YARRA CITY COUNCIL

ORDINARY MEETING OF COUNCIL

AGENDA

to be held on Tuesday 15 November 2005
at the Richmond Town Hall

Confidential Business Items at 7.00pm
Open Business Items at 7.30pm

Councillors	**Officers**
Cr Kay Meadows (Mayor)	Lydia Wilson (Chief Executive Officer)
Cr Annabel Barbara	Geoff Cockram (Director Corporate Services)
Cr Paul D'Agostino	Jane Homewood (Director City Development)
Cr Jenny Farrar	Craig Kenny (Director Community Development)
Cr Jackie Fristacky	Bryan Lancaster (Director Asset Management)
Cr Stephen Jolly	Erin Nairn-Marcon (Governance Adviser)
Cr Kathleen Maltzahn	
Cr Judy Morton	
Cr Gurm Sekhon	

I ATTENDANCE

II APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

III DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

IV. CONFIRMATION OF MINUTES

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII COUNCILLORS' FORUM

General Business
Delegates Reports
Questions Without Notice

Printed on 100% Recycled Paper

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

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

Public participation at Council and Committee meetings

PoLICY

1. Council welcomes the opportunity for members of the public to address the Finance and Resources Committee, the Planning and Community Development Committee, the Internal Development Approvals Committee, and in certain circumstances, Council.

2. The following guidelines shall apply to public submissions:

   (a) in any matter before and under discussion by Council or a Committee, where a member of the public has been invited to make a submission, a **five-minute restriction** shall be placed on the speaker;

   (b) the Chairperson shall have the sole discretion as to extending the speaking time or varying the conditions of these guidelines in any other respect;

   (c) it is the responsibility of the minute clerk or the Chief Executive Officer to advise the Chairperson when the times allocated or extended as permitted pursuant to this policy have expired;

   (d) there will be no time restriction imposed on submissions made pursuant to section 223 of the *Local Government Act* 1989, however submitters will be encouraged to accord to the spirit of these guidelines;

   (e) where prior notice has been given, Council officers will facilitate arrangements to enable members of the public to nominate representative speakers on their behalf where necessary. In circumstances where a group of people wish to make a submission on the same subject and no prior notice given, a representative speaker on the group's behalf shall be encouraged;

   (f) all public comment is to be made prior to commencement of debate on matters to be determined;

   (g) any person accepting the Chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration;

   (h) people making submissions shall address the meeting as a whole and the debate shall be conducted at the conclusion of submissions; and

   (i) town planning permit applicants shall be given an opportunity to present their submission before objectors and may exercise a right of reply following the hearing of all submissions.

3. The general provisions of these guidelines shall be made known to all intending speakers and members of the public, prior to the commencement of business at meetings.

Responsible Officer	Approval date:	Document No.	Page:
Manager Governance	Approved: Council 22 July 1996 Amended: Cnl 10 February 1997 Reviewed: 31 October 2003	govcnl.pol.00022	1 of 116

ORDINARY MEETING OF COUNCIL

FINANCE & RESOURCES COMMITTEE RECOMMENDATIONS

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1.2	Annual Grants Program 2005/06 – Funding Recommendations	89	98	Sally Isaac – Manager Culture and Community Planning
1.3	Partnership Grants 2005/06	136	142	Sally Isaac – Manager Culture and Community Planning
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PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS (CONTINUED)

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FINANCE & RESOURCES COMMITTEE MEETING

Held on Tuesday 8 November 2005 at 6.30 pm
at the Richmond Town Hall

The meeting concluded at 7.58 pm.

Attendance – Councillors

Councillor Jackie Fristacky (Chairperson)

Councillor Annabel Barbara

Councillor Paul D'Agostino

Councillor Kay Meadows

Councillor Gurm Sekhon

Apologies and Requests for a Leave of Absence

Nil.

Declarations of Pecuniary Interest and Conflict of Interest

Councillor Barbara declared a pecuniary interest in item 1.2, as her employer has an interest in the outcome.

Attendance – Council Officers

Craig Kenny (Acting Chief Executive Officer)

Ivan Gilbert (Acting Director Corporate Services)

Jane Homewood (Director City Development)

Bryan Lancaster (Director Asset Management)

Erin Nairn-Marcon (Governance Adviser)

1.1 Consideration of the Annual Report 2004/05

File: 25/40/07
Responsible Officer: Director Community Development

Purpose

1. To receive Council's Annual Report 2004/05 for the purpose of adoption.

Background

2. The Annual Report 2004/05 reflects Council's achievements and challenges over the past financial year. At all times Council has sought to work in partnership with residents, businesses, community groups and other levels of government.

3. The Report provides an objective assessment of Council's success in meeting Council Plan objectives.

4. A number of major infrastructure projects were completed during the year including the refurbishment of the Fitzroy Swimming Pool, which was opened in time for the 2004 summer season, as well as a commitment to keep the pool open all year round. Renovation of the historically significant Fitzroy Town Hall continued and areas have been opened for community use. Refurbishment of the Richmond Library commenced as did a broad range of works on Yarra's parks, footpaths, roads, sporting pavilions and child care centres. A Road Management Plan was developed and a Public Lighting Policy was established. Master plans were developed for Edinburgh Gardens and Victoria Park, with ongoing community consultation being sought for these significant community assets.

5. Other achievements recorded in the Annual report 2004/05 include:

   (a) adoption of the *Yarra Aboriginal Partnerships Plan, Wurundjeri Reconciliation and Social Justice, 2004-2008* which outlines the strategic framework for Council's work in Aboriginal affairs for the next five years and identifies key actions and strategies. The plan was designed to enable Council to play a vital leadership role in supporting greater local understanding and appreciation of Aboriginal peoples, culture and history;

   (b) the conduct of elections for the Yarra City Council, which were held in November 2004. Three Councillors were elected for each of the three wards – Langridge Ward, Melba Ward and Nicholls Ward. The nine newly elected Councillors were sworn in at a ceremonial meeting in early December, and each spoke briefly about their aims and objectives for the next four years;

   (c) commencement of work on a Pedestrian Strategy with international pedestrian experts; putting in planning requirements to include parking facilities for bikes in new developments; drafting an Integrated Transport Policy and working with experts in the transport field in its development; adopting a policy on pedestrian access to streets and reserves; and advocating to State and Federal Governments on transport issues;

(d) adoption of Council's Access and Inclusion Policy and Strategy which aim to increase inclusive decision making processes, improve the responsiveness of Council's services to people living with a disability, and make the physical environment more accessible to all;

(e) the reopening and redevelopment of the Fitzroy Pool in Alexandra Parade. Over 1,000 people gathered to celebrate the opening and the tenth anniversary of the 'Save the Pool' campaign;

(f) the Keep Australia Beautiful Victoria's annual Sustainable Cities Awards recognise best environmental practices and partnerships between the community, industry and government. This year, the Collingwood Children's Farm and the City of Yarra won the Litter and Waste Management Award, while the Community Pride Award went to the South Alphington and Fairfield Civic Association and the City of Yarra;

(g) the celebration of the 150th anniversary of the proclamation of the Municipality of Richmond with a free community celebration at Citizens' Park;

(h) completion and adoption of the Municipal Early Years Plan which provides guidance on planning for services for the 0-6 year age group;

(i) maintaining a responsible and sustainable approach to financial management; and

(j) maintaining its commitment to accountability, transparency, advocacy, and good governance.

Issues

6. The Annual Report 2004/05 has been prepared using criteria developed by the Municipal Association of Victoria's 'Assessment Committee for the Local Government Annual Reporting Awards'. These criteria are essentially guidelines for better, more effective Annual Reports, and address:

(a) overall impact and presentation;

(b) the use of overview and highlight sections outlining Council's mission and vision; key achievements and major events;

(c) accountability for performance against corporate plans and budgets;

(d) good governance practices;

(e) the reporting of 'people issues' (including Councillors, staff, and community members);

(f) using plain English; and

(g) using innovative techniques to convey messages more clearly.

Consultations

7. Council has provided 14 days public notice of its intention to consider the Annual Report 2004/05 at the November 2005 committee and Council meeting cycle. Copies of the Annual Report have been made available through inclusion in the October 2005 meeting papers; on Council's web site and in hard copy at Collingwood and Richmond Town Halls.

8. A public notice regarding the adoption of the Annual Report was published in the Melbourne Times and Melbourne Leader in the week commencing Monday 24 October 2005.

Resource and Financial Implications

9. The preparation and publishing of the Annual Report 2004/05 will cost approximately $30,000, which is fully provided for within Council's 2005/06 budget.

Council Plan, Strategy and Policy Implications

10. The Annual report 2004/05 forms an integral part of Council's commitment to communication and transparency, a Key Commitment Area of Council Plan 2004/08. In order to reduce costs the design brief was changed for this year and the number of printed hard copies will be reduced and emphasis will be placed on distribution of electronic copies via the website or on other medium such as compact discs.

Legal Implications

11. The Annual Report 2004/05 has been prepared in accordance with Part 6 (Planning and accountability reports) of the *Local Government Act* 1989 (the Act) and regulations.

12. The Annual Report 2004/05, including the financial reports and Performance Statement, were lodged with the Minister for Local Government by 30 September 2005, in accordance with the Act.

RECOMMENDATION

13. That Council:

    (a) receive the Annual Report 2004/05 (Attachment 1); and

    (b) adopt the Annual Report 2004/05 in accordance with Part 6 (Planning and accountability reports) of the *Local Government Act* 1989 and Regulations.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

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

1. That Council:

    (a) receive the Annual Report 2004/05 (Attachment 1); and

(b) adopt the Annual Report 2004/05 in accordance with Part 6 (Planning and accountability reports) of the *Local Government Act* 1989 and Regulations with the following amendments:

Page 8 of the Annual Report 2004/05

(i) under the heading of 'Relative Socio Economic Disadvantage, and after the passage reading "Within Yarra, three main 'pockets' of socio-economic disadvantage can be identified. All three areas contain high-rise public housing and are located in Fitzroy, Collingwood and Richmond-Cremorne," add the sentence "Smaller pockets of disadvantage are also located in lower density public housing estates in North Fitzroy, North Carlton and Princes Hill. In all, public housing comprises 11% of Yarra households, the highest in Victoria."

Page 27 of the Annual Report 2004/05

(ii) under item 1.4.2, add the words "and advocate for extension of public transport infrastructure to service Metropolitan Melbourne."

(iii) in the comments section of item 1.4.2, add the words Yarra has also been active in progressing public transport advocacy initiatives through the Metropolitan Transport Forum, Municipal Association of Victoria (MAV), Australian Local Government Association (ALGA) and to Government.

(iv) in the comments section of item 1.4.2, replace "The Yarra Transport Policy Committee (YTPC) which is now responsible for progressing its direction has met a number of times" with "A high level Yarra Transport Policy Committee (YTPC) has been formed to assist Council in progressing integrated transport issues."

(c) investigate the potential to publish and distribute the Annual Report 2004/05 on CD Rom, with hardcopies to be made available only at Council's public libraries; and

(d) provide advice in the Yarra News on the publication and availability of the Annual Report 2004/05.

CARRIED

CONTACT OFFICER: **Craig Kenny**
TITLE: **Director Community Development**
TEL: **9205 5100**

Attachment 1 – Annual Report 2004/05

Adobe Acrobat Document

1.2 Annual Grants Program 2005/06 – Funding Recommendations

Executive Summary

Purpose

To seek endorsement for the funding recommendations of the Community Assessment Panels (the Panels) for the 2005/06 Annual Grants Program.

To seek endorsement for the funding recommendations of the Services and Community Development Assessment Panel for the 2005/06 Social Support Grant Program and Nutrition Support Grant Program.

Issues

The Annual Grants Program, Social Support and Nutritional Support Grants Programs provide grants that address local needs and enhance the community's capacity for self-reliance.

Resource Financial Implications

In the 2005/06 budget, Council allocated $504,508 for the Annual Grants Program. In addition, relevant funds from the Access all Abilities Program and Community Advocacy budget have been identified to fund three projects which relate specifically to program objectives.

Council allocated $73,288 for the Social Support Grant Program and $64,852 for Nutrition Support Grant Program.

All funding recommendations contained within the report are within existing resources.

Council has set aside $10,000 of the AGP funding for out-of–time applications.

Proposal

That:

(a) Council endorses the recommendations from the Annual Grants Program Assessment Panels for the allocation of funding to organisations for a total of $506,810 as contained in Attachment 2-10 for 2005/06;

(b) Council endorses the recommendations from the Services and Community Development Annual Grants Panel for the allocation of funding in the 2005/06 Social Support Grant Program of $73,288 and in the Nutrition Support Grant Program for $64,852 as contained in Attachments 11-12; and

(c) the grants be awarded to the successful projects at a public function conducted by the Mayor and Chief Executive Officer on February 9, 2006.

1.2 Annual Grants Program 2005/06 – Funding Recommendations

File: 40/30/03/11/05
Responsible Officer: Manager Culture and Community Planning

Purpose

1. To seek endorsement for the funding recommendations of the Community Assessment Panels (the Panels) for the 2005/06 Annual Grants Program (AGP).

2. To seek endorsement for the funding recommendations of the Services and Community Development Assessment Panel for the 2005/06 Social Support Grant Program (SSGP) and Nutrition Support Grant Program (NSGP).

Background

3. The City of Yarra grants program provides a significant contribution to the community sector within the municipality. It is one of the major grants programs within the local government sector. It is a core way that Council Plan objectives can be met through community initiatives and partnerships.

4. Council has allocated $504,508 in its 2005/06 budget for the AGP, $73,288 for the SSGP and $64,852 for NSGP.

<u>Annual Grants Program</u>

5. The AGP has been conducted taking account of the outcomes of the Community Grants Review for the 2004/05 grants round. The current funding round has demonstrated some of the benefits of learning from previous funding rounds such as including CALD specific advertising, holding information sessions on the public housing estates and increasing availability of grants information resulting in an increase of 38% of the number of funding applications from the 2004/05 round.

6. An annual evaluation will be conducted which will look at further improvements to the AGP with reference to community grants awareness, education, administration, publicity and assessment.

7. The AGP provides funding through six funding streams as follows:

   (a) Arts and Cultural - $220,000 which includes the following sub-streams:

      (i) Cultural Festivals & Events;

      (ii) Community Celebrations (new sub-stream for 2005/06 AGP funding round);

      (iii) Arts Development; and

      (iv) Community Arts.

   (b) Environment $20,000;

(c) Services and Community Development $155,500;

(d) Youth Services $29,008 (new stream for the 2005/06 AGP funding round);

(e) Sport and Recreation $50,000 (<u>$5,000 of this allocation is from the Access All Abilities operational budget</u>); and

(f) Fitzroy Town Hall Cultural & Civic Events $30,000 (new stream for the 2005/06 AGP funding round providing in-kind financial support to utilise Fitzroy Town Hall for community and civic events).

8. Attachment 1 contains the priority areas that were endorsed by Council on 10 May, 2005 for each funding stream for the 2005/06 AGP. These ensure that funding is targeted to meet Council's objectives.

<u>Social Support and Nutrition Support Grants Programs</u>

9. Funding for the SSGP and NSGP is provided through the Home and Community Care Program (HACC).

10. The SSGP aims to encourage groups that support older people, people with disabilities and their carers and those with a high level of disadvantage or risk in the following ways:

(a) providing an opportunity for people to meet in a socially and culturally relevant way via planned activity;

(b) promoting the cultural diversity of the Yarra community; and

(c) assisting local groups to foster independence and participation for members.

11. The NSGP aims to encourage groups that support older people, people with disabilities and their carers and those with a high level of disadvantage or risk in the following ways:

(a) providing a nutritious, appetising and culturally appropriate meal; and

(b) assisting local groups to foster independence and participation for members.

12. At its meeting on 20 October, 2001, Council endorsed the following formula for the Nutritional and Social Support Programs:

(a) NSGP - a maximum subsidy of $1.10 per meal or food parcel;

(b) SSGP - applicants will be initially categorised into one of three types:

(i) group with majority of members over 70 years and or with a disability, and identified groups whose members experience a high level of disadvantage;

(ii) group with majority of physically active members and other sources of funding; and

(iii) group with only a small number of Yarra Residents (minority of members from within the City of Yarra) and or groups who meet outside of the municipality.

13. Funds in the Nutritional and Social Support Programs will be distributed according the following formula:

Number of participants in regular attendance	Priority Level (maximum funding)		
	First $	Second $	Third $
10-29	1,125	750	500
30-59	2,250	1,500	1,000
60 +	4,500	3,000	2,000

Table 1

14. In October 2001, Council resolved to progressively bring the Social Support funding into line with the above formula to create more equity amongst the groups. This process has continued in the current funding round.

Issues

Assessment Process

15. All applications were processed via a two-stage assessment process comprised of an internal officer review and an external assessment by a community panel.

16. Prior to the formal assessment process, applications proposed to be held on Yarra's three high-rise public housing estates are discussed and endorsed by representatives from the public housing estate advisory groups. These three groups are the Neighbourhood Advisory Board, Neighbourhood Advisory Team and the Richmond Estate Advisory Group. This has ensured consistency with committee initiatives and identified any logistical issues for the estate with applications.

17. Council officers carried out a preliminary assessment of applications in their area of expertise and rated applications against the AGP objectives, stream objectives and priority areas, officer's knowledge of the applicant organisation, effectiveness of the application and other relevant information.

18. The officer assessments were then presented to external assessment panels to assist the panels in the development of their recommendations.

19. Each of the five funding streams had an Assessment Panel. The NSGP and SSGP recommendations were considered and approved by the Services and Community Development Panel at its meeting on Thursday, 22 September, 2005.

Assessment Panels

20. The community representatives that served on the assessment panels were endorsed by Council at its meeting on 14 June 2005 and were selected using the following criteria:

    (a) strong working knowledge of the community service sector in the City of Yarra;

    (b) expertise in and representative of, a program area relevant of the Community Grants Program; and

    (c) panel members able to provide coverage of the broad range of interests.

21. The Panels for the Environment, Services and Community Development, Youth Services and Sport and Recreation were comprised of the following three community representatives and between two and four Council Officers:

    Environment

    Community Representatives

    (a) Geoff Browne, Community Representative Environmental Community Advisory Committee;

    (b) Carmela Parris - Richmond resident; and

    (c) Mikael Oke – Clifton Hill resident.

    Council Officers

    (d) Silvana Predebon, Environmental Officer;

    (e) Jay Rogan, Community Planner – Grants

    Services and Community Development

    Community Representatives

    (f) Frank Fisher, Community Representative, Disability Advisory Committee;

    (g) Mark Daniels - Brotherhood of St Laurence;

    (h) Sally Mitchell, Yarra Drug and Health Forum

    Council Officers

    (i) Isha Scott, Coordinator, Research and Advocacy

    (j) Jay Rogan Community Planner – Grants

Youth Services

Community Representative

(k) Teresa Grant, Community Representative, Yarra Youth Executive;

(l) Geoff Spillane, Community Representative, Yarra Youth Executive; and

(m) Jenny McNaughton, Community Representative, Yarra Youth Executive;

Council Officers

(n) Rodney Clements, Team Leader, Youth Services

(o) Jay Rogan, Community Planner - Grants

Sport and Recreation

Community Representatives

(p) Philip Saikaly - Sport and Recreation Victoria;

(q) Carol Cooke, 24 Hour Mega Swim Event Manager; and

(r) Sarah Castle - Community Development Worker, Jesuit Social Services.

Council Officers

(s) Stuart Grant, Team Leader Recreation, Recreation and Open Space Unit;

(t) Chrissy Billings, Access All Abilities & Program Development Officer;

(u) Sarah Campbell, Sports Liaison Officer; and

(v) Jay Rogan, Community Planner – Grants.

Arts and Cultural

22. All applications for Arts and Cultural and Fitzroy Town Hall Civic and Cultural Events funding streams were assessed by the Yarra Arts Advisory Committee (YAARTS).

Council Officers

(a) Susie Wickes, Acting Coordinator Arts & Cultural Services;

(b) Sandra Margulius, Arts & Cultural Development Officer – Cultural Festivals and Events; and

(c) Brona Keenan, Arts & Development Officer – Art in Public Spaces.

Panel Recommendations

23. Council received 229 applications under the AGP requesting a total of $1,435,019. Of these 229 applications, 154 projects (67%) are recommended for funding. Table 2 displays the key statistics of each funding stream.

Funding Stream	Applications Received	Total Funding Amount Requested	Funding recommended by panel	% Applications Funded
Arts & Cultural Services				
Cultural Festivals & Events	27	$318,814	$100,000	66%
Community Celebrations	13	$57,700	$20,000	84%
Arts Development	23	$159,740	$60,000	65%
Community Arts	16	$102,582	$39,960	44%
Environmental Services	10	$40,377	$17,200	80%
Services & Community Development	85	$536,436	$163,500**	65%
Youth Services	19	$123,349	$29,008	47%
Sports & Recreation	26	$72,659	$55,865*	88%
Fitzroy Town Hall	10	$23,362	$21,377	80%
Totals	**229**	**$1,435,019**	**$493,045 ($506,810)**	**67%**

*Extra $5,865 added to Sport & Recreation funding stream taken from Access All Abilities operational program.

**Extra $8,000 added to Services and Community Development funding stream taken from Community Advocacy operational program.

Table 2

24. The $8,623 remainder of the unallocated in-kind support for the Fitzroy Town Hall will be directed to the subsidised town hall usage program for community groups throughout the 2005/06 financial year.

25. The projects recommended for funding are summarised in Attachments 2-10.

26. Seventy-five applications are not recommended for funding by the Panels. The major reasons for applications not being recommended for funding are:

    (a) ineligibility – seven projects did not meet the community grant eligibility criteria; and

    (b) priority – sixty-eight projects were not funded because the applications were assessed as a lower priority i.e. did not address the criteria strongly and scored lower than those that have been recommended for funding.

Social Support Grants Program

27. Council received 53 applications under the SSGP requesting a total of $159,084. Of these 53 applications, 46 projects are recommended for funding. The projects recommended for funding are summarised in Attachment 11.

