

YARRA CITY COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

**held on Tuesday 20 February 2007
at the Richmond Town Hall at 7.00pm**

Councillors

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

Officers

Justin Hanney (Chief Executive Officer)
Craig Kenny (Director Community Development)
Bryan Lancaster (Director Asset Management)
Bruce Phillips (Director City Development)
Marc Giglio (Executive Manager Finance and
Information Services)
Ivan Gilbert (Executive Manager Governance and
Organisational Development)
Marg Elvey (Governance Officer)

I. ATTENDANCE

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Cr Meadows was granted a leave of absence for Monday 5 March 2007.

Cr Farrar was granted a leave of absence for Monday 5 March and Tuesday 6 March 2007.

Cr Sekhon was granted a leave of absence for the March 2007 cycle of Council.

Cr D'Agostino was granted a leave of absence for Monday 2 April 2007.

III. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Meadows

That the minutes of the Ordinary Meeting of Council held on Tuesday 19 December 2006 be confirmed.

CARRIED

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII. COUNCILLORS' FORUM

General Business
Delegates' Reports
Questions Without Notice

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the
cultural heritage of Yarra.***



Public Participation at Council and Committee Meetings PROCEDURE

1. The Yarra City Council welcomes the opportunity for members of the public to address Council, Special Committees and Council's Internal Development Approvals Committee in accordance with this procedure.
2. The following guidelines apply to public questions and submissions:
 - (a) public question time is restricted to 15 minutes, 2 questions per person, and **five (5) minutes per speaker**;
 - (b) the Chairperson has the sole discretion to extend speaking times or vary conditions of these guidelines;
 - (c) the minute clerk or the Chief Executive Officer shall advise the Chairperson when speaking times have expired;
 - (d) within reason, there will be no time restriction imposed on submissions under section 223 of the *Local Government Act 1989* (the opportunity to speak to a previously lodged formal written submission pursuant to that section of the Act);
 - (e) where a number of people wish to make a submission on the same subject, a representative speaker is encouraged. Speakers are asked to restrict themselves to new comments and not repeat points made by other speakers
 - (f) all public comment is to be made prior to commencement of debate on matters to be determined;
 - (g) persons addressing the meeting shall confine themselves to the subject under consideration;
 - (h) town planning permit applicants shall be given an opportunity to present their submission before objectors and may exercise a right of reply following the hearing of all submissions.
3. The general provisions of these guidelines shall be made known to all intending speakers and members of the public, prior to the commencement of business at meetings.

ORDINARY MEETING OF COUNCIL

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ITEM		PAGE	RESOLUTION
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CONFIDENTIAL ITEMS

PLEASE NOTE – In accordance with the provisions of section 77 of the *Local Government Act 1989*, all materials in the confidential section of this agenda, including recommendations and resolutions, remain strictly confidential until such time as Council, at an Ordinary Meeting of Council, resolves to make it public.

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QUESTIONS WITHOUT NOTICE

ITEM		PAGE	RESOLUTION
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URGENT BUSINESS

ITEM		PAGE	RESOLUTION
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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 D'Agostino

Seconded: Councillor Maltzahn

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) legal advice; and
 - (c) a matter prejudicial to Council and/or a third party.
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 meeting resumed in open session.

PETITIONS AND JOINT LETTERS

7.1 Stafford Street, Abbotsford – Traffic Conditions

A petition containing nineteen signatures has been received from residents of and visitors to Stafford Street, Abbotsford requesting that Council abandon its proposal to implement one-way traffic in Park Street and consider closing Stafford Street to large commercial vehicles during peak time for residents.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Barbara

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

CARRIED

7.2 Proposed Usage of Curtain Square

A petition containing 52 signatures has been received from dog-owning users of Curtain Square, requesting that Council consider instituting additional off-leash areas and/or time periods.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

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

CARRIED

PUBLIC QUESTION TIME

8.1 Question from Ms Julie Seal

Will Council monitor rave parties?

Response

The Mayor

- (a) thanked Ms Seal for her question;
- (b) advised that Council would soon release a draft local law addressing this issue; and
- (c) encouraged Ms Seal to provide feedback on the draft local law during the public submission period.

8.2 Question from Mr John Seal

Will Council bring in adequate controls on rave parties, particularly with regard to amplified music, or will it support activities that promote drug use at the expense of affected residents

Response

The Mayor

- (a) thanked Mr Seal for his question;
- (b) advised that Council would soon release a draft local law addressing this issue; and
- (c) encouraged Mr Seal to provide feedback on the draft local law during the public submission period.

8.3 Question from Mr Adrian Moore

Is it fair and reasonable that I and other ratepayers should be exposed to the noise from rave parties?

Response

The Mayor

- (a) thanked Mr Moore for his question;
- (b) advised that Council would soon release a draft local law addressing this issue; and
- (c) encouraged Mr Moore to provide feedback on the draft local law during the public submission period.

8.4 Question from Ms Rosemary Adams

Are you aware of problems with the laneway behind the Normandy Hotel?

Response

The Director Asset Management advised that:

- (a) the matter would be investigated; and
- (b) Council would increase the frequency of cleaning in the laneway if necessary.

The Director City Development advised that there would need to be a coordinated action between Council and the Victoria Police as patron behaviour:

- (a) in the building and immediately in front of the building is a Council matter;
- (b) further away from the establishment is a Police matter.

8.5 Question from Mr Norm Bassett

Why is the 50kph sign situated in Paterson Street near corner of Arnold Street?

Response

The Mayor advised that officers would liaise directly with Mr Bassett.

8.6 Question from Mr Daryl Veitch

Is the Council aware of the noise problem from the Safeway airconditioning unit?

Response

The Director City Development took the question on notice and will liaise directly with Mr Veitch.

GENERAL BUSINESS

9.1 Channel 9 Site

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Meadows

That a report be prepared for the April cycle of Council on appropriate planning controls for the potential redevelopment of the Channel 9 site in Bendigo Street, Richmond, including the application of a betterment levy in the event of rezoning.

CARRIED

9.2 Improving ESD Outcomes

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Sekhon

That a report be prepared into the possibility of developing a local law/s that would enable Council to require (where appropriate) the installation of water tanks and other items that improve ESD outcomes.

CARRIED

9.3 Green Power

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Sekhon

That a report be prepared into the financial and environmental impact of increasing Council's use of green power, to 15, 50 and 100 percent.

CARRIED

9.4 MFB Site – Environmental Status

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Sekhon

That Council officers prepare a report detailing the land ownership in the area bounded by Madden Grove, Burnley Street, Rooney Street and the former Barkly Avenue, Richmond, including historical use and any information pertaining to the environmental concerns associated with the Metropolitan Fire Brigade site and surrounding sites.

CARRIED

9.5 Recharge Scheme

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That a report be prepared on the implementation in the City of Yarra of a recharge scheme where people can recharge their wheelchairs, bikes or scooters at points in our activity centres.

CARRIED

DELEGATES' REPORTS

10.1 Victorian Local Government Association Planning Day

1. Councillor Fristacky:
 - (a) reported that she attended the planning day at Eltham on 3 February, 2007 and distributed a written report;
 - (b) noted the results of the Board elections being Cr Beth Davidson, President;
 - (c) noted that the keynote address was given by Adjunct Professor, Hayden Raysmith on Taking Advantage of Opportunities, and
 - (d) advised that the debate on discussion papers followed the four themes of leadership, postal voting, professional development and community planning.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Maltzahn

1. That the delegate's report be noted.

CARRIED

10.2 Metropolitan Transport Forum (MTF)

1. Councillor Fristacky, in her capacity as Council's delegate and Deputy Chair to the Metropolitan Transport Forum, distributed a written report and noted that:
 - (a) motor scooters are neglected in road planning by VicRoads and councils;
 - (b) the MTF has sought \$10,000 from each member Council to fund a professional submission to the Eddington Inquiry on East-West Transport; and
 - (c) the MTF co-hosted a forum with the Victorian Local Governance Association at the University of Melbourne on 20 February, 2007.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Maltzahn

1. That the delegate's report be noted.

CARRIED

10.3 Municipal Association of Victoria (MAV) – Future of Local Government Working Group

1. Councillor Fristacky, in her role as Council's delegate to the Future of Local Government Working Group, distributed a written report on its meeting of 8 February, 2007 and tabled a paper by Peter McKinlay, Local Government Centre, Auckland, New Zealand on Perspectives on Accountability with the emphasis being Local Government seen as the driver of change.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Meadows

That the delegate's report be noted.

CARRIED

10.4 MS2007 Megaswim

1. Cr Fristacky, as a member of one of the two City of Yarra's MS2007 Megaswim teams, encouraged donations for this important fundraising exercise. This 24 hour community event, to be held on 23 February and 24 February, makes a significant contribution to funding the Multiple Sclerosis Society Go for Gold Scholarships each year.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That the delegate's report be noted.

CARRIED

10.5 Citizenship Ceremony – Australia Day

1. Councillor Farrar advised that she attended the Citizenship Ceremony on Australia Day receiving 72 new citizens from 15 countries and distributed a written report noting that the:
 - (a) Citizen of the Year is Mr David Adams;
 - (b) recipient of Order of Australia is Father Peter Nordon;
 - (c) member of the Order of Australia is Ms Meredith Marjory Sussex;
 - (d) Young Citizen of the Year is Miss Mandy My Vo;
 - (d) Community Service of Year is the St Joseph's Community Shop;
 - (e) Community Event of Year is the Slow Food Farmers' Market; and
 - (f) City of Yarra's 2007 Ambassador is Mr Mecca Ho.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

1. That the delegate's report be noted.

CARRIED

10.6 2007 Victoria Street Lunar Festival

1. Cr Farrar advised that she attended the 2007 Victoria Street Lunar Festival which was held on 4 February 2007 along with approximately 70,000 people and that she:
 - (a) was honoured to be wearing a traditional Vietnamese costume;
 - (b) acknowledged the hard work of the Richmond Asian Business Association and officers from the City of Yarra; and
 - (c) was presented with a trophy from the Richmond Asian Business Association and part of the commemorative ribbon in recognition of Council's sponsorship of the event.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Maltzahn

That the delegate's report be noted.

CARRIED

QUESTIONS WITHOUT NOTICE

11.1 Question from Councillor Maltzahn

I understand that we are currently considering making the events associated with the opening of the Fitzroy Town Hall carbon neutral. What would be the resource implications for doing this for all City of Yarra events, and what steps would be needed to do this?

Response

The Director Asset Management took the question on notice.

11.2 Question from Councillor Jolly

In 2006, did 75% of complaints about illegal brothels come from legal brothels?

Response

The Executive Manager Governance and Organisational Development took the question on notice.

11.3 Question from Councillor Jolly

Did the Chief Executive Officer consult with any of the Councillors prior to signing the lease agreement regarding St Andrews Kindergarten?

Response

The Chief Executive Officer advised that he did not consult with the Councillors and that the matter was finalised in order to prevent the immediate closure of the centre.

11.4 Question from Councillor Jolly

Are the Chief Executive Officer and the Executive Team aware of the resolution of Council of 9 August 2005 on the issue of industrial relations changes that says amongst other things, that Yarra City Council will not make use of the abolition of Unfair Dismissal laws to unfairly sack Council employees regardless of the length of time for which they have been employed by Council?

Response

The Chief Executive Officer advised that he and the Executive Team are aware of this resolution.

FINANCE & GOVERNANCE COMMITTEE MEETING

**Held on 5 February 2007 at 6.30 pm
at Richmond Town Hall**

The meeting concluded at 7.06 pm.

Attendance – Councillors

Cr Paul D'Agostino (Chair)

Cr Jenny Farrar

Cr Jackie Fristacky

Cr Stephen Jolly

Cr Kay Meadows

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Justin Hanney (Chief Executive Officer)

Bruce Phillips (Director City Development)

Craig Kenny (Director Community Development)

Bryan Lancaster (Director Asset Management)

Marc Giglio (Executive Manager Finance and Information Services)

Ivan Gilbert (Executive Manager Governance and Organisational Development)

Marg Elvey (Governance Officer)

1.1 Municipal Association of Victoria – Strategic Plan December 2006 Milestone Report

File: 10/45/02-05
Responsible Officer: Executive Manager Governance and Organisational
Development

Purpose

1. To receive the Municipal Association of Victoria (MAV) December 2006 Strategic Plan Milestone Report (Attachment 1).

Background

2. As the peak local government body in Victoria and key advocate for the local government sector in the State, the MAV through the elected Board, each year formulates a Strategic Plan to guide and focus its operations.
3. The MAV provides periodic reports to its member Councils on achievements against the Strategic Plan.

Consultations

4. The issues the MAV Strategic Plan address are drawn from matters presented to the MAV by member Councils and formally adopted through the MAV Annual State Council process, together with key issues referred by member Councils and which have a sector wide relevance and items deemed relevant by the Board.

Financial Implications

5. There are no direct financial implications to Council from the Milestone Report. However, financial benefits could arise for Yarra City Council from revised funding agreements which may be successfully pursued by the MAV with funding agencies (e.g. government departments, etc). The mid-term financial strategy achievement highlights are noted in the attachment.

Economic Implications

6. The Strategic Plan includes a range of matters which, individually and collectively seek to improve the economic capacity of councils by, in some instances passing the responsibility of maintenance or service provision from Councils to other providers, the adoption of programs which will introduce new and/or enhance existing service provisions by government agencies, cut red-tape on local planning policy to improve capacity/opportunity for local development to occur, etc. The mid-term strategy achievement highlights which have some impact on the economic capacity of Councils, are noted in the attachment - refer sections on finance, access and mobility, planning, infrastructure, business collaboration and reform, human services and environment.

Environmental Implications

7. The Milestone mid-term achievements note that advances have been made by agreement of government to undertake a domestic wastewater management costing study and to conduct a 12 month review of the “new approach” to native vegetation management. Advocacy is continuing in seeking to improve the waste management capacity of Councils.

Social Implications

8. A number of Milestone mid-term achievements are noted, including on a sustainable transport action plan, establishment of an accessible housing program, government to undertake costing studies for HACC and MCH services, support for the delivery of positive aging strategies and funding of \$6 million in Volunteer Support Grants.

City Plan, Strategy and Policy Implications

9. A number of the MAV Strategic Plan issues are similar to/support principles in Council’s own Strategic Plan.

Legal Implications

10. There are no legal implications to Council in this matter.

RECOMMENDATION

11. That the report be noted.

FINANCE & GOVERNANCE COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky **Seconded:** Councillor Jolly

12. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Sekhon

That the Finance and Governance Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Ivan Gilbert

TITLE:

**Executive Manager Governance and Organisational
Development**

TEL:

9205 5110

Attachment 1 – MAV Milestones, Issue 7 December 2006



Adobe Acrobat 7.0
Document

1.2 Apprenticeships Plus – Quarterly Report

File: 10/10/07 18
Responsible Officer: Director, Community Development

Purpose

1. This report provides Council with an update on the related activities of Apprenticeships Plus (A+).
2. This report provides Council with an update on:
 - (a) structure of A+ and associated businesses;
 - (b) performance for the 2006 business year; and
 - (d) update on apprenticeship numbers and performance.

