Ordinary Meeting of Council Minutes

held on Tuesday 9 April 2013 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.”

1A Special Comments

The Mayor noted that on the 9 April, the Premier announced the creation of a new Department of Transport, Planning and Local Infrastructure under Terry Mulder.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors
- Cr Jackie Fristacky (Mayor)
- Cr Geoff Barbour
- Cr Roberto Colanzi
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers
- Vijaya Vaidyanath (Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Ivan Gilbert (Executive Manager Governance)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Guy Wilson-Browne (Director Infrastructure Services)
- Margaret Elvey (Governance Officer)

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

Councillor Simon Huggins declared a conflict of interest in the confidential items 13.2 and 13.3.
4. **Confirmation of minutes**

**COUNCIL RESOLUTION**

**Moved:** Councillor Colanzi  
**Seconded:** Councillor Stone

That the minutes of the Ordinary Council Meeting held on Tuesday 19 March 2013 be confirmed.

**CARRIED**

5. **Petitions and joint letters**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Light Towers – Hall Reserve – Corner Walker Street and The Esplanade, Clifton Hill</td>
<td>6</td>
</tr>
<tr>
<td>5.2</td>
<td>Car Parking Restrictions – Sackville Street, Collingwood</td>
<td>6</td>
</tr>
<tr>
<td>5.3</td>
<td>Moor Street – Painting of Bicycle Lanes</td>
<td>7</td>
</tr>
</tbody>
</table>

6. **Public question time**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>Mr Herschel Landes – Bridge Road Main Street Inc – Resident On Street Parking Permits / Request for Footpath Works</td>
<td>8</td>
</tr>
<tr>
<td>6.2</td>
<td>Mr Maurice Sheehan – Bridge Road Easy Access Tram Stops – Traffic Flow</td>
<td>8</td>
</tr>
</tbody>
</table>

7. **General business**

Nil

8. **Delegates’ reports**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>Councillor Jackie Fristacky – Tomorrow’s Library</td>
<td>9</td>
</tr>
</tbody>
</table>
9. Questions without notice

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Councillor Amanda Stone – Local Laws 2 and 3 – People Sleeping in Cars</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>9.2</td>
<td>Councillor Amanda Stone – Local Laws 2 and 3 - Statistics</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>9.3</td>
<td>Councillor Misha Coleman – Clifton Hill Local Area Traffic Management Plan (LATM) – Review Safety at Intersection Hoddle and Roseneath Streets</td>
<td>11</td>
<td>-</td>
</tr>
</tbody>
</table>

10. Council business reports

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1</td>
<td>Draft Open Space Lighting Policy</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>10.2</td>
<td>Bendigo Street Tree Replacement and Risk Mitigation Works – Item Withdrawn</td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td>10.3</td>
<td>Tudor Street Redevelopment - Stage Three EOI Response</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>10.4</td>
<td>AMCOR Proposed Amendment C200</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>10.5</td>
<td>Project Respect - Update on Lease Matters</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>10.6</td>
<td>Post Office Walk Upgrade Project</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>10.7</td>
<td>Submission of 3D Plans With Planning Permit Applications</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>10.8</td>
<td>Proposed Motions for Australian Local Government Association (ALGA) National Conference June 2013 and Municipal Association of Victoria (MAV) State Council May 2013</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>10.9</td>
<td>Audit Committee Chairperson Appointment</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>10.10</td>
<td>Mobile Food Vehicle Guidelines</td>
<td>23</td>
<td>24</td>
</tr>
</tbody>
</table>

11. Notices of motion

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>Notice of Motion No. 4 of 2013 - Proposal to Rename East Richmond Station – Councillor Phillip Vlahogiannis</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

12. Urgent business

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
<th>Rec. Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1</td>
<td>Attendance at Australian Local Government Association (ALGA) National Conference - Authorisation for Councillor Coleman</td>
<td>26</td>
<td>27</td>
</tr>
</tbody>
</table>
13. **Confidential business reports**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1</td>
<td>Matters prejudicial to Council and/or any person</td>
</tr>
<tr>
<td>13.2</td>
<td>Contractual matters</td>
</tr>
<tr>
<td>13.3</td>
<td>Matters prejudicial to Council and/or any person; and matters relating to the security of Council property</td>
</tr>
</tbody>
</table>
5. Petitions and joint letters

5.1 Light Towers – Hall Reserve – Corner Walker Street and The Esplanade, Clifton Hill

TRIM REF: D13/28609

A petition containing 23 signatures has been received from residents of Clifton Hill objecting to the proposed change to the location of the replacement light towers at Hall Reserve at the corner of Walker Street and The Esplanade, Clifton Hill.

