



ORDINARY MEETING OF COUNCIL MINUTES

held on Tuesday 11 March 2003
at the Richmond Town Hall

I. ATTENDANCE

Councillor Greg Barber
Councillor Sue Corby (Mayor)
Councillor Deborah Di Natale *
Councillor Jenny Farrar
Councillor Jackie Fristacky
Councillor Li Lai
Councillor Kay Meadows
Councillor Judy Morton
Councillor Gurm Sekhon

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

*Councillor Di Natale was present for the consideration of confidential business. Councillor Di Natale left the meeting at the adjournment and was absent from the meeting for the consideration of open business.

III. DECLARATIONS OF PECUNIARY INTEREST

Nil

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor Farrar **Seconded:** Councillor Fristacky

That the minutes of the ordinary meeting of Council held on 11 February 2003 be confirmed.

CARRIED

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

ORDINARY MEETING OF COUNCIL

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IV. CONFIDENTIAL BUSINESS REPORTS

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

COUNCIL RESOLUTION

Moved: Councillor Sekhon

Seconded: Councillor Barber

1. That this meeting be closed to members of the public, in accordance with section 89 of the *Local Government Act* 1989, as disclosure of any of the following matters to be considered may prejudice the Council or other persons.
2. That all information contained within the Confidential Business Reports section of this notice paper and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

CARRIED

PROCEDURAL MOTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Council meeting be adjourned.

CARRIED

The meeting adjourned at 7:28 pm.

The meeting reconvened at 7:38 pm.

PETITIONS AND JOINT LETTERS

5.1 Residents' Parking Permit Fee

A petition with 105 signatures has been received expressing opposition to the \$20 parking permit fee for residents' first vehicle.

COUNCIL RESOLUTION

Moved: Councillor Lai

Seconded: Councillor Morton

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

CARRIED

5.2 Victoria Gardens Development – Provision of Car Parking

A petition with 106 signatures has been received expressing concern over the inadequate provision of car parking in relation to the Victoria Gardens Development.

COUNCIL RESOLUTION

Moved: Councillor Lai

Seconded: Councillor Farrar

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

CARRIED

5.3 Montgomery Street / Richmond Terrace, Richmond - Pedestrian Walkway

A petition with 51 signatures has been received requesting that Council retain the walkway connecting Montgomery Street and Richmond Terrace, Richmond, for pedestrian use only.

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Morton

1. That the petition be received and referred to the appropriate Officer for action.
2. That should this matter relate to a town planning application, the list of petitioners shall be considered as individual objectors.

CARRIED

5.4 Kent Street, Richmond - Parking Restrictions

A joint letter with 50 signatures has been received expressing concern over parking restrictions in Kent Street (west of Gardner Street).

COUNCIL RESOLUTION

Moved: Councillor Lai

Seconded: Councillor Farrar

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

CARRIED

5.5 Victoria Gardens Development - Related Parking Issues

A petition with 177 signatures has been received expressing concern over the Victoria Gardens Development and impact on parking in the precinct.

COUNCIL RESOLUTION

Moved: Councillor Lai

Seconded: Councillor Farrar

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

CARRIED

PUBLIC QUESTION TIME

Question (Jeremy Maslin)

1. *Could Council provide me with details of Council policy in regard to the formulation of LATM priority areas, together with traffic flow and traffic count data in respect to LATM 21 and LATM 22?*

Answer

The Acting Director City Development advised that he would provide Mr Maslin with a copy of a recent Council report on LATM priority areas, which gives details of Council's policy and lists current LATM priority areas.

He further advised that in regard to traffic flow and traffic count data for LATM 21 and LATM 22, he would furnish relevant information as soon as possible.

Question (Anna Northeast)

2. *In regard to a survey of local residents undertaken as part of the Street Coordinator Program, in respect to a proposal for 'resident only parking' in Stanley Street, Richmond and surrounding areas, what is the current status of our application and when will local residents be advised of the outcome?*

Answer

The Acting Director City Development advised that the matter is progressing and that a number of options have been developed by Council officers and that these options will be canvassed with local residents and traders in the next month or so.

Question (Ian Quick)

3. *What is Council's policy on 'resident only parking'?*

Answer

The Acting Director City Development advised that the Street Coordinator Program does require a minimum of 80 percent support of residents for a proposal before the matter proceeds to an investigation stage by Council officers.

The Chief Executive Officer further advised that Council will provide a letter in writing to the applicant outlining indicative timelines and process details, and clarifying Council's position in regard to 'resident only parking'.

Subsequent Question

4. *How was the 80 per cent support minimum arrived at and does Council believe this to be a reasonable number?*

Answer

The Acting Director City Development took the question on notice.

