



Ordinary Meeting of Council Minutes

**held on Tuesday 5 June 2012 at 6.30 pm
at the Richmond Town Hall**

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

“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.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Alison Clarke
- Cr Geoff Barbour (Mayor)
- Cr Jackie Fristacky
- Cr Josh Funder
- Cr Sam Gaylard
- Cr Stephen Jolly
- Cr Anthony Main
- Cr Dale Smedley
- Cr Amanda Stone

Council officers

- Ivan Gilbert (Acting Chief Executive Officer)
- Justin Hanrahan (Acting Director Infrastructure Services)
- Jack Crawford (Director Corporate and Financial Services)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Erin Marcon (Acting Coordinator Governance)
- Margaret Elvey (Governance Officer)

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

Nil

4. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

That the corrected minutes of the Ordinary Council Meeting held on Tuesday 22 May 2012 be confirmed.

CARRIED

5. Petitions and joint letters

Nil

6. Public question time

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13. Confidential business reports

Item

- 13.1 Contractual matters
- 13.2 Matters prejudicial to Council and/or any person

5. Petitions and joint letters

Nil

6. Public question time

6.1 9 - 11 Austin Street Fairfield

Question from Mr James Lyon

When does the Council expect that the use of the site at 9 - 11 Austin Street Fairfield will be brought into conformity with requirements of its existing use right?

Response

The Director City Development responded that:

- (a) a report is due to come to Council in the next meeting cycle, in terms of possible road closures;*
- (b) the report will also refer to planning permits and planning endorsement matters; and*
- (c) in relation to 9 – 11 Austin Street, the matter is under active investigation as there is a planning permit and the requirements of that permit needs to be fulfilled.*

6.2 Proposed Accessible Tram Stops – Bridge Road Richmond

Question from Mr Herschel Landes – President, Bridge Road Traders' Association

What solutions does Council have in mind to resolve alternative parking arrangements as the plans for the new accessible tram stops in Bridge Road Richmond will require the removal of 39 car spaces?

Response

The Director City Development responded that:

- (a) the accessible tram stops will require the removal of 39 car spaces and there is no particular plan at this stage for replacing those car spaces;*
- (b) they are part of a planning permit application for this work and Council will need to consider those on their planning merits;*
- (c) the Manager Parking Services has conducted surveys in the area and has been in contact with Mr Landes; and*
- (d) the officers are guided by the hierarchy of parking principles which is one of Council's policies and procedures.*

6.3 Review of Parking Costs in Bridge Road Richmond

Question from Mr Herschel Landes – President, Bridge Road Traders' Association

As part of the Bridge Road Traders' Association budget submission, it requested a review of parking costs in Bridge Road Richmond as the traders are doing it particularly hard at the moment.

A newspaper article states Council is spending \$5.9 million to upgrade the Collingwood Town Hall.

How does that reconcile for the traders that are doing it really hard when all they asked for was a small decrease in parking cost?

Response

The Mayor responded that the matters referred to are in the budget and that Council received submissions on the budget at the last Council meeting.

The Mayor noted the newspaper article as a comment.

6.4 Response to Correspondence

Question from Ms Cliodhna Rae

What is the timeframe for responding to letters from residents?

Response

The Acting Chief Executive Officer advised that the City of Yarra Customer Service Charter states that letters should be responded to within about a nine day period depending on the complexity of the issue.

6.5 Acknowledgement of Correspondence

Question from Ms Cliodhna Rae

If it's a complex issue and you can't respond within nine days, does the City of Yarra acknowledge receipt of the letter?

Response

The Acting Chief Executive Officers advised that all correspondence should be acknowledged with an indication that it may be longer before a full answer is provided.

7. General business

7.1 Town Planning History – 23 Mason Street Collingwood and 39 – 45 Victoria Parade Collingwood

Submission

Ms Terry Gliddon addressed the Council on this item.

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council request officers to bring forward an urgent report on:
 - (a) the full history of previous Council and Victorian Civil and Administrative Tribunal (VCAT) determinations relating to development of the land 23 Mason Street, Collingwood;
 - (b) the full history of the development on adjacent property 39-45 Victoria Parade, including details of all and any connectivity with the development on land 23 Mason Street;
 - (c) the current development proposal for land 23 Mason Street, Collingwood.
2. That Council request that a hold be placed on any current applications, pending consideration of the above report.
3. That Council request the matter be referred for a full and urgent independent review.

CARRIED

8. Delegates' reports

8.1 Northern Alliance for Greenhouse Action (NAGA)

Councillor Amanda Stone as Council's delegate to the Northern Alliance for Greenhouse Action (NAGA) Executive tabled her report and noted that:

- (a) a significant grant of \$1m had been received by NAGA for one of the Federal Energy Efficiency Information Grants for small to medium enterprises. This will be providing energy information to businesses to help them reduce their energy use and therefore costs; and
- (b) Darebin Council had recently resolved to suspend their NAGA membership along with membership of other organisations such as Victorian Local Governance Association (VLGA) and to leave that decision to the incoming Council after the election this year.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That the:
 - (a) delegate's report be noted; and
 - (b) Mayor, at the earliest opportunity, notify the Darebin Mayor and Councillors of Yarra Council's disappointment at their decision to not renew Northern Alliance for Greenhouse Action (NAGA) membership, to urge them to reconsider, and to sign the Memorandum of Understanding in the interests of the collective benefit to all nine councils.

