

41. The Open Space Unit advises that Council is currently maintaining all of the sites.

Site Capital Costs

42. The Open Space Unit advises that the following costs are indicative budget estimates only and that the capital works submissions for these sites were to be undertaken regardless of the acceptance of this offer.

- (a) Maugie Street Abbotsford (7 parcels of land)

- (i) revegetation works; and
- (ii) provision of seating.

To undertake the above capital works, an indicative budget estimate is \$7,200. All works would be undertaken on transferred land and provision for these works will be considered as part of the 2004/05 Capital bids.

- (b) Trenerry Crescent., Abbotsford (Dights Falls) (one parcel of land)

- (i) refurbishment of bike path;
- (ii) revegetation works;
- (iii) stabilisation of escarpment (rockwork);
- (iv) upgrade of interpretive signage;
- (v) removing silt from the water mill race; and
- (vi) further restoration of the mill house.

To undertake the above capital works, an indicative budget estimate is \$48,500. Provision for these works will be considered as part of the 2004/05 Capital bids.

Not all works would be undertaken on transferred land .

- (c) Flockhart Street, Abbotsford (1 parcel of land)

- (i) replacement of picnic tables;
- (ii) revegetation works;

- (iii) installation of pathway along Yarra River (as a central link between Walmer St Bridge and Collins Bridge; and
- (iv) upgrade of boundary fencing.

To undertake the above capital works, an indicative budget estimate is \$83,500. Provision for these works will be considered as part of the 2004/05 Capital bids.

Not all works would be undertaken on transferred land.

Land Transfer Timing

- 43. It is recommended that the land be transferred effective from 1 July 2004, to synchronize with the 2004/2005-budget process.

RECOMMENDATION

- 44. That Council accept the offer from the Department of Sustainability and Environment to transfer the nine parcels of land (as attached) effective from 1 July 2004.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Lai

That the matter be referred to Council for further consideration pending information being sought from the Department of Sustainability and Environment concerning any soil contamination issues relating to the subject parcels of land.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

- **1. That the matter be deferred until Council officers meet with representatives of the Department of Sustainability and Environment to negotiate the undertaking of a soil contamination desktop audit of the subject sites and that a further report be presented to Council.
- 2. That Council undertake an audit of Crown Land sites that it maintains.

CARRIED

See Attachment



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**PLANNING & COMMUNITY DEVELOPMENT
COMMITTEE MEETING**

**Tuesday 3 February 2004
Richmond Town Hall
Commencing at 8:00pm**

ATTENDANCE

Councillor Judy Morton (Chairperson)
Councillor Greg Barber
Councillor Di Natale
Councillor Kay Meadows
Councillor Gurm Sekhon

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST

Nil

2.1 Amendment C50 to the Yarra Planning Scheme – Design Guidelines for Development above Three Storeys

EXECUTIVE SUMMARY

Purpose

To consider the Panel Report regarding Amendment C50 to the Yarra Planning Scheme, Design Guidelines for Development above Three Storeys.

To adopt Amendment C50 to the Yarra Planning Scheme with changes and to recommend to the Minister for Planning that it be approved.

Issues

Amendment C50 to the Yarra Planning Scheme proposes to introduce Design Guidelines for Development above Three Storeys (the Guidelines) as a policy in the Scheme.

An independent Panel has considered the proposed amendment and recommended that subject to changes it be approved. The Panel accepted the need for the policy and found that the Guidelines follow accepted good design practice.

Resource Financial Implications

The costs associated with the Amendment and Independent Panel process will be borne by Council and are within the approved 2003/4 strategic planning budget.

Community Implications

Four submissions were received in response to the public exhibition of the amendment. Two of the submitters requested to be heard by the Panel. The Panel considered all written and verbal submissions in reaching its conclusions.

The Panel was satisfied that adequate notice of the amendment was given, and accepted that the low number of submissions reflects the general acceptability of the Guidelines to the Yarra community.

Environmental Implications

Guidelines have been developed to improve the design quality and performance of buildings over three storeys.

City Plan, Strategy and Policy Implications

The proposed Policy is required under City Plan 2002/05 where one of the projects is to *“Consolidate completed strategic studies and prepare design guidelines for development above 3 storeys.”*

Legal Implications

Consideration of the Panel report and adoption of the Amendment is in accordance with the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

Adoption of Amendment C50 to the Yarra Planning Scheme with changes.

RECOMMENDATION

50. That Council:

- (a) pursuant to Section 29(1) of the *Planning and Environment Act 1987*, adopt Amendment C50 to the Yarra Planning Scheme with the changes shown in Attachment 3; and
- (b) submit the adopted amendment for approval together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the *Planning and Environment Act 1987*.