28. Of the 53 applications, 46 of the projects had received funding in 2004/05.

29. Under Council's formula, funding to one of these previously funded applicants should be decreased. Funding to this organisation has been reduced 10% in accordance with Council's resolution. Table 3 provides details of the proposed new levels of funding for this group:

Organisation	2005/06 Grant $	Formula Entitlement $
Collingwood Greek Citizens' Club	$7,473	4,500

Table 3

30. Seven applications are not recommended for funding. The major reasons for applications not being recommended for funding were:

    (a) the project was considered to be of a lower priority because it already received a high level of support and in-direct funding from Council; or

    (b) the project targeted a broader community rather than the HACC eligible target group.

Nutritional Support Grants Program

31. Council received nine applications under the NSGP requesting a total of $78,278. Of the nine applications all of the projects are recommended for funding. The projects recommended for funding are summarised in Attachment 12.

32. All nine applications received funding in 2004/05.

33. Under Council's formula, funding to one of the previously funded applicants should be decreased, however this is not recommended. Table 4 provides details.

Organisation	2005/06 Grant $	Formula Entitlement $
North Yarra Community Health Centre	5,000	1,920

Table 4

34. This group attracts funding for a weekly Koori BBQ on the Collingwood Housing Estate. This is a long-standing program and is the only Koori service currently funded by HACC in Yarra. It is a collaborative project with various local agencies that provide outreach and allied health services at the same time as a nutritious meal. The continuation of the program is dependent upon the current level of funding and therefore it is considered that it should be exempt from the constraints of the formula.

Support for Applicants

35. Support for applicants who have not been successful is a priority of the new Community Grants Program. An attempt has been made at both officer and panel level to identify pathways for the further development and improvement of applications for the next round, connection to other funding sources and links to existing Council programs.

36. The Community Planner - Grants has begun an annual program of grants education and funding awareness activities. This includes hosting several grants information sessions on state government funding opportunities, holding grant writing information sessions, sponsorship forums for community groups and sporting clubs and having this information readily available on Council's website. These forums are intended to increase Yarra community groups' success in gaining alternate funding and improve the quality of application for the next Council round. For example Council hosted a session for local groups with the Victorian Multicultural Commission on 25 October, 2005 about its funding program.

37. An annual evaluation of the AGP will be conducted which will look at further improvements for the 2005/06 funding round. It will address further simplifying the grants process, building community grants awareness and education, administration, publicity and assessment.

Consultations

38. The Community Grants Program was advertised more extensively than in previous funding rounds. This incorporated advertising in the Age, Yarra Leader and Melbourne Times newspapers in July and August 2005. Advertisements were also placed for the first time in the following multi-cultural publications, The Ambassador (African), Melbourne Asian News (Chinese), Melbourne Chinese Post (Chinese), Neos Kosmos (Greek), Ta Nea (Greek), Il Globo (Italian) and Ti Vi Tuan San (Vietnamese). The Community Grants Program were also advertised on Council's website, the Art's Hub website and in the August 2005 edition of the City of Yarra Newsletter.

39. Four Community Grants Program Information Sessions took place in early July 2005 at Council venues and housing estates.

40. All prospective applicants were recommended to discuss their application with the relevant Council officer prior to submitting their application.

Resource and Financial Implications

41. All applications were assessed to ensure that resources are effectively and efficiently used, maximising the utilisation of in-kind support through other Council programs including subsided usage of Council buildings and the community transport program.

42. In its 2005/06 budget Council has allocated $504,508 for the AGP, $73,288 for the SSGP and $64,852 for NSGP. Recommendations within this report fall within the budget for this program. An additional allocation of $5,865 was added to Sport & Recreation funding stream from existing resources within the Access All Abilities operational program and $8,000 from within the Community Advocacy operational program. These were targeted at projects that met these

programs objectives and will not constitute an overall increase to the AGP for consideration in future funding years.

43. Council has set aside $10,000 of the AGP funding for out-of–time applications within the 2005/06 budget.

Council Plan, Strategy and Policy Implications

44. All applications were considered within the broader context of the Council Plan and the strategic directions of the relevant program areas. The community grants program is the major way in which Council Plan objectives can be furthered in partnership with the community. Council's major strategies that are situated within the Council Plan are used to develop programs and stream objectives to target relevant projects.

Proposal

45. It is proposed that the list of recommended projects contained in Attachments 2 to 12 be approved by Council for the 2005/06 AGP and the 2005/06 SSGP and NSGP.

RECOMMENDATION

46. That:

    (a) Council endorse the recommendations from the 2005/06 Annual Grants Program Assessment Panels for the allocation of funding to organisations for a total of $506,810 as contained in Attachment 2-10;

    (b) Council endorse the recommendations from the Services and Community Development Annual Grants Panel for the allocation of funding in the 2005/06 Social Support Grant Program of $73,288 and in the Nutrition Support Grant Program for $64,852 as contained in Attachments 11-12; and

    (c) that the grants be awarded to the successful projects at a public function conducted by the Mayor and Chief Executive Officer on February 9, 2006.

Councillor Barbara declared a pecuniary interest in this item, as her employer has an interest in the outcome. Councillor Barbara left the chamber prior to a vote being taken on this matter. Once the item had been concluded, Councillor Barbara returned to the chamber.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

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

1. That:

    (a) Council endorse the recommendations from the 2005/06 Annual Grants Program Assessment Panels for the allocation of funding to organisations for a total of $506,810 as contained in Attachment 2-10;

(b) Council endorse the recommendations from the Services and Community Development Annual Grants Panel for the allocation of funding in the 2005/06 Social Support Grant Program of $73,288 and in the Nutrition Support Grant Program for $64,852 as contained in Attachments 11-12; and

(c) the grants be awarded to the successful projects at a public function conducted by the Mayor and Chief Executive Officer on February 9, 2006.

(d) Council express its appreciation to the community members who served on the 2005/06 Annual Grants Program Assessment Panels.

CARRIED

CONTACT OFFICER: **Sally Isaac**
TITLE: **Manager Culture and Community Planning**
TEL: **9205 5096**

Attachment 1 – Annual Grants Program Funding Stream Objectives

Attachment 2 – Cultural Festivals and Events Recommended Applications

Attachment 3 – Community Celebrations Recommended Applications

Attachment 4 – Arts Development Recommended Applications

Attachment 5 – Community Arts Recommended Applications

Attachment 6 – Environment Recommended Applications

Attachment 7 – Services & Community Development Recommended Applications

Attachment 8 – Youth Services Recommended Applications

Attachment 9 – Sport & Recreation Recommended Applications

Attachment 10 – Fitzroy Town Hall Cultural & Civic Events Recommended Applications

Attachment 11 – Social Support Grants Recommended Applications

Attachment 12 – Nutritional Support Grants Recommended Applications

Adobe Acrobat Document

CONFIDENTIAL ATTACHMENTS

(Contained only within the confidential section of this agenda)

Attachment 13 – Cultural Festivals and Events Non-Recommended Applications

Attachment 14 – Community Celebrations Not-Recommended Applications

Attachment 15 – Arts Development Not-Recommended Applications

Attachment 16 – Community Arts Not-Recommended Applications

Attachment 17 – Environment Not-Recommended Applications

Attachment 18 – Services & Community Development Not-Recommended Applications

Attachment 19 – Youth Services Not-Recommended Applications

Attachment 20 – Sport & Recreation Not-Recommended Applications

Attachment 21 – Fitzroy Town Hall Cultural & Civic Events Not-Recommended Applications

Attachment 22 – Social Support Grants Not-Recommended Applications

1.3 Community Partnership Program 2005/06 – Funding Recommendations

Executive Summary

Purpose

To seek endorsement of the funding recommendations of the Community Partnership Panel (the Panel) for the 2005/06 Community Partnership Grants (CPG).

Issues

The CPG provides financial assistance for up to three years to community organisations for operational and program costs whose services address the major strategic priorities for Council.

These priorities reflect those of the Council Plan 2005/09 as follows:

(a) improved quality of life for the socially disadvantaged and excluded members of the community;

(b) an inclusive, tolerant, supportive and involved community; and

(c) a healthy, connected and active community, which has access to a range of quality recreation and sporting places, spaces and activities.

Resource Financial Implications

In the 2005/06 budget Council allocated $271,265 for the CPG. Recommendations contained within this report are within this budget allocation.

Recommendations

That:

(a) Council endorses the Community Partnership Panel's recommendations for funding to organisations for a total of $271,243 as contained in Attachment 1 for 2005/06; and

(b) the grants be awarded to the successful organisations at a public function conducted by the Mayor and Chief Executive Officer on 9, February 2006.

1.3 Community Partnership Program 2005/06 – Funding Recommendations

File: 40/30/03/12/13
Responsible Officer: Manager Culture and Community Planning

Purpose

1. To seek endorsement of the funding recommendations of the Community Partnership Panel (the Panel) for the 2005/06 Community Partnership Grants (CPG).

Background

2. The City of Yarra grants program makes a significant contribution to the community sector within the municipality. It is one of the major grants programs within the local government sector. It is a core way that Council Plan objectives can be met through community initiatives and partnerships.

3. Council has allocated $271,265 in its 2005/06 budget for the CPG, which is one part of the Community Partnership Program.

   Community Partnership Program

4. There are two groupings within the Community Partnership Program (CPP):

   (a) recurrent funding agreements (across arts and culture, environmental and services and community development); and

   (b) Community Partnership Grants (formerly 'transitional' or Vision 2010 grants).

5. The recurrent CPP funding agreements reflect a commitment to meeting community needs and achieving Council's strategic objectives through funding to local agencies and organisations to deliver specific services and events. The 2005/06 approved grants under this recurrent three-year program are shown in Table 1.

Stream	Funding Agreement	2005/06 Approved Budget Grant
Arts and Cultural Services	Victoria Street Lunar Festival	$21,012
	Fairfield Amphitheatre Summer Concert Series	$21,012
	NAIDOC	$6,180
	Moon Lantern Festival	$19,436
	Hispanic Festival	$21,012
Environmental	Merri Creek Management Committee	$52,000
	Darebin Creek Management Committee	$5,150
	Yarra Bend Park	$37,884
Social and Community Development	Fitzroy Toy Library	$2,200

	Richmond Toy Library	$2,200
	Collingwood Toy Library	$2,200
	Fitzroy Adventure Playground	$23,078
	North Richmond Community Health Centre – Youth Worker	$49,327
	Carlton Senior Citizens Centre	$18,380
	Share Care	$95,790*
	Collingwood Children's Farm	$50,367

** note: future funding of Share Care is subject to Council consideration in November, 2005.*

Table 1

6. At its meeting on 10 May, 2005, Council endorsed a three-year proposal to move recurrent funding agreements to a point where an open advertising and assessment process could be undertaken in 2008/09. This does not include the recurrent grants that are subject to legislative requirements i.e. Merri Creek Management Committee.

7. On 10 May, 2005, Council endorsed a proposal to open the former transitional funding grouping to an advertising process, for three-year funding agreements. As a result, they are termed Community Partnerships Grants (CPG) and were advertised as part of the integrated 2005/06 funding round. All six recipients of these transitional grants were advised that this would be the case upon receipt of their 2004/05 funding. Council endorsed CPG category objectives and process on 14 June, 2005.

Issues

8. The CPG are intended to support substantial longer-term projects that address major strategic priorities for Council. These priorities reflect those in the Council Plan 2005/09 as follows:

   (a) improved quality of life for the socially disadvantaged and excluded members of the community;

   (b) an inclusive, tolerant, supportive and involved community; and

   (c) a healthy, connected and active community, which has access to a range of quality recreation and sporting places, spaces and activities.

9. The CPG provides financial assistance for up to 3 years to community organisations for operating and program costs.

10. On 12 August 2005 Council's 2005/06 Community Grants Program funding round closed for both the Annual Grants Program and the CPG. Council received 14 applications in the CPG.

11. The following objectives from the Council Plan 2005/09 were endorsed by Council on the 14 June, 2005 as a focus for CPG applications:

    (a) better opportunities for the community to be involved in decision-making and to participate in public debate;

    (b) improved quality of life for the socially disadvantaged and excluded members of the community;

(c) commitment to Wurundjeri Reconciliation and Aboriginal social justice;

(d) a healthy, connected and active community, which has access to a range of quality recreation and sporting places, spaces and activities;

(e) an inclusive, tolerant, supportive and involved community;

(f) a place where the contribution of culturally diverse communities who make this city their home is celebrated and supported;

(g) strengthen youth services with a focus on youth participation and meeting the needs of disadvantaged young people in Yarra;

(h) enhance access and inclusion for people with disabilities, and their carers, into all aspects of community life; and

(i) improve access to and integration of family and children's services for families with children aged 0-12.

12. All CPG applicants were required to submit a detailed Service Plan as part of the application process.

Issues

Assessment Process

13. All applications were processed via a two-stage assessment process comprised of internal officer reviews and an external assessment by a community panel.

14. Council officers carried out a preliminary assessment of applications in their area of expertise and rated applications against the program objectives, principles and priority areas, effectiveness of the proposed project and other relevant information.

15. The officer assessments were then presented to an external assessment panel to assist in the development of their recommendations.

16. The community representatives that served on the assessment panels were selected using the following criteria:

(a) strong working knowledge of the community service sector in the City of Yarra;

(b) expertise in and representative of, a program area relevant of the Community Grants Program; and

(c) panel members able to provide coverage of the broad range of interests.

17. The Panel was endorsed by Council on 14 June, 2005 and comprised of the following three community representatives and three Council Officers:

Community Representatives

(a) Sarina Greco – Manager, Ecumenical Migration Centre

(b) Jenny Wills - Resident and Friends of Baucau member; and

(c) Ken Fernandez – Coordinator, Centre on Housing Rights and Evictions.

Council Officers

(d) Isha Scott, Coordinator, Research and Advocacy;

(e) Dimitria Katsikis, Coordinator, Youth and Family Services; and

(f) Jay Rogan, Community Planner – Grants.

Council received fourteen applications under the CPP requesting a total of $506,678.10. Of these 14 applications, seven applications (50%) are recommended for funding. Of the seven recommended applications, six received funding in 2004/05 as part of the transitional funding arrangement. The programs/services recommended for funding are summarised in Attachment 1.

18. Seven applications are not recommended for funding by the Panel. The reasons for applications not being recommended for funding are:

    (a) priority – three projects were not funded because these applications were assessed as a lower priority or did not fully meet the CPG objectives; and

    (b) funding assessed as more appropriate through the Annual Grants Program – four applicant organisations were referred through to the Annual Grants Program. All four have been recommended for funding in this more suitable program.

Support for Applicants

19. Support for applicants who have not been successful is a priority of the new Community Grants Program. Where applications have not been successful an attempt has been made at both officer and panel level to identify pathways for the further development and improvement of applications for the next round, connection to other funding sources and links to existing Council programs.

20. The Community Planner - Grants has begun an annual program of grants education and funding awareness activities. This includes hosting several grants information sessions on state government funding opportunities, holding grant writing information sessions, sponsorship forums for community groups and sporting clubs and having this information readily available on Council's website.

Consultations

21. The Community Grants Program was advertised more extensively than in previous funding rounds. This incorporated advertising in the Age, Yarra Leader and Melbourne Times newspapers in July and August 2005. Advertisements were also placed for the first time in the following multi-cultural publications, The Ambassador (African), Melbourne Asian News (Chinese), Melbourne Chinese Post (Chinese), Neos Kosmos (Greek), Ta Nea (Greek), Il Globo (Italian) and Ti Vi Tuan San (Vietnamese). The Community Grants Program

was also advertised on Council's website and in the August 2005 edition of the City of Yarra Newsletter.

22. Four Community Grants Program Information Sessions took place in early July 2005 at Council venues and housing estates.

23. All prospective CPG applicants were encouraged to discuss their application with relevant Council Officer's prior to submitting their application.

Resource and Financial Implications

24. All applications were assessed against the criteria to ensure that Council resources are effectively and efficiently used to meet the needs of the community.

25. In its 2005/06 budget Council allocated $271,265 for the CPG with 2006/07 and 2007/08 budgets to have an anticipated 3% CPI annual increase.

26. The Panel recommendations for 2006/07 and 2007/08 financial years fall within the anticipated CPG budgets for 2006/07 and 2007/08 as indicated in Table 2. Funding in 2006/07 and 2007/08 will be subject to Council budget deliberations in those two years.

	2005/06	**2006/07**	**2007/08**
Available Funding Allocation (anticipated standard 3% annual budget increase for Years 2 & 3)	$271,265	$279,403	$287,785
Panel Recommended Amounts	$271,243	$277,266	$275,513

Table 2

Council Plan, Strategy and Policy Implications

27. The community grants program is the major way in which Council Plan objectives can be furthered in partnership with the community. Council's major strategies that are situated within the Council Plan are used to develop programs and stream objectives to target relevant projects.

28. An evaluation of the CPP will be conducted which will look at further improvements for the 2008/09 open funding round. It will address further simplifying the grants process, the project reporting process, building community grants awareness and education, administration, publicity and assessment.

Proposal

29. It is proposed that the list of recommended projects contained in Attachment 1 be approved by Council for the 2005/06 CPP.

RECOMMENDATION

30. That:

    (a) Council endorse the recommendations from the 2005/06 Community Partnership Program Panel for the allocation of funding to organisations

for a total of $271,243 in 2005/06, $277,266 in 2006/07 and $275,513 in 2007/08 as contained in Attachment 1;

(b) that the grants be awarded to the successful projects at a public function conducted by the Mayor and Chief Executive Officer on 9 February 2006.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

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

That the recommendation be adopted.

CARRIED

CONTACT OFFICER: **Sally Isaac**
TITLE: **Manager, Culture and Community Planning**
TEL: **9205 5096**

Attachment 1 – Community Partnerships Grants – Recommended Applications

Adobe Acrobat Document

CONFIDENTIAL ATTACHMENT

(Contained only within the confidential section of this agenda)

Attachment 2 – Community Partnerships Grants – Not Recommended Applications

1.4 Apprenticeships Plus – Quarterly Report

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

Purpose

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

Background

2. A+ was registered in Victoria as a public company limited by guarantee on 7 June 1983. A+ is a not-for-profit enterprise and carries on the business of promoting new apprenticeships by employing and training apprentices and placing them with businesses. The guarantee is limited to $50 per member.

3. A+ is effectively " owned" by three inner northern metropolitan Councils: Darebin City Council, Yarra City Council and Moreland City Council (the Councils) who are the 'members' of Inner Northern Group Training.

4. A+ revenue for the year ended 30 June 2005 was $12.67m and its earnings before income tax for that period were $264K. At 30 June 2005, the company had net assets of $4.18m. A+ has a 50% interest in the Melbourne Apprenticeship Services (MAS) National joint venture, which is also involved in the employment industry, and a 42.12% interest in Inner Source Pty Ltd, a computer software company.

5. A+ has a Board comprising seven members, four independent 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+'s activities. The Directors of A+ as at end of June 2005 are: Alan Brown (Chair); Michael Francis (Deputy Chair), Kevin Breen (Darebin City Council); Roger Collins (Moreland City Council); Geoff Cockram (Yarra City Council); Elizabeth Board; and Naomi Corlett.

6. The objects of the company are to:

   (a) employ persons in training and second such persons to employers;

   (b) administer a group-training scheme;

   (c) encourage, promote and undertake training;

   (d) advise on training;

   (e) engage in such lawful activities as the directors determine;

   (f) take such steps as may be deemed expedient for the purpose of procuring contributions in the form of donations, annual subscriptions or otherwise; and

(g) provide a forum for discussions of questions of common interest to all persons involved in the company.

7. A+ is a not-for-profit business and no part of the income or property of the company may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to the members.

8. Council will receive quarterly information reports on the activities of A+ in March, June, September and December 2006

9. A+ has 479 apprentices and trainees at the end of August 2005 placed with a variety of industries mainly within the northern suburbs. Council does not have any direct placements of apprentices but CityWide and Spotless both have apprentices placed within their organisations. Apprenticeship/traineeships commencements are above target with 49 YTD against a budget of 45, which is 8.9% of variation against budget.

10. A+ is joint venture partner of MAS, which delivers apprenticeship administration services on behalf of the federal government. The MAS performance summary for the month of August 2005 indicates there was a surplus of $103,040 for the month against a budget surplus of $153,531. Cash balance at the end of August was $1,482,263.

11. The Board has recently confirmed an original decision to allocate 20% of the company's retained earnings including the MAS distribution under the Social Investment Policy.

12. A+ currently occupies leased premises in Sydney Road Coburg and the purchase of a property has been a continuing matter of some priority for the Board.

Work and Training Limited

13. Work and Training Limited, a Tasmanian based not for profit group training Company was acquired by Apprenticeships Plus in October 2004.

14. Despite some initial operational and financial challenges the Company made a small surplus of $2,901 in August following losses in recent months. Apprentice numbers at the end of August were 434.

Consultations

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

Financial Implications

16. Council does not derive direct financial benefit from the operations of A+.

17. In the recently completed 2004/05 financial year Councils 'interest' in Apprenticeships Plus was derecognised because Council, while having a position on the Board has no right to any share of the Company nor does it have any obligation for any liability current or future.

Economic Implications

18. The generation of employment for young people, and the organisation of apprenticeship training across the Northern Region is Melbourne is very important for the Yarra community.

19. Officers are working with A+ for the provision of eleven part-time trainees and one full-time trainee in the Revenue Management Unit through the State Government's Jobs for Young People programme.

Environmental Implications

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

Social Implications

21. Employment is a key risk and protective factor in regard to social and cultural disadvantage. It is clear from Council's experience on neighbourhood renewal sites that real and ongoing employment is a key priority for these communities.

22. Discussions have been held recently between Council officers and officers of Apprenticeships Plus about opportunities for greater utilisation of services offered by Apprenticeships Plus to advance employment opportunities for Yarra residents and to assist with recruitment requirement for Council.

Council Plan, Strategy and Policy Implications

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

Legal Implications

24. Nil

Conclusion

25. A+ is a major provider of apprenticeship and training services in the northern region. It has operated effectively for over 20 years and continues to make available employment and apprenticeship opportunities for young people from the region and broader metropolitan area.