COUNCIL RESOLUTION

Moved: Councillor Barbour  Seconded: Councillor Jolly

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

CARRIED

5.2 Car Parking Restrictions – Sackville Street, Collingwood

TRIM REF: D13/28609

A petition containing 10 signatures has been received from residents of Sackville and Gold Streets, Collingwood objecting to the proposed change to two hour parking between 7am and 7pm Monday to Friday in Sackville Street, Collingwood.

Petitioners request that Council implement 24 hour permit parking on the north side of Sackville Street.

COUNCIL RESOLUTION

Moved: Councillor Barbour  Seconded: Councillor Stone

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

CARRIED
5.3 Moor Street, Fitzroy – Painting of Bicycle Lanes

TRIM REF: D13/34072

A petition containing 84 signatures has been received from residents of Moor and Fitzroy Streets, Fitzroy, objecting to bicycle lanes being painted on Moor Street between Brunswick Street and Nicholson Street, Fitzroy.

COUNCIL RESOLUTION

Moved: Councillor Jolly          Seconded: Councillor Barbour

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

CARRIED
6. Public question time

6.1 Resident On Street Parking Permits / Footpath Works in Bridge Road

Questions from Mr Herschel Landes – President, Bridge Road Main Street Inc

Why does the City of Yarra allocate up to three resident on street parking permits and why does it operate such a generous residential parking scheme?

Can the Council explain why no money was spent grading and improving the footpath between the hospital and the new easy access tram stop in Bridge Road, particularly where there is now a discontinued laneway exit?

Response

The Mayor thanked Mr Landes for his questions.

The Mayor advised that the three permits is something that was inherited from more generous times and that it has been raised as an issue to be reviewed. The Mayor noted that it wasn’t reviewed last year because of the election caretaker period, but that it has now been given priority.

The Director City Development responded that:

(a) the easy access tram stops were a Department of Transport project and that Council made a planning assessment of their application;

(b) any requirements for improvement to the footpath can be looked at;

(c) there was patching of the footpath by Department of Transport contractors at the easy access tram stops; and

(d) the Department of Transport as the applicant, resolved to move the easy access tram stop near the laneway, slightly to the east, to avoid a conflict with cars, pedestrians and trams.

6.2 Easy Access Tram Stops – Bridge Road – Traffic Flow

Questions from Mr Maurice Sheehan

With the easy access tram stops, in particular the one near Waltham Street, has Council put in place a system to monitor traffic flow across from Waltham Street to Bosisto Street because the placement of the rods in the middle of the road creates some danger for vehicles crossing the intersection with Bridge Road?

Will Council advise on the outcome of any monitoring system?

Response

The Director City Development advised that Public Transport Victoria and VicRoads designed the stops and that there had been high level technical input into the design by the applicants with design prototypes constructed at the Laverton airfield.
The Director City Development confirmed that the stops need to be monitored and evaluated.

The Mayor confirmed that safety at the stops would also be looked at.

7. General business

    Nil

8. Delegates’ reports

8.1 Tomorrow’s Library Review

Councillor Fristacky tabled a written report on her attendance at the recent consultation on Tomorrow’s Library by the Ministerial Advisory Council on Public Libraries (MAC) and its stage two review of public libraries.

Moved: Councillor Fristacky  Seconded: Councillor Gaylard

That:

(a) Council notes the report; and

(b) officers provide a report to Council on the City of Yarra’s response to the Ministerial Advisory Council on Public Libraries (MAC) Tomorrow’s Library Review – Stage Two.