Submission

Mr Ron Cameron addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Di Natale

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

See Attachment



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2.2 Amendment C54 to the Yarra Planning Scheme – Cnr. Bedford, Johnston and Perry Streets, Collingwood – Amendment Adoption Stage

EXECUTIVE SUMMARY

Purpose

To adopt Amendment C 54 to the Yarra Planning Scheme pursuant to section 29 (1) of the *Planning & Environment Act 1987* ('the Act'), with one change and to submit the amendment to the Minister for Planning pursuant to section 31(1) of the Act.

Issues

Amendment C 54 proposes to rezone land at 2-8 Bedford Street and 10 Perry Street, Collingwood from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone (the amendment land). In addition, it is proposed that properties with a history of industrial land uses in the amendment land would have an Environmental Audit Overlay (EAO) applied.

No submissions against the proposed rezoning have been received following exhibition of the amendment. The proponent has supplied evidence that 4 Bedford Street has already been subject to an Environmental Audit under the requirements of a planning permit issued for the site (95/016).

Resource and Financial Implications

The costs associated with the amendment (\$1,860) will be borne by the proponent.

Community Implications

The amendment was placed on public exhibition for a one-month period, and no objecting submissions have been received.

Environmental Implications

The proposed amendment will facilitate a more efficient use of existing physical infrastructure.

City Plan, Strategy and Policy Implications

The amendment proposal is consistent with relevant planning policies.

Legal Implications

The amendment has been processed in accordance with the provisions of the Act.

PROPOSED ACTIONS

That Council:

- (a) adopt Amendment C 54 to the Yarra Planning Scheme pursuant to section 29 (1) of the Planning and Environment Act 1987 with one change to the Environmental Audit Overlay so that it includes only sites that have been used for industrial purposes; and
- (b) submit Amendment C54 to the Yarra Planning Scheme to the Minister for Planning pursuant to section 31(1) of the Act.

RECOMMENDATION

40. That Council:

- (a) adopt Amendment C 54 to the Yarra Planning Scheme pursuant to section 29 (1) of the *Planning and Environment Act 1987* with one change to the Environmental Audit Overlay so that it includes only sites that have been used for industrial purposes; and
- (b) submit Amendment C54 to the Yarra Planning Scheme to the Minister for Planning pursuant to section 31(1) of the Act.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Sekhon

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

See Attachment



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2.3 Statutory Planning – Protocol for the Representation of Council at the Victorian Civil and Administrative Tribunal (VCAT)

EXECUTIVE SUMMARY

Purpose

To report to Council on the manner with which it is represented at the Victorian Civil and Administrative Tribunal (VCAT), to highlight the need for a protocol to ensure consistency of representation and to recommend that a protocol be adopted by Council and incorporated into the Urban Planning Branch Schedule of Delegation.

Issues

Council, at its meeting of 18 November 2003 resolved that a report be presented providing referral options for representation at VCAT when an officer's recommendation is overturned at the Internal Development Approval Committee (IDAC). Integral to these referral options is the need for a protocol to inform the level of any representation by Council at VCAT, and to incorporate any protocol into the Urban Planning Branch's Schedule of Delegation.

Resource Financial Implications

Currently Council's urban planners often represent Council at VCAT, with external consultants and legal representation employed to represent Council when internal resources are not available. The structure of the Urban Planning Branch includes the provision of a specialist planning appeals officer, a position which has been vacant since October 2003. It is envisaged that this position will be filled in the near future.

Community Implications

The proposed resolution has been referred to Council's Planning Community Advisory Committee (PCAC) for comment. No objections have been raised.

City Plan, Strategy and Policy Implications

The application of this protocol will provide consistent, clear and transparent decision making and good governance of Council's decisions through appropriate representation at VCAT.

Legal Implications

Council must represent its decisions at VCAT hearings and the adoption of an appeals protocol will be included into the Urban Planning Branch Schedule of Delegation to define how this occurs, particularly where legal representation is required.

PROPOSED ACTIONS

It is recommended that the Instrument of Delegation for the Urban Planning Branch be amended to reflect a "Planning Appeals Process" Protocol.

RECOMMENDATION

28. That the Instrument of Delegation for the Urban Planning Branch be amended to reflect the attached "Planning Appeals Process" Protocol in order to provide consistency, transparency and awareness of the procedures.

Submissions

The following people addressed the Committee on this item.

