



Ordinary Meeting of Council Agenda

**to be held on Tuesday 30 October 2018 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Daniel Nguyen (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager – Chief Executive’s Office)
- Lucas Gosling (Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Margherita Barbante (Acting Director - Corporate, Business and Finance)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place Making)
- Mel Nikou (Governance Officer)

3. Declarations of conflict of interest (Councillors and staff)

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Matters prejudicial to Council and/or any person
- 4.3 Personnel matters

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.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) matters prejudicial to Council and/or any person; and
 - (b) personnel matters.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 16 October 2018 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission; and
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Annual Grants 2019 Recommendations Report	7	13	Michael Van Vliet – Community Grants Team Leader
11.2	Update of Policy Guidance Note: Affordable Housing in Significant Developments	14	17	Malcolm McCall – Unit Manager Social Policy and Research
11.3	The Yarra Development Contributions Plan Amendment C238 - consideration of submissions	19	24	Michael Ballock – Executive Planner
11.4	Fair Work Ombudsman Audits of Business Compliance with National Awards	25	30	Ivan Gilbert – Group Manager Chief Financial Officer
11.5	Production and display of banners at the town halls for a climate emergency message	31	34	Ivan Gilbert – Group Manager Chief Financial Officer

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Annual Grants 2019 Recommendations Report

Executive Summary

Purpose

This report seeks Council endorsement of the Community Grants Panels recommendations of grant applicants for the Annual Grants 2019 program.

Key Issues

The Annual Grants program continues to strengthen the community sector through providing a flexible and responsive source of funds to community-based not-for-profit organisations. Funding is used to support projects that deliver the outcomes outlined within the Council Plan and target the areas of highest need within the community.

Financial Implications

A total of 222 applications were received across seven categories of grants. One hundred and thirty-nine applications have been recommended to receive funding totalling \$868,793. Council approved the 2019 Annual Grants budget in the Community Grants Program 2019 Initiation Report in April 2018.

PROPOSAL

That Council accepts and endorses the Community Grants Panels recommendations of grant applicants for the Annual Grants 2019 program as presented in the attachments to this report.

11.1 Annual Grants 2019 Recommendations Report

Trim Record Number: D18/172018

Responsible Officer: Community Partnerships Unit Manager

Purpose

1. This report seeks Council endorsement of the Community Grants Panels recommendations of grant applicants for the Annual Grants 2019 program.

Background

2. Yarra City Council's Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
3. The Community Grants Program aims are to:
 - (a) develop partnerships between Council and community groups to achieve Council's strategic directions;
 - (b) direct resources to both the emerging and specific needs of disadvantaged groups;
 - (c) develop a positive approach to the resolution of local social issues;
 - (d) support local groups, activities and community connectedness; and
 - (e) support community organisations to develop skills and increase community participation.
4. The Annual Grants program is one of the primary avenues of support by Council to community-led projects and activities. The grants provide funding to a wide range of activities by some of Yarra's leading not-for-profit organisations and grassroots community organisations as well as to individual artists.
5. A total of 222 applications were received across seven categories of grants requesting a total of \$2.2m funding. This is an increase of 10 per cent from last year's 201 applications. One hundred and thirty-nine applications have been recommended to receive funding totalling \$868,793.
6. On 10 April 2018 Council approved the Annual Grants 2019 objectives, guidelines, assessment process and budget in the Community Grants 2018/19 Initiation Report (TRIM reference D18/46626). The Annual Grants were open for applications for six weeks between 11 June 2018 and 23 July 2018.
7. The Annual Grants are divided into seven funding categories: Community Development; Arts and Culture; Family, Youth & Children; Youth-Led Grants; Sport and Recreation; Community Housing; and Sustainability.
8. The Annual Grants are subject to regular review to improve the administration of the program as well as accessibility for applicants. Feedback provided by previous grant applicants, Council officers and other local government grant makers was incorporated into the current program.
9. Consultation and engagement activities were undertaken to support access to the grants program. Community information sessions were held in early June at Bargoonga Nganjin, Collingwood, Richmond and Fitzroy Town Halls, as well as separate sessions at Yarra Youth Services.
10. Applicants were advised to contact Council officers before submitting their application to discuss project ideas and gain assistance with the application process, including understanding program objectives, criteria and eligibility requirements.

External Consultation

11. The Annual Grants are assessed by several external panels on a competitive basis each year. The assessment process comprises the following stages as listed in the Initiation Report:
 - (a) Stage 1: An eligibility check conducted by Council officers;
 - (b) Stage 2: Internal Assessment. Council officers assessed the applications against a series of criteria such as the capacity of the applicant to deliver on project outcomes, clearly defined project aims, a complete and realistic budget and alignment with Council funding priorities;
 - (c) Stage 3: Community Panels assess the applications and decide on the final recommendations to Council. Community Panels comprise a majority of external experts and some Council officers with relevant knowledge; and
 - (d) Stage 4: Council endorsement.

Internal Consultation (One Yarra)

12. Council officers from the Sustainability team, Family, Youth & Children, Sports & Recreation, Arts & Culture, and the Community Partnerships unit are closely involved with the grants assessment process. Officers from each unit helped to determine the grant criteria and oversaw the Community Panels which make the grant recommendations.
13. We ask for feedback on the grants process from Council Officers and have created a culture of continuous evaluation and improvement.

Financial Implications

14. A total of \$868,793 has been recommended for 139 grants. This compares with \$842,374 to 134 grants in 2018 and \$814,705 for 136 grants in 2017.
15. The detailed list of applications recommended for funding can be found as **Attachment 1**. A summary list of applications recommended for funding, in alphabetical order of applicants, has been included as **Attachment 2**. The table below outlines the numbers of applications received in each funding category and compares funds recommended to the previous year. There were 21 more applications to this year’s grants.

Funding Category	Number of Applications Received		Total Amount Recommended	
	AG18	AG19	AG18	AG19
Community Development	84	98	\$324,014	\$341,437
Art & Culture	62	59	\$209,940	\$214,000
Family, Children & Youth	25	33	\$156,975	\$160,998
Sport & Recreation	12	15	\$36,785	\$54,005
Sustainability	10	12	\$52,660	\$39,363
Community Housing	1	2	\$50,000	\$50,000
Youth-Led	7	3	\$12,000	\$9,000
Total	201	222	\$842,374	\$868,793

16. Applicants were asked to specify the total cost of their project, as well as the amount requested from Council. In total, more than \$2.2m was requested for projects worth more than \$7.5m.

17. Through funding of such projects, Council is enabling larger projects to take place. For example, if a project's total cost is \$10,000 and \$2,000 is requested with the remaining \$8,000 to be raised by the community or provided by in-kind donations or other grant funding, then Council's \$2,000 enables a \$10,000 community benefit. **Table 1** shows that \$868,000 of Council funding enables projects to occur that have a dollar value of more than \$3.9m. This does not include the sizable social value also generated by these projects.