RECOMMENDATION

26. That Council note the Apprenticeships Plus Quarterly Report.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

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

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:	**Craig Kenny**
TITLE:	**Director Community Development**
TEL:	**9205 5100**

1.5 2005/06 Financial Report – Quarter Ending 30 September 2005

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

Purpose

1. To provide a financial report for the three months ending 30 September 2005 and information on the current status of Council's financial performance and position.

Background

2. The 2005/06 Annual Budget was adopted by Council on 12 July 2005.

3. This report is being presented in accordance with section 138 of the *Local Government Act* 1989 and Regulation 5 of the *Local Government (Finance & Reporting) Regulations* 2004.

4. The report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the quarter ending 30 September 2005.

5. The report is prepared on the basis of year to date, year-end forecast, cash and key balance sheet items analysing trends against budget.

Issues

6. The end of year forecast operating result at 30 September 2005 is projected to be a surplus of $6.54m being a favourable variance of $0.399m compared to the Annual Budget surplus of $6.14m. This result is reflected by a favourable forecast income variance of $1.08m and an unfavourable forecast expenditure variance of $0.681m. The overall forecast variance comprises of the following significant variances:

   (a) Government grants favourable to budget by $0.192m;

   (b) reimbursements & contributions favourable to budget by $0.873m;

   (c) maintenance unfavourable to budget by $0.443m; and

   (d) other materials & services unfavourable to budget by $0.216m.

   For the detailed forecast results, refer paragraph 16.

7. As outlined in the Statement of Financial Performance, the year to date operating result, before reserve transfers, reflects an unfavourable variance of $0.142m. Refer paragraph 16.

8. The overall year to date variance in income is a favourable result of $0.149m comprising the following significant variances:

   (a) rates are favourable compared to budget by $0.246m, or 1.9 percent, reflecting higher than anticipated income generated from supplementary valuations to date;

   (b) reimbursements and contributions income favourable to budget by $0.300m, or 77.3 percent, mainly due to higher than expected Public Open Space contributions raised for the year to date due to an increase in applications for residential development, a $100k Capital grant for open space projects and additional road opening reimbursement from services authorities not expected with the introduction of the Road Management Act.; and

   (c) proceeds from the disposal of assets is unfavourable to budget by $0.374m, or 72.8 percent, due to the delay in the budgeted proportional change over of Councils vehicle fleet which was anticipated to be completed in the first quarter of this financial year.

9. The overall year to date variance in expenses is an unfavourable result of $0.291m comprising the following variances:

   (a) contract payments are unfavourable compared to budget by $0.290m, or 7.5 percent, which mainly represents an earlier than anticipated payment to the Yarra Melbourne Library Corporation;

   (b) other materials & services are unfavourable compared to budget by $0.478m, or 9.7 percent, primarily reflecting higher than planned expenditure for consultants and professional services, contributions, materials, training and other expenses;

   (c) depreciation and amortisation unfavourable to budget by $0.206m or 5.9 percent, and due to the higher than anticipated capitalisation of work in progress during the 2004/05 financial year. Further analysis of the full year effect is currently being conducted in order to provide a year end forecast result; and

   (d) written down value of assets sold is favourable to budget by $0.467m, or 100 percent, due to the delay in the change over of Councils vehicle fleet anticipated to be completed in the first quarter of 2005/06.

10. Council's cash position at the end of September stood at $13.6m, reflecting a net cash inflow of $2.2m for the year to date.

11. Rates outstanding as at the end of September totalled $40.4m, of which $1.5m pertains to rates outstanding from previous rate years.

12. Parking debtors amounted to $3.6m (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 September were $3.0m of which $1.1m has been outstanding for more than 90 days.

14. The attached capital works report reflects expenditure to the end of September of $2.0m compared to a year to date budget of $3.1m and represents 5.2 percent of the annual capital works program. The current year-end Capital Works program forecast is currently $19.8m, which represents additional spending to budget of $0.113m.

15. The purchase order compliance rate for the month of September was 99.7 percent against a target of 100 percent (excluding exempt payments). This reflects invoices processed against purchase orders in total. The percentage of orders raised before invoice was 83.8 percent. The compliance rate for purchase orders raised before the invoice date is 83.8% against a target of 90 percent.

16. Standard Statement of Financial Performance for the quarter ending 30 September 2005:

	Actual YTD $,000	Budget YTD $,000	Variance YTD $,000	Adopted Budget $,000	Current Forecast $,000	Budget Variance $,000
Revenue from ordinary activities						
Rates	13,416	13,170	246	53,529	53,508	(21)
Victoria Grants Commission	367	367	(0)	1,470	1,470	0
Government Grants	1,375	1,302	73	5,177	5,369	192
Parking Revenue	4,245	4,289	(44)	16,655	16,655	(1)
User Charges, Fees and Other Fines	2,119	2,031	88	9,332	9,347	15
Leisure Centre Fees	1,232	1,319	(87)	5,527	5,548	21
Interest Received from Other Entities	110	162	(53)	650	650	0
Reimbursements & Contributions	688	388	300	1,175	2,048	873
Proceeds from Disposal of Assets	139	514	(374)	514	514	(0)
Inner Northern Group Training Pty Limited	0	0	0	34	34	0
	23,691	**23,542**	**149**	**94,063**	**95,142**	**1,079**
Expenses from ordinary activities						
Employee Costs	7,643	7,743	100	31,142	31,171	(29)
Contract Payments	4,184	3,893	(290)	15,837	15,829	8
Maintenance	1,204	1,256	52	4,318	4,761	(443)
Other Materials and Services	5,393	4,915	(478)	19,495	19,711	(216)
Bad and Doubtful Debts	247	350	103	1,430	1,430	0
Depreciation & Amortisation	3,705	3,499	(206)	14,000	14,000	0
Borrowing Costs	346	307	(38)	1,230	1,230	0
Written Down Value of Assets Sold	0	467	467	467	467	0
	22,721	**22,430**	**(291)**	**87,919**	**88,600**	**(681)**
Net Result before Transfers	**970**	**1,112**	**(142)**	**6,144**	**6,543**	**399**
Transfers to Reserves	(237)	(352)	116	(1,410)	(1,410)	0
Transfers from Reserves	0	0	0	1,118	1,118	0
Net Result after Transfers	**733**	**760**	**(27)**	**5,852**	**6,251**	**399**

Community Implications

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

RECOMMENDATION

18. That the financial report for the three months ending 30 September 2005 as attached be noted by Council.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Sekhon **Seconded:** Councillor Meadows

That the recommendation be adopted.

CARRIED

CONTACT OFFICER: **Marc Giglio**
TITLE: **Manager Finance**
TEL: **9205 5236**

Attachment 1 – 2005/06 Monthly Financial Report – Quarter Ending 30 September 2005

Adobe Acrobat Document

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING

Held on Tuesday 4 October 2005 at 8.00 pm at the Richmond Town Hall

The meeting concluded at 9.33 pm.

Attendance – Councillors

Councillor Jenny Farrar (Chairperson)

Councillor Stephen Jolly

Councillor Kathleen Maltzahn

Councillor Kay Meadows

Apologies and Requests for a Leave of Absence

Councillor Judy Morton - Apology

Declarations of Pecuniary Interest and Conflict of Interest

Nil.

Attendance – Council Officers

Craig Kenny (Acting Chief Executive Officer)

Ivan Gilbert (Acting Director Corporate Services)

Jane Homewood (Director City Development)

Bryan Lancaster (Director Asset Management)

Erin Nairn-Marcon (Governance Adviser)

2.1 Implementation of Dog Controls at Edinburgh Gardens

File: 65/05/02
Responsible Officer: Manager Environment and Recreation Services

Purpose

1. To make an Order pursuant to Section 26(2) of the *Domestic (Feral and Nuisance) Animals Act 1994*. This Order will implement the resolution of Council made on 12 April 2005 regarding dog controls at Edinburgh Gardens.

Background

2. The Edinburgh Gardens Master Plan was considered by Council at its meeting held 12 April 2005. Council resolved that the finalisation of the Master Plan be delayed until the adoption of Council's Open Space Strategy, but also resolved as follows:

   (a) proposed dog control zones plan 13 attached to the report be situated for plan 13 at page 42 of the Edinburgh Gardens Master Plan with the further substitution of dog off leash time share zones of 9:00pm to 8:00am for 6:00am – 8:00am. These zones are shown on the plan in *Attachment 1*; and

   (b) that an order under the *Domestic (Feral and Nuisance) Animals Act 1994* be prepared to give effect to Master Plan recommendations relating to dog control.

3. To implement this decision Council is required to make an Order pursuant to Section 26(2) of the *Domestic (Feral and Nuisance) Animals Act 1994*. The Order must then be published in the Government Gazette and in a newspaper circulating in the municipal district.

Consultations

4. The Edinburgh Gardens Master Plan was the subject of extensive community consultation, with a well-attended meeting set aside to discuss specifically dog issues. In response to further representations, the proposed dog controls were further amended by the Steering Committee before being submitted to Council.

Issues

5. Companion dogs enrich the lives of their owners, and dog walking is one of the most popular activities in Edinburgh Gardens.

6. However they cause problems with droppings, and some other park users feel intimidated by dogs.

7. Most dog owners do pick up after their dogs, but a minority do not. The Order addresses the dropping problem by excluding dogs altogether from the most sensitive sites.

8. Some people feel intimidated by dogs, and some dogs can be inappropriately boisterous when people, especially children, do not welcome their attentions. Some dog owners are also fear that their own dog will be attacked.

9. On the other hand, dogs greatly enjoy running off-leash and many owners find it hard to provide enough exercise for dogs restrained by a leash. The Order provides a reasonable balance between on-leash and off-leash areas, and the Master Plan proposes a fenced area specifically to facilitate the exercising of dogs off-leash.

Resource and Financial Implications

10. These will be minimal, unless the level of enforcement is changed.

Environmental Implications

11. There may be a reduction in the dog waste left in the Gardens.

Proposal

12. That Council implement its decision of 12 April 2005 to make an Order under the provisions of Section 26(2) of the *Domestic (Feral and Nuisance) Animals Act 1994.*

13. This order will amend the existing Order made by Council on 30 June 1997 and published in the Victorian Government Gazette on 2 July 1998 pages 1827 &1828. The Order was also published in the Melbourne Times on 8 July1998 p.8 and the Melbourne Yarra Leader on 29 June 1998 p.12

RECOMMENDATION

14. That pursuant to Section 26(2) of the *Domestic (Feral and Nuisance) Animals Act 1994Domestic (Feral and Nuisance) Animals Act 1994* the Order marked as Attachment 1 be adopted.

15. That the Order be published in the Government Gazette and in the Melbourne Times newspaper.

Submissions

Mr John Beckwith addressed the Committee on this matter.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn **Seconded:** Councillor Meadows

That the recommendation be adopted.

CARRIED

CONTACT OFFICER: **Geoff Ovens**
TITLE: **Manager Environmental Services**
TEL: **9205 5036**

Attachment 1 – Dog Control Zones

Adobe Acrobat Document

2.2 Busking Policy

File: I05/2383
Responsible Officer: Manager Building and Regulatory Services

Purpose

1. To seek Council's approval to adopt the draft Busking Policy (at Attachment 1) for a trial period of 6 months.

Background

2. In the past, busking has not been supported by Council. Retailers had provided feedback to Council Officers that buskers have a negative impact on their business.

3. At the request of Councillors, Council Officers have reviewed Council's approach to busking and developed a draft Busking Policy for Council endorsement and implementation on a trial basis for 6 months.

Key Issues

4. Busking can provide strip shopping centres with greater character and vitality, making them more attractive for people to visit and shop.

5. The issue of public liability has been addressed with Council's Risk Assessment Officer. Any possible liability, associated with a busker's performance, will be covered by Council's general public liability policy.

6. Buskers and their audience will need to conform with the Footpath Trading Policy and busk away from the building line and ensure a clear walkway zone.

7. Given previous concern by retailers regarding the negative impact of busking on business, and at this stage the impact of buskers on traders and/or residents is unknown; it is proposed that the Draft Policy be implemented on a trial basis of 6 months. This will enable Council to consider any necessary modifications and/or revisions prior to Council's consideration to adopt the Policy.

Consultations

8. Busking Policies of neighbouring Councils and two interstate Councils have been reviewed.

9. Consultation has taken place with Council's Governance Branch in regards to Council's obligations related to public liability and with the Community Amenity Unit regarding issuing and management of permits and policy compliance.

10. There has been no consultation with external groups, including retailers and/or trader groups.

Financial Implications

11. There are no direct financial implications for Council.

Social Implications

12. It is envisaged that buskers will contribute to the cultural life of the city.

13. There may be a negative amenity impact on traders and residents who live in, or adjacent to shopping centres where busking will occur.

Legal Implications

14. Yarra City Council's public liability insurance will cover buskers with permits in respect of any claims for injury, loss or damage by any third party arising from the use of approved area.

RECOMMENDATION

15. That Council adopt the draft Busking Policy for a trial period of six months.

16. That a report be provided to Council in six months outlining any issues regarding the implementation of the draft Busking Policy on public amenity.

Submissions

The following people addressed the Committee on this item:

Mr Tim Scanlan;

Mr Ian Quick;

Mr John Beckwith.

MOTION

Moved: Councillor Meadows Seconded: Councillor Maltzahn

1. That Council send the draft Busking Policy to all businesses on Bridge Road for comment.

With the consent of the seconder, Councillor Meadows changed the wording of her motion to read:

1. That Council send the draft Busking Policy to all businesses located in Yarra's main retail strips for comment.

2. That a report be provided to Council following this consultation.

PROPOSED AMENDMENT

Councillor Jolly moved an amendment to the substantive motion, proposing an additional clause reading:

3. That the busking permit fee be reduced to zero dollars.

The proposed amendment lapsed for want of a seconder.

The Chairperson called Councillor Jolly to order on the basis that whilst speaking, his comments had been directed to members of the gallery and Councillors other than the Chairperson.

The Chairperson called Councillor Jolly to order for a second time on the basis that although he had ceased addressing the gallery or Councillors other than the Chairperson, Councillor Jolly had continued to discuss the substantive motion rather than remaining silent.

The substantive motion was then put and carried as below.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows **Seconded:** Councillor Maltzahn

1. That Council send the draft Busking Policy to all businesses located in Yarra's main retail strips for comment.

2. That a report be provided to Council following this consultation.

CARRIED

IMPORTANT NOTICE

Council has received further information that corrects some of the advice contained in the preceding report. Individual buskers, with or without permits, will not be protected by Council's insurance policy and Council's risk is increased if buskers do not have their own insurance. Paragraph 5 of the draft Busking Policy has been amended to reflect this advice.

CONTACT OFFICER: **Steven McMurray**
TITLE: **Manager Building and Regulatory Services**
TEL: **9205 5004**

REVISED Attachment 1 – Busking Policy

Adobe Acrobat Document

2.3 Cities for Climate Protection™ Milestone 4 – Implementation of Greenhouse Action Plan

Executive Summary

Purpose

To present a summary of work undertaken to meet the requirements of Milestone 4 in the Cities for Climate Protection™ campaign.

To provide council with an update on the implementation of the Yarra Greenhouse Action Plan, and obtain support to ongoing implementation to achieve further emission reductions.

Key Issues

The actions of council to date in regards to purchasing Green Power for street lighting and replacing computer monitors with LCD flat screens have resulted in the abatement of greenhouse emissions equivalent to about one third of the reduction goal for council operations set in Milestone 2 of the CCP™ campaign. The reductions in community emissions are more difficult to quantify and more difficult to achieve, as they result from changes in individual behaviour in everyday activity. This means that ongoing Council commitment to community education programs is required to help achieve reduction goals.

Council received notification on 30 August 2005 from ICLEI (the International Council for Local Environment Initiatives), the organisation that manages the CCP™ campaign, that the requirement for Milestone 4 had been achieved.

Council Plan, Strategy and Policy Implications

The CCP™ campaign directly relates to a strategic goal of the Yarra Environment Strategy 2000, namely "to reduce the polluting forms of energy and improve the efficiency of energy use across the community". Council's commitment to the CCP™ campaign is also listed in the Council Plan 2005 – 2009, in action EPS04.

Financial Implications

The implementation of findings from audits and other actions undertaken to reduce energy consumption and associated greenhouse emissions can lead to substantial savings in long term running costs, and so can be seen as financial and environmental investments.

PROPOSAL

That Council note the progress of implementation of the Yarra Greenhouse Action Plan, and recognise that addressing climate change is an ongoing challenge requiring genuine financial and environmental commitment from Council.

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2.3 Cities for Climate Protection™ Milestone 4 – Implementation of Greenhouse Action Plan

File: 55/25/09
Responsible Officer: Environment Officer

Purpose

1. To present a summary of the work undertaken to meet the requirements of Milestone 4 in the Cities for Climate Protection™ campaign.

2. To provide council with an update on the implementation of Yarra's Greenhouse Action Plan, and obtain support for ongoing implementation to achieve further reductions in greenhouse emissions.

Background

3. At its meeting in December 2002, Council resolved to join the Cities for Climate Protection™ (CCP™) campaign. CCP™ involves 5 milestones aimed at actively reducing greenhouse emissions from Council's operations and from the Yarra community.

4. Milestone 1 involved compiling an inventory of greenhouse emissions for a selected base year and a forecast of emissions under a Business-As-Usual scenario for the target year of 2010. The two base years for the City of Yarra are 1996 for the Yarra community and 2000/2001 for Council operations, selected according to availability of data. A report of the findings of Milestone 1 was presented to Council in August 2003.

5. The emission of greenhouse gases is measured in units of CO_2-equivalent or CO_2-e, as CO_2 (carbon dioxide) is the most prevalent greenhouse gas released as a result of human activity. Other greenhouse gases have their own global warming potential (GWP) or insulating effect on the earth that can be measured relative to that of CO_2.

6. Milestone 1 established that Council's operations resulted in the release of 14,150 tonnes CO_2-e in 2000/2001. The levels of emissions were expected to fall to 13,528 tonnes by 2010/2011, given assumptions of limited growth in Council operations and expected improvements in power generation. Electricity consumption was the largest contributor to greenhouse emissions, equivalent to approximately 85% of the total emissions from Council operations.

7. Everyday activity in the Yarra community resulted in the emission of an estimated 1,525,649 tonnes CO2-e in 1996, based on land use and population statistics. This is forecast to rise to 1,990,393 tonnes by 2010/2011, an increase of about 30%. In 1996, the largest sources of emissions were from industrial operations (37.6% of total emissions) and the commercial sector (34.5% of total emissions). Electricity usage was the largest contributor to greenhouse gas emissions, resulting in approximately 71% of the total emissions from the Yarra community.

8. Milestone 2 involved setting targets to reduce greenhouse gas emissions from Council operations and from the community sector. A target to reduce emissions from Council operations by 25% from 2000/2001 levels (3,538 tonnes CO_2-e) and a target to reduce emissions from the Yarra community by 20% from 1996 levels (305,130 tonnes CO_2-e) were adopted by Council at its meeting in November 2003.

9. Milestone 3 of the CCP™ program required council to develop a Greenhouse Action Plan to outline the measures to be undertaken to work towards the reduction targets. Council adopted the Yarra Greenhouse Action Plan at its meeting in June 2004.

10. Milestone 4 of the CCP™ program required council to implement the Greenhouse Action Plan so that specified criteria are met, namely, the abatement of 5% of the reduction goal for either council or community, and the implementation of actions from 2 of the sub-sectors as listed in the Greenhouse Action Plan.

11. The required abatement has effectively been achieved through the purchase of Green Power for unmetered lighting. The total amount of kWh purchased for unmetered lighting is approx 4,897,000kWh and the purchase of 15% of this total as Green Power (718,500kWh) neutralises almost 690 tonnes of greenhouse emissions (almost 20% of the reduction goal). A further 162.5 tonnes of emissions (4.5 % of the reduction goal) are saved through the annual replacement of 140 computer monitors with LCD flat screens. A progress report on the implementation of actions and associated emission savings in the Yarra Greenhouse Action Plan is included in the Attachment to this report.

12. Several of the actions listed in the Yarra Greenhouse Action Plan concern the leisure centres. It was deemed to best address the actions by first investigating energy usage and management at the centres. A level 3 energy audit was undertaken for the Fitzroy pool, and a sustainable design review with guidelines for energy efficiency was prepared for the Collingwood Leisure Centre in the anticipation of dry-side renovations. It is planned to undertake an energy review of the Richmond Recreation Centre in this financial year, to address the most significant problems in energy consumption.

Consultations

13. The implementation of actions to achieve abatement has involved consultation with council staff from several units and branches.

14. Council received notification on 30 August 2005 from ICLEI (the International Council for Local Environment Initiatives), the organisation that manages the CCP™ program, that the requirement for Milestone 4 had been achieved. In total, the actions described in paragraph 11 above from two subsectors of council operations, namely building and streetlighting, result in a saving of up to 1,180 tonnes savings / year from council operations (when all monitors are replaced by LCD screens).

15. The reduction of greenhouse emissions from the community sector is more difficult for council to influence, as it involves changing everyday practices of individual residents, households and businesses. The 2 main actions that have resulted in quantifiable reductions are the Community Power program, where residents can purchase cost effective Green Power, and the Green Streets program, where business operators have reduced their greenhouse emissions through improving energy management. These 2 actions have reduced emissions from the Yarra community by at least 200 tonnes/year.

Financial Implications

16. The implementation of the Yarra Greenhouse Action Plan does not end with meeting Milestone 4 requirements. Council's commitment to reducing the impact of its operations on climate change and to facilitating "greenhouse action" in the community means that implementation will be ongoing. The audits of council buildings undertaken to date are meaningless unless financial commitment is made to implement the findings

so that potential reductions in emissions can be realised. In addition to actions listed in the Plan, it is also likely that opportunities to reduce emissions will be identified over time, and again, will require financial commitment to act on findings.