CARRIED
9. Questions without notice

9.1 People Sleeping in Cars

Questions from Councillor Amanda Stone

Local Laws 2 and 3 cover people sleeping in cars and clause 22 states that the local law doesn’t apply to anyone that is homeless or has complex needs, or is using the car to sleep in temporarily, but that message isn’t getting out. Has the local law actually been applied to people sleeping in cars since it came in, and what has been the result?

Has this information been communicated to homelessness services and organisations?

Response

The Executive Manager Governance advised that officers had encountered situations where homeless people had been sleeping in cars and the advice officers had given has been to encourage them to make contact with either the Brotherhood of St Laurence or St Vincent de Paul.

The Executive Manager Governance took the second question on notice.

9.2 People Sleeping in Cars - Statistics

Question from Councillor Amanda Stone

Since the local law was brought in, is there any sense of the numbers of people who this has had to apply to?

Response

The Executive Manager Governance responded that the indication that the officers had provided was that it was very few.
9.3 Clifton Hill Local Area Traffic Management (LATM)

Question from Councillor Misha Coleman

What other measures can Council take to improve safety at the intersection of Hoddle and Roseneath Streets for the Clifton Hill Local Area Traffic Management (LATM) Plan?

Response

The Director Infrastructure Services responded that:

(a) Hoddle Street is a VicRoads managed road and that Council has identified that there have been near misses;

(b) the criteria for VicRoads to provide funding and to take some action would rely upon accident history;

(c) Council has its own safety around schools program and pedestrian safety program;

(d) further investigation would be undertaken regarding:

   (i) any works that can be done by Council; and

   (ii) whether or not there is a need to consider additional resources in terms of staff that are involved in the school crossing supervision; and

(e) a report will be provided to Council.
10.1 Draft Open Space Lighting Policy

Trim Record Number: D13/23741
Responsible Officer: Manager Recreation and Open Space

RECOMMENDATION

1. That Council:
   (a) endorses a four week period of community consultation on the Draft Open Space Lighting Policy (Attachment 1); and
   (b) requests Officers return to Council with the outcomes of the community consultation and any recommended changes to the Draft Policy prior to the final policy being endorsed by Council.

Submission

Ms Donna Giles addressed the Council on this item.

COUNCIL MOTION

Moved: Councillor Coleman  Seconded: Councillor Huggins

1. That Council:
   (a) endorses a four week period of community consultation on the Draft Open Space Lighting Policy (Attachment 1), subject to the inclusion of an additional category that considers passive recreational uses such as off leash dog walking areas;
   (b) requests Officers return to Council with the outcomes of the community consultation and any recommended changes to the Draft Policy prior to the final policy being endorsed by Council; and
   (c) extend the trial at Citizens Park until 31 July 2013 as per the advertised period on the City of Yarra website.

AMENDMENT

Moved: Councillor Gaylard

1. That Council:
   (a) endorses a four week period of community consultation on the Draft Open Space Lighting Policy (Attachment 1), subject to the inclusion of an additional category that considers passive recreational uses such as off leash dog walking areas;
   (b) requests Officers return to Council with the outcomes of the community consultation and any recommended changes to the Draft Policy prior to the final policy being endorsed by Council;
   (c) extend the trial at Citizens Park until 31 July 2013 as per the advertised period on the City of Yarra website; and
   (d) receives a further report on any proposed pilot project of Poo Power for installation of an anaerobic methane digester.
As the amendment was acceptable to the mover and seconder, it was incorporated into the substantive motion.

AMENDMENT

Moved: Councillor Vlahogiannis

1. That Council:
   (a) endorses a four week period of community consultation on the Draft Open Space Lighting Policy (Attachment 1), subject to the inclusion of an additional category that considers passive recreational uses such as off leash dog walking areas;
   (b) requests Officers return to Council with the outcomes of the community consultation and any recommended changes to the Draft Policy prior to the final policy being endorsed by Council;
   (c) extend the trial at Citizens Park until 31 July 2013 as per the advertised period on the City of Yarra website, in order to inform the evaluation process covering cost, community participation, negative impacts, and any other relevant factors; and
   (d) receives a further report on any proposed pilot project of Poo Power for installation of an anaerobic methane digester.