Background

3. A+, originally trading as Inner Northern Group Training Limited, was formed in late 1982 by a consortium of the former municipalities of Brunswick, Coburg, Northcote, Preston and Fitzroy. The major impetus was concern over high unemployment levels and a lack of training opportunities for local young people. These municipalities then covered what was Melbourne's and indeed Australia's highest concentration of manufacturing industry. Then, as now, there was concern that industry was not training enough people with the right skills to meet the needs of industry.
4. Changing patterns in the regional, Victorian and Australian economies reflected in a dramatic drop in manufacturing jobs placed obvious pressure on A+ to adapt its business to respond to emerging industry sectors. Traineeships in office administration, aged care, nursing and education-integration aide jobs now exceed the more traditional apprenticeship jobs of motor mechanics and gardening.
5. A+ has a Board comprising 7 members, 4 independent Directors appointed by the Board and three appointed by the member Councils. The Cities of Yarra, Darebin and Moreland each appoint one member to the Board. Currently these positions are held by Officers of each Council. The four independent are selected for their expertise in various aspects of A+ activities. The Director's of A+ as at December 2005 were: Alan Brown (Chair); Michael Francis (Deputy Chair), Kevin Breen (Darebin City Council); Roger Collins (Moreland City Council); Craig Kenny (Yarra City Council); Elizabeth Board and Naomi Corlett.

Company Structure

6. There are four interconnected business operations associated with A+, these are:
 - (a) Apprenticeships Plus, the trading name for Inner Northern Group Training, is a Group Training company that currently employs over 550 apprentices and trainees;
 - (b) Work and Training, the largest Tasmanian Group Training company and now a fully owned subsidiary of A+, currently employs 430 apprentices and trainees;
 - (c) MAS National is a joint venture entity of A+ and a Melbourne western suburbs group training company, Workplace Connect, now operates New Apprenticeships Centres in Sydney, NSW country and South Australian country, and
 - (d) MAS Administration Services, a not-for-profit company jointly owned by A+, has as its main business the national contract for administering the Federal Government's Tools for Trade program.
7. All four companies have delivered operational surpluses over the financial year ended 30 June 2006.

2006 Highlights

8. The financial year ended 30 June 2006 proved to be very successful for A+. Some of the highlights are outlined in the following paragraphs.
9. Purchase of a 3 storey office building at 192 – 194 High St, Northcote that will provide the new head office for A+. This purchase is also important in that it provides ongoing net rental income to the business in the future through the leasing of 2 floors to commercial tenants. On current trends, it is anticipated that the building will be fully paid off within 12 months. Securing a permanent headquarters and a quality office environment in an excellent location provides a real opportunity to improve the profile of the core business and therefore grow the number of apprentices and trainees in group training.
10. Apprenticeships Plus' own business performance was very strong in the 2006 financial year. This included the company reaching the highest number of apprentices and trainees over its 23 year history with over 550 employed. The company also posted a net surplus of over \$350,000 for 2006.
11. A formal resolution by the Board to establish a Community Foundation has also been taken. This will supersede the former Social Investment Policy that allocated 20% of the net operating surplus to the benefit of projects in the areas covered by the member Councils. The Community Foundation aims to build a corpus (funds under investment) of \$5m over the next 10 years with the annual income generated available for disbursement to eligible organisations. It is worth noting that over the past 3 years over \$112,000 has been distributed through the Social Investment Policy.
12. At the end of the 2006 financial year A+ had a net equity of \$6.035m. This compares with a net equity position of \$269,500 in 1996. This strong growth

and the very sound financial position promise a long term future for the company.

13. Apprenticeships Plus' core business remains highly focussed on the northern regional economy with around 65% of apprentices and trainees and a similar proportion of host employers (247) living or doing business in the region.

Consultations

14. The CEO of A+ and two Board members provided an informative presentation to Yarra City Council on 16 October 2006. A subsequent invitation was received for A+ to address the Business Advisory Group in November 2006.
15. No consultations were undertaken in writing this report.

Financial Implications

16. Under the rules of incorporation the member Councils cannot directly receive financial benefit from their interest in A+.

Economic Implications

17. Significant economic benefit derives from the operation of A+ in the Northern Region. As stated previously around two thirds of the apprentices and trainees placed by Apprenticeships Plus come from the region. The numbers of apprentices and placements in the local Yarra area is low and this reflects both the decline in demand for apprenticeships from the current population and reduction in the number of manufacturing and trade positions.
18. A+ has made a commitment to look to increase the numbers of placements and apprenticeships during 2007 and outcomes of these efforts will be reported in future updates.

Environmental Implications

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

Social Implications

20. The social implications of creating effective pathways to employment are significant for the most disadvantaged members of the Yarra community. Training and transitional support to employment are a key focus on each of the housing estates and are central increasing levels of community resilience and sense of optimism.
21. The establishment of a Community Foundation will allow supported programs to be targeted to members of the Yarra community most at risk of long term unemployment.

Council Plan, Strategy and Policy Implications

22. Local employment for young people is a key objective outlined in the Council Plan.

"LEB02.1 Local Employment

Investigate training opportunities and incentives to promote local employment.

Employment for Young People:

*Facilitate trainee placements within Council.
Expand on the preliminary work done to date with INLLEN,
Apprenticeships Plus and Brotherhood of St Laurence."*

Legal Implications

23. There are no significant legal implications contained in this report.

Conclusion

24. A+ is a major provider of apprenticeship and training services in the northern region. It has operated effectively for over 20 years and continues to make available employment and apprenticeship opportunities for young people from the region and broader metropolitan area.
25. The company has experienced significant growth over the past few years and has successfully adapted to the changing economic landscape. A+ has committed to further efforts to ensure the numbers of placements and traineeships are increased in Yarra and progress will be reported in future quarterly updates to Council.

RECOMMENDATION

26. That Council note the Apprenticeships Plus Quarterly Report.

FINANCE & GOVERNANCE COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Farrar

27. That the recommendation be adopted.

CARRIED

SUPPLEMENTARY INFORMATION

Apprenticeships Plus – Host Employers / Traineeships

28. The following data has been provided by Janette Etherington, CEO of A+. As at 31 December 2006 there were:
- (a) 13 Host Employers located within the City of Yarra;
 - (b) 7 apprentices or trainees who lived in Yarra; and

- (c) 1 apprentice who lived and was placed in Yarra.
29. Comparative data over time is currently being assembled by Apprenticeships Plus and this will be provided as a matter of practice with the quarterly reports. Tables 1 and 2 provide comparative data with other municipalities.

Apprentice Numbers by Municipality

Municipality	Apprentice / Trainees
Hume	84
Whittlesea	73
Darebin	50
Brimbank	40
Nillumbik	28
Banyule	27
Moreland	25
Wyndham	24
Melton	18
Frankston	14
Hobson's Bay	11
Manningham	11
Moonee Valley	11
Whitehorse	10
Casey	8
Maroondah	8
Yarra	7

Table 1

Host Employers by Municipality

Municipality	Host Employers
Darebin	38
Hume	31
Whittlesea	21
Melbourne	16
Moreland	14
Yarra	13
Banyule	12
Nillumbik	11
Greater Dandenong	9
Brimbank	8
Hobson's Bay	8
Moonee Valley	8
Wyndham	7

Table 2

30. The Chief Executive Officer of A+ has advised that she is currently putting together a proactive plan to increasing host employer and apprenticeship numbers within Yarra and this will be forwarded to Council by the end of February 2007 for review and endorsement. Progress on matters will be reported in future quarterly reports.

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Jolly

That the Finance and Governance Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Craig Kenny

TITLE:

Director, Community Development

TEL:

9205 5100

1.3 2006/07 Monthly Financial Report – Quarter ending 31 December 2006

File: 40/40/02
Responsible Officer: Executive Manager Finance & Information Services

Purpose

1. To provide a financial report for the six months ending 31 December 2006 and information on the current status of Council's financial performance and position.

Background

2. The 2006/07 Annual Budget was adopted by Council on 18 July 2006.
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 2006.
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 2006 is projected to be a surplus of \$7.713m being a favourable variance of \$0.571m compared to the Annual Budget surplus of \$7.142m. This result is reflected by a favourable forecast income variance of \$1.165m and an unfavourable forecast expenditure variance of \$0.594m. The overall forecast variance comprises of the following significant variances:
 - (a) user charges, fees and other fines favourable to budget by \$0.358m;
 - (b) leisure centre fees favourable to budget by \$0.198m;
 - (c) reimbursements & contributions favourable to budget by \$0.390m;
 - (d) employee costs favourable to budget by \$0.211m;
 - (e) maintenance costs unfavourable to budget by \$0.430m
 - (f) other materials & services unfavourable to budget by \$0.437m.

For the detailed forecast results, refer paragraph 16.

7. As outlined in the Income Statement, the year to date operating result, before reserve transfers, reflects a favourable variance of \$3.085m. Refer paragraph 16.

8. The overall year to date variance in income is a favourable result of \$1.003m comprising the following significant variances:
- (a) rates are favourable compared to budget by \$0.101m or 1.3 percent. This is the mainly as a result of a favourable increase in Supplementary Valuations completed to date;
 - (b) government grants are favourable compared to budget by \$0.120m or 9.5 percent. Favourable result is mainly due to additional Strategic & Economic Development grants for Melbourne 2030 implementation, unbudgeted grant for Art in Public Places and Metro Access grant received earlier than anticipated;
 - (c) parking revenue is unfavourable compared by \$0.173m or 2.0 percent. The variance is mainly as a result of lower than anticipated parking infringements issued to date. Parking meter income continues to run according to budget to date;
 - (d) user charges, fees and other fines are favourable compared to budget by \$0.346m or 7.7 percent. Favourable variances in Public Open space contributions, Insurance Premium Recoveries, Commercial Property Rental and Inspection Fees and Other Income;
 - (e) leisure centre fees are favourable compared to budget by \$0.430m or 14.9 percent. This is a result of favourable variances in gym memberships across all three centres, casual pool entry at Richmond and Fitzroy which has also generated additional retail sales; and
 - (f) reimbursements and contributions are favourable compared to budget by \$0.165m or 29.4 percent. The favourable variance relates mainly to Road Reinstatements performed for services authorities, which is offset by additional maintenance costs and higher than anticipated Road Opening Permits.
9. The overall year to date variance in Expenses is a favourable result of \$2.082m comprising the following variances:
- (a) employee costs are favourable compared to budget by \$0.886m or 5.1 percent. Favourable variances in Salaries & Wages, as a result of a number of vacancies existing of which some are expected to be filled in the next quarter;
 - (b) maintenance is favourable compared to budget by \$0.299m or 12.1 percent mainly due to scheduled building maintenance occurring later than anticipated and traffic light maintenance contribution occurring later on in the financial year;
 - (c) other materials and services are favourable to budget by \$0.757m or 7.3 percent. Favourable variances in Advertising, Consultants, Contributions & Donations, Community Grants, Insurance Premiums, Utilities; and

- (d) written down value of asset sold is favourable to budget by \$0.234m or 100 percent due to the later than anticipated turnover of Councils motor vehicle fleet which was scheduled to occur in November. The majority of fleet turnover will now occur in February 2007.
10. Council's cash position at the end of December stood at \$19.1m, reflecting a net cash inflow of \$2.6m for the quarter ended December.
 11. Rates debtors as at the end of December totalled \$28.0m, of which \$1.4m pertains to rates outstanding from previous rate years.
 12. Parking debtors amounted to \$4.1m (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 \$2.8m of which \$1.0m has been outstanding for more than 90 days.
 14. The attached capital works report reflects expenditure to the end of December of \$6.9m compared to a year to date budget of \$9.3m and represents 32 percent of the annual capital works program. The current year end Capital Works program forecast is currently \$21.4m.
 15. The purchase order compliance rate for the month of December was 99.5 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 was 84.6 percent against a target of 90 percent.

16. Income Statement for the period ending 31 December 2006

	Actual YTD \$,000	Budget YTD \$,000	Variance YTD \$,000	Adopted Budget \$,000	Current Forecast \$,000	Budget Variance \$,000
Revenue from ordinary activities						
Rates	28,791	28,690	101	57,324	57,311	(13)
Victoria Grants Commission	753	749	4	1,497	1,504	7
Government Grants	3,077	2,957	120	5,826	5,970	144
Parking Revenue	8,318	8,491	(173)	16,665	16,665	0
User Charges, Fees and Other Fines	4,794	4,448	346	8,820	9,179	358
Leisure Centre Fees	3,314	2,883	430	5,821	6,020	198
Interest Received from Other Entities	430	350	80	700	780	80
Reimbursements & Contributions	726	561	165	1,268	1,659	390
Proceeds from Disposal of Assets	187	256.85	(70)	514	514	0
	50,388	49,385	1,003	98,435	99,600	1,165
Expenses from ordinary activities						
Employee Costs	16,180	17,065	886	33,481	33,270	211
Contract Payments	8,530	8,481	(48)	16,907	16,783	124
Maintenance	2,156	2,456	299	4,624	5,054	(430)
Other Materials & Services	9,580	10,336	757	19,447	19,883	(437)
Bad and Doubtful Debts	733	715	(18)	1,430	1,430	0
Depreciation & Amortisation	6,997	6,997	0	14,000	14,000	0
Borrowing Costs	495	469	(27)	937	1,000	(63)
Written Down Value of Assets Sold	0	234	234	467	467	0
	44,671	46,753	2,082	91,293	91,887	(594)
Net Result before Transfers	5,717	2,632	3,085	7,142	7,713	571
Transfers to Reserves	679	700	(20)	1,400	1,500	100
Transfers from Reserves	0	0	0	0	0	0
Net Result after Transfers	5,038	1,933	3,105	5,742	6,213	471

RECOMMENDATION

17. That the financial report for the six months ending 31 December 2006 as attached be noted by Council.

FINANCE & GOVERNANCE COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Farrar

18. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Sekhon

That the Finance and Governance Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Marc Giglio

TITLE:

Executive Manager Finance & Information Services

TEL:

9205 5236

Attachment 1 – Financial Report



Adobe Acrobat
Document

1.4 Memorandum of Understanding – Residential Street Cleaning Program

File: 70/06/120/02 (I07/122)
Responsible Officer: Manager Infrastructure

Purpose

1. To inform Council of a street cleaning trial that has been initiated with the Brotherhood of St Laurence (BSL) through their group training scheme and seek Council's approval for a Memorandum of Understanding (MoU) with the BSL.

Background

2. Council at its meeting on 19 September 2006 resolved to extend for one year – Contract C563 – Street Cleaning and Related Services with Spotless Services Australia Limited (Spotless). This contract includes street cleaning, litter bin collection, refuse collection from the Housing Estates, events and festivals, weed control and drain cleaning.
3. In September 2006, CityWide Service Solutions (CityWide) agreed to acquire Spotless's Open Space business. CityWide commenced as Council's street cleaning service provider from 15 December 2006. Council approved this arrangement at its meeting on 19 December 2006.
4. The contract end date is now 14 December 2007. As part of the extension, a street cleaning trial has been initiated with the BSL through their group training scheme. CityWide has agreed to be party to this trial in accordance with the previous arrangements made with Spotless.
5. BSL manages their own group training scheme with the aim of transitioning unemployed persons from the high rise accommodation into meaningful employment over a 12 month period. Council is well positioned to assist BSL to find meaningful employment for the unemployed and at the same time investigate the transition of some components of the street cleaning service to in house labour.
6. The BSL training scheme commenced on 15 January 2006 and includes the residential block cleaning works within North Carlton, west of Nicholson Street between Park Street and Princes Street. The BSL staff are based at Council's Collingwood depot and directly supervised by Council staff. As part of the scheme, council officers will be reviewing the various options of service delivery that are currently in place for street cleaning over the next 6 months and trialling different methodologies to achieve the optimum service. The results of the trial will be reported back to Council in the middle of 2007.
7. As part of the revised service the residential block program performed by CityWide has been modified so that resources can be more effectively used to achieve cycle times and deliver the service to a satisfactory standard. CityWide will continue to have coverage across the municipality in the case of an accident or spillage outside of the block clean. The other services that form part of the contract will continue as normal.