17. The costs involved in implementing the findings of the audits undertaken to date may appear significant, but in addition to resulting in reduced emissions, the costs may be recovered in a short time. For example, if all the recommendations from the level 3 energy audit of the Fitzroy pool are to be implemented with the pool being kept open over winter, the initial cost of approximately $195,000 will result in savings in energy consumption of $34,868 / year giving a 5.6 year payback period (saving 376 tonnes of emissions). This figure is reduced to a 2.8 year payback period at a cost of $205,100 (saving 914 tonnes of emissions) if the pool is closed over winter. Another example is that replacing a dryer at Gold St child care centre with a more appropriately sized, more efficient dryer may cost up to $1400 initially, but will save 1900 kg in greenhouse emissions and $200 in running costs annually.

Economic Implications

18. The implementation of findings from audits and other actions undertaken to reduce energy consumption and associated greenhouse emissions can lead to substantial savings in long term running costs, and so can be seen as financial and environmental investments.

Environmental Implications

19. The actions of council to date have resulted in abatement of greenhouse emissions equivalent to about one third of the reduction goal for council operations. The actual reductions in emissions from the Yarra community are more difficult to quantify and more difficult to achieve, as they result from changes in individual behaviour in everyday activity. This means that ongoing Council commitment to community education programs is required to help achieve reduction goals.

20. Further abatement from council operations requires undertaking more audits, implementing the findings of audits, and changing everyday behaviour. As mentioned in paragraph 17 above, implementing the recommendations of the level 3 energy audit undertaken for Fitzroy pool can achieve abatement of up to 914 tonnes of emissions annually if the pool is not open over winter. A level 3 energy audit undertaken of the Richmond Town Hall in 2002 indicated that installing timing controls on light switches at a cost of $12,000 can save up to 17.5 tonnes of emissions and $1,200 a year in electricity consumption, but the savings could also be realised if lights were manually switched off by staff when office areas were unoccupied. Actions undertaken at council buildings using less power, like Maternal & Child Health Care Centres and community halls may not result in such major reductions, but have great potential to demonstrate greenhouse action to the local community.

21. The environmental implications of all Council decisions need to be considered in terms of energy consumption and associated greenhouse emissions, as any impacts will need to be counteracted by other actions if Council is to achieve its reduction goal in the CCP™ program. For example, keeping the Fitzroy pool open over winter requires a significant increase in gas and electricity consumption, meaning that council needs to find an additional 700 tonnes in savings in greenhouse emissions in other areas of council operations to meet its reduction goal. In effect, keeping the pool open over winter counteracts the emission reductions achieved by purchasing 15% of electricity required for streetlighting as Green Power.

Social Implications

22. The achievement of Milestone 4 has no direct social implications, but any action by council to reduce greenhouse emissions can serve as a demonstration to the local community on the importance of addressing climate change. Any retrofits to public buildings like Maternal & Child Health Care Centres can be signed for the public to understand the reduced environmental impact of the retrofit, and also be accompanied by information for the public to take EG: energy smart at home information kits for residents.

Council Plan, Strategy and Policy Implications

23. The CCP™ campaign directly relates to a strategic goal of the Yarra Environment Strategy 2000, namely "to reduce the polluting forms of energy and improve the efficiency of energy use across the community". Council's commitment to the CCP™ campaign is also listed in the Council Plan 2005 – 2009, in action EPS04.

24. Upon adoption of the Yarra Greenhouse Action Plan, it was proposed that the Plan informs the annual planning cycle, so that actions are listed in individual branch service plans, and costs for actions are included in budget bids. This process needs to continue on an ongoing basis.

Legal Implications

25. Council's participation in the CCP™ campaign is entirely voluntary. It is not a statutory requirement of Council and the Greenhouse Action Plan developed under the campaign is not legally binding. However, it does represent council's commitment to reducing greenhouse pollution and so should be implemented within the proposed time frame.

Proposal

26. Every year at the Australian Local Government Association (ALGA) conference, there is a recognition event where ICLEI acknowledges the work of councils in progressing through the CCP™ program. The 2005 event will be held in Canberra on 8 November, and it would be advantageous if a Councillor were present to receive the Milestone 4 award on behalf of Yarra City Council.

27. The ongoing commitment of Council to reducing the impacts of on climate change requires that Council continue to commit to the implementation of the Yarra Greenhouse Action Plan.

RECOMMENDATION

28. It is recommended that Council attend the recognition ceremony at the annual ALGA conference to be held in Canberra on 8 November 2005 to receive acknowledgement of its achievements to date in progressing through the CCP™ program.

29. It is also recommended that Council note the progress of implementation of the Yarra Greenhouse Action Plan, and recognise that addressing climate change is an ongoing challenge requiring genuine financial and environmental commitment from Council.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn **Seconded:** Councillor Meadows

1. That it be noted that that Councillor Morton attended the recognition ceremony at the annual ALGA conference in Canberra on 8 November 2005 to receive acknowledgement of Council's achievements to date in progressing through the CCP™ program.

2. That Council note the progress of implementation of the Yarra Greenhouse Action Plan, and recognise that addressing climate change is an ongoing challenge requiring genuine financial and environmental commitment from Council.

CARRIED

CONTACT OFFICER: **Silvana Predebon**
TITLE: **Environment Officer**
TEL: **9205 5026**

Attachment 1 – Status Report on Proposed Actions

Adobe Acrobat Document

2.4 Cnr Madden Grove and Rooney Street, Burnley

File: C158380
Responsible Officer: Manager Assets

Purpose

1. To consider the sale of a small splay of Council owned land on the southeast corner of the intersection of Madden Grove and Rooney Street Burnley .

Background

2. Council has owned a small splay of land on the southeast corner of Madden Grove and Rooney Street in Burnley since 18 December 1990. The land is some 4.5m^2 in area and is described in Certificate of Title Volume 09527 Folio 188. It was created through Plan of Subdivision 135105. (Refer to Attachment 1).

3. The subject land abuts (diagonally) Lot 1 on Plan of Subdivision 518759X which has a 33 metre frontage to Madden Grove and an 18 metre frontage to Rooney Street. Refer to Attachment 2

4. The owners of the adjacent property have written to Council requesting they purchase the splay for incorporation into their site.

5. At a Council meeting on 9 August 2005, Council determined that the land is surplus to Council needs and resolved to approve the commencement of the statutory process, in accordance with Section 189 of the Local Government Act (1989), to effect the sale of the property.

6. Council also resolved that a further report on the results of the public notification and consultation process be presented to Council.

Legal Implications

7. The process of disposing of the subject site is following S 189 of the Local Government Act (1989) which states:

   "S 189 – Restriction on power to sell land.

   (2) Before selling or exchanging the land the Council must—

   (a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and

   (b) obtain from a person who holds the qualifications or experience specified under S 13DA (1A) of the Valuation of Land Act (1960) a valuation of the land which is made not more than 6 months prior to the sale or exchange.

   (3) A person has a right to make a submission under S 223 on the proposed sale or exchange."

Consultation

8. Engineering Branch and Statutory Planning have previously advised that there are no concerns with the sale of the splay.

9. Public notices were placed in The Age and the Melbourne Yarra Leader on 14 September 2005 and submissions were requested by 28 September 2005.

10. No submissions were received by the close of the public advertising process.

Economic Implications

11. The site has been valued at **$1,900,** subject to valuation dated 6 July 2005 and in accordance with the Valuation of Land Act 1960.

12. The expenses associated with the sale of land are approximately as follows:

Public Notice Advertising	$1,960
Legal Advice to Date	$1,500
Conveyancing	$1,000
Total	**$4,460**

13. Reimbursement of the total selling cost will be sought from the prospective purchaser.

14. The sale of the land will be in accordance with the Transfer of Land Act (1958).

Proposal

15. Commence negotiations with the owners of the adjacent land for purchase of the subject site. The value of the settlement to include the costs generated by the City of Yarra during the public submission and the anticipated costs of the settlement process.

16. The subject site will be incorporated into the adjacent land and any costs associated with the consolidation of titles will be borne by the purchaser.

RECOMMENDATION

17. That Council commence negotiations with the owner/s of the land adjacent to the Council owned land on the southeast corner of Madden Grove and Rooney Street Burnley for the sale of the subject site for an amount equal to the value of the land plus sale costs (approximately $6,360 in total) with settlement terms to be agreed upon.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows **Seconded:** Councillor Maltzahn

That the recommendation be adopted.

CARRIED

CONTACT OFFICER: **Chris Court**
TITLE: **Manager Assets**
TEL: **9205 5703**

Attachment 1 – Subject Site Title particulars
Attachment 2 – Plan of Subdivision 518759X

Adobe Acrobat Document

2.5 Richmond City Soccer Club

Executive Summary

Purpose

To recommend actions in response to a request from the Richmond City Soccer Club (Club) to extend the clubroom and fencing at the Bastow One Soccer Ground, Kevin Bartlett Reserve, Richmond.

Key Issues

The Club has recently been promoted to the Victoria Premier League for the forthcoming 2006/07 season.

The Club has requested a contribution from Council for extensions to the clubrooms and erecting of fencing.

The Club has also requested that a review be undertaken in relation to use of facilities at Kevin Bartlett Reserve.

In order to be able to compete in the Premier League the Club needs the ground, fencing and clubroom to be upgraded.

Financial Implications

An amount of $80,000 has been included in the 2005/06 capital works budget to upgrade the drainage, playing surface and irrigation on Bastow One. All other costs are to meet by the Club.

PROPOSAL

(a) That Council approve in principal the proposed extension to the clubroom and erection of a perimeter fence (subject to necessary planning and building permits);

(b) That the Club's request for financial assistance towards the cost of the extension and fencing is declined;

(c) That Council assist the Club to seek an appropriate financial contribution from relevant private bodies and Government Departments towards the cost of fencing in order to resolve traffic management and safety issues;

(d) That the Club's request for Council to review usage within the Kevin Bartlett sports precinct be deferred and considered as part of consultation for Council's Sports Plan; and

(e) That Council grants permission to the Richmond City Soccer Club to restrict entry to Bastow One to people who have paid an entry fee of $10 adult and $7 concession on 13 occasions during the forthcoming 2006/07 season for the purpose of playing premier league soccer games. Dates to be approved by the Manager of Environment and Recreation Services.

2.5 Richmond City Soccer Club

File: C90003-02
Responsible Officer: Team Leader Recreation

Purpose

1. To recommend actions in response to a request from the Richmond City Soccer Club (Club) for permission and financial assistance towards the cost of extending the clubroom and fencing the ground at the Bastow One Soccer Ground, Kevin Bartlett Reserve, Richmond.

Background

Kevin Bartlett Reserve

2. Kevin Bartlett Reserve is predominantly a sporting reserve catering to a range of field sports. Picnic and play facilities are provided for the sporting groups and the general public. This site is well suited to sporting activities due to its distance from the residential area, thereby reducing the conflicts than can arise with local residents regarding parking, noise, training lights etc.

Clubroom and Ground

3. The Bastow One Soccer Ground and clubroom are located on Crown Land, which is part of the Richmond Park.

4. The ground is currently fenced on two sides; along the freeway and to the east of the ground between Bastow One and Two.

5. The clubroom is located on a small parcel of Crown Land that was excised from the Richmond Park in 1987 and vested in Council on trust for the purpose of a constructing a sports pavilion.

6. The clubroom was built under a partnership agreement between Council and the Club in 1988. Under this agreement Council provided $160,000 in materials and the Club provided labour to the value of $380,000. As part of this agreement, Council also agreed to reduce the rental fee to $10 per annum in recognition of the in-kind contribution provided by the Club for a period of 21 years.

7. The Club has been a tenant of the clubroom under a license agreement since 1988. The license agreement is for a period of 21 years and expires on the 26 June 2009.

8. The Club's usage of the grounds is subject to a separate seasonal license. Under this seasonal agreement the Club paid a fee $1,491 for usage of the Bastow One and Two grounds during the 2004/05 winter season.

9. Under the terms of the clubroom license the Club has the following obligations and responsibilities:

   (a) payment of rates;

(b) meeting the cost of erecting any improvements with the approval of Council (all designs must be approved by Council);

(c) repairs and maintenance;

(d) payment of all utility accounts;

(e) fire prevention; and

(f) conduct all activities in a respectable and orderly manner.

Club History and Current Profile

10. The Club was formed in 1984 and is an incorporated association.

11. The Club currently has two senior men's sides, and 31 juniors sides comprised of 9 girls teams and 22 boys teams.

12. The Club is the largest soccer club within Yarra and has grown significantly over the last ten years. Table 1 illustrates this growth:

Teams	**1995**	**2001**	**2002**	**2003**	**2004**	**2005**
Men's	2	2	2	2	2	2
Boys	3	11	10	15	21	22
Girls	0	1	1	5	8	9
Total	**5**	**14**	**13**	**22**	**31**	**33**

Table 1

13. During the period between 2001 and 2005 the number of players at the Club has increased dramatically from 155 to 495.

14. The Club has sound administration and a well-developed junior coaching program including the services of trained child psychologist who works with coaches to ensure that the Club is able to provide a positive environment through which young players can participate in sport.

15. The Club has identified the expansion and continued development of women's and girl's soccer as a priority area for the next few years.

16. As well as achieving success in its junior development the Club has also achieved success with its senior men's team.

17. The two senior men's teams are an essential component of the club structure as they provide a pathway and an opportunity for juniors to play at a high level of competition.

18. The senior men's team has recently been promoted to the Victoria Premier League for the forthcoming 2006/07 season.

Football Federation Victoria Regulations and Requirements

19. The Football Federation Victoria (FFV) is the governing body for soccer in Victoria and is responsible for the setting of regulations for the three levels of soccer competition in the Victoria. These levels are:

    (a) Premier League;

    (b) State League; and

    (c) Provisional League.

20. Each level of competition is governed by a set of regulations that cover a range of matters including but not limited to:

    (a) playing arena dimensions;

    (b) fencing;

    (c) players and match officials amenities;

    (d) spectator amenities;

    (e) car parking; and

    (f) media viewing area.

21. The Premier League regulations require a higher standard of facility and ground, than those of the lower levels of competition.

22. The Premier League requires clubs to meet the following playing arena and facility standards:

    Playing Arena

    (a) the pitch markings must fall between the following range;

        (i) minimum length 100 metres and maximum length 105 metres;

        (ii) minimum width of 60 metres and maximum width of 68 metres;

    (b) the field of play must be rectangular. The pitch shall be an evenly grassed surface, marked in accordance with the laws of the game;

    (c) a chain fence around the pitch, with a minimum height of 1.1metres, and at a minimum 3 metres in distance from the sidelines;

    (d) a player's race from the dressing rooms to the playing area;

    (e) goalposts and corner flags of approved material; and

    (f) two covered coaches/substitute benches adequate to seat 8 people.

Facility Standard

Player and Match Official Amenities

(a) two players and one match officials lockable change rooms;

(b) first aid room; and

(c) toilets.

Spectator Amenities

(a) spectator amenities shall be fully enclosed with a perimeter fencing, at least 1.8 metres high;

(b) car parking for 200 cars within 200 metres of the ground;

(c) ticket box for collection of admission fees;

(d) functional scoreboard;

(e) canteen /kiosk;

(f) spectator toilets; and

(g) disabled toilet.

Other

(a) media room; and

(b) public address system
(*Attachment 1 - FFV Regulations*)

Premier League

23. The Premier League is the highest level of soccer in the state and is classified as a semi-professional competition with all first team players being paid a salary.

24. The Premier League is comprised of 14 teams and plays a 26 game season commencing in January and finishing in August each year. Games are scheduled on Fridays, Saturdays, Sundays or Mondays.

25. The home team is able to nominate the time and day of home games for each of the rounds.

26. The Club have expressed a preference for Friday night home games.

27. There are no other Premier League Teams within a 2-4 km radius. The nearest side is South Melbourne based in Albert Park.

28. Two teams are promoted every season from State One to the Premier League. Over the past three years only one of the promoted sides have been relegated the next season.

29. During the forthcoming season the Club will be scheduled to play 13 home games.

30. It is estimated that the home games will attract between 400 and to 1,000 spectators.

31. The average attendance at a Premier League game in 2005/06 was 1,000.

32. The FFV has set the following spectator entrance fees for 2005 Premier League Games:

    (a) Adults $10;

    (b) Students/concession $7.00; and

    (c) Under 16 Free.

Club's Request

33. The Club have written to Council seeking permission and financial assistance to upgrade the ground and clubroom to Premier League Standard, (*Attachment 2 letter dated 19 July 2005)*.

34. In particular the Club are seeking assistance with the following:

    (a) construction of a press box;

    (b) upgrading of the playing surface including drainage;

    (c) fencing of the ground; and

    (d) administration office.

35. The Club have submitted schematic designs for a second storey extension to the clubroom for press box and an office. (*Attachment 3 – letter and plans dated 18 August 2005)*

Facility and Ground Deficiencies

36. The ground and facilities do not currently meet all of the FFV regulations for the Premier League and the following works are required to meet these regulations:

    (a) upgrading of ground surface and drainage;

    (b) 1.8 metre spectator perimeter fence;

    (c) first aid room; and

    (d) media room.
    (Attachment 4 – Inspection Report dated 2 August 2005).

Consultations

37. Council Officers have meet with representatives of the Club and FFV to discuss and clarify the requirements of the Premier League.

38. The Club has expressed a strong desire to play their home games at the Bastow One Soccer Ground and are seeking the support of Council to achieve this goal.

39. FFV Regulations require all Premier League grounds to have a 1.8 metre perimeter fence. This fence is only required to be in operation during games times i.e. 13 games a season for a period of approximately 4 hours on each occasion. The fence can either be a permanent or a temporary structure.

Internal Consultation

40. Meetings with Council staff from Infrastructure and Urban Design were held. No issues were raised at these forums.

Financial Implications

41. It will cost approximately $80,000 to upgrade the playing surface, drainage and irrigation system. These works are scheduled to be completed in November 2005 and will be funded as part of an Open Space capital works rolling program aimed at improving sports surfaces. It should be noted that the need for these works was identified prior to the Club gaining promotion and would have been required even if the Club had not been promoted.

42. The current license agreement states that the Club is responsible for meeting the cost of erecting any improvements to the clubrooms and that all improvement works require the approval of Council.

43. It is proposed therefore that the Club will be asked to meet the costs of erecting a perimeter fence and the clubroom extensions.

44. Council will support the Club in seeking an appropriate contribution from relevant private bodies and Government Departments towards the cost of fencing in order to resolve traffic management and safety issues.

Economic Implications

45. These works will have limited economic implications.

46. It is anticipated that the Premier League games will attract additional visitors and potential income to the Yarra community.

Environmental Implications

47. These works will have limited environmental impact but there is an opportunity to ensure that the extension works adopt good environmental design principles incorporating natural light and energy efficient fittings and appliances.

Social Implications

48. The success of the Club has had a positive impact on local sporting clubs and has created pathways for young sports people to move to a higher elite level of competition.

49. The Club's reserve side is currently made up of local junior players. Junior players who cannot make selection to the senior sides are assisted to find places in other local senior teams that play at a lower level of competition.

50. The Club has strong contacts and networks with local schools and businesses and works hard to build a sense of local community.

Council Plan, Strategy and Policy Implications

Open Space Strategy

51. Kevin Bartlett Reserve provides a combination of active sporting and passive facilities. It is a well used sporting facility.

52. The Open Space Strategy classifies Kevin Bartlett Reserve as a citywide / district open space, that attracts visitors primarily from the City of Yarra, and other adjoining municipalities.

53. The Open Space Strategy supports the continued use of Kevin Bartlett Reserve primarily for sporting activities given its distance from residential population and high demand for sporting use.

Alienation of Pubic Open Space

54. Any fencing proposal must take into account the current unrestricted use of Bastow Reserve. Permanent fencing would not only restrict the current informal nature and usage of the reserve, but also create a layer of visual intrusion that might cause concern to casual users of the reserve.

55. Any fencing proposal must ensure player and spectator safety and also be transparent in its design so as not to intrude on the casual nature of the park.

Legal Implications

56. Kevin Bartlett Reserve is part of Richmond Park, which is Crown Land permanently reserved as a site for a Public Park and Recreation. Under the provisions of the Crown Land (Reserves) Act 1978 Yarra City Council is the Committee of Management.

57. The Regulations for Richmond Park published in the Victorian Government Gazette on 23/1/1977 state that:

    " The Reserve shall be open to the public from sunrise to sunset free of charge except on such days and at such hours as the Council may by resolution set aside as days on which charges or entrance fees may be received and collected from any person entering in or upon the Reserve or any specified part or parts thereof, and on any of such days such charges and entrance fees which the Council may by resolution specify may be received and collected."

58. Council has the authority under the Crown Land Act to grant the Club permission to extend the clubroom and fence the ground subject to planning and building permit approvals.

Other Issues

GE Finance and Melbourne University Development

59. A parcel of unreserved Crown Land immediately adjacent to the Bastow One Soccer Ground has been given to GE Finance (GE) by the State Government for the construction of a 96 space car park. As part of these works a 1.8 metre fence will be constructed on the south side of the ground from the freeway to the road.

60. Council officers are also currently reviewing a proposal for the upgrade and extension of the car park at the end of FR Smith Drive adjacent to the Burnley Campus, University of Melbourne. This proposal will formalise the current ad hoc parking arrangement in this area.

61. The proposal is for 118 spaces, currently there are approximately 71 spaces in this area. The design provides new indented parking on the north side of FR Smith Drive opposite Bastow Two Soccer Ground. 32 spaces at 90 degrees and 6 spaces parallel with FR Smith Drive.

62. The Club has expressed concerns that the increased traffic on FR Smith Drive as a result of the GE development and in particular the car parking will pose a safety risk to young people playing soccer on both Bastow One and Two. In order to resolve this issue the Club has requested that Council erect a 1.8 metre fence along FR Smith Drive.

63. The additional car parking spaces from both the GE and Melbourne University developments will increase the traffic in the area and pose increased safety and traffic management issues particularly for children and young people playing soccer on Bastow Two.

64. A new safety fence will be required along Bastow Two to address the safety issues. Council officers are currently making comments on the final design for the car parking layout along FR Smith Drive that has been submitted by the developer, on behalf of the Melbourne University. As part of these discussions it is proposed that Council ask the developer to pay for the new fencing on Bastow Two. As this fence will not only protect the soccer players using the ground but will also protect any vehicles parked along FR Smith Drive.