Table 1

Overall spending on Grants by Council	Overall project value that Council has enabled	Leverage potential of Granting
\$868,000	\$3,900,000	\$1 spent : \$4.50 value

Economic Implications

18. The Annual Grants continue to strengthen the community sector through providing a flexible and responsive source of funds to community-based not-for-profit organisations. Funding is used to support projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The ultimate aim is to improve the long term outlook for local families and businesses through strengthening the capacity of the local not-for-profit sector to generate economic activity.
19. Annual Grants also redistribute funds to the disadvantaged in the community. The festivals and events bring economic benefits and assist with branding Yarra as a destination city. Projects that are funded to support new arrivals, young people and families through skills development or projects that support service coordination have an indirect economic benefit.

Sustainability Implications

20. The Sustainability Stream grants aim to encourage and support projects that align with the Yarra Environment Strategy.
21. Applicants were advised that Council will give preference to those who consider incorporating activities that improve the sustainable outcomes of their projects. The application form asks applicants to consider the following ways of reducing and reusing resources including;
- (a) use recycled paper/packaging and environmentally friendly printing for promotional material;
 - (b) include sustainable transport information on promotional material;
 - (c) buy locally produced and seasonal and/or organic food for meals;
 - (d) use reusable plates and cutlery when possible;
 - (e) minimize landfill with composting and recycling;
 - (f) purchase recycled products; and/or
 - (g) use Green Energy.
22. Annual Grants applications are submitted and managed through an online grants management system. The online system means that applications do not need to be printed as the assessment process is performed online. The online grants management system has resulted in a dramatic reduction in the amount of paper used in the grants process.

Social Implications

23. Annual Grants aims to address a number of social needs across such areas as: arts and culture, sustainability, community development, sport and recreation, family, children and youth. The following social objectives are addressed within the grants program as they build a sense of community through:

- (a) cultural activities (community celebrations, observance of traditional celebration days, cultural festivals and events);
 - (b) recognition of diversity (projects that strengthen Yarra's diverse community or celebrate and recognise diversity);
 - (c) social cohesion (projects which seek to bring people together and support the development of communities with shared aims and aspirations); and
 - (d) promoting and improving community health and wellbeing through:
 - (i) recreation opportunities (sports, social recreation, walking and improving access to recreational activities);
 - (ii) improving health and wellbeing (food insecurity, nutrition, skills development, health information, social engagement and support); and
 - (iii) promoting community safety through diversionary or preventive projects.
24. Eighty-three applications (37% of all applications) were for projects that take place in one of Yarra's public housing estates or primarily engage public housing residents.

Human Rights Implications

25. The Annual Grants Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively supports people to participate in and contribute to their community.

Communications with CALD Communities Implications

26. Personal assistance in completing grant applications was provided to 26 groups from culturally and linguistically diverse backgrounds (CALD). The grants unit assisted groups to clarify their projects, develop project plans and also provided technical assistance to submit the applications using the online grants management system. Interpreters were used as necessary.
27. A communications plan was designed and enacted in consultation with Yarra's Communications unit. Actions included notices and an article in the Yarra News, A3 posters with translations for display at libraries, maternal and child health centres and leisure centres, Brightsign for Richmond Town Hall and libraries, email newsletter to subscriber database, website update, grants webpage and Hot Topics feature, Facebook and Twitter.

Council Plan, Strategy and Policy Implications

28. The 2017 - 2021 Council Plan closely guides the Community Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community.
29. All seven strategic objectives of the Council Plan are supported through the Grants Program:
- (a) *Community health, safety and wellbeing* - The Community Grants Program provides a flexible and responsive source of funds to support projects and initiatives within the not-for-profit community sector. The program also supports community organisations within the recreational and sporting sector, to encourage greater participation and strengthen their capacity to deliver additional activities for the wellbeing of the whole Yarra community;
 - (b) *Inclusion, diversity and uniqueness* - The Community Grants Program supports Council's commitment to social justice and social inclusion principles, and provides support to communities living in Yarra's public housing estates. The program empowers community groups to offer inclusive and diverse activities, services, information and cultural celebrations, particularly in the arts and cultural and community development stream;

- (c) *Sustainability and the natural environment* - The provision of a Sustainability Stream in the Annual Grants provides support to local community groups through community education and engagement in environmental sustainability. All applicants are asked to consider the environmental impact of their project;
 - (d) *The character and heritage of the city* - The community grants contribute immeasurably to Yarra's cultural heritage. The extra support provided to local community groups, schools and artists to run their projects, adds to the diversity of activities available for residents to participate in. Many of the grants celebrate and build on the cultural heritage of Yarra;
 - (e) *Local businesses prosper and creative and knowledge industries thrive* – The Community Development grants support a stream of grants providing funding and support to social enterprise small businesses within the City of Yarra. \$30,000 was awarded to three small businesses through the social enterprise stream;
 - (f) *Connectivity and travel options are environmentally sustainable, integrated and well-designed* – The Community Strengthening stream of grants encourages projects that support community members to cycle and adopt cycling as a long term transport alternative, and help to improve perceptions of cyclists among non-cycling road users; and
 - (g) *Transparency, performance and community participation* - Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having one of the largest grant programs, Yarra's grants have been an innovative means of connecting with and supporting local communities and our administrative processes are highly regarded by other councils. The community participate in the deciding of the grants through the community panel making the recommendations.
30. Some of the other key strategic plans and policies which inform Annual Grants include the Aboriginal Partnerships Plan, Access and Inclusion Plan, Positive Ageing Strategy, Multicultural Partnerships Plan, Arts and Culture Strategy, Environment Strategy, Urban Agriculture Strategy and Zero to 25 Plan.

Legal Implications

31. The grants program enables Council to achieve some of the basic tenants of the Local Government Act 1989:
- (a) Section 3C - to promote the social, economic and environmental viability and sustainability of the municipal district;
 - (b) Section 3D - fostering community cohesion and encouraging active participation in civic life; and
 - (c) Section 3E - planning for and providing services and facilities for the local community.
32. Council has not sought legal advice in relation to the grants program.

Other Issues

33. There are no other issues.

Options

34. There are no other options.

Conclusion

35. The recommendations for Yarra City Council's Annual Grant program for 2019 are provided in the attachments to this report. All applicants are to be commended for their efforts to improve local amenity through their work. The grants round is competitive and there is a significant commitment from the citizens of Yarra and local groups and organisations to be involved in this process to everyone's benefit.

36. The Annual Grants 2019 is one of the major ways in which Yarra City Council demonstrates its commitment to supporting the community and highlights the diversity of community initiated projects, events and activities that take place across the municipality and making Yarra such a vibrant place to live in.