Resource and Financial Implications

8. The cost to Council for participating in the BSL training scheme is \$284,459 for the period 15 January 2007 to 31 December 2007. Funds are available within the current street cleaning contract budget to cover this cost. The contract is structured on a lump sum component and a schedule of rates component which provides *inter alia* for additional street cleaning and cleansing services. These funds can be reallocated to BSL.
9. Payments to all BSL staff engaged for the project will be remunerated on the basis of the National Training Wage award. The BSL supervisor will be remunerated according to ASU awards.

Environmental Implications

10. The effective cleaning of the streets of litter and dumped rubbish and the removal of organic matter such as leaves and soil will greatly reduce the amount of pollutants entering the stormwater system and ultimately the Yarra River and Merri Creek.

Council Plan, Strategy and Policy Implications

11. The Council Plan confirms Council's commitment to the Urban Environment by providing basic services, such as street cleaning, expected by the community.

Legal Implications

12. Council is required to enter into a MoU with the BSL for the provision of street cleaning and related services in a specified area of North Carlton. The period of the agreement will be from 15 January 2007 to 31 December 2007. There is capacity to extend the MoU beyond this date by mutual agreement.

Proposal

13. It is proposed that a MoU with the BSL for the provision of street cleaning and related services in a specified area of North Carlton be approved by Council.

RECOMMENDATION

14. That Council:
 - (a) approve a street cleaning trial that has been initiated with the Brotherhood of St Laurence through their group training scheme at a cost of \$284,459; and
 - (b) authorise the Chief Executive Officer to sign the Memorandum of Understanding with the Brotherhood of St Laurence for the provision of street cleaning and related services in a specified area of North Carlton.

FINANCE & GOVERNANCE COMMITTEE RECOMMENDATION

Moved: Councillor Meadows **Seconded:** Councillor Fristacky

15. That the recommendation be adopted.

COUNCIL RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Sekhon

That the Finance and Governance Committee recommendation be adopted.

CARRIED

CONTACT OFFICER: **Craig Stevens**
TITLE: **Manager Infrastructure**
TEL: **9205 5716**

HUMAN SERVICES & COMMUNITY DEVELOPMENT COMMITTEE MEETING

**Held on Tuesday 6 February 2007 at 6.30 pm
at the Richmond Town Hall**

The meeting concluded at 7.06 pm.

Attendance – Councillors

Cr Gurm Sekhon (Chairperson)

Cr Annabel Barbara

Cr Jenny Farrar (Mayor)

Cr Stephen Jolly

Cr Kathleen Maltzahn

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Justin Hanney (Chief Executive Officer)

Craig Kenny (Director Community Development)

Bryan Lancaster (Director Asset Management)

Bruce Phillips (Director City Development)

Marc Giglio (Executive Manager Finance and Information Services)

Ivan Gilbert (Executive Manager Governance and Organisational Development)

Marg Elvey (Governance Officer)

2.1 Lease Agreements for Childcare Services Operating From Council Owned Buildings

Executive Summary

Purpose

To update Council on the status of lease negotiations with six community managed children's services operating from Council owned buildings and to seek endorsement for a term of 5 years for lease agreements.

Key Issues

The Assets Branch together with the Family and Children's Services Branch has developed lease agreements for six community managed childcare and kindergarten services operating from Council owned buildings.

The lease arrangements seek to recognise and clarify the relationship between Council (the Lessor) and the service operator (the Lessee) with regards to the land and buildings. It outlines the respective rights, roles and responsibilities of the lessor and lessee and is designed to ensure that reasonable care is taken of the building and grounds.

To date there have been no leases executed between Council and the six community managed children's services operating from Council premises. Without a lease, services have no assured security and are dependant on the good will of Council to continue the current arrangements.

The execution of 5 year leases will provide security of tenure to community tenants whilst retaining the capacity of Council to undertake medium and longer term planning in the best interest of its community. The development of lease agreements with all tenanted sites in the municipality is a key commitment in Council's Asset Management Plan.

PROPOSAL

It is proposed that Council:

- (a) commit to providing continued support to community managed children's services through subsidised use of Council's facilities and other forms of financial and non-financial assistance;
- (b) require the six community managed children's services to have in place fully compliant leases and service agreements with Council by April 2007, and that any service which nominates not to proceed with a lease agreement be subject to an annual tenancy review;
- (c) endorse the tenure of leases to be for a maximum period of five years, and that this may be renewed by mutual agreement;
- (d) confirm its decision that lessees are required to implement policy as determined by Council as a condition of the lease (i.e. Priority of Access Family and Children's Services Policy); and
- (e) require lessees to provide information for Council planning purposes, namely service utilisation, waiting lists and place of residence data and that these requirements form a part of the service agreement documentation.

RECOMMENDATION

1. That Council:
 - (a) commit to providing continued support to community managed children's services through subsidised use of Council's facilities and other forms of financial and non-financial assistance;
 - (b) require the six community managed children's services to have in place fully compliant leases and service agreements with Council by April 2007, and that any service which nominates not to proceed with a lease agreement be subject to an annual tenancy review;
 - (c) endorse the tenure of leases to be for a maximum period of five years, and that this may be renewed by mutual agreement;
 - (d) confirm its decision that lessees are required to implement policy as determined by Council as a condition of the lease (i.e. Priority of Access Family and Children's Services Policy); and
 - (e) require lessees to provide information for Council planning purposes, namely service utilisation, waiting lists and place of residence data and that these requirements form a part of the service agreement documentation.

Submissions

Mr Martin Hughes addressed the Committee on this item.

HUMAN SERVICES & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Jolly

1. That:
 - (a) Council commit to providing continued support to community managed children's services through subsidised use of Council's facilities and other forms of financial and non-financial assistance; and
 - (b) a further report be provided outlining options regarding alternative lease periods including 5x5x5 years.

CARRIED

SUPPLEMENTARY INFORMATION SOUGHT

Update on Signed Leases

1. Officers have been advised the following Committees of Management have resolved to sign the lease as offered by Council:
 - (a) John Street Community Early Childhood Co Operative, located at 23 John Street, Fitzroy;
 - (b) Richmond Multicultural Children's Centre, located at 16 Gleadell Street Richmond; and
 - (c) North Fitzroy Childcare Co Operative, located at 173 Clausen Street, North Fitzroy.
2. Compliant leases have yet to be signed by the following Centres,
 - (a) Yarralea Children's Centre, located at 54 Yarralea Street, Alphington (note: Yarralea CC signed a non compliant lease in late 2006);
 - (b) East West Childcare Association, located at 138 George Street, Fitzroy; and
 - (c) Clifton Childcare Co Operative, located at 121 Rushall Crescent, North Fitzroy.

The Offer of Five Year Lease Arrangements

3. The offer of 5 years, is a function of the Retail Leases Act, which requires the landlord to offer a minimum term of 5 years. In practice, many of the agreements Council reaches with community organisations are for less than 5 years but this needs to be with the consent of the lessee.

Letter to Mayor from East West

4. Officers can confirm that a letter regarding the lease arrangements was received from East West Child Care Association was received on 12 July 2007. This letter was replied to on 12 October 2006 (ref D06/37268) and signed by the Manager Assets. A further letter, signed by the Acting Director Asset Management was sent on 28 December 2006 (ref D06/48574) exploring Council's inability to execute the lease and returning a cheque for \$104.00.

Agreement at Meeting

5. Paragraph 8 of this report refers to a meeting with representatives of three Centres where matters were agreed. East West was not represented at this meeting. Officers can confirm that an earlier meeting held at the Yarralea Children's Centre in October 2005 included East West CCC and did record that outstanding issues from that meeting as being the 5 year lease term.

Term of Lease Offered

6. The offer of a 5 year lease to community based organisations was not intended to be viewed as a signal that Council does not want to continue to support these important community based organisations. The 5 year term was seen to be an appropriate length of time to allow each party to review the terms and conditions of the lease arrangements and also assess shifts in community need and local policy implications.
7. Longer lease arrangements can be offered by Council (i.e. either 5 x 5 x 5 or 5 x 5 year terms) but in effect these are essentially ten or fifteen year fixed term arrangements as there are only very specific conditions under which the landlord may refuse to exercise an option of lease extension under the Retail Tenancies Act.. These conditions are:
 - (a) a consistent default on a condition of the lease; or
 - (b) consistent non-payment of rental.
8. It is the officer recommendation that leases be offered to the six community managed children's services with 5 year terms as originally recommended. It should be noted that 3 Committees have resolved to sign the lease as offered and further consultation will be undertaken with Committees yet to determine a way forward.

RECOMMENDATION

9. That Council:
 - (a) commit to providing continued support to community managed children's services through subsidised use of Council's facilities and other forms of financial and non-financial assistance;
 - (b) require the six community managed children's services to have in place fully compliant leases and service agreements with Council by April 2007, and that any service which nominates not to proceed with a lease agreement be subject to an annual tenancy review;
 - (c) endorse the tenure of leases to be for a maximum period of five years, and that this may be renewed by mutual agreement;
 - (d) confirm its decision that lessees are required to implement policy as determined by Council as a condition of the lease (i.e. Priority of Access Family and Children's Services Policy); and
 - (e) require lessees to provide information for Council planning purposes, namely service utilisation, waiting lists and place of residence data and that these requirements form a part of the service agreement documentation.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor D'Agostino

Seconded: Councillor Jolly

That standing orders be suspended in order to hear additional public submissions.

CARRIED

Submissions

Mr Martin Hughes addressed the meeting on this matter:

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That standing orders be resumed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Jolly

That Council:

- (a) commit to providing continued support to community managed children's services through subsidised use of Council's facilities and other forms of financial and non-financial assistance;
- (b) require the six community managed children's services to have in place fully compliant leases and service agreements with Council by April 2007, and that any service which nominates not to proceed with a lease agreement be subject to an annual tenancy review;
- (c) endorse the tenure of leases offered to be five years with an option for extension of a further five years and that this may be resolved by mutual agreement.
- (d) confirm its decision that lessees are required to implement policy as determined by Council as a condition of the lease (i.e. Priority of Access Family and Children's Services Policy); and
- (e) require lessees to provide information for Council planning purposes, namely service utilisation, waiting lists and place of residence data and that these requirements form a part of the service agreement documentation.

CARRIED

A division was called.

FOR: Councillors D'Agostino, Farrar, Fristacky, Maltzahn, Meadows, Jolly
Morton and Sekhon

AGAINST: Councillor Barbara

CONTACT OFFICER: Celia Haddock
TITLE: Manager Family and Children's Services
TEL: 9205 5440

2.2 Relationships Declaration Program

File:

Responsible Officer: Executive Manager Governance and
Organisational Development

Purpose

1. To determine on a proposal to establish a Relationships Declaration Program and Register to operate within the City of Yarra, whereby couples may formally declare, privately or publicly, the existence of their relationships.

Background

2. The Council on 19 December 2006, resolved:

“That in noting the Melbourne City Council determination of 28 November 2006 giving in-principle support to the establishment of a Relationships Declaration Register Program which would enable couples of both mixed-sex and same-sex to formally declare their relationships, similar to that operated by Sydney City Council, the Officers investigate and report to the February meeting cycle on a proposal to establish such a Register in the City of Yarra.”

3. The Melbourne City Council (MCC) on 28 November 2006 gave in-principle support to the establishment of a Relationships Declaration Register ('RDR') that would enable Melbourne couples of both mixed-sex and same sex to formally declare their relationships.
4. The background to the MCC pursuing its decision, includes that:
 - (a) the *Australian Marriage Act 1961* only recognised the union between man and woman to the exclusion of all others;
 - (b) unlike a traditional wedding ceremony, the proposed RDR would allow all couples to formally declare their union;
 - (c) the MCC is committed to the development of an inclusive and engaging city and the proposal further cements this commitment;
 - (d) whilst the RDR won't confer legal rights in the way traditional marriage does, it may be used to demonstrate the existence of a de facto relationships in relation to the *Property Laws Act 1958*, the *Administration and Probate Act 1958* and other legislation involving domestic partnerships; and
 - (e) the MCC noted its action as "...just a first step towards social equity for all relationships - it is now up to the State and Federal Governments to introduce legislation that will provide for official recognition of civil partnerships."

5. Whilst the MCC Program proposal would be generally based on a model operated by the City of Sydney, it is understood that there will be some intended differences in the manner of operation. (Refer Attachments 1 and 2 for copies of the City of Sydney Relationship Declaration Program Information Pack and Relationship Declaration Program Application Form.
6. It is understood that MCC is currently developing policies and guidelines for the introduction of the proposal, including among other issues, identification of the manner in which the RDR will be developed and maintained, who shall administer the said RDR, a strategy for publicising the Program and the RDR and any other related matters.
7. The operational aspects of the Sydney City Council Program include:
 - (a) applicants lodge an Application Form (refer attachment 1) ;
 - (b) that a \$50.00 fee had been set as minimal to merely cover costs;
 - (c) registration of the Relationship Union only occurs upon the completion of the Certificate (i.e. being signed by the two partners and their witnesses);
 - (d) the City only gets involved in the Union ceremony if specifically requested and therefore the administrative work is minimal. (Indeed under the Sydney Program, applicants are encouraged to undertake their own Union ceremony arrangements at a venue of their choice and then submit the completed paperwork to enable formal Registration); and
 - (e) the Administrative documentation is set up to easily deal with instances of Relationship Dissolution if necessary.

Consultations

8. The report has been compiled using information obtained from both the Melbourne City Council and City of Sydney.
9. The Melbourne City Council has indicated a desire to liaise with any other inner city municipalities considering similar Programs, with a view to ensuring a co-ordinated approach to the introduction and operation of any Relationship Declaration Programs across the inner city communities.
10. The Sydney City Council Official also inquired if Council could advise them of the format of the Yarra City Program, if adopted.

Financial Implications

11. There is a cost involved in the development and ongoing administration of the Program. However it would be envisaged an appropriate fee would be applied to offset the costs of administration. The City of Sydney applies a fee of \$50.00 which I am advised by their staff has been set to cover the costs of operation of the Program.

12. The Program costs are considered to include:

- (a) setting up and maintaining a RDR,
- (b) issuing of Relationship Certificates,
- (c) conduct of ceremonies (if requested),
- (d) general administration of the scheme.

Economic Implications

13. If significant numbers participated in the Program, it may precipitate some business activity around the promoting and servicing of Relationship Declaration celebration ceremonies. The advice from the City of Sydney, is that there have only been some 40 Registrations in that municipality since the scheme commenced in 2005.

Environmental Implications

14. There are not considered to be any environmental implications.

Social Implications

15. A principle purpose of the Program being adopted by Sydney City Council and the in-principle support by MCC to the establishment of the Program, revolves around the issue of social equity. Another purpose of adopting the Program is intended pressure being applied to the State and Federal Governments to encourage their legislating the formal recognition of couples of both same and mixed sex, to formally declare their union.