CARRIED

8.2 Road Safe Action Group Inner Melbourne

Councillor Jackie Fristacky as Council's delegate to the Road Safe Action Group Inner Melbourne (RSAGIM) reported that RSAGIM had been successful in being awarded road safety grants totalling \$60,300 under the VicRoads road safety program. These comprised:

Cyclist safety - focusing on visibility, lights, road rules and car dooring	\$26,000
Pedestrian safety	\$26,000
Motorcycle safety	\$8,000

Councillor Fristacky noted that RSAGIM was appreciative of these grants which would enable it to support research on elements of pedestrian and cyclist safety, in particular focusing on the need for good visibility through lights and reflective vests, and in entertainment precincts, the dangers of walking or cycling under the influence.

Councillor Fristacky also advised of a rally to be held on Thursday 21 June on the steps of Parliament House to seek support for funding in the budget for cycling activities.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Clarke

That the delegate's report be noted.

CARRIED

9. Questions without notice

Question from Councillor Barbour, Mayor

Can a report be provided to the next or subsequent Council meeting on the notion of sister city relationships and specifically in regard to Hunan Region in China?

Response

The Acting Chief Executive Officer indicated that a report would be produced.

10. Council business reports

10.1 2012/13 Annual Budget - Budget Adoption

Trim Record Number: D12/38696

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That having received and considered all submissions under Section 223 of the *Local Government Act 1989* (the Act), Council resolves that:
 - (a) amendments as detailed be incorporated in the Proposed Budget;
 - (b) the 2012/13 Proposed Budget as amended be adopted as the final Adopted Annual Budget of Council for the 2012/13 financial year;
 - (c) the Acting Chief Executive Officer be authorised to give public notice of the decision to adopt the 2012/13 Annual Budget and submit a copy of the budget to the Minister for Local Government, in accordance with Section 130 of the Act;
 - (d) persons who have made a submission regarding the 2012/13 Budget be notified in writing of Council's decision in accordance with Section 223 of the Act;
 - (e) an amount of \$79,675,810 (or such greater amount as is lawfully levied as a consequence of this resolution) be declared as the amount which Council intends to raise by General Rates, which is calculated as follows:

(i) General Rates	\$78,992,878
(ii) Special Rates Schemes	\$156,932
(iii) Interest Income	<u>\$526,000</u>
(iv) Total rates and Charges	<u>\$79,675,810</u>
 - (f) with respect to General Rates:
 - (i) a general rate be declared in respect of and for the entire duration of the 2012/13 financial year;
 - (ii) it further be declared that the general rate be raised by application of a uniform rate;
 - (iii) a percentage of 0.04369 be specified as the percentage of the uniform rate which may be alternatively expressed as 0.04369 cents in the NAV dollar;
 - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable property within the municipality;
 - (v) the Council funded Pensioner Rate Rebate be declared at \$136.00 for 2012/13;
 - (g) no Municipal or Annual Service Charge be declared in respect of the 2012/13 financial year; and
 - (h) the Acting Chief Executive Officer be authorised to effect minor administrative changes to the Budget 2012/13 document, which may be required.

Councillor Funder left the meeting at 8.40pm.

COUNCIL MOTION

Moved: Councillor Stone

Seconded: Councillor Clarke

1. That having received and considered all submissions under Section 223 of the *Local Government Act 1989* (the Act), Council resolves that:
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 - (g) no Municipal or Annual Service Charge be declared in respect of the 2012/13 financial year; and
 - (h) the Acting Chief Executive Officer be authorised to effect minor administrative changes to the Budget 2012/13 document, which may be required.

AMENDMENT**Moved:** Councillor Gaylard

1. That having received and considered all submissions under Section 223 of the *Local Government Act 1989* (the Act), Council resolves that:
 - (a) amendments as detailed be incorporated in the Proposed Budget;
 - (b) the 2012/13 Proposed Budget as amended be adopted as the final Adopted Annual Budget of Council for the 2012/13 financial year;
 - (c) the Acting Chief Executive Officer be authorised to give public notice of the decision to adopt the 2012/13 Annual Budget and submit a copy of the budget to the Minister for Local Government, in accordance with Section 130 of the Act;
 - (d) persons who have made a submission regarding the 2012/13 Budget be notified in writing of Council's decision in accordance with Section 223 of the Act;
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 - (ii) it further be declared that the general rate be raised by application of a uniform rate;
 - (iii) a percentage of 0.04369 be specified as the percentage of the uniform rate which may be alternatively expressed as 0.04369 cents in the NAV dollar;
 - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable property within the municipality; and
 - (v) the Council funded Pensioner Rate Rebate be declared at \$136.00 for 2012/13;
 - (g) no Municipal or Annual Service Charge be declared in respect of the 2012/13 financial year; and
 - (h) the Acting Chief Executive Officer be authorised to effect minor administrative changes to the Budget 2012/13 document, which may be required.
2. That an allowance be made to commence resourcing the concept plan for the Alphington Bowls Club refurbishment, if staffing allows for it to be commenced in the 2012/13 financial year.