Question (Ian Wood)

5. *Would Council ensure that the missing information on planning file PL99/1048 relating to property 89 Kent Street, Richmond concerning planning application P102/0680 about Council's enforcement application to VCAT (P1742/2002 lodged on 3 July 2002) is made available for me to view as soon as possible this week?*

Answer

The Mayor advised that Council will endeavour as far as practicable, to provide the relevant information.

Question (Ian Wood)

6. *I am advised that the retrospective application is likely to be approved shortly to validate this development as built, however this will entail Council waiving car parking access issues. Therefore, will Council give an undertaking that it will not reduce its original parking requirements (as submitted to and supported by VCAT), but will instead require compliance, particularly given the Victoria Gardens development that will exacerbate current parking problems?*

Answer

The Acting Director City Development took the question on notice.

Question (Mr Richard Malone)

7. *I notice that the signs designating part of Gleadell Street, Richmond as 'Area 14 Permit Exceeded' have only just been removed. What did they mean and what arrangements are now made for the vehicles/staff previously entitled to park there?*

Answer

The Acting Director Community Development advised that the signage in question was redundant signage from the former City of Richmond and related to staff parking under the previous parking controls. She further advised that the current arrangements in relation to staff parking in Gleadell Street are that Council operational vehicles were exempt from designated parking restrictions and that the private vehicles of Council staff are subject to the same parking restrictions as the general public.

The Acting Director Community Development further advised that Council is currently reviewing its vehicle policy together with staff parking arrangements and that this review should be completed in the next couple of months.

Question (Mr Richard Malone)

8. *In relation to the Abbotsford Convent project which public body will be the ultimate financial 'back stop' in the event that the project fails?*

Answer

The Acting Director City Development advised that the Abbotsford Convent Foundation carries the financial responsibility for the project and that its constitution does not allow it to borrow money and that should the project become un-financial the site will revert to the State Government.

He advised that in terms of Council's financial contribution, a commitment was made by Council in August 2001 to provide a total of \$1.0M over five years (in the form of infrastructure, financial or in kind support) and that full details have been provided to Mr Malone on previous occasions.

Question (Mr Norm Bassett)

9. *In relation to heritage overlays, you have not met my previous request for the Yarra City Council to prepare and distribute a simple leaflet to property owners?*

Answer

The Acting Director City Development took the question on notice.

Question (Mr Norm Bassett)

10. *What surveys have been done to come to your conclusion on the need or otherwise for bicycle track/lanes? Is not local knowledge important?*

Answer

The Acting Director City Development took the question on notice.

GENERAL BUSINESS

6.1 Environment Sustainability Development (ESD) Principles

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

- **1. That Council invite representatives from RMIT's Centre for Sustainable Design to give a presentation to councillors and Council officers in regard to Environment Sustainability Development (ESD) principles in all aspects of planning.
2. That further, Councillors outline ESD initiatives and that Council Officers incorporate these initiatives into the Cities for Climate Protection Program and associated energy reduction programs.

CARRIED

DELEGATES REPORTS

Councillor Farrar advised that the Victorian Local Governance Association (VLGA) is relocating its office into a “green building” at 60 Leicester Street Carlton this week. She further advised of a VLGA motion supporting the provision of home-owner rebates for installation of environmental sustainable equipment in residential properties.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the report be noted.

CARRIED

QUESTIONS WITHOUT NOTICE

Question (Cr Meadows)

1. *Can Council officers write to City Link and Parks Victoria encouraging them to reinstate the climbing wall under the City Link freeway at Burnley that is used by the Victoria Climbing Club?*

Answer

The Chief Executive Officer advised that Council would write to City Link and Parks Victoria seeking a resolution to the matter of reinstating the climbing wall for use by the Victoria Climbing Club.

FINANCE & RESOURCES COMMITTEE MEETING

**Tuesday 4 March 2003
Richmond Town Hall**

ATTENDANCE

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

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST

Nil

1.1 Audit Committee Charter

RECOMMENDATION

That the Audit Committee Charter be amended as recommended by the Audit Committee.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the matter be referred to Council for further consideration pending provision of comparative information as to the size and composition of audit committees.

CARRIED

Additional information

1. At its meeting on 4 March 2003, the Finance and Resources Committee requested information as to the size and composition of Audit Committees at some other councils.
2. Information has been obtained from nine councils. The audit committees comprise 3-5 members, with 4 being the norm. The details are shown in *Table 1*.