RECOMMENDATION

1. That Council:
 - (a) endorse the Annual Grants 2019 Community Grants Panels recommendations as listed in Attachment 1 to award 139 grants totalling \$868,793; and
 - (b) thank all members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

CONTACT OFFICER: Michael Van Vliet
TITLE: Community Grants Team Leader
TEL: 9205 5146

Attachments

- 1 [⇒](#) Attachment 1 - Annual Grants 2019 alphabetical list of recommended applications
- 2 [⇒](#) Attachment 2 - Annual Grants 2019 detailed I list of recommended applicants

11.2 Update of Policy Guidance Note: Affordable Housing in Significant Developments

Trim Record Number: D18/177621
 Responsible Officer: Director Community Wellbeing

Purpose

1. This report is to seek Council’s endorsement of an updated version of Council’s *Policy Guidance Note: Affordable Housing in Significant Developments* which has been modified to ensure consistency with the *Planning and Environment Act 1987* which now includes the objective of facilitating the provision of affordable housing.

Background

2. On 1 June 2018, several amendments to the *Planning and Environment Act 1987* (the Act) came into effect:
 - (a) the facilitation of affordable housing is now an object of the Act affirming that increasing the supply of affordable housing is a legitimate concern of the planning system;
 - (b) the Act now affirms that developers and Councils can enter into voluntary Affordable Housing Agreements for the provision of affordable housing in a development; and
 - (c) to provide consistency and predictability for developers, Councils and others, a state-wide definition of affordable housing has been inserted at Section 3AB, that is: ‘housing, including social housing, that is appropriate for the housing needs of any of the following— (a) very low income households; (b) low income households; (c) moderate income households.’
3. The definition does not specify tenure arrangements, so both affordable for rent and affordable to purchase can be considered. This means a range of Shared Equity models such as the Buy Assist Program developed under the National Affordable Housing Consortium could therefore be considered for inclusion within the affordable housing allocation.
4. These amendments to the Act, the associated Governor in Council order (which specifies the income ranges of occupants of affordable housing products) and specified matters under Section 3AA (2) – Ministerial Notice (i.e. the criteria by which voluntary agreements will be assessed), will have positive practical implications for Council moving forward as all interested parties will know what is meant by social affordable and housing.
5. The Order, which will be updated annually, was published in Victorian Government Gazette 29 May 2018 (Attachment 1). The income ranges for very low, low and moderate-income households for affordable housing that is not social housing (which is already defined in section 4(1) of the Housing Act 1983) are immediately below. These categories are derived from calculations based on 50%, 80% and 120% of median incomes in the Greater Capital City Statistical Area of Melbourne (Greater Melbourne).

Household type	Very low income range (annual)	Low income range (annual)	Moderate income range (annual)
Single adult	Up to \$25,220	25,221 to \$40,340	\$40,341 to \$60,510
Couple, no dependent	Up to \$37,820	\$37,821 to \$60,520	\$60,521 to \$90,770
Family (with one or two parents) and dependent children	Up to \$52,940	\$52,941 to \$84,720	\$84,721 to \$127,080

6. The Specified Matters Under Section 3AA(2) – Ministerial Notice (the Notice) specifies the matters that must be considered in determining whether housing provided under an Affordable Housing Agreement is appropriate for the needs of very low, low and moderate income households. These are:
 - (a) Allocation;
 - (b) Affordability (in terms of the capacity for very low income, low income and moderate income households that it is intended for);
 - (c) Longevity (in terms of the public benefit of the provision);
 - (d) Tenure;
 - (e) Type of housing, in terms of form and quality;
 - (f) Location, in terms of site location and proximity to amenities, employment and transport;
 - (g) Integration, in terms of the physical build and local community;
 - (h) The following official estimates of housing need:
 - (i) Australian Bureau of Statistics Community Profiles;
 - (ii) Census profiles for Victoria;
 - (iii) Department of Health and Human Services Rental Report;
 - (iv) Metropolitan regional housing plans to guide housing growth;
 - (v) Public housing waiting list (Victorian Housing Register list); and
 - (vi) Victoria in Future data tables.
7. Following two co-design workshops with stakeholders from Councils (including Yarra), the development industry and affordable housing providers, the Department of Environment, Land, Water and Planning (DELWP) produced a supporting framework, with educational Guidelines and a Model Affordable Housing Agreement (the Model Agreement).
8. The Model Agreement (attachment 4) is effectively a template to be used, as best practice, by parties to a development application that seeks to deliver an affordable housing outcome. It is also notable that model agreement includes the possibility of cash contributions from developers to be considered as an affordable housing contribution. These donations could be to Registered Housing Providers or similar approved trusts or bodies, in lieu of housing stock. This opens up possibilities for Councils to direct developer cash funds to affordable housing providers.
9. Councils have already been able to enter voluntary agreements with developers to provide a portion of affordable housing in a development – Yarra examples include GTV9 and Amcor. In forming these agreements a persistent challenge has been defining affordable housing which had no statutory definition within the Victorian planning system.
10. It is now necessary to update Council's *Policy Guidance Note: Affordable Housing in Significant Developments* (the Note), endorsed November 2017.
11. Historically, Council's expectation for affordable housing was dwellings that could be accessible for households with low incomes (i.e. at or below the bottom 40th percentile of household income distribution). Development proponents, however, could have had differing perspectives. For example, a proponent could suggest that new dwelling stock was affordable when it was 20% below the suburb median for sale price or market rent but in practice such dwellings could never be afforded by households with low incomes.
12. In some S173 agreements, Council used drafting such as 'dwellings developed in association with an registered housing association' because it was the best means available at the time to ensure that future tenants would be low income households as this was the client base of the highly regulated accredited provider.

13. The current Note communicates to applicants and other interested parties that Council required any development proponent to provide for at least 5% affordable housing at significant redevelopment sites (i.e. yields of 50 dwellings or more) once constructed and into the future; and that proponents are expected to partner with a Registered Housing Association or Registered Housing Provider.
14. The current Note also included its own definition of low-to-moderate income households and affordable housing. These definitions have been rendered obsolete as there are now statutory definitions of these concepts that must be utilised in any voluntary affordable housing agreements from hereon.
15. The proposed updated version of the 'Policy Guidance Note' is attached to this report (Attachment 2) along with a table summarising the proposed amendments (Attachment 3). Key changes include:
 - (a) new definition of affordable housing to align with the legislative definition in the Planning and Environment Act;
 - (b) broadening of affordable housing to include affordable to purchase as well as rent, as per the new legislative definition; and
 - (c) an increase in the desired proportion of affordable housing from 5% to 10% as directed by Councillors.

External Consultation

16. The original Policy Guidance Note was informed by a program of consultation and engagement, including: a stakeholder workshop attended by 17 people with representatives from Moreland and Darebin Councils, the University of Melbourne, Brotherhood of St Laurence, Collingwood residents and local Registered Housing Associations; and an online open engagement promoted to over 100 stakeholders, including Registered Housing Providers and Associations, property developers, welfare services, other local governments, state and local government stakeholders and housing researchers. The Policy Guidance Note was exhibited for 28 days through the Council public website before its adoption by Council.

Internal Consultation (One Yarra)

17. Officers have worked closely with Strategic Planning and Statutory Planning in both the initial development and this update of the Policy Guidance Note.