The amended motion was acceptable to the mover and seconder, it was incorporated into the substantive motion. It was then put and carried as indicated below.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Clarke

1. That having received and considered all submissions under Section 223 of the *Local Government Act 1989* (the Act), Council resolves that:
 - (a) amendments as detailed be incorporated in the Proposed Budget;
 - (b) the 2012/13 Proposed Budget as amended be adopted as the final Adopted Annual Budget of Council for the 2012/13 financial year;
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 - (d) persons who have made a submission regarding the 2012/13 Budget be notified in writing of Council’s decision in accordance with Section 223 of the Act;
 - (e) an amount of \$79,675,810 (or such greater amount as is lawfully levied as a consequence of this resolution) be declared as the amount which Council intends to raise by General Rates, which is calculated as follows:

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 - (i) a general rate be declared in respect of and for the entire duration of the 2012/13 financial year;
 - (ii) it further be declared that the general rate be raised by application of a uniform rate;
 - (iii) a percentage of 0.04369 be specified as the percentage of the uniform rate which may be alternatively expressed as 0.04369 cents in the NAV dollar;
 - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable property within the municipality; and
 - (v) the Council funded Pensioner Rate Rebate be declared at \$136.00 for 2012/13;
 - (g) no Municipal or Annual Service Charge be declared in respect of the 2012/13 financial year; and
 - (h) the Acting Chief Executive Officer be authorised to effect minor administrative changes to the Budget 2012/13 document, which may be required.
2. That an allowance be made to commence resourcing the concept plan for the Alphington Bowls Club refurbishment, if staffing allows for it to be commenced in the 2012/13 financial year.

CARRIED

Call for a division

For: Councillors Fristacky, Smedley, Stone, Gaylard, Barbour and Clarke
Against: Councillors Jolly and Main

Attachments

There are no attachments for this report.

10.2 Business and Industrial Land Strategy - Consideration of Submissions

Trim Record Number: D12/26553

Responsible Officer: Acting Coordinator, Strategic Planning

RECOMMENDATION

1. That Council adopts the Business and Industrial Land Strategy as policy subject to the changes discussed in this report and summarised below:
 - (a) a change in relation to the most easterly part of Precinct BS13 –Swan Street East Strip (540 to 564 Swan Street) to include the option of a Business 2 Zone for this part of the precinct depending on the outcomes of the more detailed Swan Street Structure Plan investigation and consultation;
 - (b) a change in relation to BS6 - Johnston Street East Strip to remove any reference to a proposed Business 5 Zone;
 - (c) changes to include a clear and succinct explanation of how theoretical projected demand for industrial, business and residential land relates to future supply and the process for relating demand to future planning and policy to supply land and manage development; and
 - (d) editing and corrections to the text in the Strategy and Background Report to remove a range of minor errors including inconsistent and non-sequential page numbering in the Background Report.
2. That Council investigates changes to the Municipal Strategic Statement to incorporate the findings and key objectives and strategies in the Business and Industrial land Strategy.
3. That Council prepares a Local Policy to guide the proportion of housing in the Business 2 Zone to ensure that it does not operate as a de facto residential zone and provides a significant proportion of business and employment generating activities.
4. that all submitters and persons who nominated an interest in being kept informed regarding the Strategy be notified of Council's decision.

Submissions

The following people addressed the Council on this item:

Ms Ashling O'Dowd – Urbis representing owners of Rosella Complex; and

Mr Bernard McNamara – BDMA representing owners of property in Gipps Street area.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Funder

1. That Council adopts the Business and Industrial Land Strategy as policy subject to the changes discussed in this report and summarised below:
 - (a) a change in relation to the most easterly part of Precinct BS13 –Swan Street East Strip (540 to 564 Swan Street) to include the option of a Business 2 Zone for this part of the precinct depending on the outcomes of the more detailed Swan Street Structure Plan investigation and consultation;
 - (b) a change in relation to BS6 - Johnston Street East Strip to remove any reference to a proposed Business 5 Zone;

