

YARRA CITY COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

held on Tuesday 21 February 2006 at 7.00pm
at the Richmond Town Hall

I. ATTENDANCE

Councillors

Cr Jackie Fristacky (Mayor)
Cr Annabel Barbara
Cr Paul D'Agostino
Cr Jenny Farrar
Cr Kathleen Maltzahn
Cr Kay Meadows
Cr Judy Morton
Cr Gurm Sekhon

Officers

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

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil.

III. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Cr Meadows declared a conflict of interest with regard to item 8.5.

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor D'Agostino

1. That:

- (a) the minutes of the Special Meetings of Council held on 23 May, 6 September and 29 November 2005 be confirmed;
- (b) the minutes of the ceremonial meeting of Council held on 1 December 2005 be confirmed; and
- (c) the minutes of the Ordinary Council Meetings held on 15 November and 13 December 2005, as amended to correct minor administrative errors, be confirmed.

CARRIED

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII. COUNCILLORS' FORUM

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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.***

ORDINARY MEETING OF COUNCIL

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CONFIDENTIAL BUSINESS REPORTS

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor D'Agostino

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;
 - (b) industrial matters; and
 - (c) property matters.
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.

CARRIED

The Council meeting resumed in open session.

PETITIONS AND JOINT LETTERS

5.1 Louise and William Streets, Clifton Hill – Traffic Issue

A petition containing 25 signatures has been received from residents of Louise, William and Field Streets, Clifton Hill, opposing the proposal to install “No Stopping” signs on the south side of Louise Street and the north side of William Street.

COUNCIL RESOLUTION

Moved: Councillor Barbara

Seconded: Councillor Farrar

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

CARRIED

5.2 Boyd Street, Richmond – Traffic Proposal

A petition containing 13 signatures has been received from residents of Boyd Street, Richmond requesting that:

- (a) Boyd Street become a shared use road;
- (b) Boyd Street be closed at both ends (Edinburgh and Lord Streets) to incoming traffic; and
- (c) all incoming traffic now be via Glass Street.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Meadows

That the petition be received and be referred to the appropriate Officer to organise a meeting in March with Ward Councillors and local residents, to resolve the issue.

CARRIED

5.3 Richmond Terrace, Richmond – Parking Issues

A petition containing 20 signatures has been received from residents of Richmond Terrace, Richmond, calling for the following alterations to parking conditions in Richmond Terrace:

- (a) 2-hour parking restrictions to be introduced in non permit zone areas of the street;
- (b) increased 'policing' of restrictions; and
- (c) Council to allow residents to purchase more than one visitor permit.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Meadows

That the petition be received and be referred to the appropriate Officer for action and consultation with Ward Councillors.

CARRIED

5.4 Belgium Avenue, Richmond – Drainage Issue

A petition containing 25 signatures has been received from residents of Belgium Avenue, Richmond and surrounding streets, calling for drainage to be installed on Belgium Avenue and a connecting laneway.

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Morton

That the petition be received and be referred to the appropriate Officer for consideration as part of the 2006/07 capital works budget.

CARRIED

PUBLIC QUESTION TIME

6.1 Question from Ms Margaret Maguire

What is Council's position in relation to the proposed multi-unit development at 104-106 Hodgkinson Street, Clifton Hill?

Response

Councillors Farrar, Barbara and Jolly indicated that a meeting involving local residents, ward councillors, Fintry Bank, Melbourne Affordable Housing and other stakeholders will be scheduled to discuss these issues.

Cr Jolly stated that while provision of low cost housing and the development of Fintry Bank is crucial to the local area, he questions the appropriateness of:

- (a) housing 14 people in only 10 units; and
- (b) employing only one full-time employee and one part-time employee.

Cr Barbara stated that she supports this type of housing in principle but is concerned with the potential amenity impact on the area.

6.2 Question from Ms Kathryn Anthony

Is Council aware that the residential mental health facility proposed for 104-106 Hodgkinson Street, Clifton Hill will be overcrowded and lack private office space and common recreation space?

Response

The Mayor indicated that these issues would be discussed at the forthcoming meeting of stakeholders.

6.3 Question from Mr Russell Coade

Who will be invited to attend the forthcoming meeting of stakeholders regarding the proposed development at 104-106 Hodgkinson Street, Clifton Hill?

Response

Cr Farrar indicated that it would be a public meeting and that ward councillors, the applicant, objectors and other interested parties would be welcome to attend.

6.4 Question from Mr Ian Quick

What measures are being taken to manage traffic and parking during the Commonwealth Games?

Response

The Mayor indicated that Council had placed an article addressing these issues in the Yarra News and that it was not planned to close any Council roads during the Commonwealth Games.

Cr Meadows stated that a letter would be sent to every address between the Yarra River and Bridge Road advising residents and business owners of the parking restrictions that would apply during the Games. Cr Meadows also stated that the number of parking officers carrying out inspections would be increased during this period.

The Chief Executive Officer further advised that Council was working with retail associations to manage parking and amenity issues in the areas most likely to be effected, one example being the Collingwood Children's Farm.

6.5 Question from Mr Ian Quick

What will Council do to address the decision of the Governor in Council with regard to the development at 132-172 Smith Street and 63-71 Little Oxford Street, Collingwood and Amendment C76 to the Yarra Planning Scheme? Will Council call upon the State Government to

The Mayor advised that Council:

- (a) has concerns regarding the decision and its implications for Melbourne 2030 and the Inner Melbourne Action Plan
- (b) would hold a meeting with residents at 6.00 pm at the Fitzroy Town Hall in order to explain the Governor in Council's ruling;
- (c) would address the matter further in an Urgent Business Item later in this meeting.

6.6 Question from Ms Louise Grace

What material support will Council provide to residents planning to rally on Saturday 4 March 2006 against the decision of the Governor in Council with regard to the development at 132-172 Smith Street and 63-71 Little Oxford Street, Collingwood?

Response

The Director Asset Management indicated that Council would assist with traffic management.

Cr Farrar advised that it was likely that Council could assist in the production of materials for the rally and that she would meet with the organisers to discuss this matter further.

6.7 Question from Ms Leigh Beech

What is Council's view with regard to an application to build a four-storey office development adjacent to a Residential 1 zone (with a heritage overlay)?

Response

The Director City Development thanked Ms Beech for her question and advised that if five or more objections were to be received, a consultation meeting would be held to negotiate an outcome acceptable to objectors and the applicant.

GENERAL BUSINESS ITEMS

7.1 Business Summit

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Farrar

That Council officers investigate and report back to the March 2006 Council Meeting on the possibility or otherwise of holding a one-off Business Summit for the City of Yarra; such Summit to be organised jointly by the Council and business organisations in Yarra and would discuss and propose ways of improving the marketing and success of businesses in our area.

CARRIED

7.2 Legal Service Expenses

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Meadows

That a report on legal services obtained by Council during the financial year-to-date be presented to the March 2006 meeting of Council and that the information presented in the report be broken down by supplier.

CARRIED

DELEGATES REPORTS

8.1 Various Matters

1. The Mayor advised that:
 - (a) the Richmond Asian Business association had presented Council with an award for its support of the Lunar Festival;
 - (b) the president of the Rotary Club of Fitzroy had presented Council with a plaque from the New Plymouth district of New Zealand;
 - (c) the Celebrate Yarra event held on Sunday 19 February 2006 at Edinburgh Gardens had been a tremendous success and thanked Michael Ward and participating staff for organising the event;
 - (d) Council had received a certificate of appreciation from the Multiple Sclerosis Society of New South Wales and Victoria for its participation in the 24-hour Mega Swim conducted from 6.00pm on Friday 17 February 2006. Council's team raised \$1,800 and the event generated a total of \$105,000. The Mayor thanked the MS Society's Carol Cooke and all of Council's participants.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That the report be noted.

CARRIED

8.2 Yarra Melbourne Regional Library Corporation

1. Cr Meadows, in her capacity as Council's delegate to the Yarra Melbourne Regional Library Corporation (YMRLC) advised that:
 - (a) Dr Susan La Marca and Mr Michael Sedgman had been appointed to the YMRLC board; and
 - (b) the board had commenced advertising for two new members of the Regional Library Community Advisory Committee and invited interested community members to apply; and
 - (c) the board would shortly begin advertising for the position of Chief Executive Officer.

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor D'Agostino

That the report be noted.

CARRIED

8.3 Clifton Hill / North Fitzroy Community Bank

1. Councillor Farrar reported that:
 - (a) the Clifton Hill / North Fitzroy Community Bank had been officially launched on Friday 10 February 2006 by the bank chairperson Ian Mack, local activist Rod Quantock and Robert Johanson, the next chairperson of the Bendigo Bank;
 - (b) the event had featured a range of local musicians and acts including performers from the North Fitzroy Primary School.
2. Councillor Farrar thanked the local community, Councillors and Council staff for bringing the Community Bank project to fruition.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Sekhon

That the report be noted.