As the amendment 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 Coleman    Seconded: Councillor Huggins

1. That Council:
   (a) endorses a four week period of community consultation on the Draft Open Space Lighting Policy (Attachment 1), subject to the inclusion of an additional category that considers passive recreational uses such as off leash dog walking areas;
   (b) requests Officers return to Council with the outcomes of the community consultation and any recommended changes to the Draft Policy prior to the final policy being endorsed by Council;
   (c) extend the trial at Citizens Park until 31 July 2013 as per the advertised period on the City of Yarra website, in order to inform the evaluation process covering cost, community participation, negative impacts, and any other relevant factors; and
   (d) receives a further report on any proposed pilot project of Poo Power for installation of an anaerobic methane digester.

CARRIED

Attachments

1  Open Space Lighting Policy, Draft March 2013
10.2      Bendigo Street Tree Replacement and Risk Mitigation Works

**Item Withdrawn**

Trim Record Number:  D13/18392
Responsible Officer:  Director Infrastructure Services

**Attachments**
1  Bendigo Street Revised Tree Planting Plan
10.3 Tudor Street Redevelopment - Stage Three EOI Response

Trim Record Number: D13/30304
Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council:
   (a) notes the receipt of the Stage Three Expression of Interest response submitted by the Richmond Community Learning Centre for the redevelopment of the Council owned property at 49 Tudor Street at the corner of Westbank Terrace (the Site);
   (b) receive and consider submissions related to the project; and
   (c) refer further consideration of the project to the 2013/14 budget process.

Submission

Mr Nicholas Cody – Richmond Community Learning Centre addressed the Council on this item.

COUNCIL RESOLUTION

Moved: Councillor Coleman  Seconded: Councillor Huggins

That the recommendation be adopted.

CARRIED

Attachments
1  Tudor Street EOI Stage 3 Implementation Proposal

Councillors Coleman and Huggins left the meeting at 8.23 pm.

Councillor Coleman returned to the meeting at 8.24 pm.
Councillor Huggins returned to the meeting at 8.26 pm.
10.4 AMCOR Proposed Amendment C200

Trim Record Number: D13/18466
Responsible Officer: Manager City Strategy

RECOMMENDATION

1. That Council:
   (a) note the advice from the local resident group Alphington Paper Mill Action Group Inc (APMAG) outlining their response to the request from AMCOR;
   (b) note the heritage advice and recommendations contained in the three heritage reports;
   (c) support preparation of an Incorporated Document that provides for the demolition of non-heritage buildings without the need for a planning permit and retention of the heritage buildings with their removal requiring a planning permit;
   (d) not support the AMCOR proposal for a ministerial amendment to change the current Incorporated Plan Overlay (IPO) to a Development Plan Overlay (DPO);
   (e) support as an alternative a public amendment process to introduce a revised DPO (with additions) combined with the preparation of the development plan; and
   (f) advise AMCOR and the Department of Planning and Community Development (DPCD) of its decision.

Submission

Ms Melissa Thyer - Alphington Paper Mill Action Group Inc (APMAG) addressed the Council on this item.
COUNCIL RESOLUTION

Moved: Councillor Stone  Seconded: Councillor Jolly

1. That Council:
   (a) note the advice from the local resident group Alphington Paper Mill Action Group Inc (APMAG) outlining their response to the request from AMCOR;
   (b) note the heritage advice and recommendations contained in the three heritage reports;
   (c) support preparation of an Incorporated Document that provides for the demolition of non-heritage buildings without the need for a planning permit and retention of the heritage buildings with their removal requiring a planning permit;
   (d) not support the AMCOR proposal for a ministerial amendment to change the current Incorporated Plan Overlay (IPO) to a Development Plan Overlay (DPO);
   (e) advise the Minister for Planning that while Council and the community do not currently support changes to the current overlay, Council would be prepared to discuss any proposed plans for the site directly with the proposed developer and AMCOR and, with community involvement, consider alternative planning mechanisms which would facilitate the preparation of a development plan which includes recent updates to planning requirements such as Environmentally Sustainable Design (ESD), and further incorporates Council’s AMCOR Site Design and Development Principles (2009); and
   (f) advise AMCOR and the Department of Planning and Community Development (DPCD) of its decision.