City Plan, Strategy and Policy Implications

16. Annual Plan reference CO12, sustaining Yarra and the application of social equity and cultural diversity.

Legal Implications

17. As noted above, the Program would have no legal basis, and the RDR would not confer legal rights in the way traditional marriage does. It may nonetheless, be used to demonstrate the existence of a de facto relationship in relation to the *Property Laws Act 1958*, the *Administration and Probate Act 1958* and other legislation involving domestic partnerships.

18. There are no known reasons why the Council cannot establish and provide the community service proposed under the Program.

Other Issues

19. In discussion with Officers of the MCC and City of Sydney, it has been established that the key issues to be taken into consideration in the development of the Program include:
 - (a) current legislation (e.g. the *Marriage Act* 1961),
 - (b) interest in various legislative regimes around the world which provide for the recognition of civil partnerships between either same-sex or mixed-sex couples (e.g. France, Germany, Spain, Mexico, South Africa, USA Canada and Britain,
 - (c) relationship of the Program to any Council policies,
 - (d) any other legal, financial or administrative aspects.

Options

20. That Council receive the report and take no further action.
21. That Council establish and operate a "Stand Alone" Relationships Declaration Program.
22. That Council determine to establish a Relationships Declaration Program generally in a format similar to that operated by the City of Sydney and Melbourne City Council, and request the Officers to liaise with the two named municipalities in the detailed development of the Program and associated guidelines, to ensure consistency of operation between adjoining municipalities.

RECOMMENDATION

23. That:
 - (a) the report be noted;
 - (b) Council determine to establish a Relationships Declaration Program generally in a format similar to that operated by the City of Sydney and the Melbourne City Council; and
 - (c) Council officers liaise with officers of the Melbourne City Council in the development of the Program policies and operational guidelines to ensure maximum consistency of operation in adjoining municipalities.

HUMAN SERVICES & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Maltzahn

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Maltzahn

Seconded: Councillor Morton

That standing orders be suspended in order to hear additional public submissions.

CARRIED

Submissions

Ms Georgi Ferrari addressed the meeting on this matter:

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Maltzahn

Seconded: Councillor Morton

That standing orders be resumed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor D'Agostino

That:

- (a) the report be noted;
- (b) Council determine to establish a Relationships Declaration Program generally in a format similar to that operated by the City of Sydney and the Melbourne City Council; and
- (c) Council officers liaise with officers of the Melbourne City Council in the development of the Program policies and operational guidelines to ensure maximum consistency of operation in adjoining municipalities.

(d) Council write to:

(i) the Victorian Local Governance Association;

(ii) Municipal Association of Victoria; and

(iii) Inner South Metropolitan Mayors Forum;

to inform these bodies of Council's decision and encourage further action on this issue from Local Governments.

CARRIED

CONTACT OFFICER: Ivan Gilbert
TITLE: Executive Manager Governance and Organisational Development.
TEL: 9205 5110

Attachment 1 – City of Sydney Relationship Declaration Application Form
Attachment 2 – City of Sydney Relationship Declaration Information Pack



Adobe Acrobat
Document

2.3 North Fitzroy Library

File: AM 184-06, 52/20/04/01
Responsible Officer: Director Community Development

Purpose

1. Council resolved that a report be provided on options for the location of the North Fitzroy Library including consideration of the following matters:
 - (a) net present value to Council of the different options including fit-out and refit costs required during the asset life;
 - (b) sustainability of the different options (e.g. water and energy);
 - (c) net gain in public open space; and
 - (d) as this facility will need to take into account precinct planning, the net present value is to include other works required to address the Edinburgh Gardens Master Plan, maintenance of facilities and re-use of other park facilities.
2. This report provides Council with a response on each of the elements.

Background

3. A review of library services in North Fitzroy was conducted in 2003 and found that the North Fitzroy Library was well utilised and popular with the local community but had significant defects in terms of space available for school and study groups as well as disability access issues. It was recommended that further work be done on the development of a new library for the neighbourhood.
4. The 2005/06 capital budget contained a project for minor works to address disability and community space within the current shop-front. Terence Carey and Associates were engaged to review the Library Review and Disability Access reports and provide options for short term internal redevelopment to improve staff work conditions and public access. The improvements implemented include:
 - (a) improved front entry access;
 - (b) combined office workspace with better security;
 - (c) space saving office furniture;
 - (d) 2 toilets which comply with DDA and Building Code;
 - (e) additional space for shelving (approximately 3.8 linear metres); and
 - (f) improved rubbish bin storage.

Location Options Available to Council

5. The current North Fitzroy Library operates in leased premises at 240 St Georges Road at an annual rental of approximately \$43,000 per annum. The property is 205 m2 gross with 160 m2 public library space.
6. The 2003 North Fitzroy Library Review recommended that any redevelopment should target dedicated library service space of around 600m2. Table 1 outlines additional community uses and space requirements that may be required:

Use	Space Est.	Notes
Library	600 m2	Identified within the NFL Review Report conducted in 2003.
Meeting Space	200 m2	Minimum of 200 m2 of flexible meeting space would be required to meet identified needs of multicultural groups currently meeting at International House and linkages with Library for school and general community use- playgroups and University of Third Age etc.
Kitchen / Dining	80 m2	A good quality commercial kitchen for the preparation of meals is a must to service the needs of the multi-cultural groups and other community uses.
Maternal & Child Health Centre	180 m2	Double unit M&CH Unit – yet to be confirmed as a priority use at this time. Hub concept may have allied health operating from the building.
Storage & Circulation	100 m2	
Total	1,160 m2	

Table 1

7. Various locations have been contemplated for the redevelopment of the North Fitzroy Library Service and ancillary services. Given the high land value in the area it is recommended that any future development be two storeys and therefore a footprint of between 600 m2 and 1,000 m2 is targeted. If a suitable site is identified for a two storey development within an activity centre then 600 m2 would be suitable. This is for the building foot-print and does not include car-parking or landscaping.
8. Cost estimates for development are based on the need for two storey development with full access by lift. Per m2 construction and fit out rate of \$2,800 per m2 is used for the exercise. If a suitable building two storey building is found then a refit cost could be achieved with a per m2 rate of \$1,800. All rates are acknowledged as being conservative but development over two storeys will require installation of a lift and increase fit out costs.
9. Land costs for a suitable site based in the St Georges Road Activity Centre or high profile site in another location in the precinct is likely to be in the range of \$2m given recent sales for equivalent buildings in recent months.
10. Costs for a long term lease for the space required are likely to be around \$120,000 per annum including outgoings.

11. Summary costs for the purpose of the Net Present Value (NPV) exercise are outlined in the Table 2. Asset life for the purposes of the NPV is deemed to be 20 years.

Cost Category	Baseline	Activity Centre		Greenfield
	Current	Lease	Purchase	Develop
	\$,000	\$,000	\$,000	\$,000
Capital				
Site Purchase			\$2,000	
Construction / Refit		\$2,080	\$2,080	\$3,248
Collection Expansion		\$563	\$563	\$563
Total Capital		\$2,643	\$4,643	3,811
Operating				
Branch Rental	\$43	\$120		
Branch Operating	\$295	\$400	\$400	\$400
Additional Collection Depreciation		\$47	\$47	\$47
Total Operating Costs	\$338	\$567	\$447	\$447

Table 2

Net Present Value

12. The table attached as Attachment 1 outlines the Net Present Value (NPV) for the following options:
- Baseline: continue current arrangements;
 - Lease of Activity Centre Building and fit-out;
 - Purchase of Activity Centre Building and fit-out; and
 - Greenfields development and associated fit-out.
13. NPV for all redevelopment options are negative based on current cost estimates and no income or grant stream indicated. Site purchase and development on a greenfields site are the most expensive over 20 years in NPV terms. Further refinement and analysis of the NPV will be conducted in early 2007 as part of the consultation and Council decision process.
14. Another factor that must be taken into account is that the draft Edinburgh Gardens Masterplan mandates the progressive removal of buildings from within the Gardens. Essentially this allocates approximately 50% of the cost of the project to other community facilities and implementation of the Edinburgh Gardens Master plan rather than reconstruction of the Library.

Sustainability Issues

15. It is not considered that there would be significant variations in building performance between the three redevelopment options. A new greenfields building development might allow the incorporation of higher levels of environmentally sustainable design (ESD) elements but a well designed retro-fit of an existing building would also be able to incorporate many of the elements.

16. The types of ESD elements that could be contemplated are listed below:
- (a) passive solar design – using the heat of the sun and night time cooling to minimise or eliminate mechanical heating and cooling;
 - (b) ventilation – siting windows and doors to promote cross flow ventilation;
 - (c) insulation and thermal mass – use existing walls to provide thermal mass and add insulation to minimise thermal transfer;
 - (d) internal layout – consideration to be given to placing active spaces towards the north, separate heated and unheated spaces, provide outdoor spaces that are sheltered and sunny in summer but sunny in winter;
 - (e) lighting – ensure appropriate use of daylight to minimise use of electric light, use light wells or skylights and the like;
 - (f) water sensitive design will enhance amenity and minimise water use;
 - (g) construction – choice of materials is critical in terms of the sustainability of a building; and
 - (h) promotion of alternative transport and minimising car use.

Edinburgh Gardens

17. Edinburgh Gardens was identified as a possible location for the redevelopment of the North Fitzroy Library in the 2003 Library Review. This location was explored in the 2004 survey and it was clear that while many people thought it was an appropriate location there was almost an equal number who felt strongly that it would be inappropriate to locate a library within the Edinburgh Gardens.
18. An argument against locating a building in Edinburgh Gardens is that there will be a net-loss of open space to the community. The building footprint required for a hub development would be between 600 to 1,000 m² plus car parking and landscaping.
19. A response to this is that there has been significant open space returned to the community within Edinburgh Gardens in recent years and that further space would be returned if the functions of the following buildings were integrated into a new development. Table 3 estimates the return of encumbered space to open space over recent years and includes an estimate of space freed up if existing use buildings were returned as well:

Name	Est. Area m²	Notes
Ladies Bowls Club	1,950	Returned in late 1990's.
Parks & Gardens Depot	3,000	
National Can Industry Site	19,440	
International House	1,420	Including car park.
Maternal & Child Health	620	
Total:	26,430	

Table 3

20. The draft Edinburgh Gardens Master Plan is currently undergoing a review process to incorporate a plan for water re-use. This will be subject to further consultation in early 2007.
21. The draft Master Plan calls for the progressive removal of existing buildings such as International House and Car Park and Maternal & Child Health Centre. The intention of any redevelopment within the precinct is to incorporate these functions into a new facility.

Consultations

22. No consultation has been undertaken in the preparation of this report. Consultation on the North Fitzroy Library redevelopment project is planned for early 2007. Consultation planned for October 2006 was deferred due to the additional workload caused by the dissolution of the Yarra Melbourne Regional Library Corporation and the need to fully understand the cost implications of this process to inform decision making.
23. It is planned that consultations with the local community on building form and function and alternate locations will occur in February and March 2007 including incorporating elements in the Yarra Matters tent at Celebrate Yarra on 18 February 2007.

Financial Implications

24. A preliminary quantity surveyor estimate of cost plans for options is currently being finalised and will be available to inform community consultation and Council decision making on this project in early 2007. Additional work will also be completed on life-cycle costing of the project to ensure transparency on costs.
25. The project is listed on the forward capital schedule which will be considered as part of the 2007/08 budget process.

Economic Implications

26. Economic implications of the proposal will be explored in future reports. The 2003 North Fitzroy Library Review report indicated that the library had potential to expand to provide greater opportunity for the local community in terms of learning and development.

Environmental Implications

27. This report explores the possibility of ESD principles being incorporated into the building project. The degree to which this could be achieved is dependent on location and whether it is a re-fit or a new development.
28. Any decision to locate the redevelopment on open space will need to consider environmental values very carefully.

Social Implications

29. The development of an integrated hub for the neighbourhood will add to the already vibrant sense of community. The library is very well patronised and it is clear that this would increase if the building was redeveloped.
30. International House is a vibrant meeting place for many multi-cultural communities and is the venue for many cultural activities. The opportunity to expand the use would be welcomed by this community.
31. The development of a sensitively designed building in or adjacent to open space is seen in many sectors as being a very positive step to ensuring a greater percentage of the population gets to enjoy open space. People with disabilities and the infirm in particular would be able to enjoy the view of open space or use landscaped spaces around the building.
32. A well designed and sited building has the potential to activate the street or open space by increasing activity and providing informal surveillance of areas.

Council Plan, Strategy and Policy Implications

33. This project is an identified priority in the 2006/10 Council Plan.

PCN11.2 North Fitzroy Library: First stage development of community hub for the North Fitzroy neighbourhood.

*Site selection completed for North Fitzroy Library;
Concept planning completed for integrated library facility; and
Community engagement completed.*

Legal Implications

34. Edinburgh Gardens has its own legislation which establishes a clear process for determining what uses are appropriate within the Gardens.

Conclusion

35. The redevelopment of the North Fitzroy Library is a priority project for Council.
36. This report provides information on relative costings and other matters in response to a question from Councillor D'Agostino.
37. Community consultation on this project is planned for early 2007. An important outcome of the consultation will be a feedback on form and function of the integrated facility plus a recommendation on final site selection in April or May 2007.

RECOMMENDATION

38. That Council note the report.

Submissions

Mr John Beckwith addressed the Committee on this item.

HUMAN SERVICES & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn

Seconded: Councillor Barbara

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor D'Agostino

That the Human Services and Community Development Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Craig Kenny

TITLE:

Director Community Development

TEL:

9205 5100

Attachment 1 – Net Present Value for Options



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Document

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE MEETING

**Held on Tuesday 6 February 2007 at 7.07 pm
at the Richmond Town Hall**

The meeting concluded at 8.48 pm.

Attendance – Councillors

Cr Judy Morton (Chair)

Cr Jenny Farrar (Mayor)

Cr Jackie Fristacky

Cr Kathleen Maltzahn

Cr Kay Meadows

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Justin Hanney (Chief Executive Officer)

Craig Kenny (Director Community Development)

Bryan Lancaster (Director Asset Management)

Bruce Phillips (Director City Development)

Marc Giglio (Executive Manager Finance and Information Services)

Ivan Gilbert (Executive Manager Governance and Organisational Development)

Marg Elvey (Governance Officer)

3.1 Strategic Transport Statement - Plan of Actions and Encouraging and Increasing Walking Strategy Workplan Update

Executive Summary

Purpose

To provide an update on progress of implementation of the Strategic Transport Statement (2006) Action Plan and the Encouraging and Increasing Walking Strategy (2005) Workplan.

Key Issues

Increasing traffic is to be expected in any city increasing its population but the effects of the traffic need to be ameliorated so that Yarra's community maintains a good standard of living.

The Strategic Transport Statement (STS) and Encouraging and Increasing Walking Strategy (EIWS) use a variety of methods to address transport behaviour and it is expected that some change in travel mode and choice will result and this will contribute to an improved quality of life for Yarra's community.

The STS and EIWS updates show that there continues to be a keen interest from Yarra's community to see change and more sustainable transport choices. There has been considerable support for Yarra's efforts to promote more sustainable transport.

Financial Implications

Any additional costs associated with the implementation of the EIWS Workplan and STS Actions will be referred to the annual budget planning processes.

Environmental Implications

The actions contained in both the Strategic Transport Statement and Encouraging and Increasing Walking Strategy Workplan specifically seek to encourage more sustainable forms of transport and therefore have a positive effect on the environment.