CARRIED

8.4 Atherton Gardens Housing Estate – Information Exchange

1. Councillor Farrar:
 - (a) advised that she had attended an introductory session on the Atherton Gardens Housing Estate Information Exchange with Russel Varney, John Connelly, Jodie Moore and others involved in the project;
 - (b) stated that the program had been effective in bridging the digital divide;
 - (c) advised that the funding for the pilot program had been exhausted; and
 - (d) indicated that representatives of the Information Exchange would be invited to address Councillors and Council Officers in order to explain the program and suggest ways in which Council might facilitate its preservation.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Morton

That the report be noted.

CARRIED

8.5 Metropolitan Transport Forum

Councillor Meadows declared a conflict of interest with regard to this item and departed the chamber prior to the commencement of discussion.

1. In her capacity as deputy chairperson of the Metropolitan Transport Forum (MTF), the Mayor:
 - (a) reported that the MTF had advised its members to contact the State Government to request much-needed improvements to Melbourne's public transport network;
 - (b) proposed a range of amendments to the State Government's 'Transport and Liveability Statement' (reproduced in the resolution below).

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Jolly

1. That
 - (a) the report be noted; and
 - (b) the Mayor write to the Premier, Treasurer and Minister for Transport seeking that the following inclusions in the State Government's 'Transport and Liveability Statement':
 - (i) clear implementation plans for the prioritisation of public transport in the near future (2006/2007);
 - (ii) establishment of an efficient, accountable public agency, to deliver an integrated approach to transport, covering public transport, freight transport and roads, aimed at improving and expanding public transport until Melbourne has first-class public transport available at reasonable fares, bench-marked against 'best practice' cities such as Zurich and Vancouver;
 - (iii) integration of urban planning and transport planning so that public transport planning precedes all new major urban planning projects;
 - (iv) analysis of Federal and State Government subsidies distorting the transport market to favour car-based transport at the expense of more efficient and sustainable passenger transport services;
 - (v) ending transport discrimination against public transport poor outer metropolitan areas – starting with a clear framework, timetable and funding program for passenger rail services along long standing rail reservations, e.g. the Doncaster corridor and Epping line to South Morang;
 - (vi) providing for tram priority at all intersections;

- (vii) major upgrades to rail stations in Yarra, particularly Richmond, East Richmond, Victoria Park and Collingwood, to bring these into the 21st century;
- (viii) the State to follow Yarra's policy of installing bike paths on all local roads wherever road space allows, by requiring bike paths to be marked on all Melbourne roads, with funding by the State to enable local governments to implement this policy to support cycling;
- (ix) reducing speed limits on local roads in the Cities of Melbourne and Yarra, to 40 kph to reduce pedestrian injuries and improve environments for walking and cycling (in European cities such as Munich, the speed limit on local roads in 30 kph); and
- (x) providing councils with powers to enforce speed restrictions and turn bans on local roads for which they are responsible under the *Road Management Act 2004*.

CARRIED

Councillor Meadows returned to the chamber.

8.6 Atherton Gardens Housing Estate – Addressing Racial Tensions

1. Councillor Jolly advised that:
 - (a) he had met with the Victoria Police, the Atherton Gardens Residents Association and members of the local Somalian community in order to discuss tensions between Somalian and Vietnamese youths at the housing estate; and
 - (b) the Chief Executive Officer would soon receive a letter requesting Council's support in introducing a range of initiatives designed to address this situation.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Farrar

That the report be noted.

CARRIED

QUESTIONS WITHOUT NOTICE

9.1 Question from Councillor Jolly

Is Council in a position to enact Local Laws to regulate trading hours or traffic restrictions with respect to the development at 132-172 Smith Street and 63-71 Little Oxford Street, Collingwood?

Response

The Director Asset Management indicated that he would advise Councillors of the statutory process involved.

9.2 Question from Cr Jolly

Can the Chief Executive Officer:

- (a) confirm that Council has held discussions with the Victorian Minister for Aboriginal Affairs and the Aboriginal protest group known as Black GST on the potential to hold a protest at Victoria Park during the Commonwealth Games; and*
- (b) provide advice on the manner in which the local community will be consulted on the staging of this event and possible alternate venues for the protest?*

Response

The Mayor advised that:

- (a) the Black GST organisation had not yet made a formal approach to Council;
- (b) she had been contacted by the Minister for Aboriginal Affairs to discuss the matter and had indicated to him that Victoria Park was unsuitable due to existing lease arrangements and agreements with sporting clubs; and
- (c) Council would meet with Government agencies on Wednesday 22 February 2006 to consider alternatives.

The Chief Executive Officer:

- (a) confirmed that formal negotiations had not yet commenced
- (b) stated that preliminary advice from Council officers had indicated that:
 - (i) Burnley Reserve may be an appropriate site;
 - (ii) all other sites within the municipality, including Victoria Park and Dights Falls, were unsuitable; and
- (c) confirmed that Ward Councillors would be consulted during the negotiations.

Cr Meadows suggested that a site within the City of Melbourne could provide greater exposure for the protest.

9.3 Question from Councillor Jolly

Given that the Richmond Preschool's three-year old group has 22 enrolments already and has recently advertised for three more positions, will the Director Community Development confirm that additional staff will be employed to maintain a staff / student ratio in accordance with the Kindergarten Parents Victoria guidelines for staffing? Can the Director Community Development also give an assurance that a 'parental roster' will not be employed as a solution to this staff shortage?

Response

The Director Community Development took the question on notice.

9.4 Question from Councillor Jolly

How close is Council to filling the position of Footpath Trading Officer which was vacated last year?

Response

The Director City Development advised that the position had been filled on a temporary basis and that Council would likely advertise for a permanent employee to fill the position within two weeks.

9.5 Question from Councillor Jolly

What has been the rate of staff turnover during the past two financial years? Please supply this information prior to next month's Council meeting and ensure that the figures are broken down in terms of permanent and casual, junior and senior and contracted and non-contracted staff.

Response

The Director Corporate Services took the question on notice.

9.6 Question from Councillor Jolly

How much money does Council allocate for the services of Maddocks Lawyers, both inclusive and exclusive of the Maddocks lawyer based at Council for two to three days each week?

Response

The Director Corporate Services took the question on notice.

9.7 Question from Councillor Farrar

How often is the bin in the centre of Mayor's Park emptied?

Response

The Director Asset Management advised that:

- (a) the bin had been inadvertently neglected in recent times; and
- (b) the bin would be emptied at least once per week in future and more often if required.

9.8 Question from Councillor Jolly

Will the Director City Development provide a report on alternative methods for affixing parking fines to the windscreens of vehicles, with reference to techniques employed in Adelaide?

Response

The Director City Development advised that a report on this subject would be prepared.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Farrar

Seconded: Councillor Jolly

That Council consider two items of urgent business prior to proceeding with the agenda as printed.

CARRIED

URGENT BUSINESS ITEMS

10.1 Application PL03/1407 – Multi-Storey Mixed-Use Development at 132-172 Smith Street and 63-71 Little Oxford Street, Collingwood and Amendment C76 to the Yarra Planning Scheme – Proposed Interim Control – Design and Development Overlay 5

Moved: Cr Farrar

Seconded: Cr D'Agostino

1. That Council notes:
 - (a) the decision of the Governor in Council to allow application P754/2005 for the review of Council's decision to refuse a permit for a multi storey mixed use development at 132-172 Smith Street and 63-71 Little Oxford Street, Collingwood and directing that Council issue a planning permit;
 - (b) the decision of the Minister for Planning to not approve at this stage Amendment C76 to the Yarra Planning Scheme which proposed to introduce interim structure plan controls over the Smith Street Precinct in the form of a Design and Development Overlay (DDO5); and
 - (c) the Minister's invitation for Council to consult with DSE to determine the appropriate controls that will enable Amendment C76 to be further considered.

2. That Council write to the Minister for Planning and the State MP to express Council's disappointment with regard to the recommendations of the Priority Development Panel, the determination of the Governor in Council and the Minister's decision not to approve Amendment C76 and in particular to:
 - (a) confirm Yarra's support for urban consolidation and limiting the ecological footprint of urban sprawl;
 - (b) confirm Yarra's commitment to population growth in the municipality in accordance with Melbourne 2030's population aspirations;
 - (c) confirm Council's support for the Inner Regional Housing Statement (IRHS) and Inner Melbourne Action Plan (IMAP) as developed by the Cities of Melbourne, Port Phillip, Stonnington and Yarra in conjunction with the State Government through the Department of Sustainability and Environment and Department of Human Services Office of Housing; and
 - (d) point out that the decision is contrary to the strategies identified in both the IRHS and the IMAP which provide that:
 - (i) the key opportunities for new residential development in the Inner Melbourne Region generally lie outside of the existing principal, major and neighbourhood activity centres in major redevelopment sites and precincts; and
 - (ii) housing growth and intensification be directed to the CAD and identified major redevelopment sites and precincts, with only a moderate increase in residential infill development within principal and major activity centres as guided by structure plans.