Traffic Management

65. Whilst the proposal demands that FR Smith Drive is closed for a period of time when games are scheduled there is an alternative traffic route through the car park area north of FR Smith Drive.

66. The proposed changed conditions connected to soccer usage can cater for detoured traffic from FR Smith Drive to access either the proposed GE car park at the end of FR Smith Drive or to exit through to Swan Street.

67. The northern car park redesign and construction at the rear of the Melbourne University is proposed as part of the GE Development. Its future design and construction does cater for 2-way traffic flow.

68. The alternative route will not interfere or inhibit with existing traffic or pedestrian flows through the Kevin Bartlett Reserve when soccer games are being held.

69. The 2 new car parks will be constructed prior to the 2006 Soccer season.

70. A detailed traffic management plan will be produced by the Club and authorised by Council officers before the start of the 2006 Soccer season.

Sports Plan

71. Council will be developing a Sports Plan this year to guide the future development of its sports facilities.

72. The Sports Plan will:

    (a) identify current and future needs for provision of sports facilities, grounds and infrastructure;

    (b) differentiate between community, competition, social and professional or elite sport and define Council's role in each of these areas;

    (c) guide and foster the development of partnerships between Council and key stakeholders including but not limited to: schools, sporting clubs, community service agencies, public housing tenants, churches, youth, indigenous communities, homeless people and culturally and linguistically diverse communities;

    (d) identify opportunities for partnerships with private providers and develop a framework to guide such partnerships; and

    (e) review current fees and charges for all users of sports facilities.

73. The Sports Plan should be completed by April 2006. In light of this planning process the request by the Club to review sports usage within the Kevin Bartlett precinct should be deferred and considered as part of this process.

74. Council currently has no policy to guide decisions in relation to the provision of sports facilities for professional or elite level sport, this matter will be addressed in the Sports Plan that is currently being developed.

Terms of Club Rooms License

75. Under the terms of the current license the Club is responsible for erection of all capital improvements on the site.

76. In their initial letter on this matter dated 19 July 2005, the Club indicated that they would be able to meet the cost of the new press box and office facilities; in contrast in the Club's second letter they seek financial assistance from Council towards these costs.

77. The current license agreement expires in 2009, on expiration the license will be updated to reflect recent changes in the Crown Land Act and also the endorsed strategic directions of the Sports Plan.

Location of The Perimeter Fence

78. There are two options for the location of the perimeter fence; these are to the North and South of RF Smith Drive. *(Attachment 5 –Schematic Design for fencing options)*.

North Option

79. The North option involves the construction of a fence parallel to FR Smith Drive between the Melbourne University Car Park and the road.

80. The fence would be located adjacent to the Melbourne University car park, which is only partially visible from FR Smith Drive and subsequently park users. The alignment of the fence is raised from the level of FR Smith Drive and runs through several parts of existing landscaping. In this location and through selective use of materials and plantings can mask the construction and location of the fence in the area.

81. This option would also require the construction of gates to close this section of FR Smith Drive during matches. During which time traffic would be diverted through the University Car Park.

South Option

82. The South option involves the construction of a fence on the south side of FR Smith Drive parallel to Bastow One.

83. Both of these options meet the requirements of the FFV and the Club and have been endorsed by both bodies.

84. Consultation with City Infrastructure has confirmed that neither of the design options will not restrict traffic flow through the area or interfere with other public infrastructure assets.

Proposal

85. It is proposed that Council approve in principle the extension to the clubroom and fence (subject to necessary planning and building permits).

86. Further, it is proposed that Council make no financial assistance towards the clubroom extension and perimeter fence.

87. This proposal is recommended for the following reasons:

    (a) the current clubroom license agreement requires the Club to meet the cost of capital improvements;

    (b) the works are required to meet FFV regulations and do not enhance local sporting facilities or opportunities;

    (c) the level of competition is classified as semi professional; and

(d) the proposed fencing and extension to the Clubrooms will have minimum impact on Open Space.

88. The North Option is the preferred location for the fence for the following reasons:

(a) it minimises impact on open space;

(b) it is the least intrusive option;

(c) it would assist with traffic management issues; and

(d) it would address some of the safety issues caused by increased traffic on FR Smith Drive.

89. That the final location of the fence be subject to consultation with external parties and Council's Urban Design Unit.

RECOMMENDATION

90. That Council approve in principal the proposed extension to the clubroom and erection of a perimeter fence (subject to necessary planning and building permits).

91. That the Club's request for financial assistance towards the cost of the extension and fencing is declined.

92. That Council assist the Club to seek an appropriate financial contribution from relevant private bodies and Government Departments towards the cost of fencing in order to resolve traffic management and safety issues

93. That the Club's request for Council to review usage within the Kevin Bartlett sports precinct be deferred and considered as part of consultation for Council's Sports Plan.

94. That Council grants permission to the Club to restrict entry to Bastow One to people who have paid an entry fee of $10 adult and $7 concession; on 13 occasions during the forthcoming 2006/07 season for the purpose of playing premier league soccer games. Dates to be approved by the Manager of Environment and Recreation Services.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows **Seconded:** Councillor Maltzahn

That the matter be deferred to Council for further consideration.

CARRIED

CONTACT OFFICER: **Stuart Grant**
TITLE: **Team Leader Recreation**
TEL: **9205 5735**

Attachment 1 – Football Federation Victoria Regulations
Attachment 2 – Richmond Soccer Club's Letter Dated 19 July 2005.
Attachment 3 – Richmond Soccer club Letter and Schematic Plans Dated 18 August 2005
Attachment 4 – Football Federation Inspection Report 2 August 2005
Attachment 5 –Schematic Design for Fencing options

2.6 Management of Liquor Licensed Premises

Executive Summary

Purpose

To report to Council on the outcomes of the Liquor Licensing Management Working Group and propose a way forward for Council to better manage the planning process and the operation of Liquor Licensed premises.

Key Issues

At the April 2005 Council meeting it was resolved to establish a Liquor Licensing Management Working Group to report to Council on means of minimising the impact of licensed premises on neighbourhood amenity and preventing the proliferation of late night trading throughout the municipality.

Community and Social Implications

Council has a responsibility to appropriately manage the diverse land-uses and activities in the City.

Legal Implications

Council has sought legal advice regarding material contained in the report.

Financial Implications

There are no direct financial implications to Council.

Environmental Implications

To ensure that development is in accordance with the Yarra Planning Scheme.

City Plan, Strategy and Policy Implications

City Plan outlines the following objectives:

(a) retain the appropriate mix of land uses across Yarra; and

(b) work towards improving Yarra's public domain to facilitate greater activity and enjoyment.

Proposal

That Council endorse the use of the proposed Local Law to address music noise and patron behaviour at licensed premises.

That a Licensing Advisory Review Committee be established for a 6 months trial with representatives from the Victorian Police, Council's Statutory Planning Branch and Community Amenity Unit to review planning permit applications involving liquor licensing.

That a standard planning permit condition be adopted for a music noise limiter to be installed for premises where music is to be played after 11.00pm and applied to planning applications where appropriate.

Council continue to work on liquor licensing issues through the Inner Melbourne Action Plan implementation.

The current Municipal Strategic Statement review will address better ways to manage the interface of the varied and diverse activities and uses within the City of Yarra.

That a report is provided back to Council in February 2006, regarding the impact of the trial changes to parking restrictions in Stanley Street, Richmond. That the report include advice and recommendations to Council regarding the effectiveness of parking restrictions to control the negative amenity impacts of patrons accessing their cars after leaving liquor licence premises.

2.6 Management of Liquor Licensed Premises

File:
Responsible Officer: Manager Building and Regulatory Services

Purpose

1. To report to Council on the outcomes of the Liquor Licensing Management Working Group (The Working Group) and propose a way forward for Council to improve the planning process in regards to Liquor Licensed premises.

Background

2. At the April 2005 Council meeting, it was resolved to establish a working group to report on means of minimising the impact of licensed premises on neighbourhood amenity and preventing the proliferation of late night trading (i.e. past 1.00 am) throughout the municipality. The role of the working group was to assist Council in responding to the following issues:

   (a) developing standardised planning permit conditions;

   (b) drafting a local law to address music noise from licensed premises;

   (c) drafting a local law to address patron behaviour from licensed premises;

   (d) investigating Council's ability to use local laws to control the hours of operation of licensed premises;

   (e) identifying areas in activity centres where structure plans or other statutory planning mechanisms (eg. Development Plan Overlays) can assist in controlling hours of operation;

   (f) examining enforcement issues;

   (g) examining ways of dealing with parking issues (including the impact of late night trading in residential areas).

3. The Working Group was to report to Council within two months.

4. In July 2005 an update report was provided to Council and the following matters were resolved that:

   (a) Council officers commence the preparation of a draft Local Law for the purpose of controlling noise from commercial premises;

   (b) Council note that a committee involving members of the Victorian Police, Statutory Planning Branch and Community Amenity Unit will be established to provide comment on planning permit applications involving liquor licensing;

   (c) Council note an extension of time until August 2005 for the Liquor Licensing Management Working Group to submit its final report to Council; and

(d) Council trial changes to parking in Brunswick and Swan Streets towards addressing the destructive behaviour of patrons leaving licensed premises.

5. The timeline was insufficient for the work to be completed; the working group requested it be extended to the October Council Cycle. It was deferred until November pending further of legal advice.

6. The introduction of the *Liquor Control Reform Act* 1998, shifted a number of responsibilities regarding the control of licensed premises from the Victorian Police to Local Government.

7. There are 650 venues with liquor licences in the municipality. Many of these are adjacent to residential areas, resulting in complaints from residents about music noise and patron behaviour. Between 1/1/05 and 28/10/05 Council received 250 complaints regarding music noise (involving 79 premises) and 30 complaints regarding public behaviour.

8. The main issue confronting Council is ensuring compliance with SEPP N2 provisions by licensed venues through liquor licences, planning permits granted by Council or VCAT and for premises that enjoy existing use rights.

9. The Victorian Police have been unable to respond to most complaints about music noise.

10. When venues, with existing use rights, and no relevant planning controls on the operation of the premises, breach acceptable noise levels, Council most commonly relies on Section 90 of the Liquor Control Reform Act and applies to VCAT to alter, suspend or cancel a liquor licence. This is a long and costly process and gives complainants little relief from music noise during the investigation period.

Key Issues

11. In accordance with the resolution of Council (April 2005), the following matters address each issue that the working group was to respond to:

(a) developing standardised planning permit conditions;

Maddocks have drafted a standard planning permit condition for the installation of noise limiters for premises where music is to be played after 11.00pm (refer Attachment 1).

Given that the Planning Scheme is performance based, the condition will need to be considered on a case by case basis. Accordingly, Maddocks has advised that a blanket approach to include such a condition is not supported. In the Planning Permit application process an acoustic report would at least be required suggesting that such a device is warranted or would be beneficial, or the area would need to be demonstrated to be particularly sensitive or the proposed operation potentially problematic.

A recent decision at VCAT criticised the application of mandatory controls, or a 'blanket' approach to the use of planning permit conditions by a Council (given the planning scheme is performance based). The

application of mandatory planning conditions to all licensed premises with a licence after 11pm may risk a determination by VCAT that will not enable Council to incorporate such a planning permit conditions on any relevant planning applications. (Refer Moreland vs. Hasan CC [2005] VCAT 1931: 16 September 2005).

The condition cannot be retrospectively applied to licensed premises with existing permits to trade after 11 pm.

(b) *drafting a local law to address music noise from licensed premises;*

A Local Law has been drafted (refer Attachment 2). Council has sort legal advise from Maddocks regarding the Local Law (refer Legal Advice section of this report). If the Local Law is to be supported in principle, the fundamental requirement is for a commercial operator not to permit the emission of unreasonable noise. As with all enforcement action the onus of proof of the non-compliance rests with Council.

(c) *drafting a local law to address patron behaviour from licensed premises;*

Public behaviour offences are covered in the Summary Offences Act and are the responsibility of the police. The draft Local Law addresses patron behaviour when: at; entering; and/or exiting commercial premises.

(d) *investigating Council's ability to use local laws to control the hours of operation of licensed premises;*

A Local Law has the potential to be inconsistent with the Liquor Control Reform Act and therefore should not be used to control trading hours.

(e) *identifying areas in activity centres where structure plans or other statutory planning mechanisms (eg. Development Plan Overlays) can assist in controlling hours of operation;*

Structure plans for Yarra's Activity Centres have commenced and will address the issue of maintaining the valued character, diversity and amenity of each of these areas.

(f) *examining enforcement issues;*

A Licensing Approvals Review Committee has been established involving the Victorian Police, Council's Statutory Planning Branch and the Community Amenity Unit to review planning permit applications involving liquor licensing. It should be noted that this Committee is an advisory group and will not duplicate or replace the current functions of IDAC. It is proposed that the Committee be run on a trail basis for 6 months prior to review.

(g) *examining ways of dealing with parking issues (including the impact of late night trading in residential areas).*

At its meeting on July 2005, Council's resolved to implement a trial area of parking restrictions in Brunswick and Swan Streets to determine if further parking restrictions could reduce the negative impact of patrons leaving licensed premises on abutting Residential Zone areas.

Further consultation with Council's Transport Coordinator has identified that trial Parking Restrictions have been introduced in Stanley Street Richmond, adjacent to Swan Street. These are to be reviewed in January 2006.

In addition Council's Transport Co-ordinator advised that parking restrictions introduced in side streets near licensed premises would have a flow on affect to other areas. Patrons will be forced to park further away, thereby impacting on new areas and patrons will still walk past the currently affected premises to the venues; and that this process will be repeated when they leave the premises.

(h) the Working Group to report to Council within two months

A time extension was granted by Council to submit the final report at the October 2005 Council cycle. The report was delayed until November due to the provision of additional legal advice.

Additional Matters raised by the Working Group

12. At the last Working Group meeting, concern was raised regarding footpath trading after 11pm and its potential negative impact on residential amenity, particularly as new smoking laws will be introduced in July 2007. It was recommended that there should be no footpath trading in the City of Yarra after 11 pm.

13. The Working Group recommended that Council should continue discussions with other Councils to ensure there is a uniform approach in relation to footpath trading hours.

Footpath Trading for Premises with a Liquor License

14. Section 5.11 of the Footpath Trading Policy (the Policy) states:

'*Footpath trading will only be permitted till 11pm unless, in the opinion of the Authorised Officer, the amenity, safety or access of nearby residences will not be affected'.*

15. The current practice is for trading hours on a Footpath Trading Licence to be consistent with the hours of trading allowed under the applicable liquor licence.

16. Since the adoption of the Policy two premises have had their permitted footpath trading hours reduced to 11pm as a result of non-compliance.

17. As of 1st July 2007 smoking in licensed premises will be prohibited. Council's survey of premises with Liquor Licenses (yet to be completed) indicates that 37% of those 200 premises surveyed, with general licences, will use the footpath for a smoking area.

18. Concerns were raised at the Working Group, that patrons who leave licensed premises to smoke will remain outside longer if the footpath trading facilities are in place. Patrons would be served alcohol outside prolonging their stay, rather than just smoking and returning inside and that this increase of people and their

longer duration on the footpath would detrimentally affect the amenity of the area.

19. The Licensing Inspector for the Municipality, Inspector John Manley, confirmed that under the current liquor licensing laws, patrons at premises with a General Licence, can consume alcohol on the footpath in front of the premises.

20. It should be noted that Section 5.2.3 of the Footpath Trading Policy states,

    'Serving of food and beverages to patrons standing on the footpath is not permitted, except for take away sales'.

21. To date the majority of licensees have demonstrated a responsible approach in managing late night footpath trading and there appears to be no justification in adopting a blanket approach in reducing all Footpath Trading Licenses to 11.00pm.

22. Under Section 5.11 of the policy any individual premises that affect the amenity, safety or access of nearby residences may have there licence reduced to 11.00pm. Further enforcement action may result in fines being issued or the premises Footpath Trading Licence not being renewed.

23. Given the potential impact any reduction in footpath trading hours would have on licensed venues, it is recommended that before any changes are considered regarding footpath trading hours, wider consultation would need to be carried out with the community, including with liquor licensed premises.

    Reconvening the Working Group

24. It was suggested that as the group has proven to be a productive and functional group that its time frame for completion should be extended by a further six months to allow it to address similar related issues.

25. The group has actively addressed all seven issues requested by Council. Any further items that members feel need to be addressed should be raised with Council and if it is deemed necessary the group can be reconvened or another formed to address those issues.

Consultations

26. Council's Urban Planning Branch participated in the working group and provided input regarding planning controls relevant to managing and/or limiting late night trading venues, greater standardisation of planning permit conditions and the policy context as set out in the Municipal Strategic Statement and Licensed Premises Policy.

27. A presentation by the Victorian Police detailed their process and authority in dealing with licensed premises and patron behaviour in the street. The police expressed a desire to start a Licensing Advisory Approvals Committee in Yarra.

28. Council hosted a forum with members of the Inner Melbourne Action Plan (IMAP) regarding liquor licensing. Presentations were received from representatives of Melbourne, Stonnington, Port Phillip and Yarra Councils, to ascertain their approach and procedures in addressing amenity issues, music

noise, patron behaviour and the impacts of a changing culture on strip shopping centres. (Refer Attachment 3: Minutes of the IMAP meeting).

29. Council's Transport Co-ordinator presented the process involved in altering parking restriction within Yarra to the Working Group and commented on the Parking Trials.

30. Licensees have not been consulted.

Financial Implications

31. There are no direct financial implications for Council.

Economic Implications

32. Whilst Council acknowledges the value of the nightlife economy within the City of Yarra, there are concerns that the proliferation of late night music venues may have a long term negative impact on strip shopping centres.

Legal Advice

33. In regard to a Local Law to address music noise from commercial premises, Maddocks have expressed concern about the validity of the proposed amended Local Law.

    "This is due to s111 of the Local Government Act 1989, which provides that a local law is inoperative to the extent that it is inconsistent with any Act or regulation. While the local law is not directly inconsistent with other legislation, it could be said to 'cover the same field' as the Environment Protection Act 1970, which empowers the police in relation to the control of noise from entertainment venues (s48AB), and empowers the Environment Protection Authority in relation to its State Environment Protection Policies (including the State Environment Protection Policy (Control of Noise from Public Premises) No. N-2). Having said that, this aspect has not been challenged in court and we understand that Port Phillip City Council has successfully used such a local law to provide speedy relief in addressing music noise from licensed premises".

34. The potential advantage of the Local Law is that it addresses commercial premises in Residential 1 zones, where there are no specific controls in the Planning Scheme preventing detriment to amenity. In particular from commercial premises with a liquor license and existing use rights, which do not have planning permit conditions limiting impacts on amenity of the area.

35. A Local Law should not be used to control trading hours of Licensed Premises, as it may be inconsistent with the Liquor Control Reform Act.

36. A Local Law should not be used to control patron behaviour in the street beyond the immediate vicinity of the license premises, as this may impinge on the scope of the Summary Offences Act, which is enforced by the police.

    "In some circumstances Council has the power to enact a Local Law controlling patron behaviour without encroaching on the Summary Offences Act. The issue is one of enforcement and also the area in respect of which it is reasonable for a licensee to have control over. For this reason the Local Law has been drafted to include patron behaviour when at, entering or exiting the premises".

37. Maddocks' advice in relation to a standard Planning Permit condition to include a music noise limiter for all commercial premises playing amplified music noise after 11:00pm outlined that an operator may well be able to demonstrate that they could comply with relevant noise standards in the absence of such a device. Accordingly, a blanket approach is not supported to include such a condition - an acoustic report would at least be required suggesting that such a device is warranted or would be beneficial, or the area would need to be demonstrated to be particularly sensitive or the proposed operation potentially problematic.

RECOMMENDATION

38. That Council endorse the use of the proposed Local Law to address music noise and patron behaviour at licensed premises.

39. That a Licensing Advisory Review Committee be established on a 6 months trial with representatives from Victorian Police, Council's Statutory Planning Branch and Community Amenity Unit to review planning permit applications involving liquor licensing.

40. That a standard planning permit condition be adopted for a music noise limiter to be installed for premises where music is to be played after 11.00pm and applied to planning applications where appropriate.

41. Council continue to work on liquor licensing issues through the Inner Melbourne Action Plan implementation.

42. The current Municipal Strategic Statement review will address better ways to manage the interface of the varied and diverse activities and uses within the City of Yarra.

43. That a report is provided back to Council in February 2006, regarding the impact of the trial changes to parking restrictions in Stanley Street, Richmond. That the report include advice and recommendations to Council regarding the effectiveness of parking restrictions to control the negative amenity impacts of patrons accessing their cars after leaving liquor licence premises.

Submissions

The following people addressed the Committee on this item:

Mr Ian Quick; and

Mr Geoff Barbour.

Councillor Jolly left the chamber during discussion of this item and returned prior to the commencement of debate.

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Maltzahn **Seconded:** Councillor Meadows

That the matter be deferred to Council for further consideration.

CARRIED

CONTACT OFFICER: **Steven McMurray**
TITLE: **Manager Building and Regulatory Services**
TEL: **9205 5004**

Attachment 1 - Draft of Standard Planning Permit Condition

Attachment 2 – Draft of Local Law

Attachment 3 – Minutes of the Inner Melbourne Action Plan – Licensing Issues Forum

Adobe Acrobat Document

2.7 Council Response to the Consultant Report on the Review of Policies and Controls for the Yarra River Corridor - Punt Road to Burke Road, by Planisphere (June 2005) for the Department of Sustainability and Environment

Executive Summary

Purpose

The report outlines the findings and recommendations included in the Consultant Report, prepared by Planisphere (June 2005) for Department of Sustainability and Environment (DSE). The report is a review of the policies and controls for the Yarra River Corridor, between Punt Road and Burke Road.

The Report has been produced for consultation purposes and includes recommendations regarding ways of strengthening the planning controls in the respective planning schemes to ensure the improved protection and enhancement of the valued qualities of the Yarra River corridor in this area. It includes land in the Cities of Yarra, Banyule, Stonnington and Boroondara.