Council	Number of external members	Number of Councillors	Number of Officers	Total membership
Banyule	2	2	0	4
Bayside	2	2	0	4
Casey	2	2	0	4
Hume	2	2	0	4
Maroondah	2	2	1 (CEO)	5
Nillumbik	2	2	0	4
Port Phillip	2	2	0	4
Stonnington	2	2	0	4
Whitehorse	1	2	0	3

Table 1

3. In terms of the balance between external and internal membership, the Australian Institute of Company Directors takes the view that in relation to companies, there should be a majority of non executive Directors (ie independent parties) on Audit Committees and that the external view is provided by an external auditor.

4. From the Best Practice Guidelines which are targeted at councils as public bodies, the position is that Councillors are not considered as independent, and thus the private sector view and Victorian Local Government Best Practice view are congruent.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Farrar

**That the matter be referred to the April 2003 Council cycle for further consideration, pending comparative information from other councils on voting entitlement arrangements of audit committee members.

CARRIED

1.2 Awarding of Council Contracts – Summary of Confidential Decisions made in the Previous Month

RECOMMENDATION

That the report on the Awarding of Council Contracts - Summary of Confidential Decisions made at its meeting on 11 February 2003 be noted.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Corby

Seconded: Councillor Fristacky

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Barber

That the Finance and Resources Committee Recommendation be adopted.

CARRIED

See Attachment



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1.3 Council Contracts Awarded (over the value of \$50,000) - Monthly Report

RECOMMENDATION

That the monthly report on Council contracts awarded (over the value of \$50,000) be noted.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky

Seconded: Councillor Farrar

That it be noted that there were no Council contracts awarded (over the value of \$50,000) in the report period.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Barber

That the Finance and Resources Committee Recommendation be adopted.

CARRIED

1.4 Environment Local Law, No 3 of 2002

RECOMMENDATION

1. That in accordance with section 119 of the *Local Government Act 1989*, having considered public submissions, Council resolves make the Environment Local Law, No 3 of 2002' as attached, and:
 - (a) that a copy of the Local Law be attached to the official Council Minutes of this meeting;
 - (b) that notice be given in the Victoria Government Gazette and a public notice in a local newspaper specifying:
 - (i) the title of the Local Law;
 - (ii) the purpose and general purport of the Local Law; and
 - (iii) that a copy of the Local Law can be inspected at the Council offices; and
 - (c) that a copy of the Local Law be sent to the Minister.
2. That the submitters be advised accordingly.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Lai

1. That in accordance with section 119 of the *Local Government Act 1989*, having considered public submissions, Council resolves make the Environment Local Law, No 3 of 2002' as amended and attached, and:
 - (a) that a copy of the Local Law be attached to the official Council Minutes of this meeting;
 - (b) that notice be given in the Victoria Government Gazette and a public notice in a local newspaper specifying:
 - (i) the title of the Local Law;
 - (ii) the purpose and general purport of the Local Law; and
 - (iii) that a copy of the Local Law can be inspected at the Council offices; and
 - (c) that a copy of the Local Law be sent to the Minister.
2. That the submitters be advised accordingly.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Barber

That the Finance and Resources Committee Recommendation be adopted.

CARRIED

See Attachment



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1.5 Competitive Neutrality and Best Value

RECOMMENDATION

1. That Council approve, in principle, the draft public policy objectives of Child Care and Leisure for purposes of conducting a public interest test.
2. That Council approves a consultation with the community on the draft public policy objectives using the process outlined.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky

Seconded: Councillor Farrar

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Barber

That the Finance and Resources Committee Recommendation be adopted.

CARRIED

**PLANNING & COMMUNITY DEVELOPMENT
COMMITTEE MEETING**

**Tuesday 4 March 2003
Richmond Town Hall**

ATTENDANCE

Councillor Sue Corby
Councillor Judy Morton (Chairperson)
Councillor Di Natale
Councillor Gurm Sekhon

APOLOGIES

Councillor Kay Meadows

DECLARATIONS OF PECUNIARY INTEREST

Nil

2.1 Revised Terms of Reference for Yarra Aboriginal Advisory Group and update of issues related to the Aboriginal Advisory Group

RECOMMENDATION

1. That Council approves the revised Yarra Aboriginal Advisory Group Terms of Reference.
2. That Council notes the recent local Indigenous initiatives with which it has been involved.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Corby

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

See Attachment



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2.2 Amendment C49 to the Yarra Planning Scheme: Protecting Biodiversity in Yarra – Amendment Adoption