Social Implications

The actions contained in both the Strategic Transport Statement and Encouraging and Increasing Walking Strategy Workplan have synergies with the aims of the Municipal Public Health Plan and the Positive Ageing Strategy. These include encouraging a more connected, inclusive and active community through transport choice and promoting active transport for leisure.

City Plan, Strategy and Policy Implications

The EIWS and STS are consistent with Council Plan 2006 – 2010.

PROPOSAL

That Council notes the progress to date in relation to the implementation of the Strategic Transport Statement Actions and the Encouraging and Increasing Walking Strategy Workplan.

RECOMMENDATION

1. That Council notes the progress to date in relation to the Strategic Transport Statement (2006) and Encouraging and Increasing Walking Strategy (2005).

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That Council notes and commends the progress to date in relation to the Strategic Transport Statement (2006) and Encouraging and Increasing Walking Strategy (2005).

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER: Maureen Brewer
TITLE: Strategic Transport Planner
TEL: 9205 5374

Attachment 1 – Strategic Transport Statement – Actions
Attachment 2 – Encouraging and Increasing Walking Strategy – Workplan
Attachment 3 – Promoting Travel Behaviour Change



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3.2 Statutory Planning – Quarterly VCAT Activity Report

File:

Responsible Officer: Planning Appeals Coordinator

Purpose

1. The purpose of this report is to inform the Council about the City of Yarra's performance in the Planning and Environment List of the Victorian Civil and Administrative Tribunal (VCAT).
2. The report details applications for review that have been lodged with or decided upon by VCAT during the months of October, November and December 2006. It also highlights any significant cases that have been decided upon by the Tribunal during this period.

Applications for Review Lodged With VCAT

3. During October, November and December a total of 29 matters were lodged for review with VCAT. Of these:
 - (a) 8 (28%) of matters were applications about Council's decision to refuse to grant a permit.
 - (b) 8 (28%) of matters were applications by objector/s about Council's decision to grant a permit.
 - (c) 7 (24%) of matters were reviews lodged regarding Council's failure to determine an application within the prescribed time.
 - (d) 5 (17%) of matters were reviews lodged by applicants about a decision to impose conditions on a permit.
 - (e) 1 (3%) were applications about amendments to permits.
4. Further details about reviews lodged in October, November and December are shown in Attachment 1.
5. For the entire 2006 calendar year, a total of 100 applications for review were lodged with VCAT. This compares with 106 applications lodged during 2005.
6. A month-by-month comparison of applications lodged in 2005 and 2006 is detailed in Attachment 2.

Decisions Made by VCAT

7. The Tribunal decided on 19 review matters in October, November and December 2006.

8. Of the nine matters where Council argued a case to refuse the grant of a permit, the Tribunal agreed with Council on four occasions, directing that no permit be granted. Of those instances where Council was only partly successful, one of the matters required a complete redesign of the proposal before being approved by the Tribunal.
9. Further information about decisions made by VCAT during October, November and December is shown in Attachment 3.

Significant decisions by the Tribunal

10. In *Lindsay Holland Pty Ltd v Yarra CC* the Tribunal refused an application to construct an 11 storey commercial building at 27 Russell Street Abbotsford. The subject site was very small (only 145 sqm) which made for a slender building form, much higher than the prevailing one and two storey character of the area. Council argued that the proposal was radically out of place in this context.
11. While the Tribunal did not support the proposal, it did not entirely agree with Council's assessment, describing the approach as 'conservatively conventional'. On the important issue of urban form, the Tribunal stated:

'...it cannot be said that the designer's approach is completely unmeritorious. If one regards the Hurstbridge/Epping Railway Line as a barrier to the finer grain residential areas to the east, and if one considers the subject land as forming part of a broader mainly commercial/ industrial urban environment bounded by the railway line, Johnston Street, Smith Street and Victoria Parade then the urban character is one in which the generally low rise one and two storey urban form is punctuated at regular intervals by taller structures.

In this broader context the proposed tall building is [not] so radically out of place [sic]. However, while the industrial and commercial framework plan provides some indirect support for taking this broader view, I cannot conclude that it is an approach directly supported by the planning scheme provisions.'
12. These observations about urban form notwithstanding, the Tribunal considered that there was insufficient merit to grant a permit, principally on the grounds of a more localised assessment of neighbourhood character, the amenity impacts of the proposed development upon adjoining properties, and the lack of on-site car parking.
13. A full summary of this and other decisions made by VCAT during October, November and December is contained in Attachment 4.

Conclusion

14. Yarra's light industrial neighbourhoods, outside Heritage Overlay areas, are continually subject to pressure for change and renewal. As the *Lindsay Holland* case highlights, the high cost of land (or opportunistic inclinations) are encouraging developers to propose highly intensive developments on even very small lots. The Tribunal has expressed a willingness to contemplate (but not necessarily approve) such developments even where they have the potential to considerably change the character of a neighbourhood.

15. It remains important, therefore, that Council articulate its *preferred* character for its neighbourhoods that are under pressure for change, using the Municipal Strategic Statement, local planning policies and relevant urban design frameworks.

Recommendation

16. That the report regarding statutory planning quarterly VCAT activity be noted.

**PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE
RECOMMENDATION**

Moved: Councillor Meadows

Seconded: Councillor Farrar

17. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Lorraine Dowsey

TITLE:

Planning Appeals Coordinator

TEL:

9205 5171

Attachment 1 – Number of Applications for Review Lodged With VCAT

Attachment 2 – Number of applications lodged in 2005 compared with 2006

Attachment 3 – Number of Review Matters Determined by VCAT

Attachment 4 – Summary of VCAT Determinations



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Executive Summary

Purpose

Council has previously adopted an Asset Management Policy & Strategy. The Policy requires that the Asset Management Steering Committee provide a half yearly progress report to Council.

Key Issues

The role of the Asset Management Steering Committee is to provide strategic direction, ensure asset management improvement, co-ordinate actions & ensure effective communication, review existing policies & develop new policies related to asset management and provide leadership.

Asset management planning at the City of Yarra is well advanced and this report details background on asset management including a general industry overview and linkages to the City Plan.

The report also gives a stocktake on major works being undertaken including the ongoing role of the Asset Management (AM) Steering Committee & AM Improvement Team, participation in the MAV STEP program, status of individual AM Plans for Buildings, Furniture & Equipment, Fleet, Art & Heritage Collection and various precinct and other planning exercises currently underway.

The report lists priorities for the next six months which are:

- (a) review the Asset Management Policy & Strategy;
- (b) development of strategic planning for buildings to a point where a draft Asset Management Plan can be endorsed by Council (including continued work on the identification of surplus land or buildings and acquisition needs);
- (c) Council endorsement of Asset Management Plans for Furniture & Equipment, Fleet and Art & Heritage Collection;
- (d) continued work on planning for major projects and development of a clearer direction for staff accommodation requirements; and
- (e) continued improvement in our STEP program report card.

PROPOSAL

That the report be noted.

RECOMMENDATION

14. That the report be noted.

Submissions

Mr John Beckwith addressed the Committee on this item.

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn

Seconded: Councillor Fristacky

15. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Chris Court

TITLE:

Manager Assets

TEL:

9205 5703

3.4 Community Amenity Unit – Quarterly Report

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

Purpose

- To provide a quarterly update on enforcement complaints received and subsequent investigations in the Community Amenity area.

Background

- Council has requested a Community Amenity Quarterly Report on planning enforcement, footpath trading and liquor licensing issues.
- At the December 2006 Council Meeting an Overview Report was presented to Council to provide an overview of the current issues causing concern within Yarra and the existing legislation in place available to the relevant authority to address these concerns. The report highlighted that Council does not have control or ability to control everything that occurs within the municipality. Rather, Council has control on some issues, but can only influence other issues by working with outside agencies or lobbying for legislative change.

The matrix in Attachment 1 of this report identifies what controls are currently available and the responsible authority.

Issues

Planning Enforcement Requests

- Table 1 lists the planning enforcement requests received by Council for the period 1 October 2006 to 31 December 2006.

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	Property enquiry	Illegal Brothels	TOTAL
Richmond	Melba	1	2	16	0	1	1	16	7	0	0	44
Burnley	Melba	0	0	0	0	0	0	0	0	0	0	0
Cremorne	Melba	0	0	3	0	2	0	2	0	0	0	7
Abbotsford	Langridge	0	1	0	0	1	0	2	0	0	0	4
Collingwood	Langridge	0	5	3	0	0	0	7	1	1	0	17
Collingwood	Nicholls	0	0	0	0	0	0	0	0	0	0	0
Clifton Hill	Langridge	0	1	0	0	2	0	5	1	0	0	9
Fairfield	Langridge	0	1	0	0	0	0	0	0	0	0	1
Alphington	Langridge	0	0	0	0	0	0	1	0	0	0	1
Fitzroy	Langridge	0	1	3	0	1	0	6	4	1	0	16
Fitzroy	Nicholls	0	0	0	0	0	0	0	0	0	0	0

Nth Fitzroy	<i>Nicholls</i>	1	1	1	0	2	0	5	5	0	0	15
Nth Carlton	<i>Nicholls</i>	0	0	0	1	0	0	5	3	0	0	9
Princes Hill	<i>Nicholls</i>	0	0	0	0	0	0	0	1	0	0	1
SUB -TOTAL		2	12	26	1	9	1	49	22	2	0	
TOTAL COMPLAINTS		124										

Table 1

5. There has been an increase in complaints over this quarter of 66.9%. Richmond continues to dominate complaints increase.
6. The Unit has implemented a zero tolerance approach to building noise complaints where developments commence or finish work outside the hours as conditioned in their planning permit. Fines will be issued in the first instance. A comparison in the next quarterly report will be provided.
7. The Unit is developing a methodology to incorporate a proactive inspection element into the core functions of Planning Enforcement Officers. A strategy is being developed in order to pick up those developments most likely to be non-compliant early in their construction. Further details will be provided in the next quarterly report.
8. As an informative approach the Unit (with assistance from the Communications Unit and the Statutory Planning Branch) will organise a media strategy for the purpose of educating the municipality highlighting where and when a planning permit is required and the obligations of owners and residents to contact Council before commencing any building and works.

Planning Enforcement Action

9. Table 2 lists planning enforcement action undertaken by Council for the period 1 October 2006 to 31 December 2006. The list also includes items that arose during previous reporting periods, but are yet to be fully resolved.

Actions taken on complaints received this quarter	Number
Inspected and completed this quarter	78
Inspected and on-going	35
To be inspected	11
TOTAL ACTIONS TAKEN THIS QUARTER	124
Proactive inspections	0
No Offence Detected (on initial inspection)	50
Complaints received this quarter	124
First inspection compliance rate	48.5%

Actions taken this quarter on complaints received previous quarters	Number
Completed this quarter	32
Inspected and on-going	5

Issues on hold / pending	Number
Referred to Building / Planning / Other	27
Interim Enforcement Order	0
Enforcement Order	2
Liquor Control Reform Act Section 90 applications (ongoing)	2

Liquor Control Reform Act Section 90 applications (this quarter)	0
Awaiting advice from Solicitors	3
Unpaid Planning infringements – with Solicitor for prosecution	2
Unpaid Planning infringements – sent Solicitor this quarter for follow up	1
Matters with Investigators for prosecution (planning/building)	2
TOTAL	39

Table 2

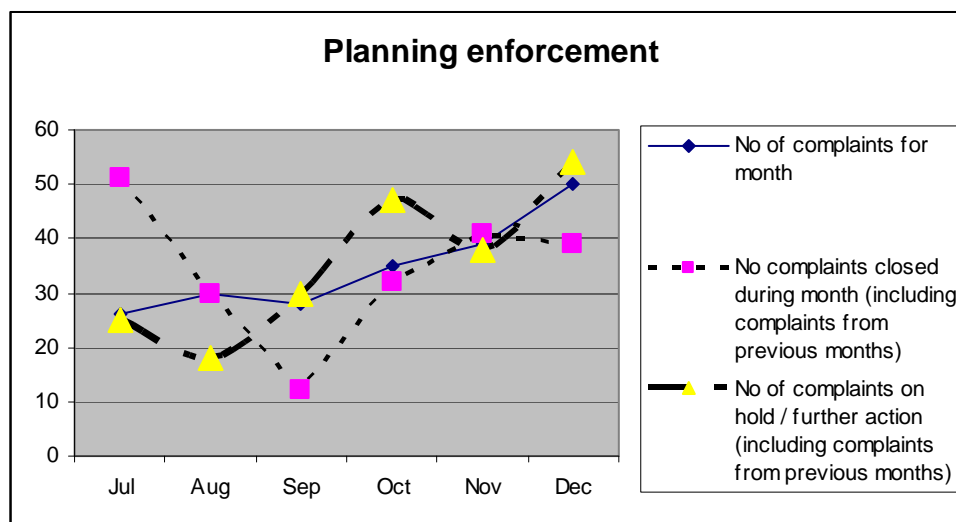


Table 3

- The above graph (table 3) details the activities of the Planning Enforcement area of the Unit between July and December 2006.
- Complaints received average 34.5 per month. Complaints are on hold when the owner has been provided time to comply or the matter is pending legal action and/or assessment of a retrospective planning permit application.

VCAT / Magistrate's Court hearings

- The list below details the matters heard at VCAT and Magistrate's Court regarding Planning breaches for the period 1 October 2006 to 31 December 2006.

Month	VCAT hearing	Magistrate's Court hearing
October	0	2
November	0	0
December	1	1
TOTAL	1	3

Table 4

Date of Hearing	Offence	Result
18 Oct 2006	Unightly property / fire hazard	Matter has been adjourned to be heard on 7 March 2007 (Council will be cleaning this property and costs to be reimbursed by owner of property).
19 Oct 2006	Works without building or planning permits (joint prosecution)	Convicted and fined \$1500.00. Ordered to pay costs of \$2189.00.
25 Oct 2006	Dog attack	The defendant was convicted and fined \$750.00, ordered to pay costs of

		\$709.80 and pay compensation of \$120.00 to the complainant for the cost of her pants.
5 Dec 2006	<ul style="list-style-type: none"> • Breach Planning Permit condition 4 - premises not to be used as a night club • Breach planning permit - condition 5 - exceed N2 conditions • Breach planning permit - condition 2 - exceed trading hours • Breach planning permit - condition 7 - music noise emissions (All for same venue) 	Convicted and issued with a \$3000 fine and \$2000 costs (defendant has vacated the premises and is yet to be located).

Table 5

13. The matters heard at the Magistrate's Court are listed in table 5 above.

Liquor Licensing / Public Behaviour Complaints

14. Table 4 lists the liquor licensing complaints received by Council for the period 1 October 2006 to 31 December 2006.

Complaint Type	Number Received
Liquor Licensing / Planning breach complaints received	3
Music noise complaints received	99
Public Behaviour complaints received	29
TOTAL COMPLAINTS	133
Number of complainants	59
Number of licensed venues involved	35

Table 6

15. Two of the 35 licensed premises involved have been carried over from the previous quarter. The remainder are deemed new complaints; however, some premises have been dealt with in the past and have been compliant for some time but have recently again come to the attention of the Unit.