3. That Council Officers work with DSE representatives to revise Amendment C76 to the Yarra Planning Scheme to:
 - (a) ensure that the Design and Development Overlay is based on the relevant objectives outlined in IMAP and the IRHS, that there should only be a moderate increase in residential infill development within principal and major activity centres as guided by structure plans.
 - (b) ensure that there are clear linkages between the design objectives, buildings and works controls and decision guidelines included in the DDO; and
 - (c) include mandatory controls that better reflect the Urban Design Framework but provide for flexibility where exemplary environmentally sustainable design outcomes and social infrastructure improvements including affordable housing can be provided.
4. That Council facilitate a public meeting to be held in 2-3 weeks at the Collingwood Town Hall to update the community in regards to the PDP recommendations and the decision of the Governor in Council.
5. That Council seek urgent legal advice from Maddocks Lawyers examining:
 - (a) the potential to use Local Laws to modify any negative impacts of the proposed development;
 - (b) the legal validity or otherwise of the process followed to reach a determination and issue a planning permit;
 - (c) whether or not the Panel's conduct in considering the planning application prior to consideration and determination of C76 was appropriate; and
 - (d) whether or not the Panel's conduct in revising the plans following a meeting with the developer, represents a denial of natural justice to residents and others who were excluded from the meeting.

CARRIED

10.2 Victorian Protocol for People who are Homeless

File:

Responsible Officer: Director Community Development

Purpose

1. The purpose of this report is to seek Council endorsement of the Victorian Protocol for People who are Homeless in Public Places.

Background

2. The attached protocol was recently signed off by Minister Candy Broad and provided to Council for endorsement. Council officers were involved in consultations between DHS and the Council to Homeless People in June 2005 but there had been no further communication until Monday 20 February 2006.
3. Council is listed as an endorsing agency and therefore the protocol is presented for Council information and endorsement.
4. The Department of Human Services has advised that if advice is not received from Council within 24 hours then agency details will be removed from the final print of the protocol.
5. The Protocol has been subject to officer review and there is support for Council endorsing the documents. The principles are consistent with Council policy and there is general support by all agencies except for two who have not been able to practically respond.

Conclusion

6. The Protocol and booklet will aid and assist the work of agencies with homeless people during the Commonwealth Games. It is recommended that Council endorse the Victorian Protocol for People who are Homeless in Public Places.

RECOMMENDATION

7. That Council endorse the Victorian Protocol for People who are Homeless in Public Places.

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Jolly

That the recommendation be adopted.

CARRIED

Attachment 1 – Victorian Protocol for People who are Homeless in Public Places

**Attachment 2 – Victorian Protocol for People who are Homeless in Public Places
Information Booklet**



Adobe Acrobat
Document



Adobe Acrobat
Document

FINANCE & RESOURCES COMMITTEE MEETING

**Held on Tuesday 7 February 2006 at 6.00 pm
at the Richmond Town Hall**

The meeting concluded at 6.54 pm.

Attendance – Councillors

Cr Jenny Farrar (Chair)

Cr Jackie Fristacky

Cr Stephen Jolly

Cr Kathleen Maltzahn

Cr Kay Meadows arrived during discussion of item 1.2.

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Lydia Wilson (Chief Executive Officer)

Geoff Cockram (Director Corporate Services)

Jane Homewood (Director City Development)

Craig Kenny (Director Community Development)

Bryan Lancaster (Director Asset Management)

Erin Nairn-Marcon (Governance Adviser)

1.1 2005/06 Financial Report – Quarter Ending 31 December 2005

File: 40/40/02
Responsible Officer: Manager Finance

Purpose

1. To provide a financial report for the six months ending 31 December 2005 and information on the current status of Council's financial performance and position.

Background

2. The 2005/06 Annual Budget was adopted by Council on 12 July 2005.
3. This report is being presented in accordance with section 138 of the *Local Government Act 1989* and Regulation 5 of the *Local Government (Finance & Reporting) Regulations 2004*.
4. The report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the quarter ending 31 December 2005.
5. The report is prepared on the basis of year to date, year end forecast, cash and key balance sheet items analysing trends against budget.

Issues

6. The end of year forecast operating result at 31 December 2005 is projected to be a surplus of \$6.917m being a favourable variance of \$0.773m compared to the Annual Budget surplus of \$6.14m. This result is reflected by a favourable forecast income variance of \$2.41m and an unfavourable forecast expenditure variance of \$1.63m. The overall forecast variance comprises of the following significant variances:
 - (a) government grants favourable to budget by \$0.313m;
 - (b) reimbursements & contributions favourable to budget by \$2.130m;
 - (c) employee Costs unfavourable to budget by \$0.348m;
 - (d) maintenance unfavourable to budget by \$0.419m;
 - (e) other materials & services unfavourable to budget by \$0.218m; and

- (f) depreciation & amortisation unfavourable to budget by \$0.600m.

For the detailed forecast results, refer paragraph 16.

7. As outlined in the Statement of Financial Performance, the year to date operating result, before reserve transfers, reflects a favourable variance of \$4.533m. Refer paragraph 16.
8. The overall year to date variance in income is a favourable result of \$1.821m comprising the following significant variances:
 - (a) government grants are favourable compared to budget by \$0.406m, or 15.7 percent, as a result of the receipt of January 2006 receipts in the month of December;
 - (b) parking revenue is unfavourable to budget by \$0.233m, or 2.00 percent as a result of lower than anticipated receipts generated from parking ticket machines during the month of December.
 - (c) User charges, fees & fines are favourable to budget by \$0.570m, or 12.68 percent mainly due to higher than expected Public Open Space contributions raised for the year to date due to receipts from larger scale subdivisions;
 - (d) reimbursements and contributions income favourable to budget by \$1.597m, or 246 percent, mainly due to a \$100k Capital grant for open space projects, additional road opening reimbursement from services authorities not expected with the introduction of the Road Management Act. and the receipt of first instalment from the settlement for Victoria Park building works with the Collingwood Football Club;
 - (e) proceeds from the disposal of assets is unfavourable to budget by \$0.360m, or 70.03 percent, due to the delay in the budgeted proportional change over of Councils vehicle fleet which was anticipated to be completed in the first quarter of this financial year.
9. The overall year to date variance in expenses is a favourable result of \$2.713m comprising the following variances:
 - (a) contract payments are favourable compared to budget by \$0.510m, or 6.4 percent, which mainly represents the delay in the timing of contracted services expected to occur in the next quarter;

- (b) other materials & services are favourable compared to budget by \$2.153m, or 19.86 percent, primarily reflecting lower than anticipated expenditure for consultants and professional services, contributions, materials, training and other expenses for the year to date;
 - (c) depreciation and amortisation unfavourable to budget by \$0.373m or 5.3 percent, and due to the higher than anticipated capitalisation of work in progress during the 2004/05 financial year; and
 - (d) written down value of assets sold is favourable to budget by \$0.467m, or 100 percent, due to the delay in the change over of Councils vehicle fleet anticipated to be completed in the first quarter of 2005/06.
10. Council's cash position at the end of December stood at \$16.2m, reflecting a net cash inflow of \$4.8m for the year to date.
 11. Rates outstanding as at the end of December totalled \$26.3m, of which \$1.2m pertains to rates outstanding from previous rate years.
 12. Parking debtors amounted to \$3.5m (net of doubtful debt provisions). Infringements outstanding for more than 90 days are referred to the PERIN Court for collection.
 13. Other debtors (net of doubtful debt provisions), including GST receivable, outstanding at the end of December were \$3.5m of which \$1.1m has been outstanding for more than 90 days.
 14. The attached capital works report reflects expenditure to the end of December of \$4.8m compared to a year to date budget of \$8.8m and represents 24.4 percent of the annual capital works program. The current year end Capital Works program forecast is currently \$19.7m, which represents the achievement of the total Capital Works program.
 15. The purchase order compliance rate for the month of December was 99.9 percent against a target of 100 percent (excluding exempt payments). This reflects invoices processed against purchase orders in total. The compliance rate for purchase orders raised before the invoice date is 84.2% against a target of 90 percent.

16. Standard Statement of Financial Performance for the quarter ending 31 December 2005

	Actual YTD \$,000	Budget YTD \$,000	Variance YTD \$,000	Adopted Budget \$,000	Current Forecast \$,000	Budget Variance \$,000
Revenue from ordinary activities						
Rates	26,758	26,717	41	53,529	53,537	8
Victoria Grants Commission	735	735	0	1,470	1,470	(0)
Government Grants	2,993	2,587	406	5,177	5,490	313
Parking Revenue	8,172	8,405	(233)	16,655	16,655	0
User Charges, Fees and Other Fines	5,065	4,495	570	9,332	9,419	87
Leisure Centre Fees	2,641	2,791	(151)	5,527	5,429	(98)
Interest Received from Other Entities	275	325	(50)	650	650	0
Reimbursements & Contributions	2,244	647	1,597	1,175	3,305	2,130
Proceeds from Disposal of Assets	153	514	(360)	514	514	(0)
Inner Northern Group Training Pty Limited	0	0	0	34	0	(34)
	49,036	47,215	1,821	94,063	96,469	2,406
Expenses from ordinary activities						
Employee Costs	15,469	15,547	78	31,142	31,490	(348)
Contract Payments	7,405	7,915	510	15,837	15,884	(47)
Maintenance	2,359	2,251	(108)	4,318	4,737	(419)
Other Materials and Services	8,688	10,842	2,153	19,495	19,713	(218)
Bad and Doubtful Debts	684	715	31	1,430	1,430	0
Depreciation & Amortisation	7,371	6,997	(373)	14,000	14,600	(600)
Borrowing Costs	661	615	(46)	1,230	1,230	0
Written Down Value of Assets Sold	0	467	467	467	467	0
	42,636	45,349	2,713	87,919	89,552	(1,633)
Net Result before Transfers	6,399	1,866	4,533	6,144	6,917	773
Transfers to Reserves	(1,268)	(705)	(563)	(1,410)	(1,410)	0
Transfers from Reserves	0	0	0	1,118	1,118	0
Net Result after Transfers	5,132	1,161	3,970	5,852	6,625	773

Community Implications

17. The 2005/2006 budget resources year six of the ten year vision endorsed by Council on 12 June 2001 and thus ensures achievement of the Council's strategic objectives and actions of the key strategic activities of the Council Plan 2005/09 adopted by Council at its meeting on Tuesday, 14 June 2005.