- (c) changes to include a clear and succinct explanation of how theoretical projected demand for industrial, business and residential land relates to future supply and the process for relating demand to future planning and policy to supply land and manage development;
 - (d) editing and corrections to the text in the Strategy and Background Report to remove a range of minor errors including inconsistent and non-sequential page numbering in the Background Report;
 - (e) changes to the recommendations for the following precincts so that residential development is excluded and the existing zone (Business 3 Zone, Industry Zone or Business 4 Zone) is not changed:
 - (1) BS3 (B3Z to B2Z) - Hoddle Street
 - (2) AC4 (B3Z to B2Z) - south of Victoria Street, Richmond
 - (3) BS5 (B3Z to B2Z) - Johnston Street
 - (4) AC2 (B3Z and B4Z to B2Z) - Nicholson Street, Fitzroy
 - (5) BS11 (IN3Z to B2Z) - Burnley Street, Richmond
 - (6) PI4 (B3Z to B2Z) - Burnley Street, south of Bridge Road
 - (7) BS13 in the following sections west to east:
 - (B3Z to B1Z)
 - (B4Z to B2Z)
 - (B4Z to B1Z)
 - (f) in those precincts adjoining the Yarra River and proposed for further investigation (CIB3, BS6, CIB5, 6 and 7) remove any commentary suggesting a preference for mixed use or residential development adjoining the Yarra River corridor; and
 - (g) include an introductory statement modelled on the “Note” in the Yarra Industrial and Business Land Strategy Review 2004, advising that any future rezoning will be assessed on a case by case basis with reference to the new strategy and other council policy documents including the MSS which is to be reviewed in the next council term.
2. That Council investigates changes to the Municipal Strategic Statement to incorporate the findings and key objectives and strategies in the Business and Industrial land Strategy.
 3. That Council prepares a Local Policy to guide the proportion of housing in the Business 2 Zone to ensure that it does not operate as a de facto residential zone and provides a significant proportion of business and employment generating activities.
 4. That all submitters and persons who nominated an interest in being kept informed regarding the Strategy be notified of Council’s decision.

CARRIED

Call for a division

For: Councillors Fristacky, Smedley, Stone, Gaylard, Barbour, Funder and Clarke
Against: Councillors Jolly and Main

Attachments

- 1 Draft Strategy (circulated separately)
- 2 Background Report (circulated separately)
- 3 Summary of Submissions
- 4 YCAN further submission

10.3 Draft Johnston Street Local Area Plan

Trim Record Number: D12/27378

Responsible Officer: Acting Coordinator, Strategic Planning

RECOMMENDATION

1. That Council consent to the public exhibition of the Draft Johnston Street Local Area Plan 2012 for a minimum period of four weeks, in the following manner:
 - (a) advertisements in the Yarra Leader and Melbourne Times newspapers;
 - (b) preparation of a fact sheet for wide distribution;
 - (c) letters and a fact sheet sent to all property owners and occupiers within the study area;
 - (d) information on Council's web site;
 - (e) notification to all previous submitters and those who have registered an interest in the project, and relevant government agencies; and
 - (f) a community information session.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Clarke

That the recommendation be adopted.

CARRIED UNANIMOUSLY

Attachments

- 1 Johnston Street Draft Local Area Plan Pt1
- 2 Johnston Street Draft Local Area Plan Pt2

10.4 Council's Emissions Boundaries

Trim Record Number: D12/16835

Responsible Officer: Manager Strategic Transport and Environment

RECOMMENDATION

1. That Council endorse:

- (c) the proposed emissions boundary as outlined in table 1 for the purpose of reporting against Council's carbon neutral target; and
- (d) the previous emissions boundary, based on the Federal Government funded Cities for Climate Protection program, be used until 2015 when targets are completed, for the purpose of reporting against council emissions reduction targets.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Clarke

That the recommendation be adopted.

CARRIED

Attachments

There are no attachments for this report.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Stone

Seconded: Councillor Jolly

That item 11.2 Notice of Motion No 12 of 2012 - Opposition to Transfer of Public Housing to Housing Associations be considered next.

CARRIED

10.5 Merri Creek and Spensley Street Vacation Care

Trim Record Number: D12/39583

Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council:
 - (a) note that the Council operated Vacation care program at Merri Creek Primary School has been reinstated for July 2012; and
 - (b) receive a further detailed report in August 2012 regarding issues and options relating to the provision of Vacation Care within the municipality.

Submissions

The following people addressed the Council on this item:

*Ms Anne Nelson, Executive Officer – Spensley Street Primary School; and
Ms Bernadette Sandercock.*

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Jolly

1. That Council:
 - (a) note that the Council operated Vacation care program at Merri Creek Primary School has been reinstated for July 2012;
 - (b) receive a further detailed report in August 2012 regarding issues and options relating to the provision of Vacation Care within the municipality; and
 - (c) writes to all submitters on this issue, attaching a copy of this report and highlighting the advice of a future report in August 2012.

CARRIED

Attachments

There are no attachments for this report.