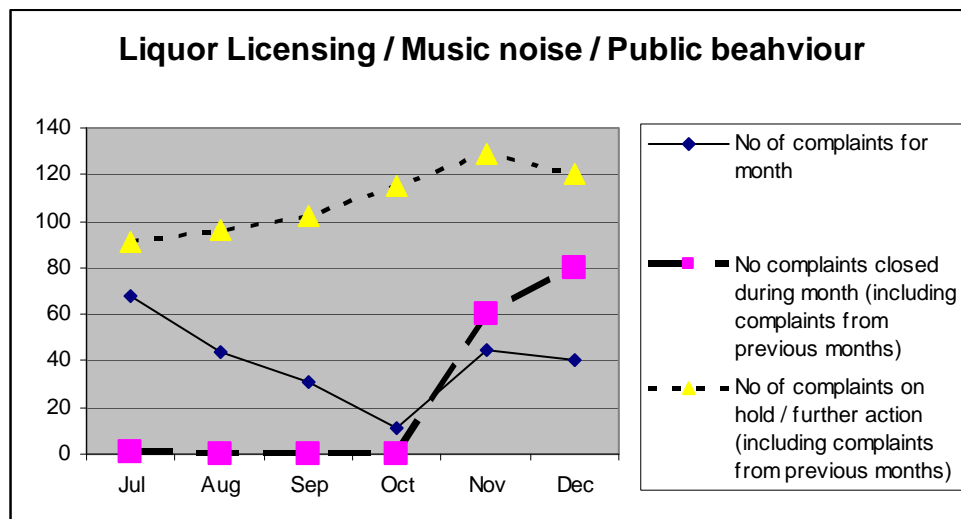


Table 7

16. The Unit has completed and closed a number of complaints after a period of compliance for music noise and patron behaviour; hence more issues closed this quarter than reported.

17. At the present time Council is also monitoring approximately 100 premises and revisiting proactively to ensure continued compliance. This amount will reduce over the next quarter as venues continue to show compliance.

Public Behaviour matters reported to Police

18. As outlined in the Overview Report to the December 2006 Council Meeting, civil disobedience is not a matter Council can deal with (see Attachment 1). As a consequence public behaviour matters observed and deemed a public safety issue or likely to cause injury are immediately reported to police for attendance. Other matters of a minor nature are reported at a later time for information of police to patrol as a matter of routine patrols. The following table details events reported to police during the quarter.

Date & time	Location	Action	Result
6 Oct 2006 11.55pm	1 male person drunk sleeping in Lennox Street footpath	Rang Richmond Police	Result unknown
13 Oct 2006 12.20am	1 male breaking into cars Scotchmer Street, North Fitzroy	Rang Fitzroy Police	Male apprehended
3 Nov 2006 11.00pm	1 female distressed having trouble standing up, her friend stated she may have been drugged at licensed venue	Rang Fitzroy Police.	Police attended and assisted female
7 Nov 2006 1.00am	Brawl outside licensed venue in Johnston Street	Rang Fitzroy Police	Result unknown
12 Nov 2006 1.10am	1 male affected by alcohol and drugs going crazy threatening people and damaging cars	Rang Fitzroy Police.	Male apprehended
7 Dec 2006 10.35pm	1 youth passed out drunk on corner of Smith and Stanley Street, Collingwood	Rang Fitzroy Police.	Result unknown
8 Dec 2006 11.40pm	Brawl outside licensed venue in Richmond	Rang Richmond Police	Result unknown

Table 8

Planning Enforcement – Infringement Notices Issued

19. Table 9 presents the number of planning enforcement infringement notices issued by Council (including those for liquor license breaches) for the period 1 October 2006 to 31 December 2006.

Number issued	
5	
Planning Enforcement	5
Liquor Licensing	0

Table 9

20. The unit is following the *Ask, Tell, Enforce* Approach and breaches detected did not warrant the issue of fines. The Unit is working closely with a number of proactive licensees who recognise the issues and are working towards resolving them.

Footpath Trading Statistics

21. Table 6 presents data related to footpath trading complaints and enforcement for the period 1 October 2006 to 31 December 2006.

Breaches	Number of incidents report	Notices to Comply issued	Warnings issued	No breaches detected	Infringement issued
Complaints received	22	4	14	4	0
Proactive offences detected	5	4	1	0	0
TOTAL	27	8	15	4	0

Table 10

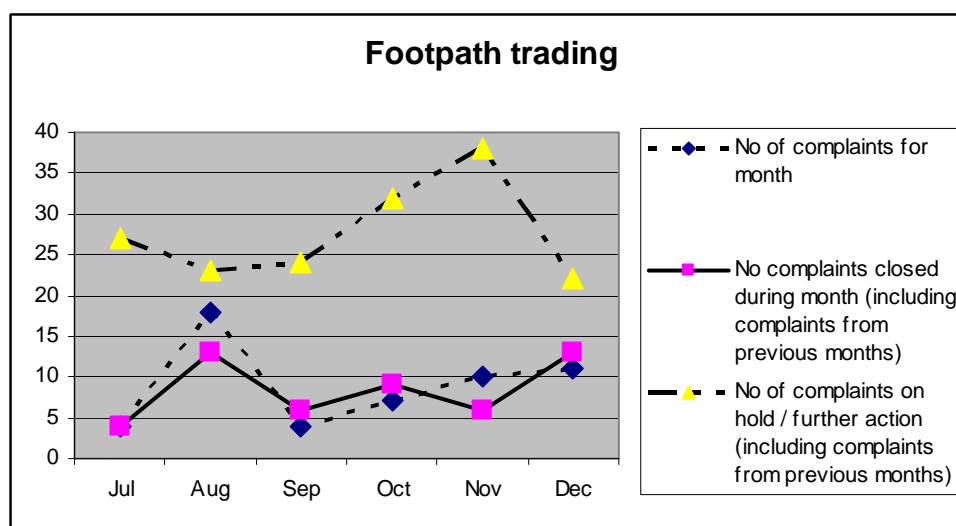


Table 11

22. Council currently has approximately 1158 Public Space Licence Agreements on record. The complaints received average at 7 per month. The compliance rate for footpath trading is consistently in the high 90% with one EFT dedicated to the position.

Total Complaints Received in 2006

	1 st quarter Jan-Mar	2 nd quarter Apr-Jun	3 rd quarter Jul-Sep	4 th quarter Oct-Dec	2006 TOTAL	2005 TOTAL
Planning enforcement	142	129	84	85	440	447
Liquor licensing / Public behaviour / Noise	190	82	143	96	511	924
Local Laws (including Commercial & Domestic noise)	478	348	249	136	1211	1318
Footpath Trading	69	41	26	18	154	430
Building sites	31	29	48	11	119	217
Animals	66	41	73	27	207	186
TOTAL	976	670	623	373	2685	3522

Table 12

23. Table 12 shows comparison of complaints received for 2006 compared with 2005; this shows an overall reduction of 837 complaints received. This may be attributed to an increased field presence by officers, coupled with improved reporting process and work procedures.

“Pooch Patrols” and Dog waste

24. An undertaking was given in the October quarterly report to follow up and detail the time spent in open space areas observations and actions. Dog faeces’ counts within the parks were conducted for comparison and of the parks patrolled and some reduction of the amount of faeces was observed. The following table (table 13) outlines the parks visited, date and times, officer observations and dog faeces sighted.
25. Responsible pet ownership of picking up after their dog and compliance with on/off leash areas was re-enforced with all persons spoken to through-out the patrols.
26. In conjunction with these patrols officers rewarded responsible owners with state of the art pick up bag holders and bags that attach to a dog’s leash. Non compliant dog walkers where given pooper scoopers. No fines were issued; however, persons previously spoken to regarding no compliance will be fined.
27. These patrols will continue until the cessation of daylight saving time.

Date	Time	Location	Offence	No of dog faeces sighted
19-Dec-06	7-9am	Curtain Square	15 dogs observed, 10 dogs observed off leash - verbal warnings issued to the owners. All persons spoken to carrying device to pick up faeces. No dogs observed defecating.	4 (consistent with previous 3, 4 & 5 sightings in previous report)
20-Dec-06	4.30-6pm	Barkly Gardens	12 dogs observed in the off leash area. No dogs observed off leash in the on leash area. Some dog owners complained to officers that sporting groups were using the off leash area and this was making it difficult for them to exercise their pets as it created tension between the two groups. 2 dogs observed defecating. All owners carrying devices and compliant.	14 (will be subject of intense patrols until March 31) Not part of previous report
04-Jan-07	4.30-6pm	Darling Gardens	8 dogs observed in the off leash area. Dogs compliant in on leash area. Two verbal warnings issued for not carrying devices. Pick up devices given to owners.	0 (major reduction from 10 sightings in previous report)
11-Jan-07	7-9am	Quarries Park	12 dogs observed All park users were compliant.	7
17-Jan-07	7-9am	Barkly Gardens	25-30 dogs sighted - all owners compliant with devices, 5 dogs observed to defecate: owners picked up	3 (major reduction)

Table 13

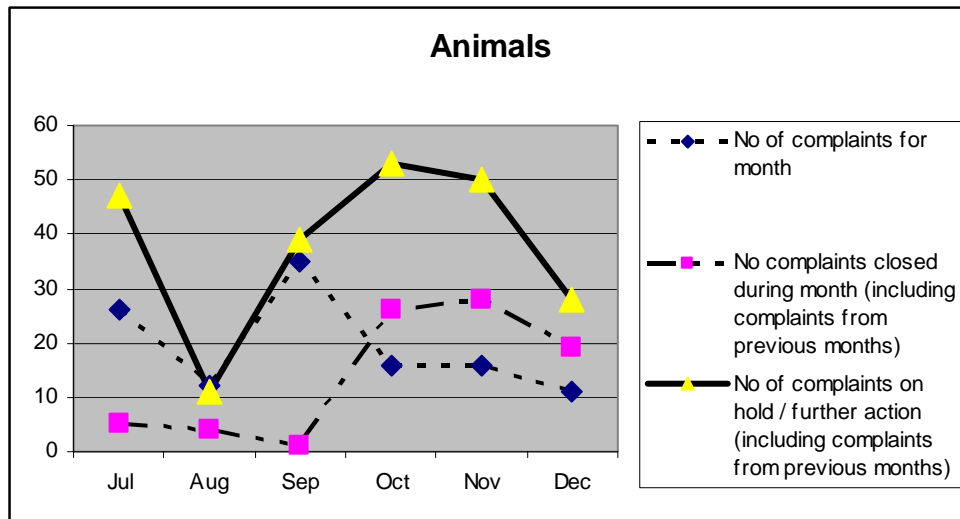


Table 14

28. The above graph (table 14) details the activities of the Animal Management area of the Unit between July and December 2006

Strategies relative to Dog waste in Parks.

29. The Unit is currently compiling an Animal Management Plan which is a legislative requirement of the *Domestic (Feral and Nuisance) Animal Act 1984*. The Plan is being formulated in conjunction with Council's Open Space Unit and will include an audit of the current dog bag dispenser and bin placements.
30. The intention of the audit will be in an effort to minimise dog waste in parks by ensuring bag dispensers and bins are user friendly, in the most appropriate location and are in sufficient numbers in the busier dog parks to encourage usage.
31. The Unit is benchmarking and discussing with other Council's so as to incorporate the best practice in relation to this issue and the minimisation of dog faeces in our streets and open space areas.
32. Recent amendments to the *Domestic (Feral and Nuisance) Animal Act 1984* require that all dogs as of 1 May 2007 be micro chipped. Council's will not be able to register any dog that has not been micro chipped after this date.
33. The Unit has organised, as part of Celebrate Yarra Day on 18 February, a micro chipping program in conjunction with the Lost Dogs Home. Residents will be able to have their animals micro chipped at a much reduced rate of \$20.00 on the day. This will be advertised as part of the communication process with the municipality advertising Celebrate Yarra Day.

RECOMMENDATION

34. That the Community Amenity quarterly report be noted.

**PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE
RECOMMENDATION**

Moved: Councillor Fristacky

Seconded: Councillor Farrar

35. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER:

Ken Wolfe

TITLE:

Co-ordinator Community Amenity Unit

TEL:

9205 5015

3.5 Progress report on Inner Melbourne Action Plan (IMAP)

Executive Summary

Purpose

This report provides an update on the Inner Melbourne Action Plan (IMAP) initiatives.

Key Issues

Financial Implications

No financial implications arise from this report – the normal Council capital budgetary process will consider IMAP actions that have commenced.

Local Area Access Programs (LAAP) funding grants from the Department of Infrastructure have been approved for Action 2.2 (Coordinated Pedestrian and Public Transport Signage throughout the Inner Melbourne Region) and Action 2.4 (Walking Links/Pedestrian Priority Areas – Green Light Project).

Economic Implications

The IMAP program will assist in the progression of actions that support the economic base of the City.

Environmental Implications

The IMAP program will assist in the environmental program and protection of the environmental attributes of the City.

Social and Cultural Implications

The IMAP program will assist in the progression of important social and cultural aspects of the City and inner Melbourne.

City Plan, Strategy and Policy Implications

The implementation of the IMAP program is consistent with core Council strategies. It is an agreed program amongst the Cities of Yarra, Stonnington, Port Phillip and Melbourne.

PROPOSAL

That Council note the progress of the Inner Melbourne Action Plan (IMAP) to date and the programmed actions that have already commenced and will lead into the next financial year.

RECOMMENDATION

1. That Council note the report regarding the progression of actions of the Inner Melbourne Action Plan (IMAP).

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

1. That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER: Pauline Semmens
TITLE: Coordinator Major Projects and Local Policy
TEL: 5049

Attachment 1 – Summary Update IMAP Action Year 1-5 January 2007
Attachment 2 – IMAP Progress Report November 2006



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3.6 Possible Sites and Opportunities for Community Gardens

Executive Summary

Purpose

To inform Council of the possible sites and opportunities for additional community gardens in the City of Yarra.

Resource and Financial Implications

The initial resource required will be a dedicated Community Gardens officer to establish protocols, recognise potential projects and sites, assist in the detailed logistics, create and harness public interest and identify funding opportunities.

It can also be anticipated that Council will have to assist in the establishment and construction of the Community Gardens as well as infrastructure improvements, such as access to water, drainage and security fencing.

Further funding opportunities exist through Council Community Grants and other potential state government grants.

Community Implications

The development of Community Gardens and partnerships in streetscapes will satisfy the increasing demand for more Community Gardens and opportunities for recreational gardening in the City, as well as foster an increase in physical activity, volunteerism and environmental awareness.

Environmental Implications

This project will continue to promote the ongoing awareness and improvement in environmental volunteerism and community participation in the community. The projects will provide the leadership in environmental design, management and maintenance practices and ensure the positive impact on the environment and the community.

City Plan, Strategy and Policy Implications

Several Council Strategies and policies promote alternative uses of open space as well as encouraging increased social, environmental and recreational opportunities across the City.

This project is considered to be consistent with the City Plan and other Council policies.

PROPOSAL

That Council endorses the report and refers the resourcing of establishing more community Gardens across the City to the 2007/2008 budget process for consideration.

That Council nominates Councillors to attend relevant aspects of the 4th Annual City Farms and Community Gardens Conference to be held at the Collingwood Town Hall, 20-25 March 2007. This will provide an opportunity for Councillors to the gather information from experts in the field, as well as meet with interested community members and potentially identify sites or projects.

RECOMMENDATION

1. That Council endorses the report and refers the resourcing of establishing more community Gardens across the City to the 2007/2008 budget process for consideration.
2. That Council nominates Councillors to attend relevant aspects of the 4th Annual City Farms and Community Gardens Conference to be held at the Collingwood Town Hall, 20 - 25 March 2007. This will provide an opportunity for Councillors to the gather information from experts in the field, as well as meet with interested community members and potentially identify sites or projects.