Financial Implications

18. There are no immediate cost implications for Council.

Economic Implications

19. In their 2015 paper, 'Leveraging Investment for Affordable Housing: Policy, Planning and Financing Options for Increasing the Supply of Affordable Housing in Melbourne', Sheko, A., Martel, A. & Spencer, A. reported that the standard rate of return on investment from social or subsidised housing may be in the order of 1-2% per annum compared with the standard rate of return for market rental housing being in the order of 3-4% per annum.

Sustainability Implications

20. Social and affordable housing that is well-located for employment, services and public transport is environmentally positive for Greater Melbourne by reducing demand for new infrastructure and decreasing the usage of private vehicles.
21. It is preferable for any new social and affordable housing to be built to high ESD standards (environmentally sustainable design) for both environmental outcomes and to reduce utility costs for lower income tenants.

Social Implications

22. As of March 2018, the percentage of private rental properties advertised in Yarra that could be afforded by persons on statutory (Centrelink) incomes was 0.9% (N 15) versus Metropolitan Melbourne at (also a very low) 4.5%. The ten year average for Yarra was 1.2 % (N 14). With virtually no affordable private rental options, Yarra has limited capacity to attract and maintain a diverse community.

Human Rights Implications

23. Article 25 of the Universal Declaration of Human Rights (1948) and Article 11 of the International Covenant on Economic, Social and Cultural Rights (1976) include the right to safe, adequate and affordable housing.

Communications with CALD Communities Implications

24. Earlier external consultation provided information on accessible communications.

Council Plan, Strategy and Policy Implications

25. The 2017-2021 Council Plan, under objective 1, 'A Healthy Yarra', commits Council to progressing a Social and Affordable Housing Strategy and to advocating for an increase in social and affordable housing in the municipality. The Social and Affordable Housing Strategy will be developed across October and November 2018 and presented to Council for endorsement in March 2019 for public exhibition.
26. Strategic Direction 4 of Yarra Council's Housing Strategy commits Council to seeking 10% of significant rezoned sites to be set aside for affordable housing.

Legal Implications

27. The amendments to the *Planning and Environment Act 1987* affirm the use of voluntary agreements as a legitimate means by which for Councils to facilitate new affordable housing supply. However, none of these changes increases the power of Councils to require developers to build affordable housing in new developments.

Other Issues

28. The Social and Affordable Housing Strategy (SAHS) 2019-2023 is being developed. This will include a program of stakeholder engagement. The Draft SAHS will be listed for Council in third quarter (February – March 2019) of this financial year to be endorsed for public exhibition.

Options

29. Not applicable.

Conclusion

30. These amendments to the *Planning and Environment Act 1987*, and the associated Governor in Council Order and Ministerial Notice, have positive practical implications for Council and its officers in negotiating voluntary agreements for affordable housing. However, Councils do not have any increased authority as a responsible authority to require affordable housing.

RECOMMENDATION

1. That Council:
 - (a) notes the information provided within this report concerning the changes to the *Planning and Environment Act 1987* to facilitate the provision of affordable housing; and
 - (b) endorses the updated Policy Guidance Note: Affordable Housing at Significant Redevelopments.

CONTACT OFFICER: Malcolm McCall
TITLE: Unit Manager Social Policy and Research
TEL: 9205 5001

Attachments

- 1⇒ Planning and Environment Act 1987 - Order In Council - Section 3ab- Specification of Income Ranges – 29 May 2018
- 2⇒ Working Draft - Updated Policy Significant Redevelopment's 2018
- 3⇒ Comparison Table Current and Working Draft Policy Guidance Note
- 4⇒ Model Affordable Housing Agreement - DELWP - 2018

11.3 The Yarra Development Contributions Plan Amendment C238 - consideration of submissions

Trim Record Number: D18/173681

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of this report is to update Council on the submissions made to Amendment C238, the Yarra Development Contributions Plan (DCP).
2. For Council to consider the submissions and determine whether or not to proceed with the Amendment.

Background

3. The proposed Development Contributions Plan relates to all new residential, commercial and industrial development (except additions to a house only). There are different rates for each category.

4. On 21 November 2017 Council considered a report on the Yarra DCP and resolved:

That:

- (a) *Council note the officer report outlining the proposed Development Plan Contribution for the municipality.*
- (b) *Council resolves to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Yarra Planning Scheme to implement the Yarra DCP as detailed in the documents that make up Attachments 4 to 10 inclusive.*
- (c) *upon receipt of authorisation from the Minister for Planning, Amendment C238 be placed on public exhibition and given the Christmas period, this exhibition not commence before 1 February 2018.*
- (d) *Council authorise the CEO to make minor changes to the Amendment C238 documents, should any be necessary, prior to exhibition.*
- (e) *following the exhibition of Amendment C238, a report be provided to Council on the submissions received.*

That, should authorisation be provided by the Minister for Planning, the officer report and the attachments be made public as part of the exhibition process.

5. Council received authorisation for Amendment C238 by letter signed by the Minister for Planning dated 22 July 2018. The letter of authorisation included the following conditions:
 - (a) *The exhibited Yarra Development Contributions Plan 2017 is to include the revisions outlined in council's letter to the Department of Environment Land Water and Planning (DELWP) dated 23 May 2018. This includes removing projects that relate exclusively to repairs or maintenance of existing infrastructure that would be required irrespective of there being any new development in the municipality.*
 - (b) *The exhibited Schedule 1 to the Development Contributions Plan Overlay is to be revised to improve clarity, generally in accordance with the attachment to this letter.*
6. The letter of 23 May 2018 is included as Attachment 1. The changes referred to in the authorisation letter were made to the documents prior to the exhibition of the Amendment.
7. Amendment C238 was placed on public exhibition from August 2018 until 21 September 2018. Notices of the Amendment were published in:
 - (a) The Government Gazette (23 August 2018);
 - (b) The Age (23 August 2018); and

- (c) Yarra News (August 2018).
8. Notices of the Amendment were sent to:
- (a) Relevant Ministers and State Government authorities;
 - (b) Neighbouring Councils;
 - (c) Peak development industry organisations;
 - (d) Town Planning consultants; and
 - (e) All current applicants for planning permit.
9. A total of 25 submissions have been made to the Amendment. Of these submissions 7 oppose the amendment, 6 support the Amendment but want more included in the list of projects and 12 support the proposal without qualification. (NB. these submissions are provided in the Councillor Resource Room).
10. A more detailed analysis of the submissions and responses to these submissions is contained in Attachment 2.
11. In summary those opposing the Amendment do so on the basis of
- (a) The projects mainly come from Council's capital works program;
 - (b) The lack of relationship between the development and the proposed projects;
 - (c) The lack of transitional arrangements; and
 - (d) The impact on affordability and commercial impacts.
12. The Development Contribution Guidelines 2007 guides the preparation of DCPs and outlines what can and cannot be included in a DCP. The Guidelines state:
- "Planning ahead is part of a council's strategic planning and service delivery responsibility. In established urban areas, upgrading the existing infrastructure may be necessary because of the redevelopment of existing sites, changing community expectations, changing standards of provision or the need to replace an existing infrastructure that has reached the end of its economic life."*
- and*
- "Infrastructure projects can be included in a DCP if they will be used by the future community of an area, including existing and new development. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage. This is all that is required to demonstrate 'need'." (DCP guidelines p. 12)*
13. The Guidelines make it clear that the inclusion of existing asset renewal is appropriate in an existing urban area DCP.
14. Clearly the guidelines allow and encourage established urban areas to include the renewal and upgrading of existing infrastructure as part of a DCP.
15. The Yarra DCP proposed 10 charge areas to simplify the administration of the plan. This approach is encouraged by the guidelines which state:
- It must be demonstrated that the new development to be levied is likely to use the infrastructure to be provided. New development should not be considered on an individual basis, but as part of the wider community that will use an infrastructure project. The wider community may also include existing development. This is all that is required to demonstrate 'nexus' to justify the application of the charge.*
16. There is no requirement for transitional arrangements as part of the DCP. This principle applies to Amendment C238 and every amendment that Council considers. All current applicants for a planning permit have been notified of the exhibition of the DCP and at this stage there is no reason for Council to consider transitional arrangements.