RECOMMENDATION

18. That the financial report for the six months ending 31 December 2005 as attached be noted by Council.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Finance and Resources Committee recommendation be adopted.

CARRIED

Attachment 1 – Financial Report – Quarter Ending 31 December 2005



Adobe Acrobat
Document

1.2 Apprenticeships Plus – Quarterly Report

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

Purpose

1. To provide Council with a quarterly report on the operations of Inner Northern Group Training Limited, trading as Apprenticeships Plus (A+).

Background

2. A+ was registered in Victoria as a public company limited by guarantee on 7 June 1983. A+ is a not-for-profit enterprise and promotes new apprenticeships by employing and training apprentices and placing them with businesses. The guarantee is limited to \$50 per member.
3. A+ is effectively 'owned' by three inner northern metropolitan Councils: Darebin Yarra and Moreland City Councils ('the Councils') who are the 'members' of Inner Northern Group Training.
4. A+ revenue for the year ended 30 June 2005 was \$12.67m and its earnings before income tax for that period were \$264k. At 30 June 2005, the company had net assets of \$4.18m. A+ has a 50% interest in the Melbourne Apprenticeship Services (MAS) national joint venture, which is also involved in the employment industry, and a 42.12% interest in Inner Source Pty Ltd, a computer software company.
5. The A+ Board ('the Board') comprises seven members, four independent members appointed by the Board and three members appointed by the Councils. The Councils each appoint one member to the Board. Currently these positions are held by Council officers. The four independent members are selected for their expertise in various aspects of A+'s activities. The Directors of A+ as at end of June 2005 are: Alan Brown (Chair); Michael Francis (Deputy Chair), Kevin Breen (Darebin City Council); Roger Collins (Moreland City Council); Geoff Cockram (Yarra City Council); Elizabeth Board; and Naomi Corlett.
6. The company's objectives are to:
 - (a) employ persons in training and second such persons to employers;
 - (b) administer a group-training scheme;
 - (c) encourage, promote and undertake training;
 - (d) advise on training;
 - (e) engage in such lawful activities as the directors determine;
 - (f) take such steps as may be deemed expedient for the purpose of procuring contributions in the form of donations, annual subscriptions or otherwise; and

- (g) provide a forum for discussions of questions of common interest to all persons involved in the company.
7. A+ is a not-for-profit business and no part of the income or property of the company may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to the members.
 8. Council will receive quarterly information reports on the activities of A+ in February, May, August and November 2006.
 9. A+ had 469 apprentices and trainees at the end of November 2005 placed with a variety of industries, mainly within the northern suburbs. Council does not have any direct placements of apprentices but CityWide and Spotless both have apprentices placed within their organisations. Apprenticeship / traineeship commencements to end of November were 36 against a budget of 53. Graduations are 68 year-to-date against a budget of 29.
 10. A+ is joint venture partner of MAS, which delivers apprenticeship administration services on behalf of the federal government. The MAS performance summary for the month of October 2005 indicates there was a surplus of \$22,547 for the month against a budget loss of \$12,124. The cash balance at the end of October 2005 was \$897,471.
 11. The Board has recently confirmed an original decision to allocate 20% of the company's retained earnings including the MAS distribution under the Social Investment Policy.
 12. A+ currently occupies leased premises in Sydney Road, Coburg and the purchase of a property has been a continuing priority for the Board. The Board has identified a suitable property at 192-198 High Street, Northcote. An offer has been submitted and has been verbally accepted.

Work and Training Limited

13. Work and Training Limited, a Tasmanian based not-for-profit group training Company was acquired by A+ in October 2004.
14. Despite some initial operational and financial challenges the company is now making a modest surplus. The number of apprentices at the end of November was 414.

Consultations

15. No significant community consultation occurred during the preparation of this report.

Financial Implications

16. Council cannot and does not derive direct financial benefit from the operations of A+.
17. In 2004/05, Council's 'interest' in A+ was derecognised because Council, while having a position on the Board, has no right to any share of the company nor does it have any obligation for any current or future liability other than the

originally agreed guarantee amount of \$50.

Economic Implications

18. The generation of employment for young people, and the organisation of apprenticeship training across the Northern Region is Melbourne is very important for the Yarra community.
19. Officers are working with A+ for the provision of eleven part-time trainees and one full-time trainee in the Revenue Management Unit through the State Government's Jobs for Young People programme.

Environmental Implications

20. There are no environmental implications arising from the report.

Social Implications

21. Employment is a key risk and protective factor in regard to social and cultural disadvantage. It is clear from Council's experience on neighbourhood renewal sites that real and ongoing employment is a key priority for these communities.
22. Discussions have been held recently between Council officers and officers of A+ about opportunities for greater utilisation of services offered by A+ to advance employment opportunities for Yarra residents and to assist with the recruitment requirement for Council.

Council Plan, Strategy and Policy Implications

23. The provision of apprenticeship and employment opportunities for young people in the community is a priority for Council.

Legal Implications

24. Nil.

Conclusion

25. A+ is a major provider of apprenticeship and training services in the northern region. It has operated effectively for over 22 years and continues to make available employment and apprenticeship opportunities for young people from the region and broader metropolitan area.

RECOMMENDATION

26. That Council note the Apprenticeships Plus Quarterly Report.

Submissions

Cr Paul D'Agostino addressed the Committee on this matter.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Maltzahn

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Finance and Resources Committee recommendation be adopted.

CARRIED

1.3 Yarra Melbourne Regional Library Corporation – Quarterly Report

File: 52/20/03/02
Responsible Officer: Director Corporate Services

Purpose

1. To provide Council with a quarterly report on the operations of the Yarra-Melbourne Regional Library Corporation (YMRLC).

Background

2. The YMRLC was established in 1995 when the Melbourne and Yarra City Councils entered into a Regional Library Agreement (RLA) under Section 196 of the *Local Government Act 1989*.
3. The RLA has been reviewed twice since, in 2000 and 2003.
4. A three-year Service and Funding Agreement (SFA) between the YMRLC and the member Councils came into effect on 1 July 2000 and a three-year option to extend has since been exercised (to 30 June 2006).

YMRLC Board

5. Current membership of the Board is six. Table 1 provides details of Board membership.

Name	Position	Note
Cr Kay Meadows	Yarra City Council	
Cr David Wilson	Melbourne City Council	
James Milne	Regional Library Community Advisory Committee	
Vacant	Independent Professional Person	
Sue Morrell	Melbourne City Council	Senior Officer
Geoff Cockram	Yarra City Council	Senior Officer

Table 1

Alternate Delegates

6. Cr. Paul D'Agostino is substitute for Cr. Meadows. Mr. Craig Kenny is substitute for Mr. Cockram.
7. The Board is responsible for the Corporation's strategy, finances and governance, on behalf of Melbourne City Council and Yarra City Council and their communities.

Sub-Committees

8. Cr. Meadows serves on the Governance Sub-Committee. Mr. Cockram serves on the Finance Sub-Committee.

Operations

9. YMRLC operates libraries at the following locations:
 - (a) Carlton, 667 Rathdowne Street, North Carlton;
 - (b) Collingwood, 11 Stanton Street, Collingwood;
 - (c) East Melbourne, Trinity Hall, Trinity Lane;
 - (d) Fitzroy, 128 Moor Street, Fitzroy (Fitzroy Town Hall);
 - (e) North Fitzroy, 240 St Georges Road, North Fitzroy;
 - (f) North Melbourne, 66 Errol Street, North Melbourne; and
 - (g) Richmond, 415 Church Street, Richmond.
10. The YMRLC operates the following services in addition to branch operations:
 - (a) LibraryLink – café library access point;
 - (b) City of Melbourne's Corporate Library; and
 - (c) administration and technical services.
11. YMRLC also operates the City Library (opened May 2004) under a Service Agreement between YMRLC and Joint Venture partners (Melbourne City Council and CAE)

Key Issues – 2005/06

12. Current issues of importance that are being considered by the Board and will be reported to Council over coming months are:
 - (a) governance review;
 - (b) operation of the Melbourne City Council and Council of Adult Education Joint Venture at the City Library;
 - (c) appointment of a new Chief Executive Officer
 - (d) review of the SFA between the Yarra and Melbourne City Councils.
 - (e) review of the RLA.