RECOMMENDATION

1. That Council:
 - (a) amend Amendment C49 (as exhibited) to include the request by Parks Victoria to exempt Parks Victoria from the permit requirement for works that are in accordance with the Yarra Bend Park Strategy Plans and Environment Action Plans approved by Parks Victoria and the Yarra Bend Park Trust.
 - (b) adopts Amendment C49 (as shown in Attachment 1) to the Yarra Planning Scheme, pursuant to Section 29(1) of the *Planning and Environment Act 1987*;
 - (c) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the *Planning and Environment Act 1987*; and
2. That all submitters be advised of Council's decision.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Sekhon

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

See Attachment



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2.3 Burnley Park Master Plan

RECOMMENDATION

1. That Council adopt the Master Plan for Burnley Park dated February 2003 provided at Attachment A to this report.
2. That the Construction Cost and Staging Strategy for implementation of the Burnley Park Master Plan be referred to Council's Capital Works Program 2003-04 (and beyond) process for consideration.
3. That Council note that assistance has been and will continue to be given to the Jesuits Social Services to find an alternative site within the municipality.
4. That Council advise all submitters / residents that Council has adopted the Burnley Park Masterplan and that its future implementation is dependent on the availability of funding.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Sekhon

Seconded: Councillor Di Natale

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

See Attachment



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2.4 Amendment C28 to the Yarra Planning Scheme – 67 Islington Street, Collingwood – Adoption Stage.

RECOMMENDATION

1. That Council:
 - (a) adopts Amendment C28 to the Yarra Planning Scheme without changes, pursuant to Section 29(1) of the *Planning and Environment Act 1987*; and
 - (b) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the Act.
2. That the applicant and all submitters be advised of Council's decision.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Corby

Seconded: Councillor Di Natale

That the matter be referred to Council for further consideration.

CARRIED

Submission

Mr Simon Martyn of Fulcrum Town Planners addressed Council on this item.

COUNCIL RESOLUTION

Moved: Councillor Morton

Seconded: Councillor Farrar

1. That Council:
 - (a) adopts Amendment C28 to the Yarra Planning Scheme pursuant to Section 29 of the *Planning and Environment Act 1987*, subject to the owner entering into a section 173 agreement under the *Planning and Environment Act 1987* to ensure that the silos are not demolished after the approval of the amendment by the Minister for Planning; and
 - (b) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the Act.
2. That the applicant and all submitters be advised of Council's decision.

CARRIED

See Attachment



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2.5 City of Yarra Municipal Emergency Management Plan

RECOMMENDATION

1. That Council adopt the current City of Yarra Municipal Emergency Management Plan (MEMP) for the purpose of implementing emergency response and that the plan be signed and sealed.
2. That the Officers or persons holding or acting in the following positions be appointed to the MEMP Committee in accordance with Section 21 of the *Emergency Management Act 1986*:
 - (a) Municipal Emergency Resource Officer (MERO);
 - (b) Deputy Municipal Emergency Resource Officer (two positions);
 - (c) Municipal Recovery Manager;
 - (d) Deputy Municipal Recovery Manager;
 - (e) Senior Officer - Victoria State Emergency Service;
 - (f) Senior Officer - Victoria Police (Yarra)
(Municipal Emergency Response Coordinator - MERC);
 - (g) Senior Officer - Metropolitan Fire and Emergency Services Board;
 - (h) Senior Officer - Ambulance Service Victoria;
 - (i) Other staff or Agency/Authority person co-opted as required;
 - (j) Director City Development or nominee; and
 - (k) Risk Management and Insurance Coordinator.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Corby

Seconded: Councillor Sekhon

That the Recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

2.6 Urban Planning – Monthly Planning Appeals Report

RECOMMENDATION

1. That the report on Statutory Planning – Monthly Planning Appeals for November, December 2002 and January 2003 be noted.
2. That future Planning Appeal Reports only be reported to a Council meeting on a quarterly basis.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Sekhon

Seconded: Councillor Di Natale

That the Recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

See Attachment



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2.7 Urban Planning – Instrument of Delegation

RECOMMENDATION

That the schedule of the Instrument of Delegation for the Urban Planning Branch adopted on 2 October 2001 as shown in the Attachment, be amended to reflect current position titles.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Di Natale

Seconded: Councillor Corby

1. That Schedule A of the Instrument of Delegation to Council Officers adopted on 2 October 2001 be amended as shown in the Attachment, to reflect current position titles.
2. That Schedule A of the Urban Planning Branch Delegation Policy and Procedures adopted on 2 October 2001 be amended accordingly.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

See Attachment



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2.8 Planning Enforcement Report

RECOMMENDATION

That the Planning Enforcement report be noted.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Corby

Seconded: Councillor Di Natale

That the Recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Planning and Community Development Committee Recommendation be adopted.

CARRIED

The Council meeting closed at 8:41pm.

Confirmed this 8th day of April 2003

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Mayor