10.6 Lourdes Development - Endorsement of Schematic Design

Trim Record Number: D12/39424

Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council:
 - (a) endorse the schematic design arising from the work of the Design Reference Group as the basis for detailed design work for the proposed development of a 92 place child care facility at the Lourdes site in St Heliers Street;
 - (b) note that the outcomes and key issues identified by the Design Reference Group and submitters must continue to inform the next stage of design and planning;
 - (c) approve the Lourdes project proceed to lodgement of a planning permit application and completion of detailed design recognising that a further report will be presented to Council in April 2013 on the following matters:
 - (i) final detailed design development;
 - (ii) quantity surveyor cost review; and
 - (iii) preferred contractors arising from an EOI process;
 - (d) note that an appropriate process will be undertaken during construction phase to find a new name for the proposed development;
 - (e) note the significant number of submissions from community and institutional stakeholders on the broader traffic and parking matters and prioritise the exploration of a medium to long term and sustainable traffic management solution for the precinct;
 - (f) note the revised overall project budget estimate has increased from \$6.95m to \$8.205m (inclusive of 6 star ESD rating) and that the development will be designed and built to a GBCA 6 star rating equivalent but will not be enrolled in the formal program;
 - (g) note the estimated project program of works that could see the project built and ready for operations late in the 2014 calendar year (subject to planning permit being issued); and
 - (h) refer consideration of the project program of works and timing of budget allocation in the forward capital works program to the 2013/14 annual planning and budget process.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Funder

That the recommendation be adopted.

CARRIED

Call for a division

For: Councillors Fristacky, Jolly, Smedley, Stone, Barbour, Funder and Main

Against: Councillors Gaylard and Clarke

Attachments

- 1 Lourdes Integrated Hub Design Report
- 2 Lourdes Combined 3D Plans
- 3 Lourdes Design Report – Images of 3D Model
- 4 GTA Draft Traffic Impact Assessment Lourdes Version 2
- 5 GTA Draft Green Travel Plan Lourdes Version 2

10.7 Loughnan Hall Development Options

Trim Record Number: D12/39236

Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council note the report and confirm medium term priorities are the development of the proposed GTV9 community facility and finalisation of the expression of interest process for the future use of the Tudor Street site.

COUNCIL RESOLUTION

Moved: Councillor Funder

Seconded: Councillor Smedley

That the recommendation be adopted.

CARRIED

Attachments

- 1 Loughnan Hall Development Proposal and Valuation November 2011
- 2 Capire GTV9 Community Space Report Final 15 03 2011

10.8 Review of Concept Options currently being considered by independent Doncaster Rail Study Team

Trim Record Number: D12/35768

Responsible Officer: Director City Development

RECOMMENDATION

1. That:

- (a) Yarra indicates its strong preference is for a Doncaster Rail solution which provides a complete additional line into the CBD from Doncaster, rather than connecting into an already stressed rail system in order to provide greatest benefit to residents and workers in the Manningham corridor and enable the development for further future expansion of Melbourne's rail network into a world class public transport system;
- (b) Yarra supports further investigation and development of the *rapid transit* and *local access* theme solutions described by the Doncaster Rail independent study team in the March 2012 workshops;
- (c) Yarra does not support any Doncaster Rail option which may degrade the existing rail network reliability and frequency;
- (d) Yarra indicates it does not support the *orbital* theme solution described by the Doncaster Rail independent study team in the March 2012 workshops; and
- (e) the Doncaster Rail Independent Project leader and study team be advised of the above.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Fristacky

1. That:

- (a) Yarra indicates its strong preference for the Doncaster Rail Study's Rapid Transit theme, as envisaged in the 1969 Transport Plan, as the only theme which would provide people in the Manningham corridor with a fast, efficient alternative to the private car for city-bound trips, at reasonable capital cost, and without duplicating public transport services or potentially attracting strong community opposition due to proximity to sensitive built and environmental assets. This theme offers the greatest capacity to reduce congestion on the Eastern Freeway and Hoddle Street;
- (b) our preference is to work towards the Doncaster Railway line connecting into the existing rail network via the Melbourne Metro system's Parkville extension, thus providing those along the corridor, including our own residents, with better access to the train network in general, and to the university and hospitals precinct in particular;
- (c) we accept that this train line may need to be built in stages, and will require and involve capacity upgrades to the existing system, in order to maintain or improve the existing rail network's reliability and frequency, in the context of ongoing mode shift to public transport. We wish to express our strong support for all such necessary upgrades;
- (d) Yarra supports further investigation and development of the rapid transit theme solutions described by the Doncaster Rail independent study team in the March 2012 workshops; and
- (e) the Doncaster Rail Independent Project leader and study team be advised of the above.

CARRIED

Attachments

- 1 Doncaster Rail Option - Rapid-Transit-Theme
- 2 Doncaster Rail Options - Local-Access -Theme
- 3 Doncaster Rail Option - Orbital-Network-Theme
- 4 Doncaster Rail - Richmond-Community-Options-Workshop-Summary-Report

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Barbour

Seconded: Councillor Clarke

That the meeting be adjourned for five minutes.

CARRIED

Councillor Jolly left the meeting.

10.9 Queens Parade Public Toilet Facility - Commonwealth Bank of Australia Consultation

Trim Record Number: D12/33122

Responsible Officer: Acting Manager Buildings and Property

RECOMMENDATION

1. That Council proceeds with installation of the public toilet facility in accordance with the Council resolution of 28 June 2011.

Submissions

The following people addressed the Council on this item:

*Mr Ian Mack; and
Mr Herschel Landes.*

COUNCIL MOTION

Moved: Councillor Stone

Seconded: Councillor Clarke

1. That Council proceeds with installation of the public toilet facility in accordance with the Council resolution of 28 June 2011.