Key Issues

The current regulatory and policy context for the management of land use and development along the Yarra River corridor through the above municipalities are not considered robust enough, or consistent throughout the corridor.

Financial Implications

There are no direct financial implications from the study at this stage. The study has been commissioned by DSE.

Environmental Implications

The proposed controls are additional planning permit triggers and performance standards for inclusion in the Yarra Planning Scheme for land along the Yarra River corridor. If adopted, they will enhance the environmental qualities of the riverside environment and assist in the prevention of inappropriate development along the River corridor.

Social Implications

A well-managed river environment with appropriate public access opportunities is considered a valuable recreational and community asset in the City of Yarra.

Council Plan, Strategy and Policy Implications

Protection of the Yarra River corridor is consistent with Yarra's Council Plan 2005 - 2009. The study has responded to the renewed policy and planning focus highlighted in *Melbourne 2030* to manage development along the Yarra River corridor.

PROPOSAL

The report forms the basis of Council's response to DSE on the above study and comments on the submissions received, as relevant to the City of Yarra.

2.7 Council Response to the Consultant Report on the Review of Policies and Controls for the Yarra River Corridor - Punt Road to Burke Road, by Planisphere (June 2005) for the Department of Sustainability and Environment

File: 55/55/05/02
Responsible Officer: Coordinator Strategic Planning

Purpose

1. For Council to consider the findings and recommendations in the Consultant Report (the Report), dated June 2005, prepared by Planisphere for DSE, which is a review of the policies and controls for the Yarra River Corridor (the River), between Punt Road and Burke Road. It includes land in the Cities of Yarra, Banyule, Stonnington and Boroondara.

2. The Report was produced for consultation purposes and includes recommendations regarding ways of strengthening the planning controls to ensure the ongoing protection and enhancement of the valued qualities of the River corridor in this area. (A copy of the Report has been previously circulated to Councillors)

Background

3. The study is a direct response to a key initiative in *Melbourne 2030,* namely initiative 5.7.4 which reads as follows:

   Strengthen current policies and review the adequacy of planning controls relating to the Yarra and Maribyrnong Rivers to ensure the long-term protection of open space, conservation values – with the first priority being the Yarra River corridor between Punt Road and Burke Road.

4. Under clause 12.05 – *A Great Place To Be,* in the State section of the planning scheme, as amended under Amendment VC34 which was gazetted on 22 September 2005, one of the strategies under *Open Space* is as follows:

   Ensure development does not compromise the Yarra River and Maribyrnong River corridors and other waterways as significant open space, recreation, aesthetic, conservation and tourism assets.

5. Pressures for development are particularly intense between Punt Road and Burke Road, where private land is in close proximity to the River and large lots are being subjected to greater intensity of development, particularly former industrial sites undergoing redevelopment for commercial and residential uses.

6. The Study includes the open space corridor along the River and its urban and suburban interface. The study area has been divided into the following three broad character types based on existing type of built form, vegetation coverage and separation from the River:

   (a) leafy suburban (large private lots extending to the river in Alphington and Fairfield);

(b) urban industrial/ex-industrial (suburbs of Richmond, Abbotsford and Cremorne)

(c) urban residential (South Yarra in City of Stonnington)

These area descriptions are consistent with those applied under Amendment C66 in the City of Yarra.

7. The study was overseen by a Reference Group, comprising officers from the four Councils, DSE, Melbourne Water and Parks Victoria. Several stakeholder workshops were held throughout the Study process, which included several resident forums in the above areas.

Existing Policies

8. Previous strategic planning studies and existing planning scheme provisions and controls are reviewed in the Report. Much of the previous strategic planning work has proved to still be relevant to the community's current values and expectations for the River. Recent regional strategic planning work, including "*Melbourne 2030"* and Parks Victoria's *Linking People and Spaces"* provides a renewed policy focus for managing the ongoing protection of the study area.

9. The study considers that the key issues are not so much lack of controls in the sensitive areas along the River but rather the way the planning provisions are currently structured, including inconsistency in planning tools adopted by the different Councils and lack of clarity to guide and ensure appropriate development outcomes along the River. Existing controls in the Yarra Planning Scheme have been reviewed and it is believed that they could be further refined, as discussed below.

Discussion

Strategic Directions of the Study

10. Four strategic directions are proposed in the study:

(a) strengthened planning controls;

(b) undertaking further design and development planning of key sub-areas adjoining the river eg AMCOR site;

(c) ongoing management and enhancement of open space; and

(d) securing open space and access opportunities.

Each of the above issues are discussed under the relevant headings below.

11. Analysis and recommendations of ways in which the planning controls might be strengthened are contained in Attachment 2 and 3 and Maps 6a and 6b of the Report (refer Attachments 1 and 2 to this report, which excludes the maps).

12. The report is now considered as it relates to the City of Yarra.

Strengthened Planning Controls

13. In the Study, substantial emphasis has been placed on strengthening local planning scheme controls through the use of overlays. In most situations the Environment Significant Overlay (ESO) is recommended as the tool that can most easily consolidate the issues relevant to a riverside environment – built form, landscape, vegetation and environment protection.

Leafy Suburban Character Type – Alphington and Fairfield

14. Existing controls were found to be insufficient to protect the vegetated character of the larger lots in these suburbs.

15. For the Fairfield and Alphington areas, which are specified in the Report as a first order priority, the current planning controls include:

    (a) ESO – permit for buildings and works, except for a building less than 6 metres in height above ground level, constructing a fence and removal of vegetation (except for trees of a circumference less than 0.35 metres and less than 6 metres high and a branch spread less than 4 metres;

    (b) DDO 1 (Yarra River Corridor under Amendment C66) permit for buildings and works, specific design objectives for Leafy Suburban River Edge; and

    (c) Land Subject to Inundation Overlay (LSIO) and Urban Floodway Zone (UFZ). Part of the properties are covered by the UFZ and other parts by the LSIO. These impose permit requirements for all buildings and works, fences and subdivision, except for certain works carried out by a public authority. All applications are to be referred to Melbourne Water.

Recommended Changes to Planning Controls

16. Recommendations include rationalising the existing overlays in Park Crescent and Rex Avenue, Fairfield and include improved performance standards for building height, building site coverage, river setbacks and jetties (refer Attachment 1).

17. The revised DDO introduced under Amendment C66, approved in June 2005, which focuses on built form along the River, is not to change as part of this study. It is proposed it will cover the entirety of lots, only partially covered by the existing DDO1. The DDO1 requires a planning permit for buildings and works.

18. The ESO applying to these areas remains relevant to protect the environmental integrity of the riverside environs in this location. Attachment 1 to the Report contains a list of proposed strategies and guidelines considered appropriate for inclusion in the schedule to the ESO applying to this character type to strengthen its application and outcomes (refer Attachment 5).

19. Under the ESO new additional performance standards proposed include:

    (a) Building height – maximum 9 metres above ground level;

(b) Building setback – buildings to be setback form the river, depending on topography and presence of indigenous vegetation and the general desire for no further encroachment of development closer to the River;

(c) Site coverage – total area covered by buildings and other impervious surfaces (eg pool) should not be greater than 35% of the total lot outside the 1:100 year flood level. No net increase in impervious areas in the 1:100 year flood level. In these areas redevelopments must also result in a reduction in site coverage; and

(d) Jetties, Boat Ramps and Mooring Facilities – these facilities should not require the removal of indigenous vegetation and should enhance the natural landscape character of the riverside environs, and the enjoyment of the River by all users. (These facilities currently require a permit as 'buildings and works').

20. As a second order priority, in the remainder of Alphington from Alphington Park to Darebin Creek, which is the area separated from the River by roads and parklands, the controls will be revised to strengthen the following outcomes:

(a) retention of vegetation;

(b) maintenance of building height subordinate to vegetation;

(c) new vegetation encouraged;

(d) colours and materials to complement vegetated environment;

(e) minimise impact of stormwater runoff; and

(f) control of weeds in open space corridor.

21. Land Subject to Inundation (LSIO) and Floodway Overlay (FO) – part of the LSIO would be replaced with an FO, based on Melbourne Water's recommendations. This overlay has similar permit requirements to the LSIO but criteria for granting permits are more stringent eg new lots totally in FO cannot be created. It is considered that the above change of control will strengthen the controls relating to this area and should proceed as a priority.

<u>Abbotsford/Richmond Urban Industrial/Ex-Industrial</u>

22. This character type occurs in Yarra between the Eastern Freeway and Punt Road and includes the suburbs of Abbotsford, Richmond and Cremorne. Guidelines for controlling built form were developed for inclusion into the DDO1 under Amendment C66 to the Yarra Planning Scheme. The study recommends for this character type:

(a) implementing Amendment C66, which includes building height, building setback performance standards. This has been achieved with the gazettal of Amendment C66 in June 2005;

(b) amend the existing ESO1 applying to this area to include additional and stronger objectives and strategies to manage development, as appropriate and as recommended in Attachment 1 to the Report (refer Attachment 5);

(c) adoption of a new performance standard relating to jetties, boat ramps and mooring facilities. These should not require the removal of indigenous vegetation and should enhance the natural landscape character, through design and siting and provide for the enjoyment of all users of the River corridor;

(d) LSIO and FO – Part of the LSIO would be replaced with an FO, based on Melbourne Water's recommendations. In the FO, new lots totally in the overlay cannot be created.

Monash Freeway/City Link River Edge

23. A further location included in the Urban Industrial/Ex-Industrial Character type in Yarra is the Monash Freeway/City Link River Edge. There is no riverside open space in this area.

Existing ESO in this Area

24. An existing ESO applies to some of the properties in this area. Current permit requirements cover:

(a) buildings and works, except for a building less than 6 metres in height;

(b) constructing a Fence; and

(c) removal of vegetation, except for trees with a trunk circumference of less than 0.35 metres at a height of one metre above ground level and is less than 6 metres high or has a branch spread of less than 4 metres.

25. These provisions need to be rationalised with the new DDO1 provisions in the planning scheme, as revised under Amendment C66 (June 2005) to ensure that there are no gaps in the areas affected by the DDO1 and ESO in this riverside location, which require a permit for all buildings and works. It is also recommended that the improved objectives and decision guidelines for environment protection along this river edge, (as outlined for this character type in Attachment 1 to the Report) be considered for inclusion in a revised ESO (refer Attachment 5).

26. Recommended new performance standards under the ESO are:

(a) building height - add requirement for new development not to overshadow public spaces or the River and to avoid undesirable impacts on the River corridor; and

(b) public access – development to facilitate public access to the river, especially between Punt Road and Cremorne Street and between Mary and Burnley Streets.

LSIO and FO

27. Part of the LSIO would be replaced with a FO, based on Melbourne Water's recommendations as discussed above.

28. It is considered that the above changes to the planning controls recommended by the study will provide stronger controls over development along the River corridor and will help protect it as a major recreation asset for the inner Melbourne region.

Planning Guidelines and Strategies for Managing Development in the Study Area

29. As part of the Report, the consultant has prepared a comprehensive table of guidelines and strategies for inclusion in the Local Planning Policy Framework (LPPF) of the Yarra Planning Scheme.

30. Attachment 1 to the consultant's Report lists the proposed planning guidelines and strategies for managing development in the Leafy Suburban Character Type areas (Fairfield and Alphington), the Abbotsford/Richmond Urban Industrial/Ex-industrial interface area and the Monash Freeway/City link River Edge areas, as defined in the study (refer Attachment 5).

31. These provisions should inform the ongoing review of the LPPF of each of the planning schemes included in the study. They are currently being assessed and considered for inclusion in the LPPF of the Yarra Planning Scheme, as part of the current review of the MSS under the Yarra Planning Scheme. They will also inform the review of the various overlays which apply along the River Corridor in Yarra, as discussed above.

Securing Open Space and Public Access Opportunities

32. Attachment 5 to the Report outlines "*Recommendations on Existing Public Acquisition Overlays (PAO's)*. In Yarra there are existing PAO's along the River in three locations – along the River edge between Gipps and Walmer Street, the Darebin Creek edge through the Latrobe Golf Club and land on the west side of the Creek through Alphington Grammar School. The nominated acquiring authority is DSE (for Parks Victoria). In the most part, the purpose for acquisition continues to be relevant and retention of the PAO in the planning scheme is recommended.

33. Five locations within the study area have been identified on Map 7 in the Report as priorities for potential additional public access. Each of these represents different patterns of land ownership.

34. Some currently allow access but are in private ownership and have associated liability and management issues eg rear of Rex Avenue properties abutting the River, while others are locations with potential as long term linkages within the Corridor, subject to environmental constraints.

35. Under Yarra's Municipal Strategic Statement (MSS) an adopted objective for the Yarra River Corridor is *"To create a continuous shared trail network along the length of the waterways."*

    A nominated strategy in the MSS to achieve this objective is to provide continuous public access along the River bank.

36. In Yarra there are four additional potential public access areas nominated in the Report, as described below. Together the first three areas would provide continuous access from Fairfield Park to Alphington Park. The fourth relates to

securing public access along the River between Gipps Street and Bridge Road to ensure the ongoing public access to and the appropriate management of the Main Yarra Trail in this location.

(a) Fairfield Park to Rudder Grange. This section of riverbank is not highly utilised for public access, as there is only a "goat track", and in most cases it obviously crosses private residential land. There are limited environmental values in this section of riverbank, which would have to be balanced against objectives for providing continuous access from Fairfield Park upstream to (eventually) Alphington Park. Public ownership may be an effective means to achieve the desired outcomes for landscape and environment protection in this important riparian strip. The report recommends that the relative financial, environmental and open space and land management benefits and constraints of public ownership of the riparian zone be investigated.

(b) Rudder Grange to Coate Park. There is existing informal access along this section of riverbank, with the walking track in various states of stability and accessibility. It is a relatively wide riparian zone (up to 50m in width) and so has the potential to support both an informal walking path and a substantial riparian vegetation corridor of (potentially) high ecological value. There are existing uncertain liability issues with regard to informal access and limited management of riparian areas. The report recommends consideration of various options to formalise access in the short term (eg lease or licence) and to investigate formal access through part of AMCOR property through lease, licence or acquisition in the longer term, should the site come up for redevelopment.

(c) Coate Park to Alphington Park. This includes the Rex Avenue properties abutting the river. There is informal access in part and limited management of riparian areas. The Report recommends that short term leases or licences be considered and also to investigate formal access through part of the AMCOR site or pursue developer contribution in longer term, should the site be redeveloped.

(d) Christine Crescent, Victoria Gardens Area. This is currently private land managed for open space under the Victoria Gardens Comprehensive Development Zone (CDZ). There is a need to review the property ownership of land along the River between Walmer Street and Bridge Road, which incorporates the above land, and resolve management arrangements for this section of the Main Yarra Trail. Further investigation is required.

37. A recommended Council response to the above issues is discussed further in the report.

Key Sub-Areas Adjoining the Yarra River

38. Several areas adjoining the River are recommended in the Report for more detailed design and development planning, should substantial redevelopment be proposed. In Yarra, these areas include the AMCOR site in Alphington; CUB in Abbotsford; Victoria Street East (between Victoria Street-Barkers Road bridge and west of the former Melbourne Fire Brigade (MFB) site); and Victoria Crescent, Abbotsford (between Gipps Street and Church Street). Work is currently underway on a structure plan for the Victoria Street East precinct

which will form part of an overall structure plan for the Victoria Street Major Activity Centre and will address public pedestrian and bicycle access along the River from the MFB site, east and south to Bridge Road, Richmond.

Proposed Action Plan for Study

39. Section 5.5 of the Consultant report contains a proposed Action Plan in order to prioritise the implementation of the strategic directions and recommendations outlined in the report (refer Attachment 4).

40. A first priority is to strengthen local planning controls along the River Corridor, part of which has been achieved with the approval of Amendment C66 and its inclusion in the Yarra Planning Scheme.

41. Further work has commenced on rationalising the existing overlays (ESO1 and DDO1) under the scheme in the Alphington/Fairfield area and the inclusion of improved performance standards for managing building height, building site coverage, jetties and river setbacks for Park Crescent, Fairfield and Rex Avenue, Alphington. This will form a separate amendment to the planning scheme.

42. The MSS is currently being revised to reflect the additional Objectives and Strategies recommended by the Study for the ongoing protection of the Yarra River environment and its surrounds.

Submissions to the Report as Relevant to the City of Yarra

43. The Fairfield-Alphington Riverfront Residents (owners and residents of riverfront properties between Chandler Highway and Fairfield Park) have made a submission to the Consultant's Report (June 2005).

44. The residents believe that the provision of an additional trail along the northern (Fairfield) bank of the River would only benefit a very small user group (primarily non-riverfront residents between Rudder Grange and Fairfield Park). They consider the reach of the River is highly accessible to the public in the above area via the existing Yarra Main Trail, walking tracks in the Yarra Bend Park and by boat. They contend there is extensive access already available to riverfront open space in this area.

45. Secondly, while there are environmental values in this stretch of the River, the residents submit that the "significant remnant vegetation" is actually on public land, namely within Coate Park itself, not on the River frontage owned by residents. The southern section of Yarra Bend Park has high ecological values which includes the Boroondara side of the River.

46. The submitters also believe that increasing public access along the northern (Fairfield) bank of the River would compromise these natural values in many ways:

    (a) security fencing and lighting would create barriers to wildlife;

    (b) increased fire hazard with increased public access eg cigarette buts, broken glass and deliberate arson;

    (c) dogs would threaten wildlife;

(d) increased impervious material resulting from the construction of a trail in the near-stream zone would reduce land available for indigenous vegetation;

(e) increased erosions in the River bank resulting from drainage and compaction along the trail and informal side tracks made by walkers to access the River;

(f) regenerating vegetation would be damaged by increased pedestrian traffic;

(g) increased litter;

(h) increased human activity would threatened the seclusion of the area which contributes to its wildlife value;

(i) more dead native trees which provide habitat for native fauna would need to be removed for public safety reasons;

(j) due to the steepness of the terrain the construction of a public trail would be a major engineering undertaking and expensive. New infrastructure and loss of vegetation would create a major scar on the landscape and disrupt the bushland ambience of the riverside, perhaps for little public benefit;

(k) a trail along the northern bank of the River would be contrary to due diligence requirements for public safety based on flood hazard and accessibility requirements; and

(l) public asset sustainability and maintenance is an important consideration, due to limited funding for such purposes.

47. A further five individual submissions have been received from local residents and a submission from Aboriginal Affairs Victoria (AAV).

48. A number of residents are concerned regarding the report's reference to the *"investigation of additional public access along the river"* between Fairfield Park and Rudder Grange which includes part of their properties. They have raised issues as discussed in paragraphs 43 to 46 above.

49. A resident has advised that the Main Yarra Trail crosses the River at the Fairfield pipe-bridge and carries significant pedestrian and cycle traffic between Fairfield Park on the City side and the continuation of the trail further up the Yarra. There is direct access from this trail across Chandler Highway Bridge to Coate Park and thence Rudder Grange. On the northern side there is direct and safe linkage between Rudder Grange and Fairfield Park via Alphington Street and Park Crescent. He believes a further expensive and environmentally destructive linkage is not warranted.

50. Friends of Merri Creek have raised the point that wherever possible, the bicycle path should only be on one side of the River, leaving the other side for habitat. This policy still allows for unmade walking paths to be opposite a made path.

51. Aboriginal Affairs Victoria (AAV) believes that the review is in line with *Melbourne 2030* Policy 5.4 which recognises the importance in conserving places of indigenous cultural heritage. The Yarra River corridor is also important for post-contact aboriginal history. Consistent policies across the four municipalities are recommended. Ground disturbing activities or interference with mature trees along the River corridor may impact negatively on aboriginal cultural heritage values, particularly in areas previously not disturbed. This issue could be reflected in revised ESO's to apply in the study area.

52. Heritage Watch (National Trust Victoria) supports the study.

Response to Consultant's Report and Submissions

Leafy Suburban Character Type – Alphington and Fairfield

53. It is considered appropriate for Council to support the rationalising of the existing overlays in the above areas to ensure permit triggers for all buildings and works and removal of trees and indigenous vegetation. The recommended additional performance standards to apply to the revised schedule to the ESO, namely maximum 9 metre building height, setbacks to the River to relate to topography and vegetation, maximum 35% site coverage and design standards for jetties and mooring facilities in the River corridor in Alphington and Fairfield are also supported.

54. This work is listed as a first priority action in the Report and has already commenced at officer level. The existing ESO1 and DDO1 shall be rationalised and the ESO reviewed to include the above performance standards and the revised objectives and strategies recommended for this Character Type under the study. This will strengthen the planning controls applying to this section of the Yarra River corridor. This work will proceed with a planning scheme amendment and further public consultation.

55. The revised provisions regarding jetties and mooring facilities to apply along the River in all character type areas are considered useful and will adequately address the protection of indigenous native vegetation while considering the needs of all users of the River. Jetties are to be designed and located to enhance the enjoyment of the River corridor by all users of the River.

Urban Industrial/Ex-Industrial

56. It is considered appropriate that the current ESO applying to this section of the River also be reviewed to include additional objectives and strategies to strengthen the environment protection of the vegetated riverside environment in this area. Such a review will need to take into account the new provisions now applicable under the revised DDO, following the implementation of Amendment C66 into the Yarra Planning Scheme. The two overlays must work together and not repeat planning objectives and/or buildings and works provisions.

57. It is considered that Council should also support the inclusion of the proposed additional performance standards for inclusion in the DDO or a revised ESO applying to the River along the Monash Freeway/City link River edge. These are:

(a) new development building height not to overshadow public spaces or the River and to avoid undesirable impacts on the River corridor; and

(b) development to facilitate public access to the River, especially between Punt Road and Cremorne Street and between Mary and Burnley Street.

Additional Public Access to the River in Alphington and Fairfield

58. Further investigation into providing improved public access to the River in Alphington and Fairfield, as recommended in the Report, to involve further consultation with local residents, is considered an appropriate future action.