17. The DCP will have a minimal impact on housing affordability. On average the DCP will increase the price of an apartment in Yarra by 0.31% if the full value of the DCP is passed on to the purchaser.
18. A total of six submissions support the principle of the Amendment but want to see more projects particularly for community and cycling infrastructure and particularly in Cremorne.
19. A requirement of any Amendment is that it has appropriate strategic justification. These requirements are embodied in the *Ministerial Direction 11 Strategic assessment of Amendments* and *Planning Practice Note 46 Strategic Assessment Guidelines* (PPN46).
20. PPN46 states that the Amendment should be supported by a strategic study or report. All of the projects included in the DCP project list are supported by an adopted Council strategy or policy. In addition each project have been included in Council's 10 year capital works program which is part of Council's adopted Long Term Financial Strategy.
21. The projects included in the DCP have undergone an assessment and evaluation process before being recommended for the capital works program. One of the criteria of that assessment is consistency with Council's adopted strategies and policies.
22. For a project to be included in the DCP it has to be based in a Council adopted strategy or policy. Whilst the suggested projects recommended in some of these submissions may have merit, they lack the strategic justification and assessment necessary for inclusion in the DCP.
23. Whole of municipality DCPs have been approved in Banyule, Brimbank, Darebin (now expired) and Moreland. These municipalities have adopted a similar approach to the Yarra DCP. In addition these DCPs have a similar list of exemptions which include the following:
 - (a) Schools (government and non-government);
 - (b) Public hospitals;
 - (c) Housing provided by the Department of Health and Human Services;
 - (d) Land which has an existing Section 173 Agreement which provides for contributions or infrastructure provision; and
 - (e) Development that does not increase the number of dwellings, including replacement of existing buildings.
24. Submission 20 with respect to the GTV9 site at 22 Bendigo Street Richmond has requested that, on the basis that substantial contributions have been made as part of the redevelopment, the site be listed as an individual exclusion from the DCP.
25. On the basis of the requirements of the Development Plan Overlay Schedule 5 (DPO5) which applies to the site and includes a section 173 Agreement, officers agree that the site should be exempted from the DCP. However, where possible, site specific exemptions in the planning scheme should be avoided. The exemption provisions in the Overlay are clear and on this basis the GTV 9 site is exempt from the provisions of the DCP. This exemption from the DCP can be confirmed by letter to the owner of the land.
26. A similar submission (submission 18) was received from the owners of 81-95 Burnley Street and 26-34 Doonside Street, Richmond. However given the stage at which this proposal is at, the contributions to be made have not been finalised and are subject to further assessment. The contributions to be made may be suitable for an exemption from the DCP, once finalised and if appropriate Council can inform the owner in writing at that stage.
27. The wording of the exemptions contained in the exhibited Development Contributions Plan Overlay and the incorporated document DCP Report is slightly different. To avoid any confusion, the wording in the Report should be altered to be consistent with the Overlay. The changes are contained in the report are shown as tracked changes in the document in Attachment 3. The revised Development Plan Overlay Schedule 1 is contained in Attachment 4. There are no other changes to the amendment documents approved by Council on 21 November.

28. The majority of submissions received by Council support the DCP. It is reasonable to expect that new development contribute to the infrastructure that will be used by future residents. For these reasons abandoning the amendment is not warranted and not recommended.

Options:

29. Council has the option of changing the Amendment to accommodate all submissions or referring them to an independent Panel.
30. Council may also elect to change parts of the Amendment to accommodate some of the submissions. However, unless all submissions are accommodated a Panel hearing will be necessary.
31. Some submissions totally oppose the DCP and therefore cannot be accommodated, unless Council determines to abandon the Amendment.

External Consultation

32. External consultation has occurred through the statutory process for a planning scheme amendment.

Internal Consultation (One Yarra)

33. A Steering Committee has been overseeing the progress of the project. A Working Group with representatives of all affected areas of Council also has been established. To date both groups have been provided with all relevant information.

Financial Implications

34. Based on current estimations the DCP could collect between \$1 and \$2 million per year on behalf of Council. This money would have to be acquitted against the DCP projects.

Economic Implications

35. The DCP would apply to all new development in Yarra and it is proposed that the DCP is to operate over a 20 year period.

Sustainability Implications

36. There are no environmental sustainability implications.

Social Implications

37. Some concern may be expressed about the impact of the DCP on housing affordability if the DCP is passed on to the home buyer.
38. The DCP would apply to new developments only and in the residential sector these would consist mainly of apartments. The Valuer General's published average apartment price for Yarra in 2017 was \$686,346. The average Yarra DCP charge is \$2,101.54 which is 0.31% of the average apartment price, if the full value of the DCP is passed on to the purchaser.

Human Rights Implications

39. There are no known human right implications.

Communications with CALD Communities Implications

40. There are no CALD community implications in seeking the progression of this proposal.

Council Plan, Strategy and Policy Implications

41. The DCP projects can only come from the 10 year capital works plan so that it is consistent with that plan and the Long Term Financial Strategy.

Legal Implications

42. Should Council decide to proceed with the Amendment, legal representation would be required at the Panel Hearing. Early consultation with a Senior Counsel has occurred to give some oversight to the draft.