Consultations

13. No community consultation was necessary in the preparation of this report.

Financial Implications

14. Nil.

Economic Implications

15. The YMRLC is a key service delivery agent for Yarra and Melbourne City Councils.

Environmental Implications

16. There are no significant environmental implications contained within the report.

Social Implications

17. The YMRLC has a commitment to responding to social issues within the community through service delivery to disadvantaged communities. This is expressed through services such as: homebound library services, homework clubs, partnerships with key agencies in the community, education and lifelong learning opportunities and the Aboriginal Resource Library at Fitzroy.

Council Plan, Strategy and Policy Implications

18. Commitments relating to Library Services are made in the 2005/9 Council Plan:

“Community Development

5.5 Ensure the Regional Library Corporation continues to provide accessible facilities and services.

5.5.1 Continue the refurbishment of the Richmond Carringbush Library to ensure disability access meets current standards;

5.5.2 Progress options for the redevelopment of the North Fitzroy Library to meet community needs for the area, provide equity of service and compliance with building and safety regulations.”

Legal Implications

19. There are no legal implications contained within the report.

RECOMMENDATION

20. That the Yarra Melbourne Regional Library Corporation Quarterly Report be noted.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Meadows

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Finance and Resources Committee recommendation be adopted.

CARRIED

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING

**Held on Tuesday 7 February 2006 at 7.30 pm
at the Richmond Town Hall**

The meeting concluded at 8.41 pm.

Attendance – Councillors

Cr Annabel Barbara (Chair)

Cr Paul D'Agostino

Cr Jackie Fristacky

Cr Judy Morton

Cr Gurm Sekhon

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Lydia Wilson (Chief Executive Officer)

Jane Homewood (Director City Development)

Craig Kenny (Director Community Development)

Bryan Lancaster (Director Asset Management)

Erin Nairn-Marcon (Governance Adviser)

2.1 Community Accord

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.

RECOMMENDATION

1. 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.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky

Seconded: Councillor Sekhon

1. 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:
 - (i) at Council's town halls and libraries; and
 - (ii) on Council's public website.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

Attachment 1 – Community Accord



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Document

2.2 Inner Regional Housing Statement – Endorsement

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.

RECOMMENDATION

1. 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.

Submissions

Mr John Beckwith addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor D'Agostino **Seconded:** Councillor Morton

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino **Seconded:** Councillor Maltzahn

That the Planning and Community Development Committee recommendation be adopted.

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

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).

Submissions

Mr Prodos Marinakis addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Morton

Seconded: Councillor Fristacky

That the matter be deferred to Council for further consideration.

CARRIED

REVISED OFFICER PROPOSAL

1. That Council adopt one of the following two options (the differences between the two options have been underlined).

Option 1 – Certain Flags to be Flown on Occasions of Significance

2. That Council:
 - (a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) as follows:
 - (i) clause seven, to include permission for flying of flags of other nations and the United Nations flag at any of the Town Halls on occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice. (subject to the availability of flagpoles at the respective Town Halls as suggested in this report, which would enable the flying of multiple flags at all Town Halls);
 - (ii) clause six, to permit the flying of the Aboriginal National flag, the Torres Strait flag and the Eureka flag on the secondary or other multiple flagpoles at the Town Halls, in accordance with the policy, via option 1 or 2, where there are sufficient flagpoles);
 - (b) determine to:
 - (i) fly 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 (necessitating the removal from clause 6 of the Policy of the reference to flying of the United Nations flag during NAIDOC week, due to insufficient numbers of flagpoles);

- (ii) fly the Eureka flag for a week on both the anniversary of:
 - the official founding of the Ballarat Reform League on 11 November 1854;
 - the Battle of Eureka on 3 December 1854;

(both subject to the availability of sufficient flagpoles and unless the available flagpoles are required for the temporary flying of other flags on occasions of significance, in accordance with Council's policy and protocols).

- (c) refer to the Budget estimate process, the matter of funding for:
 - (i) installation of a third 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),

Option 2 – Certain Flags to be Flown Continuously

- 3. That Council:
 - (a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) as follows:
 - (i) clause seven, to include permission for flying of flags of other nations and the United Nations flag at any of the Town Halls on occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice. (subject to the availability of flagpoles at the respective Town Halls as suggested in this report, to enable the flying of multiple flags at all Town Halls);
 - (ii) clause six, to permit the flying of the Aboriginal National flag, the Torres Strait flag and the Eureka flag on the secondary or other multiple flagpoles at the Town Halls, in accordance with the policy, via option 1 or 2, where there are sufficient flagpoles (necessitating the removal from clause 6 of the Policy of the reference to flying of the United Nations flag during NAIDOC week, due to insufficient numbers of flagpoles):

- (b) determine to fly:
- (i) the Australian Aboriginal flag and/or the Torres Strait Island flag on each day of the year;
 - (ii) the Eureka flag on each day of the year;

(both subject to the availability of sufficient flagpoles and unless the available flagpoles are required for the temporary flying of other flags on occasions of significance, in accordance with Council's policy and protocols).

- (c) refer to the Budget estimate process, the matter of funding for:
- (i) installation of a third 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),

AMENDED REVISED OFFICER PROPOSAL

1. That Council adopt one of the following two options (the differences between the two options have been underlined):

Option 1 – Certain Flags to be Flown on Occasions of Significance

2. That Council:
- (a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) as follows:
 - (i) clause seven, to include permission for flying of flags of other nations and the United Nations flag at any of the Town Halls on occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice. (subject to the availability of flagpoles at the respective Town Halls as suggested in this report, which would enable the flying of multiple flags at all Town Halls);
 - (ii) clause six, to permit the flying of the Aboriginal National flag, the Torres Strait Islander flag and the Eureka flag on the secondary or other multiple flagpoles at the Town Halls, in accordance with the policy, where there are sufficient flagpoles;

- (c) determine to:
- (i) fly the Australian Aboriginal flag and/or the Torres Strait Islander flag during NAIDOC Week, Sorry Day and Reconciliation Week in accordance with the Council's adopted Aboriginal Partnership Plan 2004/08 (necessitating the removal from clause 6 of the Policy of the reference to flying of the NAIDOC flag during NAIDOC week, due to insufficient numbers of flagpoles);
 - (ii) fly the Eureka flag for a week on both the anniversary of:
 - the official founding of the Ballarat Reform League on 11 November 1854;
 - the Battle of Eureka on 3 December 1854;

(both subject to the availability of sufficient flagpoles and unless the available flagpoles are required for the temporary flying of other flags on occasions of significance, in accordance with Council's policy and protocols).

- (c) refer to the Budget estimate process, the matter of funding for:
- (i) installation of a third 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).

- (d) approve the flying of:
- (i) the Tibetan flag on 10 March 2006 as a gesture of solidarity to the Tibetan people on the anniversary of the Tibetan Uprising and now commonly known as Tibet's National Day, and
 - (ii) the Malaysian flag during the period of the Commonwealth Games 2006 in recognition of Yarra's adoption of that team.

Option 2 – Certain Flags to be Flown Continuously

3. That Council:
- (a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) as follows:

- (i) clause seven, to include permission for flying of flags of other nations and the United Nations flag at any of the Town Halls on occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice. (subject to the availability of flagpoles at the respective Town Halls as suggested in this report, to enable the flying of multiple flags at all Town Halls);
 - (ii) clause six, to permit the flying of the Aboriginal National flag, the Torres Strait Islander flag and the Eureka flag on the secondary or other multiple flagpoles at the Town Halls, in accordance with the policy, where there are sufficient flagpoles (necessitating the removal from clause 6 of the Policy of the reference to flying of the NAIDOC flag during NAIDOC week, due to insufficient numbers of flagpoles);
- (b) determine to fly:
- (i) the Australian Aboriginal flag and/or the Torres Strait Islander flag on each day of the year;
 - (ii) the Eureka flag on each day of the year;
- (both subject to the availability of sufficient flagpoles and unless the available flagpoles are required for the temporary flying of other flags on occasions of significance, in accordance with Council's policy and protocols).
- (c) refer to the Budget estimate process, the matter of funding for:
- (i) installation of a third flagpole at Richmond Town Hall (preliminary estimate \$2,000);
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 - (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);

- (d) approve the flying of:
- (i) the Tibetan flag on 10 March 2006 as a gesture of solidarity to the Tibetan people on the anniversary of the Tibetan Uprising and now commonly known as Tibet's National Day, and
 - (ii) the Malaysian flag during the period of the Commonwealth Games 2006 in recognition of Yarra's adoption of that team.