Submissions

Ms Glenda Lindsay addressed the Committee on this item.

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Meadows

1. That:
 - (a) Council note the report;
 - (b) reports be provided to the April cycle of Council:
 - (i) outlining priorities for community gardens including a timeline and the financial implications of each project; and
 - (ii) providing comparative costs with maintaining an equal area of parks and gardens and on-road parking area.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER: Mark Dornau
TITLE: Manager Environmental Services
TEL: 9205 5720

Attachment 1 –Types and Examples of Community Gardens
Attachment 2 – 4th Annual City Farms and Community Gardens Conference Flier



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3.7 Exhibition of Yarra Planning Scheme Amendment C85 – Heritage Review

Executive Summary

Purpose

For Council to endorse the exhibition, under Section 19 of the *Planning and Environment Act 1987* (the Act) of Yarra Planning Scheme Amendment C85, being the Heritage Review, and for Council to adopt the study and database which underpin the Amendment. This report looks at the structure and content of the new heritage provisions, and details the consultation processes that have been undertaken, and that will be undertaken when the Amendment is exhibited.

Key Issues

There has been a continual process of refinement of heritage data at the City of Yarra which began with the early studies for each local council in the 1980s and has culminated in the current piece of work. The current study undertaken by Graeme Butler and Associates and titled "City of Yarra Review of Heritage Overlay Areas 2007 (the 2007 Study) is the quality assurance project suggested by the Panel for Yarra Planning Scheme Amendment C43. The 2007 Study has taken the earlier work and visually checked and photographed every building within the City's Heritage Overlays. Amendment C85 includes a clear and concise Local Policy and uses the 2007 Study to give substance to that Policy and thereby, to create a robust set of planning provisions for the City's heritage precincts.

Financial Implications

Consultation on the Heritage Review was budgeted for in the 2006/7 Strategic and Economic Planning budget.

Environmental Implications

The amendment aims to encourage reuse, reconstruction, restoration and adaptation of existing heritage places. This will allow for the recycling of existing building stock and minimise building waste associated with demolition and construction of new buildings.

Social Implications

The amendment aims to protect the City's heritage which is an integral part of the social fabric of the City. It supports community expectation that the City's heritage assets will be protected.

City Plan, Strategy and Policy Implications

The Heritage Review is consistent with Council Plan 2006–2010.

PROPOSAL

That Council exhibit Yarra Planning Scheme Amendment C85 in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*.

RECOMMENDATION

1. That Council adopt the following:
 - (a) City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates); and
 - (b) Yarra Heritage Database 2007.
2. That Council exhibit Yarra Planning Scheme Amendment C85 in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*, as outlined in the consultation plan (Attachment 6).
3. That Council write to the members of the Heritage Review Reference Group advising them of its resolution and of the consultation plan.

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn

Seconded: Councillor Fristacky

That the matter be deferred to Council.

CARRIED

REVISED RECOMMENDATION

1. That Council adopt the following:
 - (a) City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates); and
 - (b) Yarra Heritage Database 2007.
2. That Council exhibit Yarra Planning Scheme Amendment C85 (with the insertion of the words "including photographs" as underlined in section 22.02-9) in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*, as outlined in the consultation plan (Attachment 6).
3. That Council write to the members of the Heritage Review Reference Group advising them of its resolution and of the consultation plan.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Jolly

1. That Council adopt the following:
 - (b) City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates); and
 - (b) Yarra Heritage Database 2007.
2. That Council exhibit Yarra Planning Scheme Amendment C85 (with the insertion of the words "including photographs" as underlined in section 22.02-9) in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*, as outlined in the consultation plan (Attachment 6).

CARRIED

CONTACT OFFICER: Robyn Hellman
TITLE: Coordinator Strategic and Economic Policy
TEL: 9205 5332

Attachment 1(a) – Amendment Document (Instruction Sheet)
Attachment 1(b) – Amendment Document (Explanatory Report)
Attachment 1(c) – Amendment Document (Yarra Planning Scheme)
Attachment 1(d) – Amendment Document (List of Changes)
Attachment 1(e) – Amendment Document (List of Amendments)
Attachment 2 – Panel recommendations
Attachment 3 – Consultant report (To be Distributed Separately)
Attachment 4 – Database information
Attachment 5 – Heritage Review Reference Group
Attachment 6 – Consultation Plan



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3.8 Amendment C65 and Permit Application PL05/1289 Australian Dyeing Company site, 145-175 Noone Street and 250-292 Alexandra Parade East, Clifton Hill.

Executive Summary

Purpose

To consider the report of the panel appointed to consider the submissions to Amendment C65 to the Yarra Planning Scheme and planning application PL05/1289, pursuant to Section 96A of the *Planning and Environment Act 1987* (the Act) at 145-175 Noone Street and 250-292 Alexandra Parade East, Clifton Hill.

Amendment C65, as exhibited, seeks to rezone the subject land from the Business 3 Zone to the Mixed Use Zone and to:

- (a) apply the Environmental Audit Overlay (EAO) to the land;
- (b) include 163-167 Noone Street into a new site specific Heritage Overlay (HO351) and the remove HO316 from the north- west corner of the site;
- (c) include part of Gray Street in the Road Closure Overlay (RXO); and
- (d) apply the Design and Development Overlay and a new site specific schedule to the subject land (DDO3).

The planning application is for the use and development of the land for predominantly residential purposes (100 dwellings) in place of the current industrial use of the site.

Key Issues

The *Yarra Industrial and Business Land Strategy Review* September 2004 (the Review) has identified the subject land as a key strategic site for rezoning to the Mixed Use Zone for redevelopment for higher density residential development in response to *Melbourne 2030*. The site has also been identified in Council's proposed revised Municipal Strategic Statement (MSS) as a key redevelopment site. Rezoning the land would facilitate the consideration of a residential redevelopment of the land (subject to a planning permit) and other uses consistent with the purpose of the Mixed Use Zone.

Following public exhibition of the amendment and planning application in June 2006, four submissions were received. The submissions were referred to an independent panel appointed by the Minister for Planning. The panel hearing was held on 2 November 2006 and the panel report received by Council on 5 December 2006.

In general, the panel considers the rezoning and related redevelopment of the site for primarily residential purposes, to be appropriate, subject to some modifications to the plans and permit conditions.

Financial Implications

The applicant has borne the costs associated with the amendment.

Environmental Implications

An Environmental Audit Overlay will be applied to the land to manage the residential or other non-industrial re-use of the industrial site. There is no landscaping on the site at present and the proposal will involve substantial planting of vegetation, both external and internal to the site.

City Plan, Strategy and Policy Implications

The amendment is consistent with State and Local Policy and the recommendations of the *Yarra Industrial and Business Land Strategy Review*, September 2004, as adopted by Council in June 2005.

PROPOSED ACTION

That Amendment C65 to the Yarra Planning Scheme be adopted by Council and planning permit PL05/1289 be issued, as revised to generally reflect the recommendations of the panel appointed to consider submissions to the amendment.

That, pursuant to sections 35 and 96I of the *Planning and Environment Act 1987*, Amendment C65 and planning permit PL05/1289 as revised, including the related documentation, be submitted to the Minister for Planning for approval.

All submitters to the amendment and the application for planning permit be advised accordingly.

RECOMMENDATION

1. That Council adopt Amendment C65, as exhibited, with the exclusion of the proposed Road Closure Overlay (RXO), and that permit PL05/1298 be issued, subject to the revised conditions, as recommended by the panel which considered the submissions to the proposed combined amendment and planning permit for the subject site.
2. That the permit PL05/1289 and Amendment C65 and all related documentation be submitted to the Minister for Planning for approval.
3. That all submitters to the amendment and application be advised of Council's resolution.

Submissions

Ms Christina McRae addressed the Committee on this item.

PLANNING, ENVIRONMENT & INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

1. That Council adopt Amendment C65, as exhibited, subject to the exclusion of the proposed Road Closure Overlay (RXO) and no reference to the closure of Gray Street in the design objectives in the proposed Design and Development Overlay DDO3, the deletion of HO316 from the roadway in Noone Street in front of the subject site and a revised DDO3 to state:

"Building height should not exceed:

- *three stories above ground level or 11.8 metres to the Noone Street frontage for a depth of ten metres*
 - *four storeys above ground level or 13 metres for the former 'Spicer' factory building*
 - *four storeys above ground level or 14.5 metres for the balance of the site"*
2. That permit PL05/1289 be issued, subject to the revised conditions, as recommended by the panel which considered the submissions to the proposed combined amendment and planning permit for the subject site.
 3. That the permit PL05/1289 and Amendment C65 and all related documentation be submitted to the Minister for Planning for approval.
 4. That all submitters to the amendment and application be advised of Council's resolution.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning, Environment and Infrastructure Committee recommendation be adopted.

CARRIED

CONTACT OFFICER: Pauline Semmens
TITLE: Coordinator Major Projects and Local Policy
TEL: 9205 5049

CONTACT OFFICER: Matt Cohen
TITLE: Coordinator Statutory Planning
TEL: 9205 5123

Attachment 1 – Site Plans

Attachment 2 – Revised conditions of permit PL05/1289, as recommended by the panel considering Amendment C65 and planning application PL05/1298.



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COUNCIL BUSINESS ITEMS

4.1 Municipal Association of Victoria (MAV) Waste Reference Group – Request for Nomination

File: I07/264
Responsible Officer: Director Asset Management

Purpose

1. To consider submission of a nomination for a representative to participate in the Municipal Association of Victoria (MAV) Waste Reference Group.

Background

2. The MAV is forming a Waste Reference Group. The key purpose of the Waste Reference Group will be to advise the MAV on strategic waste management and resource recovery related issues impacting on the local government sector and to guide MAV policy and position development on these issues.
3. The MAV has invited all councils to submit a nomination for a representative to participate in the MAV Waste Reference Group.
4. The Waste Reference Group will complement the eleven regional waste management groups and the Metropolitan Local Government's Waste Management Forum, which is part of the Metropolitan Waste Management Group, whilst specifically addressing the interests and needs of the MAV membership.
5. The MAV is seeking nominations from councillors, CEOs or senior managers to sit on the MAV Waste Reference Group. Nominations are to be lodged with the MAV by close of business on Monday 5 March 2007.
6. The MAV will select a maximum of 15 members from the nominees and is seeking representation from each of the MAV board regions.
7. It is anticipated that the Waste Reference Group will meet quarterly at locations agreeable to members of the group.
8. Draft terms of reference for the Waste Reference Group are detailed in *Attachment 1*. These terms of reference will be reviewed by the Waste Reference Group as part of the first meeting, which is planned to be held on Thursday 29 March 2007.

Consultations

9. No consultation has been undertaken in relation to this matter.

Financial Implications

10. In adopting its 2006/07 budget, Council made provision for costs associated with appointing delegates to external bodies.

Environmental Implications

11. The disposal of waste has enormous environmental implications for the community. Council has been active in promoting environmentally friendly practices such as recycling and waste minimisation. A position on the reference group will ensure that Council has input into future direction for the management of waste.

Social Implications

12. There are no Social implications in relation to this matter.

City Plan, strategy and policy implications

13. The Council Plan 2006-10 identifies Major Strategy CO12 in relation to Sustaining Yarra and incorporates the Sustaining Yarra Principles of protecting the future and the environment, which will most likely be a key focus for this Waste Reference Group.

Legal implications

14. Councillor appointments to external associations, bodies and committees are to be made in accordance with clause 21 of Council's Meetings Procedures Local Law (Local Law No.1 of 2002).
15. If there is only one nomination for an appointment, the Councillor is to be declared duly appointed to the relevant body. If there is more than one nomination, the matter is to be resolved in accordance with the procedure for election of the Mayor, as outlined in clauses 12-19 of Council's Meetings Procedures Local Law (Local Law No.1 of 2002).

RECOMMENDATION

16. That Council appoint Councillor to the MAV Waste Reference Group for 2007.

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Jolly

That Council nominates Councillor Sekhon to the MAV Waste Reference Group for 2007.

CARRIED

CONTACT OFFICER: Bryan Lancaster
TITLE: Director Asset Management
TEL: 9205 5701

Attachment 1 – Draft Terms of Reference for the MAV Waste Reference Group



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4.2 Yarra-Melbourne Regional Library Corporation

File: 52/20/03/13
Responsible Officer: Director, Community Development

Purpose

1. This report provides Council with a further update on issues arising from the ending of the Yarra Melbourne Regional Library Agreement as of 22 April 2007.
2. This report specifically provides an update on staffing and transition arrangements and also seeks delegations in order to effect the dissolution of the Yarra Melbourne Regional Library Corporation (the Corporation).

Background

3. Council has received reports in October, November and December 2006 on the dissolution process and proposed draft structure for Yarra Libraries.

Key Issues

Structure and Staffing

4. Council publicly endorsed the following transition principles in October 2006:
 - (a) where possible Branch services and models of operation will translate seamlessly in order to minimise disruption to the community and minimise cost impacts for Yarra City Council;
 - (b) Yarra City Council will advocate strongly for minimal impact on Library staff and that positions will only be "spilled" or opened for competition where absolutely necessary;
 - (c) where specialist or functional positions are required but cannot be allocated then shared service models between the Councils will be encouraged;
 - (d) introduction of new technology and changed processes will be undertaken during the transition only where absolutely necessary and with full consultation with staff; and
 - (e) industrial arrangements, transition processes and principles will be negotiated with the Australian Services Union.
5. Final draft structures were released in late November 2006. After a period where feedback was sought from staff, final structures for the Melbourne and Yarra library services was released on 21 December 2006. Provisional offers of employment were made to around 80% of staff from the Corporation. A copy of the most recent structure is attached at Appendix A.
6. Appeals on the provisional allocations were heard in late January 2007. Seven appeals were received and heard by a panel chaired by an independent expert.

Only one appeal was upheld and one previously non-placed staff member was provisionally appointed to a position at Richmond Library.

7. An expression of interest process for unplaced staff has been held over the last three weeks. This has resulted in all but three Corporation staff being provisionally allocated to roles within either of the library services. It is anticipated that the majority of these staff will be found redeployment opportunities over coming weeks.
8. The patience and good will of Corporation staff subject to the transition process has been recognised by the Senior Officer Working Group as has the excellent work of staff associated with the project.
9. There will be one final round of internal advertisements for the vacant positions to allow staff to look at opportunities for development or progression. This will be completed by the end of February 2007.
10. Vacant positions within Yarra Libraries after this time will be subject to normal review processes prior to external advertisement and recruitment processes.