Other Issues

43. There are no other issues.

Conclusion

44. The City of Yarra is experiencing significant development intensification on urban renewal sites and across established areas. The number of dwellings in the municipality is expected to increase from approximately 41,800 in 2016 to 64,600 in 2036. Retail and commercial floorspace is also expected to increase significantly whereas industrial floorspace is expected to contract over time.
45. In this context, Council will be required to construct a range of new infrastructure items and upgrade, extend or replace existing infrastructure in order to maintain and improve the functionality and amenity of the area.
46. To assist this significant task, the Yarra DCP has been prepared to determine a fair and reasonable developer contribution charge for the City of Yarra. The purpose of this DCP is to ensure that the cost of providing new infrastructure is shared between developers and the wider community on a fair and reasonable basis.
47. The funds collected via the developer contribution charge will be used to help deliver the required infrastructure over the next 20 years.
48. Most of the seven submissions which oppose the DCP do so on the basis that:
 - (a) The projects mainly come from Council's capital works program;
 - (b) The relationship between the developments and the proposed projects;
 - (c) There are no transitional arrangements; and
 - (d) The impact on affordability and commercial impacts.
49. On the basis that the DCP is consistent with the Guidelines, the relevant Ministerial Directions and Planning Practice Notes, Council should now seek an Independent Panel hearing to hear submissions and provide recommendations to Council.
50. Council should determine and inform the owners of the GTV 9 site at 22 Bendigo Street Richmond that under the provisions of Clause 4 of the proposed Development Plan Overlay Schedule 1, the site is now proposed to be exempt from the DCP based on the existing section 173 Agreement.

RECOMMENDATION

1. That Council:
 - (a) note the Officer Report regarding exhibition of Amendment C238 relating to the City of Yarra Development Contributions Plan; and
 - (b) note all the submissions received and officer's comments as summarised in Attachment 2.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C238:
 - (a) to note and consider submissions to Amendment C238, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 2 to this report;
 - (b) that the GTV 9 site at 22 Bendigo Street Richmond is exempt from the DCP on the basis of the existing section 173 Agreement;
 - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions, including any late submissions, to an independent panel appointed by the Minister for Planning;
 - (d) to request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C238 and all submissions received;
 - (e) to notify submitters of the Council resolution; and
 - (f) that officers write to owners of the GTV 9 site at 22 Bendigo Street, Richmond and advise that under the exemption provisions of the Development Contributions Plan Overlay, the land is exempt from the DCP.

CONTACT OFFICER: Michael Ballock
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Attachments

- 1 ⇨ Letter to DELWP - Project list amendments
- 2 ⇨ Response to submissions - Council
- 3 ⇨ Yarra DCP Report - 30 July 2018
- 4 ⇨ Schedule of the development contribution plan

11.4 Fair Work Ombudsman Audits of Business Compliance with National Awards

Trim Record Number: D18/178704

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To report on ways that Council could support business and workers in Yarra being better informed on information sources:
 - (a) re employment and employment condition obligations; and
 - (b) on the operation of authorities (e.g. Fair Work Ombudsman) in monitoring / tackling compliance by Business, with National Award requirements.

Background

2. As part of an ongoing audit program in the hospitality industry, the Fair Work Ombudsman (FWO) recently undertook a 'blitz-style' audit (unannounced visits) on Victoria Street Richmond as well as on two other well-known food precincts, one located in New South Wales and one in Queensland.
3. It is the role of the FWO to monitor and deal with business compliance relating to national awards and also, to deal with complaints from employees.
4. Each of the three audited precincts were generally considered as established 'cheap-eat' destinations. Advice was that the FWO had concerns about high rates of labour turnover, readily accessible (and often vulnerable) workforces, and very cheap menu prices, creating a potential environment of systemic non-compliance with Award conditions.
5. The *Food Precincts Activities – a report on compliance activities undertaken by the FWO* (Report) prepared in July 2018, details the findings of the Food Precinct audit activities. In relation to the audit activities undertaken on Victoria Street, the Report states the following:
 - (a) out of the 103 audits finalised, 81% were found to be non-compliant;
 - (b) the most common breach (41%) was in relation to underpayment of the prescribed hourly rate;
 - (c) \$218,838 was recovered for 260 employees;
 - (d) one litigation was filed;
 - (e) 4 compliance notices were issued;
 - (f) 38 formal cautions were issued; and
 - (g) 30 infringement notices were issued.
6. The FWO Report further identified the following key barriers to compliance:
 - (a) age;
 - (b) language;
 - (c) complexity of system;
 - (d) low level of understanding where to get help in the system;
 - (e) industry norms; and
 - (f) reliance upon poor advice from non-specialist accountants.
7. Of particular note is that the results of the audit activities have led the FWO to conclude that:
 - (a) businesses operating in high-density hospitality precincts may be adopting non-compliant practices in order to remain competitive; and

- (b) combatting industry non-compliance must involve changing the behaviour of those who operate at the top of a service network.
8. On 17 July 2018, Council resolved that it “...receive a report in the October meeting cycle on ways that Council could support workers in Yarra in preventing and tackling wage theft, with the report to include (but not be limited to):
- (a) ways of utilising existing Yarra business registration processes to gather data on which award (and what rates and conditions) employers are using (or intend to use) for their workers;
 - (b) ways Yarra can educate small business operators on their obligations to pay award wages, penalty rates and superannuation;
 - (c) ways of supporting relevant union campaigns;
 - (d) referral pathways to the Fair Work Ombudsman or other relevant body; and
 - (e) any other ways Yarra could support vulnerable workers.”
9. Following the FWO audit on Victoria Street, officers from the FWO presented an education session at Otao Kitchen, Victoria Street Richmond. Approximately 25 employers in the restaurant industry attended. At that session, FWO officers provided information on the national minimum wage and explained that the relevant award rates are higher than the minimum rate, and that employers are obliged to pay penalty rates and other conditions. The FWO officers also gave a live demonstration of the FWO’s Pay and Conditions Tool (PACT) on a mobile phone.
- Response to specific strategies proposed by Council to support workers in Yarra in preventing and tackling wage theft:
- Ways of utilising existing Yarra business registration processes to gather data on which award (and what rates and conditions) employers are using (or intend to use) for their workers**
10. Key Points for consideration in this regard include:
- (a) only a selected range of businesses are required to be registered with Council under environmental health legislation - these include - food premises, hairdressers, tattooists and prescribed accommodation premises (hotels, rooming houses, etc.);
 - (b) Council does not have the authority nor mandate to require businesses to provide information on which award / rates / conditions employers are using / intend to use, for their workers. From a legal perspective:
 - (i) there is no capacity for Council to enforce a business to provide the information; and
 - (ii) Council could not withhold any statutory registration permits which it issues, on the basis of non-provision of such wage related information.
11. Council Services which do interface with Business include Council Environmental Health Officers (EHO’s) who have a statutory role to:
- (a) provide assistance and support, as well as carrying out inspections, as part of the initial Food Act registration process; and
 - (b) carry out inspections of food premises:
 - (i) as part of the annual Food Act registration renewal process at least once a year;
 - (ii) at other times in response to complaints; and
 - (iii) for food sampling and for any other matters such as where a food business has applied to transfer the Food Act registration.

12. The primary and statutory purpose of such inspections is to confer about matters of food safety and registration issues. It is not considered appropriate for the EHO's, who have no expertise in the field of National Awards, to be incorporating the task of educating small business operators on their obligations to pay award wages, penalty rates and superannuation into their statutory functions.