COUNCIL RESOLUTION

Moved: Councillor Sekhon

Seconded: Councillor D'Agostino

1. That Council:

(a) amend the Flying of Flags at Town Halls policy (dated 9 September 2003) as follows:

- (i) clause seven, to include permission for flying of flags of other nations and the United Nations flag at any of the Town Halls on occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice. (subject to the availability of flagpoles at the respective Town Halls as suggested in this report, which would enable the flying of multiple flags at all Town Halls);
- (ii) clause six, to permit the flying of the Aboriginal National flag, the Torres Strait Islander flag and the Eureka flag on the secondary or other multiple flagpoles at the Town Halls, in accordance with the policy, where there are sufficient flagpoles;

(b) determine to:

- (i) fly the Australian Aboriginal flag and/or the Torres Strait Islander flag during NAIDOC Week, Sorry Day and Reconciliation Week in accordance with the Council's adopted Aboriginal Partnership Plan 2004/08 (necessitating the removal from clause 6 of the Policy of the reference to flying of the Aboriginal flag during NAIDOC week, due to insufficient numbers of flagpoles) and on other occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice."
- (ii) fly the Eureka flag for a week on both the anniversary of:
 - the official founding of the Ballarat Reform League on 11 November 1854;
 - the Battle of Eureka on 3 December 1854;
 - and on other occasions of significance, in accordance with the policy and Council protocols or with approval of the Chief Executive Officer in instances of short notice.

(subject to the availability of sufficient flagpoles and unless the available flagpoles are required for the temporary flying of other flags on occasions of significance, in accordance with Council's policy and protocols)

(c) refer to the Budget estimate process, the matter of funding for:

- (i) installation of a third flagpole at Richmond Town Hall (preliminary estimate \$2,000);
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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).

- (d) approve the flying of:
 - (i) the Tibetan flag on 10 March 2006 as a gesture of solidarity to the Tibetan people on the anniversary of the Tibetan Uprising and now commonly known as Tibet's National Day, and
 - (ii) the Malaysian flag during the period of the Commonwealth Games 2006 in recognition of Yarra's adoption of that team.

CARRIED

Attachment 1 – Flying of Flags at Town Halls Policy



Adobe Acrobat
Document

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
SUB -TOTAL		13	7	12	1	11	2	14	1	20	0

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.

Inspections	No. Actions Taken
To be inspected (includes complaints received at end of this quarter – result to be included in next quarterly report)	15
Proactive inspections	1
Compliance Rate	
Initial inspection conducted (includes carry over of the last quarter)	58
No offence detected (on initial inspection)	33
First inspection compliance rate	56.9%
Action taken this quarter	
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
Issues on hold / pending	
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.

Complaint Type	Number Received
Liquor Licensing / Planning breach complaints received	3
Music noise complaints received	30
Public Behaviour complaints received	40
TOTAL COMPLAINTS	73
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)
4	\$3668.00	\$1572.00
(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
TOTAL	51	23	35	2

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.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky

Seconded: Councillor Morton

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

2.5 Statutory Planning – Quarterly VCAT Activity Report

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.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Morton

Seconded: Councillor D'Agostino

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

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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Document

COUNCIL BUSINESS ITEMS

3.1 Inner Melbourne Action Plan (IMAP) – Governance Arrangements and Key Priority Projects

Executive Summary

Purpose

The purpose of this report is to outline the Governance arrangements for the implementation of *Making Melbourne More Liveable - the Inner Melbourne Action Plan (IMAP)* dated January 2006, as adopted by Council, and to seek Council's adoption of the proposed Governance arrangements, as outlined in this report.

Key Issues

At its meeting on 6 December 2005 Council adopted the Inner Melbourne Action Plan and also gave 'in principle' endorsement to the establishment of a Section 86 Special Committee, pursuant to the *Local Government Act 1989*, to facilitate on-going regional collaboration and the effective implementation of IMAP, generally in accordance with the proposed Governance model.

At the meeting Council also sought a further report on the final Governance arrangements in February 2006, including a final Instrument of Delegation and Terms of Reference for the Section 86 Committee, in order to progress its formal constitution.

The Committee is essentially an 'enabler' to make things happen, rather than a strategic decision-maker. Its role will focus on progressing and reporting on the implementation of the adopted IMAP, including the prioritisation of actions.

The name of the Section 86 Special Committee will be the "Inner Melbourne Action Plan Implementation Committee" and it will operate under a common Instrument of Delegation and Terms of Reference granted by each Council (refer Attachments 1 and 2).

Financial Implications

The budgeting arrangements of the Special Committee established to implement IMAP are detailed in the attached Terms of Reference, as discussed above.

PROPOSAL

Pursuant to Section 86(3) and 88 of the *Local Government Act 1989*, Council approve the establishment of the Inner Melbourne Action Plan Implementation Committee (the Committee), in accordance with the Instrument of Delegation and Terms of Reference included as Attachments 1 and 2.

RECOMMENDATION

1. That Council:
 - (a) establish a Special Committee called the Inner Melbourne Action Plan Implementation Committee ("Special Committee"), pursuant to section 86 of the *Local Government Act 1989* ("Act");
 - (b) adopt the Terms of Reference for the Special Committee as detailed in Attachment 1;
 - (c) by Instrument of Delegation pursuant to section 86 of the Act, delegate to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee Governance Arrangements in accordance with the Instrument of Delegation in Attachment 2;
 - (d) appoint as members of the Special Committee the persons from time to time holding the positions of:
 - (i) Chair of the Melbourne City Council's Planning and Environment Committee;
 - (ii) Director Sustainability and Innovation, Melbourne City Council;
 - (iii) Mayor, Stonnington City Council
 - (iv) Chief Executive Officer, Stonnington City Council;
 - (v) Mayor, Yarra City Council;
 - (vi) Chief Executive Officer, Yarra City Council;
 - (vii) Mayor, Port Phillip City Council;
 - (viii) Chief Executive Officer, Port Phillip City Council;
 - (e) approve the appointment of Councillor Jackie Fristacky, Mayor and Lydia Wilson, Chief Executive Officer to the Melbourne City Council's, Port Phillip City Council's and Stonnington City Council's Inner Melbourne Action Plan Implementation Committees; and
 - (f) determine that the first ordinary meeting of the Special Committee shall be held on Friday 21st April 2006 commencing at 9.00am at the St Kilda Town Hall.

MOTION

Moved: Councillor Morton

Seconded: Councillor Farrar

1. That Council:

- (a) establish a Special Committee called the Inner Melbourne Action Plan Implementation Committee ("Special Committee"), pursuant to section 86 of the *Local Government Act 1989* ("Act");
- (b) adopt the Terms of Reference for the Special Committee as detailed in Attachment 1;
- (c) by Instrument of Delegation pursuant to section 86 of the Act, delegate to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee Governance Arrangements in accordance with the Instrument of Delegation in Attachment 2;
- (d) appoint as members of the Special Committee the persons from time to time holding the positions of:
 - (i) Chair of the Melbourne City Council's Planning and Environment Committee;
 - (ii) Director Sustainability and Innovation, Melbourne City Council;
 - (iii) Mayor, Stonnington City Council
 - (iv) Chief Executive Officer, Stonnington City Council;
 - (v) Mayor, Yarra City Council;
 - (vi) Chief Executive Officer, Yarra City Council;
 - (vii) Mayor, Port Phillip City Council;
 - (viii) Chief Executive Officer, Port Phillip City Council;
- (e) approve the appointment of the Mayor and Chief Executive Officer to the Yarra City Council's, Melbourne City Council's, Port Phillip City Council's and Stonnington City Council's Inner Melbourne Action Plan Implementation Committees;
- (f) determine that the first ordinary meeting of the Special Committee shall be held on Friday 21st April 2006 commencing at 9.00am at the St Kilda Town Hall;
- (g) require quarterly reports be presented to Council on the progressive implementation of IMAP and that the first of these reports be presented to the June 2006 cycle of Council;
- (h) write to the other member Councils urging them to adopt membership and voting arrangements in line with Council's position that non-elected Committee members should not have voting rights; and

- (i) the terms of reference for the Committee be amended in line with the intent of this resolution.

AMENDED MOTION

Moved: Councillor Meadows

Seconded: Councillor D'Agostino

1. That Council:

- (a) establish a Special Committee called the Inner Melbourne Action Plan Implementation Committee ("Special Committee"), pursuant to section 86 of the *Local Government Act 1989* ("Act");
- (b) adopt the Terms of Reference for the Special Committee as detailed in Attachment 1;
- (c) by Instrument of Delegation pursuant to section 86 of the Act, delegate to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee Governance Arrangements in accordance with the Instrument of Delegation in Attachment 2;
- (d) appoint as members of the Special Committee the persons from time to time holding the positions of:

Voting Members

- (i) Chair of the Melbourne City Council's Planning Committee;
- (ii) Mayor, Stonnington City Council
- (iii) Mayor, Yarra City Council;
- (iv) Mayor, Port Phillip City Council;

Non-Voting Members

- (v) Director Sustainability and Innovation, Melbourne City Council;
- (vi) Chief Executive Officer, Stonnington City Council;
- (vii) Chief Executive Officer, Yarra City Council;
- (viii) Chief Executive Officer, Port Phillip City Council;
- (e) approve the appointment of the Mayor and Chief Executive Officer to the Yarra City Council's, Melbourne City Council's, Port Phillip City Council's and Stonnington City Council's Inner Melbourne Action Plan Implementation Committees;

- (f) determine that the first ordinary meeting of the Special Committee shall be held on Friday 21st April 2006 commencing at 9.00am at the St Kilda Town Hall;
- (g) require quarterly reports be presented to Council on the progressive implementation of IMAP and that the first of these reports be presented to the June 2006 cycle of Council;
- (h) write to the other member Councils urging them to adopt membership and voting arrangements in line with Council's position that non-elected Committee members should not have voting rights; and
- (i) the terms of reference for the Committee be amended in line with the intent of this resolution.