AMENDMENT

Moved: Councillor Fristacky

1. That Council proceeds with installation of the public toilet facility in accordance with the Council resolution of 28 June 2011 and confirms that the external design be of a cast iron heritage structure.

The amended motion was acceptable to the mover and seconder, it was incorporated into the substantive motion. It was then put and carried as indicated below.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Clarke

1. That Council proceeds with installation of the public toilet facility in accordance with the Council resolution of 28 June 2011 and confirms that the external design be of a cast iron heritage structure.

CARRIED

Attachments

- 1 Queens Parade toilet communications history
- 2 Security Risk Assessment – refer to confidential agenda papers

10.10 Tudor Street Expression of Interest - Stage Two Assessment

Trim Record Number: D12/39243

Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council:
 - (a) note the panel recommendation that Council proceed to Stage Three of the EOI process with the consortium headed by Richmond Community Learning Centre;
 - (b) hear public submissions on the relative merits of the proposals; and
 - (a) note that a further report will be brought to the 26 June 2012 Council Meeting to confirm its direction on this matter.

Submissions

The following people addressed the Council on this item:

*Ms Lysette Ashford - President, Richmond Community Learning Centre Committee of Management; and
Ms Pam Cohn.*

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Smedley

That the recommendation be adopted.

CARRIED

Attachments

- 1 Cultivating Communities EOI Stage Two Submission
- 2 RCLC Tudor St EOI Feasibility Study FINAL

10.11 Heritage Gaps Amendment - Interim Heritage Controls

Trim Record Number: D12/37516

Responsible Officer: Acting Coordinator Strategic Planning

RECOMMENDATION

1. That Council:
 - (a) Note the Officer's report outlining the Minister for Planning's authorisation of Amendment C149 to the Yarra Planning Scheme to be prepared and proceed to exhibition;
 - (b) note that the Minister for Planning has determined not to support Council's request for interim heritage controls as proposed in Amendment C152 to the Yarra Planning Scheme, and
 - (c) endorse the protocol in Attachment 2 to provide guidance for officers regarding assessment of section 29A requests under the *Building Act 1993* in relation to properties which are the subject of Amendment C149 to the Yarra Planning Scheme.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Gaylard

1. That Council:
 - (a) note the Officer's report outlining the Minister for Planning's authorisation of Amendment C149 to the Yarra Planning Scheme to be prepared and proceed to exhibition;
 - (b) note that the Minister for Planning has determined not to support Council's request for interim heritage controls as proposed in Amendment C152 to the Yarra Planning Scheme;
 - (c) amend items 2 Planning Permit Issued and 3 Building Permit Issued of Attachment 2, under "Full demolition" to read:
"Individually significant or contributory grading – seek interim heritage controls and give notice to the relevant building surveyor stating that they must suspend the building permit for the proposed demolition"; and
 - (d) endorse the protocol in Attachment 2 as amended in 1(c) to provide guidance for officers regarding assessment of section 29A requests under the Building Act 1993 in relation to properties which are the subject of Amendment C149 to the Yarra Planning Scheme.

CARRIED

Attachments

- 1 Minister's letter - Amendments C149 and C152
- 2 Interim Heritage Request Protocol

10.12 Valuer Declaration of Impartiality

Trim Record Number: D12/38569

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council notes the Declarations of Impartiality made pursuant to Section 13DH of the *Valuation of Land Act 1960*.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Funder

That the recommendation be adopted.

CARRIED

Attachments

- 1 Declaration of Impartiality_K.Lindsay
- 2 Declaration of Impartiality_W J Graham

10.13 Valuation Return 2012

Trim Record Number: D12/38577

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council receives and adopts the return of the general valuation effective from 30 June 2012, for rating purposes.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Funder

That the recommendation be adopted.

CARRIED

Attachments

There are no attachments for this report.

10.14 Yarra Boulevard - Proposal to Rescind Declared Road Status Under Road Management Act 2004

Trim Record Number: D12/39439

Responsible Officer: Acting Director Infrastructure Services

RECOMMENDATION

That Council write to VicRoads indicating that until such time as Yarra Boulevard meets the Council's standards for receipt of a new asset that the City of Yarra is not prepared to consent for it to become a local road under the Council authority.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Funder

That Council defer consideration of Yarra Boulevard's future pending a report from Council officers on future strategic options for the road, including questions raised by Councillors and from discussions with VicRoads.

CARRIED

Attachments

- 1 Arterial Road Review - VicRoads Request that Council consider VicRoads recommendations

10.15 Victoria Street Gateway Project Update

Trim Record Number: D12/40197

Responsible Officer: Director City Development

RECOMMENDATION

1. That:

- (a) Council note the update officer report regarding the Victoria Street gateway project;
- (b) Council consent to the exhibition of the proposed design elements of the gateway project, as shown in the attachments, being works between Hoddle Street and the east of the rail bridge (including artwork on the abutments of the Bridge (known as elements 1 and 2 as outlined in the officer report) using the current project budget of \$ 2.1m;
- (c) officers provide a further report to the August 2012 Council cycle regarding the community views on the proposed designs of Elements 1 and 2 of the Victoria Street gateway project; and
- (d) Council note that officers are currently working on streetscape design concepts for the remainder of Victoria Street as part of the streetscape improvement project as part of the Victoria Street structure plan implementation.