Ms Sivy Orr; and

Mr Ian Wood.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Meadows

**That the matter be deferred to the April 2004 Council cycle pending further consultation with the Planning Community Advisory Committee.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

**That the Planning and Community Development Committee recommendation be adopted.

CARRIED

See Attachment



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2.4 Nicholson Street, Abbotsford – Introduction of 40 km/hr Speed Limit

File: S00100-02
Responsible Officer: Manager Infrastructure

Purpose

1. To obtain Council endorsement to seek VicRoads approval to permanently amend the existing speed limit on Nicholson Street, Abbotsford, between Johnston Street and Victoria Street from 50 km/hr to 40 km/hr.

Background

2. Informal discussions held with VicRoads to date, suggest they do not object to the introduction of a 40 km/hr speed limit on Nicholson Street.
3. In October 2003, a 40km/hr speed limit was established along a section of Nicholson Street, outside the Sophia Mundi Steiner School.
4. The speed and volume of traffic along Nicholson Street has been an ongoing concern for local residents for some time. In June 2003, speed cushions were installed along Nicholson Street, between Johnston Street and Gipps Street. The speed cushions have been successful in reducing the traffic speed and volume.

Issues

5. Some residents living close to the speed cushions have expressed their dissatisfaction with the noise performance of the speed cushions. The noise created when a vehicle crosses over a speed cushion is a result of both the vehicle's deceleration and acceleration and its vertical displacement.
6. To reduce the noise level, it is necessary to reduce vehicular deceleration and acceleration. Reduced noise levels may be achieved by installing additional speed cushions of a narrower width (than currently exist) along Nicholson Street and to reduce the current speed limit to 40km/hr.
7. It is anticipated that the reduced speed limit will act in conjunction with the speed cushions to reduce the degree of vehicular acceleration and deceleration and acceleration to provide a smoother and quieter traffic flow.
8. The narrow width of the proposed speed cushion will enable most vehicles to ride over its tapered side faces, reducing the vertical displacement of the vehicle. Large commercial vehicles will be able to almost entirely straddle the narrow speed cushion, eliminating the noise that would otherwise be created through vertical displacement.

9. The traffic calming of Nicholson Street has been achieved through an ongoing process of community consultation. To address the noise issue, Council officers met again with local residents on 1 December 2003. The following outcomes were agreed upon:
 - (a) As part of Council's February 2004 report cycle, a recommendation will be made to Council seeking approval to introduce a permanent 40 km/hr speed limit along Nicholson Street from Johnston Street to Victoria Street; and
 - (b) Council officers undertook to review the design (width), location and spacing of the existing speed cushions – it would pursue the installation of up to three additional speed cushions (of the narrow type) along Nicholson Street from Johnston Street to Gipps Street. A target date for implementation is February 2004.
10. Council has successfully implemented 40 km/hr speed zones in residential streets like Scotchmer Street, North Fitzroy, between Nicholson Street and Street Georges Road.

Consultations

11. Several meetings have been held with the residents of Nicholson Street. This initiative has been strongly supported in the meetings.

Resource and Financial Implications

12. The resource and financial implications are minimal, with funding already available in the road safety program. The costs will provide for new signposts to display the new speed limit.

Environmental Implications

13. A reduction in speed will lead to better residential amenity, improved road safety outcomes and a better environment for pedestrians and cyclists.

City Plan, Strategy and Policy Implications

14. This initiative is in line with Council's vision to improve liveability and amenity throughout the municipality and to limit the impact of through traffic on local communities through the use of traffic calming measures.

Legal Implications

15. In accordance with the *Road Safety (Road Rules) Regulations* 1999, a speed limit is a major traffic control item and as such requires the written approval of VicRoads to amend it.

Options

Option 1

16. To permanently amend the existing speed limit along Nicholson Street, Abbotsford, between Johnston Street and Victoria Street from 50 km/hr to 40 km/hr.

Option 2

17. To retain the existing 50 km/hr speed limit along Nicholson Street.

Proposal

18. It is proposed that the existing 50 km/hr speed limit along Nicholson Street, Abbotsford, between Johnston Street and Victoria Street be permanently amended to 40 km/hr.

RECOMMENDATION

19. That, subject to VicRoads approval, Council endorses the introduction of a permanent 40 km/hr speed limit on Nicholson Street, Abbotsford, between Johnston Street and Victoria Street.

Submission

Mr Ian Quick addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Barber

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

EXECUTIVE SUMMARY

Purpose

To seek Council endorsement of the Multicultural Action Plan 2004/06 ('the plan') and the Multicultural Policy Statement 2004/06 ('the policy statement').

Issues

The *Strength in Diversity Statement 1998* informs the Policy Statement which has a specific focus on Council's commitment to, and support for multicultural / ethnic communities.