The amendment was put and carried. The amendment therefore became the substantive motion.

The substantive motion was then put and carried.

Attachment 1 – Terms of Reference

Attachment 2 – Instrument of Delegation



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Document



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Document

3.2 2006/07 Budget – Proposed Public Consultation and Engagement

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

Purpose

1. The purpose of this report is to advise Council on proposed public consultation and engagement program for 2006/07 Budget.

Background

2. Following the adoption of the 2005/06 Council budget, Councillors expressed the wish to have a more comprehensive process of consultation and engagement for the 2006/07 Budget. This is also in accordance with the adopted Consultation Policy and Action Plan.

2005/06 Budget - Consultation

3. The 2005/06 budget was prepared against considerable time pressure and in less than ideal circumstances with newly appointed key staff being appointed late in the process.
4. The consultation included a number of briefings with Councillors and a 14 day (statutory minimum) period of public exhibition.

2006/07 Budget – Proposed Consultation and Engagement

5. The following program (Table 1) of consultation and engagement has been developed in accordance with Councils Community Consultation and Engagement Policy adopted by Council in December 2005. The policy refers to 2007/08 as being the cycle where more intensive forms of community engagement will be applied to inform the budget development.

Consultation	City of Yarra Budget 2006/2007
Purpose of Consultation	<p>To provide clear and useful information about budget parameters and major financial priorities for Council for 2006/07 as identified by Council and the Organisation.</p> <p>To obtain public feedback on analysis, alternatives or decisions on the major budget priorities for Council in 2006/07.</p> <p>To identify related issues for individual Branch response and incorporation into Service Plans.</p> <p>To identify 'emerging issues' for communities as priority areas for the Emerging issues Grants Program 2006/07.</p>
Who is to be consulted?	Residents, Traders, Public Housing Residents, Business, Culturally and Linguistically Diverse Residents.

	Aboriginal and Torres Strait Islanders.
Focus of Consultation	<p>Preparation of summary sheet and survey.</p> <p>Overview of City (socio-demographic, budget, etc).</p> <p>Range of services provided and infrastructure etc and associated costs.</p> <p>Perceived community/business priorities.</p> <p>Summary sheet and survey to be translated into the main eight community languages.</p>
Proposed Events	<p>Two information tents (as per Policy) at either end of the municipality during this period (February/May 2006), including Celebrate Yarra! on 19 February, 2006.</p> <p>Information at major street-based or community events.</p> <p>Short presentations at welcome lunches or similar activities at major housing estates (including North Fitzroy).</p> <p>Information available at Service Centres and online.</p> <p>Advertising Costs.</p> <p>Presentations at existing Committees - Disability Advisory Committee, Aboriginal Advisory Group, Business Advisory Group and to the estate based resident committees.</p> <p>Large mail out with request for feedback in early February 2006 incorporating major community, business and sporting organisations as well as a random selection of residents inviting response.</p> <p>Analysis of mail out results.</p> <p>Forum for community and business leaders March.</p> <p>Analysis of findings of 2005 Community Satisfaction Survey as well as review of the 2006 when it is released in May 2006.</p> <p>Use of existing venues - Leisure Centres, libraries and maternal and child health centres to provide information and feedback sheets.</p> <p>Extended formal submission time from 14 days to one month.</p>

	Where possible opportunistic use of forthcoming events to promote budget process and feedback opportunities, for example International Women's Day and Cultural Diversity week.
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Table 1

Financial Implications

6. Cost of the consultation will be met from 2005/06 budget.

Legal Implications

7. Nil.

Consultation

8. Councillors have been consulted through both briefing sessions and informal discussions on the matter including briefing on 6 February, 2006.

Conclusion

9. The proposed program provides a much expanded range of consultation and engagement initiatives for 2006/07.

RECOMMENDATION

10. That council notes the proposed program of community consultation and engagement for 2006/07 budget.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Maltzahn

That the recommendation be adopted.

CARRIED

3.3 Council and Committee Structure and Meeting Schedule

File:

Responsible Officer: Manager Governance

Purpose

1. To adopt the Council and Committee Meeting structure and Meeting cycle for the 2006 Council year.

Background

2. Councillors have:
 - (a) requested a review of the meeting structure and scheduling for both Council and Committees;
 - (b) suggested a number of principles which should be incorporated into the revised meeting arrangements, including:
 - (i) a splitting of "Community Development" from "Planning", thus creating two separate Committees, in order provide a greater focus to each of these critically important service areas in respect of consultation, consideration and decision making;
 - (ii) the newly created Committees to meet on a Tuesday;
 - (iii) there being a two week break between the Committees and Council meetings;
 - (iv) a separate (special) consultation meeting being conducted for processing the key issue of the City Budget;
 - (v) IDAC being maintained separately from the Planning Committee;
 - (vi) Briefings to include a component to provide Councillors an opportunity to review the Agenda for future Briefing Sessions;
 - (vii) staff directing the majority of reports to the Committees (to maximise opportunity for consultation and deliberation);
 - (c) indicated an acceptance to have three Standing Committees;
 - (d) suggested at least one Councillor from each ward being on each Committee, especially the Planning, Environment and Infrastructure Committee;
 - (e) favoured restricting Councillors to chairing of one Committee only, having regard to workload of preparation for meetings and liaison with officers, Mayor and CEO over Committee issues;
 - (f) considered Councillor's interests and experience in determining membership of a Committee;

- (g) had regard to family responsibilities and Chair preferences in terms of commencement of times for Committee meetings;
- (h) indicated a preference to start Committee meetings at 6.30pm, not 6.00pm, to enable Councillors to get there from work etc;
- (i) suggested that as the Planning Environment & Infrastructure Committee meeting is more likely to be longer, switch the Human Services & Community Development Committee meeting to the earlier start time so it will not be delayed if Planning, Environment & Infrastructure Committee extends over time;
- (j) suggested that:- a Councillor only Chair one Committee, the Mayor be entitled to sit on each Committee and Councillors sit on no more than two Committees;
- (k) for comparative purposes, considered the meeting structure of a range of the metropolitan councils; and
- (l) suggested the following membership for the three proposed new Committees:

Finance & Governance Committee	Human Services & Community Development Committee	Planning, Environment & Infrastructure Committee
Cr. Farrar (Chair)	Cr. Barbara (Chair)	Cr. Morton (Chair)
Cr. Fristacky	Cr. Fristacky	Cr. Fristacky
Cr. D'Agostino	Cr. D'Agostino	Cr. Jolly
Cr. Jolly	Cr. Maltzahn	Cr. Maltzahn
Cr. Meadows	Cr. Sekhon	Cr. Meadows

Table 1

Consultations

3. Council has a number of detailed policies and procedures on consultation and communication with both its community and its clients. Council seeks to maximise the opportunity for consultation and dialogue in the consideration of all business matters which come before Council or its Committees.
4. The three Standing Committees are each structured to maximise a focus (specialisation) on a specified (compatible and associated) range of key issues impacting on Council's operation and matters of high importance to the community. It is also structured to assist Councillors in selecting the Committee which they have a particular interest and expertise, on which to serve. It may also assist community members who wish to attend meetings on particular issues
5. The Chief Executive Officer was required to bring forward a proposed Council/Committee structure and meeting schedule, taking the above principles into account.

6. Discussion has occurred on the manner in which contract matters will be considered. In this regard contract matters will be considered and determined on by the respective Standing Committee at the preliminary stage, i.e. development of specifications, range of services, overall reviews, etc. with the process of final adoption and awarding of the contract to be determined on by the Finance and Governance Committee to ensure consistency.

Financial Implications

7. Council/Committee structure and meeting schedules have both financial and resource implications insofar as:
 - (a) the number of committees (additional Committees require additional staff time in the preparation of records such as agendas and reports),
 - (b) the frequency and times meetings are conducted (the cost staff for required to be in attendance outside of their normal office hours).
8. These costs will require to be incorporated into the Council budget.

Economic Implications

9. Council has a very comprehensive Strategic Plan and statutory obligations which includes ensuring the economic health and wellbeing of the City and its community. This necessitates Councillors being fully acquainted with the implications of:
 - (a) finance and budget issues together with overall corporate strategic planning matters including the range of services offered by Council and how the Council affords financing of same,
 - (b) planning and development proposals on the city's wider economy (e.g. creation of new jobs, local employment, types of jobs which match the resident workforce, increased private and public investment, improved transport infrastructure or improved services provision.) and especially to ensure the economic sustainability of the municipality to enable it to meet the service standards and levels and address the needs of its diverse community.
10. Therefore appropriate time and resources should be allocated in a structured manner to enable adequate consultation, discussion and consideration of the economic implications of matters which come before Council

Social Implications

11. Having regard to the diversity in the demographic make-up of the Yarra community, it is critical for Council to consider in detail, the social implications of the overall operation and service provision of the Council and ongoing development and re-development in the municipality. Therefore Council wishes to structure its governance operation to best focus on the criteria which will most effectively address the Council's strategic plans and directions in terms of its social obligations and aspirations. The establishment of three specialised Standing Committees will assist in this regard.