Ways Yarra can educate small business operators on their obligations to pay award wages, penalty rates and superannuation

13. Potential options for consideration include:
- (a) Council EHO's could leave information sheets on employment and wage payment obligations and key contact points to source details on employer obligations, with the businesses when visited;
 - (b) Council could also include additional information along with the electronic newsletters when sent out to businesses;
 - (c) Council's Economic Development Unit can take a proactive role in providing information to its local business community on the services, resources available from and activities of, the Fair work Ombudsmen via the following initiatives:
 - (i) post information on Council's business website;
 - (ii) feature an article on a specific FWO service or resource each fortnight for six months in Council's business e-bulletin; and
 - (iii) book the Small Business Bus to be located in key retail precincts in March/April 2019, and request that information on services and resources available from the Fair work Ombudsmen is provided.

Ways of supporting relevant union campaigns

14. Whilst it is not considered appropriate for Officers to be directly supporting union campaigns, it is considered that the programs as outlined in this report would significantly complement any existing campaigns by other bodies / agencies.

Referral pathways to the Fair Work Ombudsman or other relevant body

15. Council's EHO's and Economic Development Officers could provide information in their respective newsletters / e-bulletin on the range of resources and services provided by the FWO, with information.
16. The FWO has provided the following range of resources and services to support small businesses in meeting their work place relations responsibilities and improving their workplace practices:
- (a) Pay and Conditions Tool (PACT) is an online pay tool to help calculate wages and entitlements. PACT is integrated with My Account service so users can save their calculations and receive updates when conditions change;
 - (b) Online Learning Centre provide 20 – 40 minute on line learning modules, that enable small and family business employers acquire the information and skills they need to resolve their own workplace issues. The courses are free and interactive and can be accessed from computer, tablets and mobiles;
 - (c) Record My Hours App makes it quick and easy for employees to record and store the hours they work, plus other information about their employment. The app is of benefit to small business owners who do not have the resources to install expensive automated time-recording systems, especially those in the retail and hospitality industries;
 - (d) Workplace Basics quiz is an online, interactive quiz that assists employers to assess their knowledge of and compliance with workplace rights and obligations and identify areas for further development;

- (e) Help for Franchises home page help both franchisees and franchisors understand their obligations and find information and resources to get their workplace relations right. It also provides a central point for tailored tools and resources that help franchise businesses to promote compliance with workplace laws through their franchise networks and minimise the risk that they'll be held legally responsible if their franchisees are not compliant with workplace laws;
- (f) Managing Labour Contracting and Supply Chains home page has information about managing labour contracting. There are practical resources to help small businesses effectively enter a new contract and review existing contracts;
- (g) Small Business Home Page provides a great starting point from which small businesses can obtain advice to support them in meeting their workplace relations responsibilities. It includes small business templates and guides;
- (h) Best Practice Guides provides an overview of the Fair Work workplace relations systems. It explains minimum employment conditions, record keeping, pay slips, unfair dismissal laws and other responsibilities;
- (i) Small Business Fair Dismissal Code and Checklist is a tool to help small business employers comply with the Small Business Fair Dismissal Code;
- (j) Small Business Help line provides quick and easy access to workplace relations advice; and
- (k) My Account allows users to store and receive personalised workplace information.

Any other ways Yarra could support vulnerable workers

- 17. Council's communication unit could produce a general article in Yarra News and promote social media highlighting links to:
 - (a) resources available to workers on wage rates / employment conditions; and
 - (b) the Fair Work anonymous report tool that allows users to easily make anonymous reports about dubious workplace practices they observe or hear about in the community could be promoted.
- 18. Information on the above links and FWO resources, could also be supplied to the ACU campus for the purpose of targeting international students.

External Consultation

- 19. Officers from Council's Economic Development Unit met with the President and Vice President of the Victoria Street Business Association to discuss the report and possible strategies.
- 20. On 23 July 2018, Officers met with Robert Hortle, Director Campaigns and Kellie Fonseca Assistant Director Campaigns – Proactive Compliance from the FWO, to discuss the report on compliance activities undertaken by the Fair Work Ombudsman and opportunities to support local food businesses in the future.
- 21. It was agreed that Council could assist the Fair Work Ombudsman as outlined above, in raising the awareness of the resources to local food premises about their obligations, and to workers about their entitlements.

Internal Consultation (One Yarra)

- 22. Specific advice on business registration for food and other relevant premises has been sought from officers from Council's Environmental Health Unit.
- 23. Council's communications unit provided advice on opportunities for broader promotion of the FWO tools and resources to support both businesses and vulnerable workers.
- 24. Specific advice on relevant legislation was sought from Governance.

Financial Implications

25. Any costs associated with printing and distribution of flyers can be absorbed within the 2018/2019 Economic Development operational budget at an approximate cost of \$1,000.

Economic Implications

26. The FWO investigation found that cafes, restaurants and takeaway food services consistently rank in the top three industries for wage and work conditions disputes over the last five years. Given the significant number of food businesses across Yarra's retail precincts, the potential number of non-compliant businesses presents a high likelihood to attract negative media attention and thereby damage the reputation of a precinct.
27. The report states that although there has been solid growth across the food and beverages industry over the past five years, price and quality are the primary areas of competition. Labour costs represent a significant cost for businesses in the hospitality industry. It is estimated that labour costs account for 13 – 22% of running costs for a takeaway business with a turnover of \$200,000 - \$600,000.
28. Advice from the FWO is that continued non-compliance by businesses will result in significant enforcement actions which could include civil proceedings being taken against the business by the FWO.

Sustainability Implications

29. Not relevant to this report.

Social Implications

30. According to the FWO Report:
“rising immigration and higher levels of overseas travel and overseas students, have transformed the food and beverage industry over the past two decades, resulting in a significant increase in the CALD migrant workers employed within the industry”
31. Due to cultural and language barriers, migrant workers often fall into the vulnerable worker category. This is particularly the case in the food and beverage industry, where in the 2016-2017 financial year the FWO saw 31.6% completed disputes were from visa holders, the most commonly identified visa type held by workers being Working Holiday Visa and Other.

Human Rights Implications

32. Workers' rights – the right to a fair wage for work is of notable relevance as is, promoting the understanding of National Award obligations / entitlements.

Communications with CALD Communities Implications

33. The FWO Report found that the profile of workers that were non-compliant were largely from a non-English speaking background. FWO have made it easier for migrant workers to report workplace concerns by launching the anonymous report tool in 16 languages other than English.

Council Plan, Strategy and Policy Implications

34. Council's Economic Development Strategy 2015 -2020 provides the strategic context for informing the local business community on available business support services. Providing links to small business operators on access to information re their obligations to pay award wages, penalty rates and superannuation relates to Direction 3 – Industry development and support, in particular the objective *provide targeted and relevant services and assistance to facilitate business growth, especially for SME's, with a greater focus on quality digital services and information.*

Legal Implications

35. There is no legal capacity for Council to enforce a business to provide information concerning wage payments to staff.

Other Issues

36. The FWO representatives have indicated that further audits would be conducted in other food precincts in Yarra in the near future. FWO also advised Council Officers that some businesses have incorrectly assumed that they won't be reaudited – the FWO audit campaign aims to debunk this assumption.