The City of Yarra's Multicultural Action Plan 1999 has expired. Council approved a consultation and review process for a revised plan on 30 June 2003.

Resource Financial Implications

The revised Plan proposes a staged implementation of several key activities. The development and coordination of these activities can be achieved within current budget limits. Additional costs associated with the implementation of these activities will be referred to annual budget planning processes.

Community Implications

The plan and the policy statement are designed to strengthen partnerships and service delivery to Yarra's culturally and linguistically diverse residents, community groups, multicultural organisations, and ethno-specific agencies.

City Plan, Strategy and Policy Implications

The plan and policy statement 2004/06 reflect Council's key commitment area of *Community Development: Improve, Value, Celebrate* that underpins the City Plan 2003/06 and other key policies and strategies.

Legal Implications

The plan and policy statement promote adherence to equal opportunity statutory requirements, quality assurance policies, and Best Value.

PROPOSED ACTIONS

That Council endorses the Multicultural policy statement and endorse the broad directions of the Plan 2004/06 subject to a separate costing of the actions items (as outlined in Attachment 1) and assessment of the capacity to fund these actions within budget and prior to referral to annual budget planning processes.

That the plan and policy statement be promoted widely to local community groups and multicultural / ethno-specific organisations.

RECOMMENDATION

16. That Council strongly endorses the Multicultural Policy Statement 2004/06 as contained in Attachment 1.
17. That Council endorse the broad directions of the Multicultural Plan 2004/06 subject to a separate costing of the actions items (as outlined in Attachment 1) and assessment of the capacity to fund these actions within budget and prior to referral to annual budget planning processes.
18. That the Multicultural Plan 2004/06 and Policy Statement 2004/06 be promoted widely to local community groups and multicultural / ethno-specific organisations.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Sekhon

Seconded: Councillor Di Natale

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

See Attachment



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2.6 Strategy for Growth in Housing for Low Income Victorians - Development of Housing Associations - Council Submission

EXECUTIVE SUMMARY

Purpose

To inform Council of a State Government policy initiative titled "Strategy for Growth in Housing for Low Income Victorians - Development of Housing Associations" ("the Strategy").

To seek Council endorsement of a submission in response to the Strategy consultation document.

Issues

The State Government has released a policy proposal to establish four Housing Associations across Victoria. Housing Associations are a State Government initiative to develop innovative social housing models that will maximise social and economic benefits. There is \$70m in capital growth funds attached to the establishment of this project.

Housing Associations are to be delivered by non-profit community organisations. Housing Associations are expected to be self-funded through financial models that include debt financing and rent-generated income streams.

The new model has raised concerns within the broader housing sector about whether Housing Associations will be under financial pressures to be discerning about the allocation of stock to tenants who may be deemed to be high risk. Additionally, there are concerns about the lack of detail in the policy proposal on issues such as a regulatory framework, financial sustainability and outcomes for housing affordability.

Community Implications

The establishment of Housing Associations may alter the process by which members of the community on low-incomes can access affordable housing options.

City Plan, Strategy and Policy Implications

Council's position on Housing Associations will be incorporated into the development of the Affordable Housing Policy and Action Plan, currently under review.

PROPOSED ACTIONS

Council endorsement of a City of Yarra submission in response to the Strategy and advocacy for the development of an appropriate social housing model as contained in the submission.

RECOMMENDATION

25. That Council:
- (a) endorses Attachment 2 - "City of Yarra Submission – Response to the Strategy for Growth in Housing for Low Income Victorians- Development of Housing Associations Consultation Document" and that the submission is forwarded to the Industry Development Unit, Office of Housing, and
 - (b) advocates for the development of an appropriate alternative social housing model as contained in the submission.
26. That Council writes to the Minister of Housing, highlighting the concerns expressed in the submission and by forum participants, and seek an extension to the community consultation process to enable an adequate review and analysis of the Strategy.

Submission

Mr John Beckwith addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Sekhon

That the matter be referred to Council for further consideration.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Sekhon

Seconded: Councillor Di Natale

1. That Council:
- (a) endorses Attachment 2 - "City of Yarra Submission – Response to the Strategy for Growth in Housing for Low Income Victorians- Development of Housing Associations Consultation Document" and that the submission is forwarded to the Industry Development Unit, Office of Housing, and
 - (b) advocates for the development of an appropriate alternative social housing model as contained in the submission.
2. That Council writes to the Minister of Housing, highlighting the concerns expressed in the submission and by forum participants, and seek an extension to the community consultation process to enable an adequate review and analysis of the Strategy.

CARRIED

See Attachment



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The Council meeting closed at 8.36pm.

Confirmed this 9th day of March 2004.

Mayor