COUNCIL RESOLUTION

Moved: Councillor Smedley

Seconded: Councillor Funder

That the recommendation be adopted.

CARRIED

Attachments

- 1 Victoria St Gateway Concept Plan View
- 2 Victoria St Gateway Concept Sketch
- 3 Victoria St Gateway Improvements at the Bridge
- 4 Victoria St Gateway Proposed Art Works at the Bridge
- 5 Victoria St Gateway Proposed Art Works at the Bridge-2
- 6 Indicative streetscape initiatives between the Railway Bridge and Church St.

10.16 Review of Appointment of Authorised Officers

Trim Record Number: D12/41099

Responsible Officer: Acting Chief Executive Officer

Purpose

1. To in accordance with the requirements of the *Local Government Act 1989* and various other Acts, adopt the reviewed Instrument of Appointment of Authorised Officers.

Background

2. The Council is required to periodically review the Instrument of Appointment of Authorised Officers to ensure it conforms with current requirements of the various Acts and subordinate Regulations.
3. The Authorisation instruments specify the degree of authorisation of the named Officers of the Council, in respect of named Acts and subordinate Regulations.

Consultation

4. The review has involved the Directors and relevant Managers in monitoring and confirming which Council Officers require which specific Authorisation/s in order to appropriately undertake their required duties.

Financial Implications

5. There are no direct costs arising from the review of the Instruments of Authorisation.

Economic Implications

6. There are no implications arising from the review of the Instruments of Authorisation.

Sustainability Implications

7. There are no implications arising from the review of the Instruments of Authorisation

Social Implications

8. There are no implications arising from the review of the Instruments of Authorisation

Council Plan, Strategy and Policy Implications

9. There are no implications arising from the review of the Instruments of Authorisation

Legal Implications

10. As noted above, the Council is required to periodically review the Instruments of Authorisation.

Other Issues

11. None applicable.

Options

12. None applicable.

Conclusion

13. That Council adopt the reviewed Instruments of Appointment and Authorisation (*Planning and Environment Act 1987*) for the undermentioned Community Amenities Branch Officers and authorise they be signed and sealed accordingly.

RECOMMENDATION

1. That Council having reviewed the Instruments of Appointment of Authorised Officers, now adopt the reviewed Instruments of Appointment and Authorisation (*Planning and Environment Act 1987*) and authorise they be signed and sealed accordingly in respect of the following Community Amenities Branch Officers:

Russell Colquhoun,	Noel Cunningham,	Greg Fairall,
Bradley McMahon,	Steven McMurray,	Kay Oklobdzija,
Christopher O’Leary	Vassilios Parlementas,	Savvis Pasilidis,
Bruce Phillips,	Lisa Shaw,	Bradley Speechley,
David Toseland,	Shan Uweinet,	Peter Giudice,
Dan Curlis,	Stewart Martin,	
John Theodosakis,	Elizabeth Brant,	Evan Burman,
Matthew Cohen,	Danielle Connell,	Laura Condon,
Franc Dilallo,	Lara Fiscalini,	Sarah Griffiths,
Vasiliky Grillakis,	Christopher Harries,	Sherry Hopkins,
Ally Huynh,	Janet Keily,	Tarquin Leaver,
Peter Louden,	Peter Mollison,	Alicia Mora,
Mary Osman,	Erika Russell,	James Sutherland,
Patrick Sutton,	Richa Swarup,	Katrina Thomas,
Johanna Trickett,	Tamina Vy.	

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Funder

1. That Council having reviewed the Instruments of Appointment of Authorised Officers, now adopt the reviewed Instruments of Appointment and Authorisation (*Planning and Environment Act 1987*) and authorise they be signed and sealed accordingly in respect of the following Officers:

Russell Colquhoun,	Noel Cunningham,	Greg Fairall,
Bradley McMahon,	Steven McMurray,	Kay Oklobdzija,
Christopher O’Leary	Vassilios Parlementas,	Savvis Pasilidis,
Bruce Phillips,	Lisa Shaw,	Bradley Speechley,
David Toseland,	Shan Uweinet,	Peter Giudice,
Dan Curlis,	Stewart Martin,	
John Theodosakis,	Elizabeth Brant,	Evan Burman,
Matthew Cohen,	Danielle Connell,	Laura Condon,
Franc Dilallo,	Lara Fiscalini,	Sarah Griffiths,
Vasiliky Grillakis,	Christopher Harries,	Sherry Hopkins,
Ally Huynh,	Janet Keily,	Tarquin Leaver,
Peter Louden,	Peter Mollison,	Alicia Mora,
Mary Osman,	Erika Russell,	James Sutherland,
Patrick Sutton,	Richa Swarup,	Katrina Thomas,
Johanna Trickett,	Tamina Vy.	