Options

37. This report is to provide information as requested in the July 2018 resolution.

Conclusion

38. Officers have considered how Council could support business and workers in accessing data concerning compliance with National Awards.
39. While the FWO audit looked at restaurants, many of these strategies could also apply to other small businesses in Yarra.
40. The noted strategy to specifically increase awareness and understanding by both the local business community and their employees, of:
- (a) the need of such:
 - (i) business's to be aware of their Award obligations in the sphere of wage payment and staff employment; and
 - (ii) employees to be aware of their entitlements; and
 - (b) the services and resources available from the Fair work Ombudsmen.
41. It is intended that this integrated and broader publicity approach will result in an enduring awareness of obligations / entitlements and an improved compliance.

RECOMMENDATIONS

1. That Council:
- (a) notes the outcomes of a Fair Work Ombudsman audit of precincts including one in Yarra identifying levels of non-compliance; and
 - (b) endorse the proposed strategies to provide information to the local business community and workers alike, on how to access information on obligations / entitlements and the services and resources available from the Fair Work Ombudsmen.

CONTACT OFFICER: Kim Swinson
TITLE: Coordinator Economic Development
TEL: 9205 5303

Attachments

- 1  Attachment 1 - Action Plan

11.5 Production and display of banners at the town halls for a climate emergency message

Trim Record Number: D18/183940

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To consider options for the production and display of banners at Fitzroy Town Hall, Collingwood Town Hall, and Richmond Town Hall to convey:
 - (a) a climate emergency message; and
 - (b) the support for refugees message.

Background

2. Council recently carried the following resolution:--“....requests officers to bring a proposal to Council’s meeting on October 30 for the production and display of banners at Yarra’s Town Halls with the words; **“Climate Emergency: Yarra commits to strong action to keep warming below 1.5 degrees.”**”
3. Additionally there is the matter of existing banners noting Council’s support for refugees, which banners are now faded and looking tired.
4. This report proposes options for Council to consider the placement/replacement of banners at each of the Town Halls.
5. Of note is that:
 - (a) the newly installed banner system at Richmond Town Hall now provides the opportunity to quickly and at low cost, place, replace and/or change banners at that venue; and
 - (b) in regard to the heritage requirements applying at each of Collingwood and Fitzroy Town Halls, any banners can only be replaced by “like with like”, hence only with the heavier material banners.

External Consultation

6. External consultation on the options has occurred with:
 - (a) Banner companies;
 - (b) Equipment hire companies for placing of the banners; and
 - (c) Printer companies for production of the banners.

Internal Consultation (One Yarra)

7. Council officers from relevant business units have been consulted in the development of the presented options, and include:
 - (a) Statutory Planning;
 - (b) Building Surveyors; and
 - (c) Construction Management.

Financial Implications

8. The financial implications for the proposed options are outlined below. Please note these are estimates only.

Richmond Town Hall

- (a) Purchase and Placement of new banners.

Item	Estimated cost
Print/place new banner: - Climate Change.	\$250

This amount can be covered within existing operational budget of the Advocacy and Engagement branch.

Collingwood and Fitzroy Town Halls

- (b) Purchase and placement of new banners to replace the existing vinyl material banners on each of the Fitzroy and Collingwood Town Halls.

Item	Estimated cost
Provision and installation of 4 x new vinyl material banners: - 2 x Climate Change; - 2 x Support Refugees.	\$7,000

- 9. The proposed arrangement would be to use the existing hanging system to:
 - (a) replace the two existing “Support Refugees” banners at **Fitzroy** Town Hall with:
 - (i) a new “Support Refugees” banner; and
 - (ii) a Climate Change banner; and
 - (b) replace the one existing “Trains not Tolls” banner at Collingwood Town Hall with:
 - (i) a new “Support Refugees” banner; and
 - (ii) hang a Climate Change banner in the position where the other “Support Refugees” banner had been.

Economic Implications

- 10. There are no economic implications of the matters considered in this report.

Sustainability Implications

- 11. The materials used for the prints of the banners will be sourced in accordance with Council’s ethical procurement policy.

Social Implications

- 12. There are no social implications of the matters considered in this report.

Human Rights Implications

- 13. There are no human rights implications of the matters considered in this report.

Communications with CALD Communities Implications

- 14. There are no CALD implications of the matters considered in this report.

Council Plan, Strategy and Policy Implications

- 15. The options outlined in this report aligns with the Council Plan vision of ‘A Sustainable Yarra – Council leads on sustainability and projects’ including the specific objective of ‘investigate initiatives to better manage the long term effects of climate change’. The climate emergency message conveys this commitment.

Legal Implications

- 16. There are no legal implications of the matters considered in this report.

Other Issues

17. As noted above, Council has recently installed a new banner system for Richmond Town Hall: - Flagtrax.
18. The Flagtrax banner system had been scoped to be installed at the other Town Halls – Collingwood and Fitzroy. A contractor had assessed these buildings and advised that due to the structures, a similar system to Richmond Town Hall would not be possible without drilling new holes into the building. Based on heritage advice from Council Officers, this option has not been further explored due to the potential damage it could cause to the buildings.
19. Thus it will be necessary to replace like with like, i.e. the existing, material banners at Collingwood and Fitzroy Town Halls.
20. This report recommends use of the existing hanging structures and to replacing the existing vinyl material banners at Collingwood and Fitzroy Town Halls when any new banners are approved.

Options

21. Below are the recommended options for placement of banners at each of the Town Halls, subject to the approval of wording and budget allocations.
22. It is noted - the wording of the 'Climate Emergency' message has been edited slightly to enable wording to be accommodated into a banner. This will require Councillors' endorsement.
23. The proposed options are thus summarised:

Richmond Town Hall

24. Use the existing banner system and print a new banner with the message:
'Climate Emergency: We commit to strong action to limit warming to 1.5 degrees.'

Fitzroy Town Hall

25. Using the existing hanging system, replace the two existing "Support Refugees" material banners with:
 - (a) a new "Support Refugees" banner; and
 - (b) a "Climate Emergency" banner.

Collingwood Town Hall

26. Using the existing hanging system, replace the one remaining "Trains not Tolls" material banners with:
 - (a) a new "Support Refugees" banner; and
 - (b) a "Climate Emergency" banner.

Conclusion

27. This report recommends Council proceeds with:
 - (a) update wording for the banners to 'Climate Emergency: "We commit to strong action to limit warming to 1.5 degrees";
 - (b) update one of the existing banners on Richmond Town Hall with the "Climate Emergency" message; and
 - (c) submit a proposal for the replacement of existing material banners at Fitzroy and Collingwood Town Halls as part of the new initiatives budget process.

RECOMMENDATION

1. That Council:
 - (a) note the report;
 - (b) approve the placement of a new 'Climate Emergency" banner at Richmond Town Hall from the current budget and using the new Flagtrax hanging system; and
 - (c) refer the matter of replacement of the existing material banners at Fitzroy and Collingwood Town Halls as part of the new initiatives budget process.

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Attachments

There are no attachments for this report.