59. Attachment 3 to this report is a table prepared by DSE summarising the submissions received, as relevant to the City of Yarra. Column 4 includes a summary of comments on each submission. Column 3 includes comments from DSE officers.

60. The submissions on the above issue have been discussed with Council's Environment Officer. It is considered that the establishment of an informal walking path on the northern bank between Rudder Grange and Alphington Park would improve its environmental and landscape values. It is a wider Riverbank, with the potential to have a stable walking path established away from the River's edge and below the escarpment, so preventing erosion along the banks, providing an opportunity to establish a riparian vegetation corridor of indigenous vegetation and improving public safety. The works already undertaken to part of this section of riverbank closest to Alphington Park demonstrate the environmental improvement that could occur along this whole section of the River.

61. The River corridor between Coate Park and the Chandler Highway is considered a unique stretch of riparian vegetation with a wider river bank. It provides a good habitat link between the two big parks (Alphington and Coate Parks). It would not attract much pedestrian traffic and would be an informal path, which could be initially managed by Council and property owners. AMCOR, the major landowner, has already given support and there are only four private property owners. It is recommended that this stretch of the River is given a very high priority in terms of securing public access.

62. In addition, the bank between Coate Park and Rudder Grange should be given high priority. There is only one property owner who now leases a track to Council on a yearly licence basis. This is a wide bank of the River and has high ecological value, which currently suffers from weed infestation.

63. Riverside access between Rudder Grange and Fairfield Park is considered a long- term action. From an environmental perspective, the Riverbank is narrow and the landscape has been modified by plantings by private property owners in the area. There are approximately 24 private landowners. From an open space perspective, this area is well served with open space and priority may be better directed to providing public open space in other parts of the municipality. The value in securing public access along this stretch of the River in the long

term rests in developing a continual Riverside linkage between Alphington Park and Fairfield Park, establishing a unique public asset to the inner Melbourne region.

64. The proposed public access path along the above sections of the Yarra River would link to the new Yarra Trail and the extension of the trail along the Darebin Creek. Further investigation to formalise a walking path and secure public access along the River between Fairfield Park and Alphington Park is also consistent with the recommendations of Council's draft *Open Space Strategy:* Public access on the north side of the River is considered both desirable and appropriate for recreational use and to secure a buffer between the River and private land to allow environmental improvements to the Yarra River riparian zone.

65. A current PAO applies under the Yarra Planning Scheme along the River edge between Gipps Street and Walmer Street. This is to form part of a linear park along the River. Yarra Council is negotiating with Carlton United Beverages (CUB) regarding future public access along the CUB River edge. The Study recommends retaining this Overlay and considering extending it further back from the River to include the top of the escarpment in this location.

66. Land comprising the River edge between Walmer Street and Bridge Road is made up of approximately 21 individual properties, 12 of which are in public ownership eg formerly Melbourne Metropolitan Board of Works (MMBW) land transferred to Parks Victoria. Additional properties on the River frontage are the subject of recent applications for subdivision. As a condition of the subdivision permit for 31-41 River Street, a portion of the land fronting the River is to be transferred to Council as public open space contribution and the remaining land in the Riverside allotment transferred to Council as a voluntary land hand-over to be available for public access.

67. Several River frontages lie within the Victoria Gardens development and are available for public access as part of the Main Yarra Trail. A key objective of the Comprehensive Development Zone, applying to Victoria Gardens, is

    "To provide greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank."

    Pursuant to the Amendment L8 approving the Comprehensive Development Zone (CDZ) for the Victoria Gardens site, a Yarra River Precinct is to be provided along the site's frontage to the River and the precinct must only be developed for pedestrian and bicycle linkages, terraces, boat landings and public recreational facilities. This land use requirement is reflected in the current Yarra Planning Scheme under the CDZ.

68. As a significant proportion of the Riverfront properties between Walmer Street and Bridge Road (approximately 70%) is in public ownership, it is considered appropriate for Council to explore the possibility of applying a PAO along this section of the River, consistent with the Overlay to its immediate north. The application of a PAO would secure public ownership of this important land abutting the River and provide ongoing public access to this Riverside land, which forms part of the Main Yarra Trail.

Consultations

69. The Study has been overseen by a Reference Group, comprising officers from the four affected Councils, DSE, Melbourne Water and Parks Victoria. Three stakeholder workshops were held in the City of Yarra throughout the Study process, which included residents in the above areas.

70. The study approach included consultation with the local communities (through at least two stakeholder workshops for each Council area) and an open advertisement seeking public submissions, input from Council officers from each of the four Councils (through the Reference Group) and from nominated Councillors from each Council.

Financial Implications

71. The study has been commissioned by DSE and any costs to Council will be associated with the implementation of the recommendations of the Report as future amendments to the planning scheme. Council may also need to consider the costs associated with improving public access through private land in the Alphington and Fairfield areas, and along the River between Gipps Street and Bridge Road, as recommended by the study.

Economic Implications

72. Improved public access along all stretches of the Yarra River in the study area in Yarra will encourage greater community use and enjoyment of the Riverside environment by inner city residents and visitors to the area.

Environmental Implications

73. The proposed strengthened controls, including revised planning objectives and guidelines and the suggested additional permit triggers and performance standards for inclusion in the Yarra Planning Scheme, for land along the river, will enhance the environmental qualities of the Riverside environment and ensure appropriate development along the River corridor.

74. The land along the River corridor will be better managed and the additional and strengthened controls will protect and enhance the existing biodiversity along the River and will encourage the planting and protection of native plants. Similarly, a reduction of weed vegetation and pest animals will be encouraged.

Social and Cultural Implications

75. A well- managed River environment with appropriate public access opportunities will improve accessibility to recreational facilities along the River corridor for the wider community, which is particularly valuable in a built up environment, such as the City of Yarra.

76. Consistent policies across the four municipalities, as recommended by the Study, should assist in reaching a common approach to managing places of indigenous cultural significance.

Council Plan, Strategy and Policy Implications

77. A review of the planning control and policies applying to the Yarra River Corridor in the municipality is consistent with the Council Plan and is a key initiative in *Melbourne 2030.* The study complements and will assist in the preparation of urban design frameworks for land which abuts the Yarra River and in informing the current review of Council's MSS.

RECOMMENDATION

78. Council support in principle the *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road,* dated June 2005, prepared by Planisphere (June 2005), subject to the following recommendations and planning scheme amendment requirements:

<u>Leafy Suburban Character Type</u>

(a) introduction of the revised strategies and guidelines, as appropriate, and inclusion of the proposed new additional performance standards for permit requirements in a revised ESO applying to the Fairfield and Alphington areas in the Leafy Suburban Character Type, as outlined in paragraphs 18 and 19 of this report as a first priority.

(b) As a second order priority, in the remainder of Alphington, from Alphington Park to Darebin Creek, the controls shall be revised to strengthen the following outcomes:

(i) retention of vegetation;

(ii) maintenance of building height subordinate to vegetation;

(iii) new vegetation encouraged'

(iv) colours and materials to complement vegetated environment;

(v) minimise impact of stormwater runoff; and

(vi) control of weeds in open space corridor.

79. LSIO and FO – Council officers undertake further discussions with Melbourne Water in relation to the replacement of the LSIO with an FO in the study area, based on Melbourne Water's recommendations.

<u>Urban Industrial/Ex-Industrial Character Types</u>

80. The ESO applying in the Urban Industrial/Ex-industrial Character types, as defined in the Report, be reviewed taking into account the revised provisions approved with the gazettal of Amendment C66 and to consider the following recommendations of the study:

Strengthening the planning objectives and performance standards for waterway and open space management under the ESO, as outlined for this character type in Attachment 1 to the Report.

81. An additional performance standard be applied in this area for jetties, boat ramps and mooring facilities – these should not require the removal of indigenous

vegetation and should enhance the natural landscape character, through design and siting and provide for the enjoyment of all users of the River corridor.

Monash Freeway/City Link River Edge

82. The planning provisions applying under the ESO in this area be rationalised with the new DDO1 provisions in the planning scheme, as revised under Amendment C66, to ensure that there are no gaps in the areas affected by the DDO1 and ESO in this Riverside location, which require a permit for all buildings and works.

83. It is also recommended that the improved objectives and decision guidelines for the environment protection of the River edge environment (as outlined for this character type in Attachment 1 to the Report) be considered for inclusion in a revised ESO applying to this area (refer Attachment 5 of this report)

84. The following new performance standards be included in the schedule to the ESO:

    (a) building height - add requirement for new development not to overshadow public spaces or the River and to avoid undesirable impacts on the River corridor.

    (b) public access – development to facilitate public access to the River, especially between Punt Road and Cremorne Street and between Mary and Burnley Streets.

85. The Strategies and Guidelines for Managing Development in the Study Area, as outlined in Appendix 1 to the Consultant Report, be considered for incorporation into the Yarra Planning Scheme, as appropriate, as part of the current review of Council's MSS also be considered in any future review of the Local Planning Policy Framework (LPPF) of the Yarra Planning Scheme.

Securing Open Space and Public Access

86. Council give high priority to investigating the options to provide improved public access to the Yarra River between Rudder Grange and Alphington Park, Alphington (which includes the AMCOR sites), in consultation with the local community.

87. Council agree to further investigate additional public access to the Yarra River between Fairfield Park and Rudder Grange as a longer- term action, in consultation with the local community.

88. Council review the property ownership of land abutting the Yarra River between Walmer Street and Bridge Road, including Christine Crescent and consider the application of a PAO under the Yarra Planning Scheme along this section of the River, and include the land in the Public Park and Recreation Zone, in order to secure public access to and the continuation of the Main Yarra Trail, which currently exists along the River in the City of Yarra.

89. Council support future detailed design and development planning of the key sub-areas adjoining the Yarra River in the City of Yarra, as nominated in the Consultant Report.

ADDITIONAL INFORMATION – LATE SUBMISSIONS

1. Following completion of the report to the Planning and Community Planning Committee on Council's Response to the Consultant's Report on the Review of Policies and Controls for the Yarra River Corridor – Punt Road to Burke Road, by Planisphere (JUNE 2005) for the Department of Sustainability and Development (DSE), a further six submissions on the Report have been lodged with DSE.

2. Four submissions are from residents in the City of Yarra.

3. One of the submissions indicates support for the study and the clear direction it gives in addressing gaps in the controls applying to managing development along the Yarra river corridor. The recommended controls introduce certainty eg height limits for the built form along the River. The proposed objectives and guidelines for managing development along the River will effectively guide future development and protect the sensitive ecological riverside environment. The submitter gives support to improving public connections to the River to facilitate pedestrian and bicycle movement and help encourage alternate modes of transport.

4. A Fairfield resident has raised concerns regarding the management of Unreserved Crown land, which starts at Park Crescent and continues to the River's edge. It comprises parkland except for an area containing a few visible underground concrete tanks and a sealed private sitting area. She also raises concerns regarding the provision of an extended dining and seating area of the Fairfield Boat House on the cleared section of the Unreserved Crown Land.

5. While supporting the proposed height and site coverage provisions in the Fairfield and Alphington areas, the resident also asks that existing buildings can be replaced even if they fail to meet the proposed provisions.

6. Another North Fitzroy resident also supports the proposed height controls along the River, although he supports the view that the Crest line along the River should not suffer more than 2 hours of shade in all seasons eg single storey maximum at 10 metres from the Crest line. This will affect new building heights. Vegetation along the River requires adequate sun and light.

7. This resident supports the high priority for public acquisition of a continuous strip along the River for both access and continuity of habitat. The existing PAO should be maintained and even made wider in some locations. In leafy green Alphington, as in former industrial Richmond, sufficient land should be excised or placed in a Public Acquisition Overlay (PAO) from the blocks that go straight to the River. It should be law that there is a riparian strip along the River, which is public land to provide access for all.

8. Both paths along the River do not need to be bike paths. A "goat track" on one side of the River is considered appropriate to protect the habitat value in the riparian zone.

9. All further development along the River should be held in abeyance by the Minister for Planning, until such time as full controls and PAO's are in place. The Minister has promised full protection for the Yarra River corridor.

10. There should be co-operative involvement of Parks Victoria, Melbourne Water, Councils and local schools and the local community for weed control programs, species conservation projects and other work along the River.

11. A Park Crescent resident believes there are limited opportunities for access to the River by canoes and kayaks and limited opportunity for their storage in locations abutting the River. There is a demonstrated need for more public membership canoe clubs on the River, which provide access to the River and offer members of the public a recreational opportunity in a safe environment. This should be included in the study's Action Plan.

12. Residents should be able to extend or alter their houses along the River, even encroaching onto existing unbuilt areas adjacent to the River, and pursue environmentally sensitive development of their properties.

13. Along the Fairfield-Alphington side of the River, a resident raises the issue that the provision of further trails may undermine the valued seclusion of sections of the corridor and threaten its environmental constraints.

14. As a resident and canoeist, all reference to acquisition by any means of land abutting the River from Fairfield Park to Rudder Grange and public access to this land should be deleted from the Report, as it is impractical and unwarranted. There is already access from one side of the River in this location, (Main Yarra Trail on the Boroondara side of the River), and access from Fairfield Park to Rudder Grange via Park Crescent and Alphington Street. Increased public access along the Fairfield/Alphington side of the River would be to the detriment of the quality of the environment, eg destruction of wildlife and sensitive flora.

15. To allow this important riparian strip along the River to become a public thoroughfare would be to lead to the urbanisation of this part of the River and consequently destroy this important riparian and wildlife strip. Furthermore, acquisition of private property along the River would be costly and an inappropriate use of public money at the cost of the degradation of a special section of wildlife and riparian corridor.

16. The submitter proposes that the draft Report delete all reference to change of present (private) ownership through acquisition or other means of land between Fairfield Park and Rudder Grange, and of public access to this land as this expensive proposal would lead to potential loss of biodiversity, while creating urbanisation and environmental vandalism, loss of amenity and loss of a sense of seclusion that the River corridor currently provides. The submitter requests the following sentence on page 52 of the Report be deleted:

    (in the River corridor from Fairfield Park to Rudder Grange) Public ownership may be an affective means to achieve desired outcomes for landscape and environment protection in this important riparian strip.

17. The following text should be included:

    This important riparian strip could be further enhanced by the close consultation between private owners and relevant experts form various agency stakeholders.

18. The Chandler Highway bridge is a major link from Fairfield/ Alphington area to the Kew side of the River. Constructing a second bridge, with pedestrian and access for cyclists, would facilitate north-south access to the River.

    <u>Interim Controls</u>

19. DSE has advised that the City of Stonnington has submitted a request to the Minister for interim controls along its Toorak frontage, using a Residential 3 Zone.

Proposal

20. That a new clause be added to the foot of the recommendation stating:

"That Council notes the submissions, including the late submissions, to the Consultant Report on the Review of Policies and Controls for the Yarra River Corridor."

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows **Seconded:** Councillor Maltzahn

1. Council support in principle the *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road,* dated June 2005, prepared by Planisphere (June 2005), subject to the following recommendations and planning scheme amendment requirements:

<u>Leafy Suburban Character Type</u>

(a) introduction of the revised strategies and guidelines, as appropriate, and inclusion of the proposed new additional performance standards for permit requirements in a revised ESO applying to the Fairfield and Alphington areas in the Leafy Suburban Character Type, as outlined in paragraphs 18 and 19 of this report as a first priority.

(b) As a second order priority, in the remainder of Alphington, from Alphington Park to Darebin Creek, the controls shall be revised to strengthen the following outcomes:

(i) retention of vegetation;

(ii) maintenance of building height subordinate to vegetation;

(iii) new vegetation encouraged'

(iv) colours and materials to complement vegetated environment;

(v) minimise impact of stormwater runoff; and

(vi) control of weeds in open space corridor.

2. LSIO and FO – Council officers undertake further discussions with Melbourne Water in relation to the replacement of the LSIO with an FO in the study area, based on Melbourne Water's recommendations.

<u>Urban Industrial/Ex-Industrial Character Types</u>

3. The ESO applying in the Urban Industrial/Ex-industrial Character types, as defined in the Report, be reviewed taking into account the revised provisions approved with the gazettal of Amendment C66 and to consider the following recommendations of the study:

Strengthening the planning objectives and performance standards for waterway and open space management under the ESO, as outlined for this character type in Attachment 1 to the Report.

4. An additional performance standard be applied in this area for jetties, boat ramps and mooring facilities – these should not require the removal of indigenous vegetation and should enhance the natural landscape character, through design and siting and provide for the enjoyment of all users of the River corridor.

Monash Freeway/City Link River Edge

5. The planning provisions applying under the ESO in this area be rationalised with the new DDO1 provisions in the planning scheme, as revised under Amendment C66, to ensure that there are no gaps in the areas affected by the DDO1 and ESO in this Riverside location, which require a permit for all buildings and works.

6. It is also recommended that the improved objectives and decision guidelines for the environment protection of the River edge environment (as outlined for this character type in Attachment 1 to the Report) be considered for inclusion in a revised ESO applying to this area (refer Attachment 5 of this report)

7. The following new performance standards be included in the schedule to the ESO:

   (a) building height - add requirement for new development not to overshadow public spaces or the River and to avoid undesirable impacts on the River corridor.

   (b) public access – development to facilitate public access to the River, especially between Punt Road and Cremorne Street and between Mary and Burnley Streets.

8. The Strategies and Guidelines for Managing Development in the Study Area, as outlined in Appendix 1 to the Consultant Report, be considered for incorporation into the Yarra Planning Scheme, as appropriate, as part of the current review of Council's MSS also be considered in any future review of the Local Planning Policy Framework (LPPF) of the Yarra Planning Scheme.

Securing Open Space and Public Access

9. Council give high priority to investigating the options to provide improved public access to the Yarra River between Rudder Grange and Alphington Park, Alphington (which includes the AMCOR sites), in consultation with the local community.

10. Council agree to further investigate additional public access to the Yarra River between Fairfield Park and Rudder Grange as a longer- term action, in consultation with the local community.

11. Council review the property ownership of land abutting the Yarra River between Walmer Street and Bridge Road, including Christine Crescent and consider the application of a PAO under the Yarra Planning Scheme along this section of the River, and include the land in the Public Park and Recreation Zone, in order to secure public access to and the continuation of the Main Yarra Trail, which currently exists along the River in the City of Yarra.

12. Council support future detailed design and development planning of the key sub-areas adjoining the Yarra River in the City of Yarra, as nominated in the Consultant Report.

13. That Council notes the submissions, including the late submissions, to the Consultant Report on the Review of Policies and Controls for the Yarra River Corridor.

CARRIED

REVISED OFFICER RECOMMENDATION

1. Council support in principle the *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road,* dated June 2005, prepared by Planisphere (June 2005), subject to the following recommendations and planning scheme amendment requirements:

Leafy Suburban Character Type

(a) introduction of the revised strategies and guidelines, as appropriate, and inclusion of the proposed new additional performance standards for permit requirements in a revised ESO applying to the Fairfield and Alphington areas in the Leafy Suburban Character Type, as outlined in paragraphs 18 and 19 of this report as a first priority.

(b) As a second order priority, in the remainder of Alphington, from Alphington Park to Darebin Creek, the controls shall be revised to strengthen the following outcomes:

(i) retention of vegetation;

(ii) maintenance of building height subordinate to vegetation;

(iii) new vegetation encouraged'

(iv) colours and materials to complement vegetated environment;

(v) minimise impact of stormwater runoff; and

(vi) control of weeds in open space corridor.

2. LSIO and FO – Council officers undertake further discussions with Melbourne Water in relation to the replacement of the LSIO with an FO in the study area, based on Melbourne Water's recommendations.

Urban Industrial/Ex-Industrial Character Types

3. The ESO applying in the Urban Industrial/Ex-industrial Character types, as defined in the Report, be reviewed taking into account the revised provisions approved with the gazettal of Amendment C66 and to consider the following recommendations of the study:

Strengthening the planning objectives and performance standards for waterway and open space management under the ESO, as outlined for this character type in Attachment 1 to the Report.

4. An additional performance standard be applied in this area for jetties, boat ramps and mooring facilities – these should not require the removal of indigenous vegetation and should enhance the natural landscape character, through design and siting and provide for the enjoyment of all users of the River corridor.

Monash Freeway/City Link River Edge

5. The planning provisions applying under the ESO in this area be rationalised with the new DDO1 provisions in the planning scheme, as revised under Amendment C66, to ensure that there are no gaps in the areas affected by the DDO1 and ESO in this Riverside location, which require a permit for all buildings and works.

6. It is also recommended that the improved objectives and decision guidelines for the environment protection of the River edge environment (as outlined for this character type in Attachment 1 to the Report) be considered for inclusion in a revised ESO applying to this area (refer Attachment 5 of this report)

7. The following new performance standards be included in the schedule to the ESO:

   (a) building height - add requirement for new development not to overshadow public spaces or the River and to avoid undesirable impacts on the River corridor.

   (b) public access – development to facilitate public access to the River, especially between Punt Road and Cremorne Street and between Mary and Burnley Streets.

8. The Strategies and Guidelines for Managing Development in the Study Area, as outlined in Appendix 1 to the Consultant Report, be considered for incorporation into the Yarra Planning Scheme, as appropriate, as part of the current review of Council's MSS also be considered in any future review of the Local Planning Policy Framework (LPPF) of the Yarra Planning Scheme.

Securing Open Space and Public Access

9. Council give high priority to investigating the options to provide improved public access to the Yarra River between Rudder Grange and Alphington Park, Alphington (which includes the AMCOR sites), in consultation with the local community.

10. Council agree to further investigate additional public access to the Yarra River between Fairfield Park and Rudder Grange as a longer- term action, in consultation with the local community.

11. Council review the property ownership of land abutting the Yarra River between Walmer Street and Bridge Road, including Christine Crescent and consider the application of a PAO under the Yarra Planning Scheme along this section of the River, and work with Parks Victoria as the acquiring authority, to include the land in the Public Park and Recreation Zone, in order to secure public access to and the continuation of the Main Yarra Trail, which currently exists along the River in the City of Yarra.

12. Council support future detailed design and development planning of the key sub-areas adjoining the Yarra River in the City of Yarra, as nominated in the Consultant Report.