CARRIED

Attachments

- 1 S11 A Instrument of Appointment and Authorisation

11. Notices of motion

11.1 Notice of Motion No 11 of 2012 - Moratorium on Coal Seam Mining – Councillor Alison Clarke

Trim Record Number: D12/39351

Responsible Officer: Acting Chief Executive Officer

COUNCIL MOTION

Moved: Councillor Clarke

Seconded: Councillor Stone

That the City of Yarra call on the Victorian Government to institute a moratorium on all new coal and on-shore un-conventional gas operations until there has been a thorough, independent investigation into the likely impacts of this industry on water resources, farmland and food security, local communities, natural biodiversity and greenhouse emissions.

AMENDMENT

Moved: Councillor Funder

1. That the City of Yarra call on the Victorian Government to:
 - (a) institute a moratorium on all new coal and on-shore un-conventional gas operations until there has been a thorough, independent investigation into the likely impacts of this industry on water resources, farmland and food security, local communities, natural biodiversity and greenhouse emissions; and
 - (b) explore ways to decommission Hazelwood power station.

The amended motion was acceptable to the mover and seconder, it was incorporated into the substantive motion. It was then put and carried as indicated below.

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Stone

1. That the City of Yarra call on the Victorian Government to:
 - (a) institute a moratorium on all new coal and on-shore un-conventional gas operations until there has been a thorough, independent investigation into the likely impacts of this industry on water resources, farmland and food security, local communities, natural biodiversity and greenhouse emissions; and
 - (b) explore ways to decommission Hazelwood power station.

CARRIED

11.2 Notice of Motion No 12 of 2012 - Opposition to Transfer of Public Housing to Housing Associations – Councillor Amanda Stone

Trim Record Number: D12/40246

Responsible Officer: Acting Chief Executive Officer

Submissions

The following people addressed the Council on this item:

Ms Kerrie Byrne – Friends of Public Housing Group;

Mr Michael Merrett; and

Ms Elisabeth Coldicutt.

Councillor Funder returned to the meeting at 9.06pm.

COUNCIL MOTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That:

- (a) Yarra Council state its opposition to any compulsory transfer of ownership of existing public housing, or management of public housing in the City of Yarra, to Housing Associations; and
- (b) this position, in addition to Council's support for maintaining security of tenure and rents capped at 25% of income for Yarra's public housing tenants, be included in a submission to the State Government discussion papers on the future of social housing in Victoria.

AMENDMENT

Moved: Councillor Fristacky

1. That:

- (a) Yarra Council state its opposition to any compulsory transfer of ownership of existing public housing, or management of public housing in the City of Yarra, to Housing Associations;
- (b) this position, in addition to Council's support for maintaining security of tenure and rents capped at 25% of income for Yarra's public housing tenants, be included in a submission to the State Government discussion papers on the future of social housing in Victoria;
- (c) Council also includes in its submission the need for the supply of public housing to match population growth and meet the needs of the disadvantaged; and
- (d) Council present a submission along similar lines to the Federal Government.

The amended motion was acceptable to the mover and seconder, it was incorporated into the substantive motion. It was then put and carried as indicated below.

AMENDMENT

Moved: Councillor Funder

1. That:

- (a) Yarra Council state its opposition to any compulsory transfer of ownership of existing public housing, or management of public housing in the City of Yarra, to Housing Associations where the provisions of (b) are not maintained;
- (b) this position, in addition to Council's support for maintaining security of tenure and rents capped at 25% of income for Yarra's public housing tenants, be included in a submission to the State Government discussion papers on the future of social housing in Victoria;
- (c) Council also includes in its submission the need for the supply of public housing to match population growth and meet the needs of the disadvantaged; and
- (d) Council present a submission along similar lines to the Federal Government.

*The amended motion was not acceptable to the mover and seconder.
As there was no seconder the amendment lapsed.*

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That:

- (a) Yarra Council state its opposition to any compulsory transfer of ownership of existing public housing, or management of public housing in the City of Yarra, to Housing Associations;
- (b) this position, in addition to Council's support for maintaining security of tenure and rents capped at 25% of income for Yarra's public housing tenants, be included in a submission to the State Government discussion papers on the future of social housing in Victoria;
- (c) Council also includes in its submission the need for the supply of public housing to match population growth and meet the needs of the disadvantaged; and
- (d) Council present a submission along similar lines to the Federal Government.

CARRIED

12. Urgent business

12.1 Bicycle Network Victoria Rally

COUNCIL RESOLUTION

Moved: Councillor Clarke

Seconded: Councillor Fristacky

That Yarra City Council endorses the Bicycle Network Victoria rally on Thursday 21 June protesting the State Government's decision to cut funding for bicycle infrastructure, and authorises a City of Yarra banner or banners being taken to the rally and displayed.

CARRIED

13. Confidential business reports

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

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Clarke

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; and
 - (b) Matters prejudicial to Council and/or any person.

2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

CARRIED

Following consideration of Confidential business, the meeting resumed in open session.

Conclusion

The meeting concluded at 10.59pm.

Confirmed this 26th day of June 2012

Mayor