City Plan, Strategy and Policy Implications

12. The establishment of three specialist Standing Committees will enable Council to focus on selected aspects of the City Plan at each Committee meeting. It will also offer the opportunity for Councillors to specialise in the areas of their specific interest and skills.

Legal Implications

13. Council is able under the Local Government Act and its local laws, to establish the Council and Committee structure which it believes will best enable it to meet its statutory obligations and the Yarra specific, community obligations.

Other Issues

14. To ensure consistency, each Committee would comprise five Councillors and report recommendations to Council for ratification. This arrangement also acknowledges that a membership of five is a majority number and should assist in greater surety to recommendations brought forward to Council for adoption.
15. The following steps would be required in the process of implementing the new model structure and meeting cycle arrangements:
 - (a) Council to resolve to abandon the current structure and adopt the new structure and meeting schedule,
 - (b) Council appointing the membership of each new Committee,
 - (c) Council appointing a Chairperson to each new Committee.

Options

16. Council in addressing the principles of maximising consultation and ‘openness’ in its administration and governance, has reviewed the structure of its Council/Committee makeup and the meeting schedule which will apply in 2006. In order to address the key principles favoured by Councillors the following Monthly Meeting Cycle is proposed:

Monthly Cycle	Meeting Day	Time	Venue
Finance and Governance Committee*	First Monday	6.30 pm	Richmond Town Hall
Councillors' Briefing	First Monday	7.30 pm	Richmond Town Hall
Human Services and Community Development Committee*	First Tuesday	6.30 pm	Richmond Town Hall
Planning, Environment and Infrastructure Committee*	First Tuesday	8.00 pm	Richmond Town Hall

Internal Development Approvals Committee	First Wednesday and fortnightly thereafter	6.00 pm	Richmond Town Hall
Councillors' Briefing	Third Monday	6.00 pm	Fitzroy Town Hall
Council: - Confidential Council - Open Council	Third Tuesday	7.00 pm 7.30 pm	Richmond Town Hall
*Confidential session to be held at the end of the meeting, if required.			

Table 2

RECOMMENDATION

17. That:

- (a) in the matter of Council's meeting schedule for 2006 and the Council/Committee structure to support and manage Council's business sessions and,
- (b) having regard to the key issues which impact on the balanced development of the municipality and the adequate provision of services to meet the needs of its diverse community and,
- (c) having considered good governance models which most effectively equip the Council to conduct its business operation in a manner which ensures the widest possible consultation, consideration and implementation procedures,

Council now determine to restructure its Council and Committee format and its 2006 meeting schedule by:

- (a) dissolving the current Special Committees (Planning and Community Development Committee and Finance and Resources Committee),
- (b) establishing in accordance with Section 86 of the Local Government Act, three new Special Committees:
 - (i) a Planning, Environment and Infrastructure Committee, which would consider and address all matters relating to city development, strategic planning, land use planning, each of environmental, regulatory, parking and economic development issues, recreational planning and all asset and infrastructure management and service matters and preliminary consideration of contracts relative to the portfolio.
 - (ii) a Human Services and Community Development Committee which would consider and address all matters relating to human services (aged, disability, family, children's services), leisure services, community planning and developments), preliminary consideration of contracts relative to the portfolio.

- (iii) a Finance and Governance Committee which would consider and address all matters relating to finance, budget, governance, information services, the final adoption and awarding of contracts, legal matters, staffing and organisational development, communications.
- (c) appointing the membership and chairmanship of each of the Standing Committees as outlined in the table below:

Finance & Governance Committee	Human Services & Community Development Committee	Planning, Environment & Infrastructure Committee
Cr. Farrar (Chair)	Cr. Barbara (Chair)	Cr. Morton (Chair)
Cr. Fristacky	Cr. Fristacky	Cr. Fristacky
Cr. D'Agostino	Cr. D'Agostino	Cr. Jolly
Cr. Jolly	Cr. Maltzahn	Cr. Maltzahn
Cr. Meadows	Cr. Sekhon	Cr. Meadows

Table 3

- (d) adopting the 2006 Council Meeting Program as presented in Attachment 1.

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Maltzahn

1. That:

- (a) in the matter of Council's meeting schedule for 2006 and the Council/Committee structure to support and manage Council's business sessions and,
- (b) having regard to the key issues which impact on the balanced development of the municipality and the adequate provision of services to meet the needs of its diverse community and,
- (c) having considered good governance models which most effectively equip the Council to conduct its business operation in a manner which ensures the widest possible consultation, consideration and implementation procedures,

Council now determine to restructure its Council and Committee format and its 2006 meeting schedule by:

- (a) dissolving the current Special Committees (Planning and Community Development Committee and Finance and Resources Committee),
- (b) establishing in accordance with Section 86 of the Local Government Act, three new Special Committees:

- (i) a Planning, Environment and Infrastructure Committee, which would consider and address all matters relating to city development, strategic planning, land use planning, each of environmental, regulatory, parking and economic development issues, recreational planning and all asset and infrastructure management and service matters and preliminary consideration of contracts relative to the portfolio.
 - (ii) a Human Services and Community Development Committee which would consider and address all matters relating to human services (aged, disability, family, children’s services), leisure services, community planning and developments), preliminary consideration of contracts relative to the portfolio.
 - (iii) a Finance and Governance Committee which would consider and address all matters relating to finance, budget, governance, information services, the final adoption and awarding of contracts, legal matters, staffing and organisational development, communications.
- (c) appointing the membership and chairmanship of each of the Standing Committees as outlined in the table below:

Finance & Governance Committee	Human Services & Community Development Committee	Planning, Environment & Infrastructure Committee
Cr. Farrar (Chair)	Cr. Barbara (Chair)	Cr. Morton (Chair)
Cr. Fristacky	Cr. Fristacky	Cr. Fristacky
Cr. D’Agostino	Cr. D’Agostino	Cr. Jolly
Cr. Jolly	Cr. Maltzahn	Cr. Maltzahn
Cr. Meadows	Cr. Sekhon	Cr. Meadows

Table 3

- (d) adopting the 2006 Council Meeting Program as presented in Attachment 1 (as amended).

CARRIED

Attachment 1 – 2006 Council Meeting Program



Adobe Acrobat Document

FURTHER BUSINESS

11.1 Tendering for Council Contracts

Council determined during confidential session to make public the following resolution on tendering for Council contracts.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Farrar

1. "That in the matter of tendering for Council contracts and:
 - (a) having further considered the complexities which would be confronted with the implementation of its original resolution,
 - (b) having considered alternative approaches,
 - (c) having held discussion with the Australian Services Union,

Council now:

- (1) determine to rescind its resolution of 11 October 2005 (Item 3.7 – 'Tendering for Council Contracts') and hereby adopt the following resolutions:
 - (a) "That Council at its meeting on 11 October 2005 adopted a resolution dealing with proposed changes to the Workplace Relations Act 1996 (Commonwealth) and proposing, subject to legal advice, that certain strategies be adopted; that Council, hereby rescinds the said resolution."
 - (b) "That Council, having further considered the Commonwealth Government's WorkChoices legislation:
 - (i) Affirms its commitment to continue to enter into collective employment agreements negotiated with the ASU on behalf of Council employees;
 - (ii) Condemns the Commonwealth Government WorkChoices legislation in that it makes it more difficult for workers to have unions negotiate collective agreements on their behalf;
 - (iii) Supports the actions of the Bracks Government to challenge the stripping away of worker's rights;
 - (iv) Supports the ACTU's campaign against the WorkChoices legislation and directs that \$5,000 be donated to support the campaign to protect workers' rights;
 - (v) Directs that copies of this resolution be forwarded to the ASU, the ACTU and the State Minister for Industrial Relations; and

- (vi) That the Federal Minister for Industrial Relations be advised of Council's condemnation of the Commonwealth Government WorkChoices legislation."
- (2) in relation to its standard Contract Specification documents, determine to include clauses in such documents which promote secure employment and reasonable wages and conditions and that Council work on the detail of this arrangement with Council management and the relevant Trade Unions; that a confidential report be presented back to Council at the April 2006 cycle.
- (3) determine to join with the ASU in running a case pursuant to Section 170MD of the Workplace Relations Act 1996, seeking to correct ambiguities in the Yarra City Council Enterprise Agreement, in order to have the current Victorian Local Authorities Award 2001 (in full) attached as an Appendix to the City of Yarra Enterprise Agreement No 4, 2004 as a measure to protect the various award conditions not specifically stipulated in the Enterprise Agreement document.
- (4) determine to place this resolution on the public record.

CARRIED

The Council meeting closed at 10.33 pm.

Confirmed this 21st day of March 2006.

Mayor