13. That Council notes the submissions, including the late submissions, to the Consultant Report on the Review of Policies and Controls for the Yarra River Corridor.

CONTACT OFFICER: **Pauline Semmens**
TITLE: **Coordinator Strategic Planning**
TEL: **9205 5049**

Attachment 1 – **Issues Analysis by Location and Recommended Planning Scheme Changes (from Consultant report June 2005).**

Attachment 2 – **Planning Controls and Policies by Municipality: Recommended Changes (from Consultant Report June 2005).**

Attachment 3 – **DSE Summary of Submissions with DSE Response and proposed Council Response.**

Attachment 4 – **Proposed Action Plan (from Consultant Report June 2005).**

Attachment 5 – **Strategies and guidelines for Managing Development in the Study Area (Appendix 1 – Consultants Report June 2005)**

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3.1 Review of Council Delegations 2005

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

Purpose

1. To review Council's:

   (a) *Instrument of Delegation to the Chief Executive Officer* (CEO's delegation) and *Instrument of Delegation to Council Staff* (Staff delegation) as required by s. 98(6) of the *Local Government Act* 1989 (the Act); and

   (b) *Protocol for the Use of Delegation by Strategic Planning and Statutory Planning* (Planning Protocol) (formerly entitled *Urban Planning Branch – delegation policy and procedures).*

Background

2. The Yarra City Council has three key governance tools for delegating authority.

3. These are the:

   (a) *Instrument of Delegation to the Chief Executive Officer (CEO);*

   (b) *Instrument of Delegation to Council Staff*; and

   (c) *Protocols for the Use of Delegation by Strategic Planning and Statutory Planning* (Planning Protocol) (formerly entitled *Urban Planning Branch – delegation policy and procedures* (which complements the *Instrument of Delegation to Council Staff*).

4. In addition, the CEO is able to sub-delegate, through a separate Instrument of Sub-delegation by the CEO to Staff.

5. Pursuant to section 98(6) of the Act, Council must review its delegations within 12 months of a general election.

6. The attachments to this report are based on the draft documents considered by Councillors at an informal briefing held Monday 7 November. Where further changes have been made to those documents, the changes are highlighted (tracked) on the attachments to this report.

   <u>Instrument of Delegation to the Chief Executive Officer (Attachment 1)</u>

7. The current CEO's delegation was executed on 12 December 2001 and has been exercised by all Yarra's CEOs and acting CEOs since that date.

8. Council Officers have reviewed the current Instrument and recommend only minor 'house keeping; changes to complement amendments made to the Act since 2001.

9. The proposed (revised) Instrument of Delegation to the Chief Executive Officer is attached at Attachment 1.

10. The ‘housekeeping’ changes proposed are:

    (a) deletion of the current clause 1.3 of the instrument (relating to the adoption of the Corporate Plan, pursuant to the now repealed s. 153 of the Act);

    (b) substituting a new clause 1.3 relating to the adoption of the Council Plan (pursuant to s. 125 of the Act) and Strategic Resource Plan (pursuant to s. 126 of the Act.); and

    (c) additional minor amendments to clarify that the CEO cannot determine revised budgets or the return of supplementary valuations etc.

Instrument of Delegation to Council Staff (Attachment 2)

11. The Instrument of Delegation to Council Staff (staff delegation) allows Council to delegate many powers and duties directly to appropriate Council staff.

12. The duties, functions and powers included in the staff delegation cover various sections of Acts and Regulations which are delegated directly by Council to officers as opposed to powers being delegated to the CEO for subsequent sub- delegation to officers (through an Instrument of Sub-Delegation by the CEO to Council Staff).

13. Following a review of the staff delegation by the Executive Management Team and specific managers, some minor (housekeeping) amendments are recommended.

14. The recommended amendments to Council’s staff delegation encompass:

    (a) updating the list of officer titles to reflect position titles within the current organisational structure;

    (b) reducing the number of officer groups by consolidating the current seven groups to three grouping;

        (i) by deleting Group 4 Officers, Group 5 Officers, Group A Officers and Group B Officers; and modifying the remaining Groups 1 to 3 inclusive, the Instrument is simplified without sacrificing prudent controls;

    (c) revising the delegate (the recipient of the delegated authority) in a small number of instances within the City Development Division to better align the delegation with officer responsibilities;

    (d) incorporating delegations pertaining to amendments to existing legislation, such as more recent provisions inserted in the *Planning and Environment Act* 1987; and

    (e) incorporating delegations pertaining to new Acts (not included in the current delegation), such as the *Road Management Act* 2004 and associated regulations.

15. The proposed staff delegation (Attachment 2) is essentially unchanged from the current staff delegation, other than the housekeeping changes outlined above. The same prudent governance principles used in delegating powers to officers in the current delegation have been maintained in the proposed delegation.

Protocols for the use of delegation authority (Attachment 3)

16. The *Protocols for the Use of Delegated Authority* (Planning Protocols) (formerly entitled *Urban Planning Branch – delegation policy and procedures*) has also been reviewed by the Executive Management Team and specific managers, and minor housekeeping changes are recommended.

17. The Planning Protocols complements the staff delegation by allowing Council to establish more refined guidelines for Statutory Planning staff and Strategic & Economic Planning & Development staff, in the way they exercise powers or duties conferred in the staff delegation.

18. The recommended minor amendments to the Planning Protocols encompass:

    (a) revising the cover page and introduction to reflect the document's new title;

        (i) the proposed title and introduction more clearly explains the document's purpose and function;

    (b) deleting sections within the protocol which only repeat delegations made in the staff delegation;

        (i) by deleting the pages of the document which only serve to duplicate the relevant sections of the staff delegation, the risk of the protocol inadvertently becoming inconsistent with the staff delegation is avoided;

    (c) deleting the list of officer groupings from the protocol;

        (i) by deleting the listing of officer groupings from the protocol, the risk of the protocol inadvertently becoming inconsistent with the staff delegation is avoided.

Financial Implications

19. The are no relevant financial implications.

Legal implications

20. This review of Council's delegations is based upon updated pro-forma delegations provided periodically by Council's solicitors. The now proposed delegations and protocols (attached to this report) also reflect further specific advice received from Council's solicitors.

RECOMMENDATION

21. That having reviewed its delegations pursuant to s. 98(6) of the *Local Government Act* 1989, Council:

    (a) adopts the revised *Instrument of Delegation to the Chief Executive Officer* as attached (Attachment 1)

    (b) adopts the revised *Instrument of Delegation to Council Staff* as attached (Attachment 2)

(c) adopts the *Protocol for the Use of Delegation by Strategic Planning and Statutory Planning* as attached (Attachment 3),

and the said two Instruments of Delegation be signed and sealed accordingly.

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

Attachment 1 – Proposed Instrument of Delegation to the Chief Executive Officer

Attachment 2 – Proposed Instrument of Delegation to Council Staff

Attachment 3 – Proposed Protocol for the Use of Delegation by Strategic Planning and Statutory Planning

PLEASE NOTE - All attachments have 'changes tracked' to highlight any differences between the attachments and the earlier drafts circulated to Councillors.

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3.2 Heritage Review Reference Group

File: 30/10/21
Responsible Officer: Strategic Planning

Purpose

1. For Council to endorse the membership of the Heritage Review Reference Group and the proposed process and consultation methodology prior to exhibiting the heritage review as a planning scheme amendment.

Background

Amendment C43

2. Council abandoned most of the previous heritage amendment (Amendment C43) after recommendations made by an Independent Planning Panel. One of the concerns raised by the Panel was the composition of the previous Steering Committee. The Panel criticised the composition of the previous Steering Committee as being biased and lacking in a wide representation of community interest; in particular the lack of representation from economic and business development members.

3. The Panel recommended any future composition of a Steering Committee include "representation from the business and economic development members of the community as well as community, residential and heritage representatives. Further, that the members of the Steering Committee be drawn in response to the Terms of Reference." The Panel had concerns that there was a disproportionate weighting on the Steering Committee given to heritage and community representatives and it had doubts that business or development representatives had any opportunity to meaningfully contribute to the preparation of the amendment. The Panel stated that there is little point in having a community based steering committee if it is to do no more than confirm pre-existing views. The Panel concluded that in any subsequent amendment Council should establish a Steering Committee from a wider base and with clear Terms of Reference.

Completed Work

4. Although the previous amendment went a long way in collecting and collating data, the Panel expressed concern about the level of error of this information. As a result Council has employed heritage consultants who have checked every property covered by Heritage Overlay controls (approximately eighteen thousand). They have taken photos of all properties currently in the Heritage Overlay and checked and assessed their significance. This work is nearing completion and a Reference Group should now be appointed as Council proceeds in refining heritage management tools.

Consultations

5. Council organised a Heritage Review Information Session on 21 June 2005 where the data checking work was explained to the community. There were 24 attendees. Attendees were advised that a Heritage Review Reference group would be established. All attendees were invited to note on the attendance sheets of their interest in being sent information on the proposed group.

6. Council advertised for Expressions of Interest in the Melbourne Times and Yarra Leader for three (3) consecutive weeks from mid-July to early August 2005. A notice was also posted on Council's website during this period and previous attendees to Council's Heritage Information Session who expressed interest were sent application forms and the Terms of Reference.

7. Twenty-five applications were received. Attachment 1 includes the Terms of Reference and Attachment 2 includes a table listing all applicants and a summary of their application (Confidential attachment).

Role of Reference Group

8. The Heritage Review Reference group will provide both sectoral interest representations and include members with expertise in related fields. The Reference Group will convene to review and comment on three key stages of the review: the proposed methodology, the draft heritage policy following input from community workshops and the final documents prepared for the Planning Scheme Amendment. Any additional meetings of the group can be called if necessary.

9. The Expressions of Interest submitted for the Heritage Review Reference Group included a wide variety of interests and experiences. The twenty-five candidates showed a breadth of knowledge of heritage issues in the City; some individuals had professional experience in dealing with heritage conservation matters, and some individuals had business interests in the City. It is considered that the Heritage Review Reference group could encompass all the individuals who expressed interest in participating in the group, bringing a variety of interests, experience and knowledge to the process.

10. An overview of the Heritage Review (including consultation strategy) is attached (see Attachment 3).

11. In addition to the Heritage Reference Group, Council will be seeking input from the community through a number of avenues including: public workshops, on-line surveys. Groups with a range of interests will be included in the consultation to ensure wide representation of views in accordance with the Panel recommendation.

12. Technical advice will be sought at key stages from Heritage Victoria and other experts as required.

13. An invitation was made to the Catholic Archdiocese of Melbourne as a large heritage property owner in the City, to have a representative on the Reference Group. The Property Officer of the Roman Catholic Trusts Corporation agreed to sit on the Reference Group.

Financial Implications

14. The costs of convening the Heritage Review Reference Group and subsequent Planning Scheme Amendments are included in the 2005/06 Strategic Planning budget.

Economic Implications

15. The City's heritage is an economic asset which should be fostered. This is the aim of the Heritage Review.

Environmental Implications

16. It is envisaged that the Amendment will enhance the environment by maintaining and conserving valued heritage assets.

Social Implications

17. The Review will have social implications in that it will enable better protection of the cultural heritage of the City.

City Plan, Strategy and Policy Implications

18. The Heritage Review Reference Group will ensure that the management of the City's heritage assets meets community expectations and needs in accordance with the Council Plan 2005/09.

Issues

19. The lack of development and business interest input into Amendment C43 was criticised by the Panel. It is difficult to gain interest from such representatives in Reference groups and as such the views of these interest groups will need to be specifically targeted. Direct invitation to community workshops, direct mail-out of questionnaires and other means of gathering information is required, and will be included in the consultation program.

RECOMMENDATION

20. That Council endorse the candidates who expressed an interest to be members of the Heritage Reference Group.

CONTACT OFFICER: **Naomi Keung**
TITLE: **Strategic Planner**
TEL: **9205 5075**

CONFIDENTIAL ATTACHMENTS

(Contained only within the confidential section of this agenda)

Attachment 1 – Summary of all Candidates

PUBLIC ATTACHMENTS

Attachment 2 – Terms of Reference
Attachment 3 – Heritage Review Overview (Stage 1)

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Adobe Acrobat Document

4.1 Protection of Significant Tree – Notice of Motion No. 13 of 2005 – Councillor Jolly

I hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 15 November 2005:

"1. That:

(a) Council ensure that appropriate protection measures are put in place to protect the large and significant Eucalyptus Tree situated on the park section adjacent to Victoria Park at the corner of Bath and Turner Streets Abbotsford; and

(b) this Tree be listed for protection on the Open Space Tree Data Base."

4.2 Climate Change – Notice of Motion No. 14 of 2005 – Councillor Maltzahn

I hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 15 November 2005:

"1. That in the matter of Climate change as an important environmental and social problem:

(a) Council:

(i) endorse the Citizen's Guide to Climate Refugees;

(ii) recognise that as the industrial world's largest per capita greenhouse polluter, Australia has a direct responsibility for resolving the displacement of people in the Pacific region due to climate change;

(iii) support the Climate Refugee forum to be held at the Sustainable Living Festival, on 18 February 2006, by promoting the event through Council's advertisements in the Melbourne Times and Melbourne Leader and other appropriate forum. (The forum will include a presentation by Tuvaluan resident Don Kennedy);

(b) Council write to the:

(i) Federal Minister for Foreign Affairs expressing its concern about climate refugees in the Pacific, and urging the government to structure its aid program to address this problem;

(ii) Federal Minister for the Environment urging the federal government to sign the Kyoto protocol;

(iii) Federal Minister for Immigration urging her to make a recognise and accept climate refugees in Australia;

(c) Council, in response to the Citizen's Guide to Climate Refugees 'Simple Actions' on climate change:

(i) write to the State Minister for the Environment condemning the expansion of the coal-fired Hazelwood Power Station, reported to be the most greenhouse-polluting power station in the OECD, and which will increase greenhouse gas emissions;

(ii) develop and/or disseminate educational information for Yarra residents, workers and students about the estimated $9 billion per year support for the fossil fuel industry in Australia that is financed by government subsidies and investments from superannuation funds;

(iii) develop and/or disseminate educational information for Yarra residents, workers and students about the contribution of air travel to greenhouse gas emissions;

(iv) write to the Federal and State Transport Ministers calling for a new airport strategy which:

(v) aims to reduce greenhouse gas emissions from air travel;

(vi) includes an emissions charge on air travel emissions;

(vii) rules out new airport developments in metropolitan Victoria;

(b) Council support the 3 December 2005 International Day of Action on Climate Change by:

(i) displaying posters about the event in all Council community places. (Posters can be secured from Environment Victoria); and

(ii) promoting the event through Council's advertisements in the Melbourne Times and Melbourne Leader and other appropriate forums."

BACKGROUND INFORMATION

Councillor Maltzahn has provided the following background information.

1. Climate change is an important environmental and social problem. Two current initiatives seek to address this problem: the Friends of the Earth Citizen's Guide to Climate Refugees (which follows the launch of its national Climate Justice Campaign in 2001), and the International Day of Action on Climate Change.

<u>Citizen's Guide to Climate Refugees</u>

2. Friends of the Earth has recently launched a campaign on climate change. As part of the campaign they have produced a Citizen's Guide to Climate Refugees.

3. The Guide states that:

(a) that the global mean sea level is likely to rise by an average of 55 mm per year over the next 100 years;

(b) residents of the Pacific Islands emit a mere 0.06 per cent of the world's greenhouse gas emissions, but are three times more at risk from climate change than countries of the 'global north'. Pacific Islanders are 6 to 8 times more likely to be affected by coastal flooding than people in Australia;

(c) rising sea levels have already negatively impacted on Pacific Islands, including through washing away crops, through water shortages, increases in malaria and cholera, and increased coastal erosion;

(d) nearly 3,000 Tuvaluans have already been forced to leave their homelands. Tuvalu is predicted to be totally submerged within approximately 5 years;

(e) Tuvalu, Fiji, Kiribati, Tonga and New Zealand have developed the Pacific Access Category (PAC), which allows a set number of climate change refugees to resettle New Zealand. However, eligibility requirements include that the applicant must be between 18 and 45 and have an offer of employment in New Zealand;

(f) Australia has refused to accept any Tuvaluan environmental refugees. Former Immigration Minister Phillip Ruddock stated that accepting environmental refugees from Tuvalu would be discriminatory;

(g) Tuvaluans state that their primary request is for 'the islands of Tuvalu and our nation to remain permanently and not be submerged as a result of greed and uncontrolled consumption of industrialized countries'; and

(h) a conservative estimate of possible numbers of climate refugees by 2050 is 200 million.

4. The campaign calls for:

(a) recognition of environmental refugees;

(b) information collection on ecologically displaced people;

(c) education of Australians about environmental refugees; and

(d) increasing foreign aid to account for changed conditions;

5. The report lists seven areas that individuals and organisations can take action on, including:

(a) calling on the Federal Immigration Minister to make a statement on environmental or climate refugees;

(b) protesting to state governments if they are planning to expand coal fired power stations;

(c) challenging the estimated annual $9 billion support for the fossil fuel industry in Australia that is financed by government subsidies and investments from superannuation funds;

(d) demanding Australia ratify the Kyoto protocol;

(e) addressing greenhouse gas emissions from air travel and exploring alternative travel options.

<u>International Day of Action on Climate Change - December 3rd 2005</u>

6. The International Day of Action on Climate Change is 3 December. This coincides with the 'Meeting of Parties' Climate Talks (28 November to 9 December) in Montreal. It is expected that countries represented at these talks will be demanding that the United States and Australia ratify the Kyoto protocol.

Conservation Councils around Australia, in association with other community organisations, are organising events across Australia. A 'Walk against Warming' will be held in Melbourne, beginning at the Grebe Picnic Area, Aughtie Drive, and proceed around Albert Park Lake at 12 noon on December 3rd.

4.3 Impact of Gambling – Notice of Motion No. 15 of 2005 – Councillor Maltzahn

I hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 15 November 2005:

"1. That in the matter of gambling and its impact on the health and well-being of both individuals and sections of the wider community:

(a) Council notes that decisions on Electronic Gaming Machine (EGM) licences that result from the State Government Review of EGM Licences in Victoria will affect Yarra residents and the broader Victorian community for the next 27 years;

(b) consequently, Council believes that it is essential that the Review is thorough and widely consultative in order to achieve outcomes that:

(i) are in the best interest of the Victorian community, including Yarra residents;

(ii) reflect community attitudes;

(iii) reflect the State Government's duty of care to community health and wellbeing;

(c) Council believes that the Review of the EGM Licences should be transparent, and that the Terms of Reference for the Review of Electronic Gaming Machine Licences should include:

(i) consideration of the emerging evidence that EGMs, in their current form, pose inherent dangers and cause problem gambling;

(ii) consideration of all possible outcomes for the future of the EGM industry, including the potential non-renewal of licenses;

(iii) a thorough cost-benefit analysis;

(iv) comprehensive community and expert consultation via written submissions and public hearings;

(d) Council hold three public forums in the first quarter of 2006 to inform Yarra residents of the Review and to enable community concerns and opinion to be expressed, and such forums be held in key locations across the municipality, be advertised prominently in the Council newsletter, Council website, and a half-page advertisement in The Melbourne Times and Yarra Leader editions one week prior to each forum;

(e) Council write to Premier Bracks and Minister Pandazopoulos advising the Council's position on the Review of Electronic Gaming Machine Licences, particularly including (a), (b) and (c) of this motion;

(f) Council write to the State Member, Richard Wynne, and Federal Member, Lindsay Tanner, advising of Council's position on the Review and requesting a public statement as to their positions on same.

(g) Yarra Council submit an appropriately amended version of this motion to the Municipal Association of Victoria and the Victorian Local Government Association for consideration; and

(h) Yarra Council issue a media statement on this motion before 18 November 2005."

4.4 The Cottage – Notice of Motion No. 16 of 2005 – Councillor Jolly

I hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 15 November 2005:

"1. That in the matter of 'The Cottage' currently operated by the Brotherhood of St Laurence:

(a) Council believes that the protection of services for Yarra City's most disadvantaged residents is a primary concern for this organization;

(b) Council is aware of the fact that many economically disadvantaged families (including some 200 children), originally from the Horn of Africa, Afghanistan and Vietnam, access child developmental programs, individual counselling, play group, outreach work and family needs assessments at the Cottage, on a weekly basis;

(c) Council notes that:

(i) The Cottage in Napier St, Fitzroy has, in the words of Dr Ola Krupinska, Consultant Child, Adolescent and Family Psychiatrist at the Austin Hospital, "for the past ten years provided an exemplary multi-focal services to preschool children and their families living predominantly in Atherton Gardens Housing, an area of socio-economic disadvantage and cultural diversity comprising 800 high rise units and which accommodate 2500 people, including at least 500 children under 6 years of age";

(ii) the great strength (of The Cottage) is its combination of being extremely accessible, user friendly and embedded in the community;

(iii) the great theoretical sophistication and immense professionalism of The Cottage is evident in the programs provided as well as multiple links with other services;

(d) Council notes that the Brotherhood of St Laurence has announced the closure of The Cottage for the end of November 2005 and that the danger, as Dr Krupinska put it, is "that once the bridge to mainstream culture provided by the Cottage for these very vulnerable children and families is taken away, many of them will fall by the wayside with tragic, and in the long term very expensive, consequences";

(e) Council congratulate the work of the State Member for Richmond, Richard Wynne, in seeking a one-year bridging plan to keep The Cottage open on the basis of a one third contribution from the State Government, one third from the Brotherhood and one third from Yarra Council;

(f) Council will not shirk its responsibilities to these families in Yarra; and

(g) Council therefore agrees to make available no more than 1% of our Discretionary Reserves as an emergency contribution to the saving of this service only on the basis that this amount is matched by the State Government and the Brotherhood of St Laurence."

4.5 Parkies Inc – Notice of Motion No. 17 of 2005 – Councillor Jolly

I hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 15 November 2005:

"That Council officers prepare a report for the December cycle as to the options available for larger accommodation for Parkies Inc within our municipality."

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) contractual matters;

   (b) matters prejudicial to Council and/or a third party; and

   (c) legal advice.

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.