Winding Up the Corporation

11. Melbourne City Council resolved on 30 May 2006 to give notice of its intent to withdraw from the Corporation by 30 June 2007. On 29 August 2006 Melbourne City Council noted that as the Regional Library Agreement expires on 22 April 2007 that there was no need for a withdrawal from the regional arrangement and that it would lapse as at that date.
12. The dissolution process has been over-seen by a Senior Officer Working Group (SOWG) which consists of senior officers from Yarra City Council and City of Melbourne and a representative from the Department for Victorian Communities. Four sub-groups have been established to deal with issues arising from the dissolution process.
13. A key issue over coming weeks will be decisions by both Councils and the YMRLC Board (the Board) to give effect to the winding up of the YMRLC under Corporation law. In summary the process is outlined below:
 - (a) Council resolution to authorise winding up the Corporation;
 - (b) a representative member of the Board to be appointed to pass all resolutions necessary in the winding up of the Corporation;
 - (c) a Special Meeting of the Board to consider the recommendation that the Corporation be wound up;
 - (d) written declaration from members of the Board to the effect that the Board has made an enquiry into the affairs of the Corporation and that it has formed the opinion that the Corporation will be able to pay its debts in full and within a period not exceeding 12 months after the commencement of the winding up;
 - (e) the Board to resolve to approve the notice of consent for the liquidator to act;

- (f) Special Resolution by Council (or their delegate):
 - (i) that the Corporation be wound up;
 - (ii) appointing a liquidator for the purpose of winding up the affairs and distributing the property of the Corporation; and
 - (iii) fixing the remuneration to be paid to the liquidator;
 - (g) the date of the Special Resolution in (f) is deemed to be the commencement date of the winding up.
14. It will be recommended that Council adopt the following resolutions:
- (a) that Council authorise the winding up of the Yarra Melbourne Regional Library Corporation;
 - (b) that Justin Hanney, Chief Executive Officer be the nominated Council representative appointed to pass all resolutions necessary in the winding up of the Corporation; and
 - (c) that Justin Hanney, Chief Executive Officer be authorised to effect Council's decision to wind up the Yarra Melbourne Regional Library Corporation by making a Special Resolution that the Corporation be wound up, appointing a liquidator and fixing the remuneration for the liquidator.

Division of Assets

15. Clause 13. of the Regional Library Agreement provides for the principles and processes to apply in the event the Corporation is dissolved. Clause 13.2 specifically relates to the division of assets, viz:

13.2 *If the Regional Library is dissolved under this clause:*

- (a) *each Council will be entitled to a portion of the Regional Library's assets in the same proportion as its financial contribution bears to all the member council's financial contributions to the Regional Library over the duration of this agreement except that, in relation to Special Projects, the portion of assets to which Council is entitled shall be calculated according to Council's agreed proportion of amounts payable for Special Projects;*
- (b) *each Council will be liable for a portion of the of the liabilities and contingent liabilities of the Regional Library in the in the same proportion as its financial contribution bears to all the member council's financial contributions to the Regional Library over the duration of this agreement except that, in relation to Special Projects, the portion of assets to which Council is entitled shall be calculated according to Council's agreed proportion of amounts payable for Special Projects;*
- (c) *each Council's collection at the date of dissolution of the Regional Library shall be ascertained having regard to the*

value of the Council's collection as at the date of this Agreement or if a Council was not party to the Agreement, on the date on which it was admitted as a party pursuant to clause 13.1.

16. The following principles have been agreed and applied in calculating the distribution of assets between the City of Melbourne and Yarra City Council:
 - (a) that "financial contribution ... over the period of this agreement" has been determined to mean contributions since the commencement of the Regional Library in 1995; and
 - (b) "the value of the Council's collection as at the date of the Agreement" has been deemed to be the certified values of the collections as at 30 June 1995.
17. Calculations and supporting data have been subject to independent audit commissioned by the SOWG and conducted by WHK Day Neilson. A confidential report has been provided to Council on the recommended division of assets. This offer will be considered by Melbourne City Council at its February 2007 Council meeting. Agreement and finalisation of the division of assets in an important part of the winding up of the Corporation and doing this prior to the appointment of a Liquidator will reduce the cost to all parties.

Working Group Updates

Human Resources and Communications

18. A media release was released in early February 2007 to provide an update on progress towards dissolution and establishing new library services. There has not been a high level of interest in the dissolution process and it is believed the maintenance of high levels of service to the community has been a significant factor in this.
19. Very positive branding workshops have been held with Branch staff and work is continuing on the development of a strong identity for the new Library Service.
20. Council's Enterprise Agreement will need to incorporate a small number of special conditions for library staff and these will be subject to negotiation and agreement over coming weeks.
21. It has been agreed that 12 March 2007 will be the official transfer date for staff from the Corporation. As from this date the staff will be paid by Yarra City Council and City of Melbourne. Only one or two staff will remain on the Corporation payroll.

Information Systems

22. Agreement has been reached on the City of Melbourne continuing to provide the Library Management System support for Yarra Libraries until the end of 2007. It is anticipated that Yarra Libraries will move across to the SWIFT shared library management system in August or September 2007.
23. Detailed planning is underway to split and reconfigure the network, computer equipment, software and telephone systems used by each Council. This work

will impact IS Branch resources during the early part of 2007. The branch is also working toward a smooth transition of corporate Records Management systems and physical/electronic records.

Legal, Assets and Finance

24. This working group has informed decisions around the division of assets and treatment of existing leases and contracts. Further detailed work is continuing on these matters.
25. Interviews have been completed with three liquidators to understand approach and likely costs. A brief will be prepared for appointment of a qualified liquidator in March 2007.
26. It has been agreed at SOWG that 31 March 2007 will be the date to formally transfer assets and wind up accounts to reduce accounting and administrative complexity.

Collections & Services

27. The Collections & Services Working Group is continuing to meet on an audit of existing services and the development of principles relating to the division of the book collection. The group will also focus on how specialist collections will be treated, procedures for ordering and processing new books, responses to community concerns and policy standards.

Consultations

28. Consultations on proposed structures, transition arrangements and progress to date have occurred with senior officials from the Australian Services Union and senior staff within the YMRLC. These have been constructive and there is positive feedback regarding the transparent and open approach employed by Yarra City Council.
29. Further consultation with staff and stakeholders on transition arrangements, web site development, branding and communications is occurring during February and March 2007.

Financial Implications

30. A draft full year 2007/08 budget for the Yarra Library Service has been prepared and is currently being refined through a detailed review process. The current draft is outlined below. Council's contribution to the YMRLC in the 2006/07 budget was \$3.012 m. Further analysis of capital contributions and dissolution costs relating to distribution of assets is also continuing.

Program	Income	Expenditure	Net
Library Development			
Library Development	548,723	1,118,797	(570,074)
Technical Services		682,588	(682,588)
Collections & Services			
Carlton		456,607	(456,607)
Collingwood		368,751	(368,751)
Fitzroy		481,841	(481,841)
Nth Fitzroy		294,782	(294,782)
Richmond		551,676	(551,676)
Shelvers & Associated		38,519	(38,519)
Integrated Positions		212,239	(212,239)
Total	548,723	4,205,800	(3,657,077)

31. It is anticipated that further reductions will be found in the draft proposed budget in coming weeks and a final draft budget will be presented for Council consideration in March 2007.

Conclusion

32. The decision to dissolve the Corporation has had, and will continue to have significant financial, industrial and social implications for Yarra City Council. Significant work has been completed constructively through the work at the SOWG and there has been good progress on issues relating to operational models and financial and legal arrangements.
33. The recommendation to bring services in-house and adopt transition principles will provide some level of comfort and certainty to Corporation staff and community stakeholders.
34. The draft structure proposed for endorsement will facilitate the transition of library services to an in-house model without sacrificing external service standards and ensuring that there is appropriate support to manage the cultural and organisational change demands of this process.

RECOMMENDATION

35. That:
- (a) Council authorise the winding up of the Yarra Melbourne Regional Library Corporation;
 - (b) Justin Hanney, Chief Executive Officer be the nominated Council representative appointed to pass all resolutions necessary in the winding up of the Corporation; and
 - (c) Justin Hanney, Chief Executive Officer be authorised to effect Council's decision to wind up the Yarra Melbourne Regional Library Corporation by making a Special Resolution that the Corporation be wound up, appointing a liquidator and fixing the remuneration for the liquidator.
36. That Council note the principles that have been agreed and applied in calculating the distribution of assets between the City of Melbourne and Yarra City Council:
- (a) that "financial contribution ... over the period of this agreement" has been determined to mean contributions since the commencement of the Regional Library in 1995; and
 - (b) "the value of the Council's collection as at the date of the Agreement" has been deemed to be the certified values of the collections as at 30 June 1995.
37. That Council note the work being conducted in the sub-groups of the Senior Officer Working Group.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Meadows

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:

Craig Kenny

TITLE:

Director Community Development

TEL:

9205 5100

Attachment 1 – Staff Structure



Adobe Acrobat
Document

4.3 Councillor Conference Attendance – Australian Health Promotion Association

File:

Responsible Officer: Manager Culture and Community Planning

Purpose

1. To approve the attendance of Councillor Maltzahn at the 17th National Conference of the Australian Health Promotion Association to be held in Adelaide on 1 to 4 May 2007, in accordance with Council's Conferences, Seminars and Training Policy.

Background

2. The conference focuses on health inequities, partnerships, globalisation and challenging environments for local practice. Council has submitted and had accepted a conference paper showcasing its work in establishing the Sexual Violence Taskforce in 2006. Whilst the entire conference is being held from 1-4 May, 2007, officers understand that the presentation has been scheduled for the 4 May, 2007. Councillor Maltzahn has expressed interest in only attending for this day given her availability.
3. The presentation will focus on how the Taskforce has sought to mainstream the prevention of sexual violence against women within the scope of Council's existing responsibilities and roles; and in doing so, identify the most effective responses it can make as a result of these roles and build its capacity to respond in partnership with community groups, service providers and citizens.
4. The Council's policy:
 - (a) requires that attendance at interstate conferences shall be subject to approval of Council;
 - (b) prescribes that Council shall meet the costs of registration, travel, accommodation and other necessary incidental expenses related to attending the conference; and
 - (c) requires that a written report shall be presented to the Mayor and Councillors in respect of any conference at which the Council is represented within two months.

Financial Implications

5. The Conference brochure outlines costs as follows:

(a) Registration:	\$325.00
(b) Travel expenses:	\$395.00 (approximately)
(c) Incidental costs:	\$100.00
(d) TOTAL	\$820.00

The Budget allocation for such expenses is \$8,000 and year to date expenditure and commitments is \$17,896.

Economic Implications

6. The economic costs of sexual violence against women are far reaching and this conference will provide an opportunity to highlight this. As violence against accounts for the greatest burden of disease among 15 – 44 year old women, the impact on the demand for health services, housing needs and the cost to Australian businesses through days lost due to ill health or injury is considerable.

Environmental Implications

7. Highlighting how the environmental implications of Council's approach focus on how the design of public space and the management of assets impacts on both women's actual safety and their perceptions of safety will be of benefit to participating local governments and community organisations.

Social Implications

8. Attendance at such conferences enable Councillors to be informed of innovative approaches to addressing health inequities such as violence against women.

Council Plan, Strategy and Policy Implications

9. The conference provides a unique opportunity for Council to promote its work in establishing the Sexual Violence Taskforce to a broad international audience of policy makers, academics and health practitioners. This enables the objectives of the Taskforce to be furthered, particularly in terms of raising community awareness of the issue and informing future lobbying and advocacy strategies.

Legal Implications

10. Not applicable.

Proposal

11. That Council approve the attendance of Councillor Maltzahn at the Conference.

RECOMMENDATION

12. That Council authorise the attendance of Councillor Maltzahn at the 17th National Conference of the Australian Health Promotion Association to be held in Adelaide for 4 May 2007, in accordance with the provisions of the Council's Conferences, Seminars and Training Policy.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That Council authorise the attendance of Councillor Maltzahn at the 17th National Conference of the Australian Health Promotion Association to be held in Adelaide for 3 May 2007, in accordance with the provisions of the Council's Conferences, Seminars and Training Policy.

CARRIED

CONTACT OFFICER:

Sally Isaac

TITLE:

Manager Culture and Community Planning

TEL:

9205 5096

NOTICE OF MOTION

5.1 Detention of David Hicks – Notice of Motion No.1 of 2007

I, Councillor Annabel Barbara, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 20 February 2007:

“That the Mayor, and Councillors of the City of Yarra:

- (a) write to the Prime Minister, John Howard and the Federal Attorney General, Phillip Ruddock to request the immediate repatriation of David Hicks. And that the Mayor and Councillors of the City of Yarra write to the both the leader of the opposition Kevin Rudd, the Shadow Attorney General Kelvin Thompson urging them to make this a major issue in the forthcoming Federal election, as an issue demanding greater exposure;*
- (b) calls on the MAV and VLGA, and the Victorian Premier and Victorian Attorney General to make representation, to the abovementioned Ministers and Shadow Ministers, about the need to bring David Hicks home; and*
- (c) writes to all other Mayor and Councillors urging them to write to the Prime Minister and Attorney General requesting the immediate release of David Hicks.”*

The following background material was provided by Councillor Barbara:

1. The incarceration of David Hicks, now for the sixth year, has gone on far too long. It is no longer good enough to demand a ‘fair trial’ as the United States Military Justice System has demonstrated that it is incapable of effecting that result. The incarceration of David Hicks, without charges for more than five years has ignored the important legal principle of habeus corpus – no imprisonment without trial – and there is still no certainty when David Hicks will face the charges that have only just recently surfaced.
2. David Hick’s family, lawyers and supporters are calling on the Australia Government to request that David be returned to Australia and face charges, if necessary, in Australia under the Australian legal system.
3. David Hicks is an Australian citizen who should not be allowed to languish under horrific conditions in a foreign jail and without any criminal or other charges whatsoever. It is our responsibility as representatives in local government to demand his release airing the views of many of our constituents, demanding that his citizenship be respected just as we value the rights conferred on our residents who become citizens of Australia – a responsibility Councillors and Officers take seriously.
4. The strength of Yarra’s respect for citizenship, especially the social importance of valuing equality in citizenship, was recently reflected in the City of Yarra’s response to the Federal *Citizenship Discussion Paper*. In our response we argued the case for a citizenship that does not confer more obligations on new CALD citizens. Many in the community saw the Federal Government’s recent changes to the Citizenship Act as being used to create anxiety within the

community about CALD residents and national security. The abrogation of David Hick's citizenship rights to the American Military System is yet another demonstration of the abuse of citizenship for political gain. It is important that we don't forget that amidst the debate about citizenship and national security a citizen of Australia is languishing in jail. This person could be a resident of Yarra or another Victorian municipality.

5. The time has come for the City of Yarra and all other Victorian Local Governments to demand the immediate return of David Hicks, in keeping with the major tenants of the new *Victorian Charter of Human Rights and Responsibilities* (which came into effect in January 2007).

COUNCIL RESOLUTION

Moved: Councillor Barbara

Seconded: Councillor D'Agostino

1. That the Mayor and Councillors of the City of Yarra:
 - (a) write to the Prime Minister, John Howard and the Federal Attorney General, Phillip Ruddock to request the immediate repatriation of David Hicks. And that the Mayor and Councillors of the City of Yarra write to the both the leader of the opposition Kevin Rudd, the Shadow Attorney General Kelvin Thompson urging them to make this a major issue in the forthcoming Federal election, as an issue demanding greater exposure;
 - (b) calls on the MAV and VLGA, and the Victorian Premier and Victorian Attorney General to make representation, to the abovementioned Ministers and Shadow Ministers, about the need to bring David Hicks home; and
 - (c) writes to all other Mayor and Councillors urging them to write to the Prime Minister and Attorney General requesting the immediate release of David Hicks.
2. That Council host a public meeting to highlight the issue of David Hicks' detention and promote community discussion.

CARRIED

12.1 Urgent Business – Afghan Parliamentarian Malalai Joya

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Fristacky

That Council:

- (a) sponsor a talk by Afghan Parliamentarian Malalai Joya, and that such sponsorship include venue use, refreshments, publicity and related issues; and
- (b) help facilitate other activities in the City of Yarra that would allow residents to meet Ms Joya.

CARRIED

The Council meeting closed at 9.52 pm.

Confirmed this 20th day of March 2007.

Mayor