CARRIED

Attachments
1 AMCOR Comparison Table
2 Lovell Chen Heritage Report
3 Context Peer Review
4 Biosis Heritage Report
5 APMAG Letter
6 Planning Control Options
10.5 Project Respect - Update on Lease Matters

Trim Record Number: D13/30306
Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council resolve to renew the Council Lease with Project Respect Inc. for a period of 12 months from 1 September 2013 to 31 August 2014, subject to a public notice being given in the form required under Section 190 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved: Councillor Jolly  Seconded: Councillor Barbour

That the recommendation be adopted.

CARRIED

Attachments

There are no attachments for this report.
10.6 Post Office Walk Upgrade Project

Trim Record Number: D13/24089
Responsible Officer: Coordinator Urban Design

RECOMMENDATION

1. That:
   (a) Council endorse the design for improvements to Post Office Walk, Richmond for implementation.
   (b) officers investigate the feasibility of commissioning new murals along Post Office Walk as part of the current project and within the current project budget.

COUNCIL RESOLUTION

Moved: Councillor Jolly        Seconded: Councillor Barbour

That the recommendation be adopted.

CARRIED

Attachments
1 Post Office Walk Design Concept
10.7 Submission of 3D Plans With Planning Permit Applications

Trim Record Number: D13/13135
Responsible Officer: Manager Statutory Planning

RECOMMENDATION

1. That Council note the officer report regarding 3D plans for planning permit development applications in response to a Council request for a report.
2. That the current practice of requesting 3D images / perspectives for all large scale development and major projects be endorsed and continued.

Submission

Mr Neil Sambell tabled his written submission and addressed the Council on this item.

COUNCIL RESOLUTION

Moved: Councillor Gaylard  Seconded: Councillor Coleman

1. That Council note the officer report regarding 3D plans for planning permit development applications in response to a Council request for a report.
2. That the current practice of requesting 3D images / perspectives for all large scale development and major projects be endorsed and continued.
3. That a further report be provided to Council within three months following a meeting with the Director City Development, interested Councillors and up to three interested residents to consider ways of introducing submissions of 3D plans for planning permit applications.

CARRIED

Attachments

There are no attachments for this report.

Councillor Coleman left the meeting at 9.05 pm.
Councillor Coleman returned to the meeting at 9.06 pm.

Trim Record Number: D13/24217  
Responsible Officer: Executive Manager Governance

RECOMMENDATION

1. That Council endorse the listed motions as attached, for submission to the Australian Local Government Association (ALGA) National General Assembly June 2013 and Municipal Association of Victoria (MAV) State Council May 2013, as noted.

COUNCIL RESOLUTION

Moved: Councillor Jolly  
Seconded: Councillor Barbour

That the recommendation be adopted.  
CARRIED

Attachments

1 Motions to ALGA National General Assembly and MAV State Council
10.9 Audit Committee Chairperson Appointment

Trim Record Number: D13/27588
Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council approve the appointment of Mr Robert Yeo as Chair of the Audit Committee for the audit year ending 31 October 2013.

COUNCIL RESOLUTION

Moved: Councillor Jolly  Seconded: Councillor Barbour

That the recommendation be adopted.

CARRIED

Attachments

There are no attachments for this report.
10.10 Mobile Food Vehicle Guidelines

Trim Record Number: D13/30736
Responsible Officer: Executive Manager Governance

RECOMMENDATION

1. That Council determine its preferred option:
   (a) retaining the current Mobile Food Vehicle Guidelines;
   (b) placing the suggested redrafted Guidelines on public exhibition for later formal consideration together with any submissions received; or
   (c) adopting the draft Guidelines as presented, taking into account the suggested new provisions for a trial period of operation.

COUNCIL MOTION

Moved: Councillor Jolly          Seconded: Councillor Stone

1. That Council:
   (a) retain the current Mobile Food Vehicle Guidelines; and
   (b) place the suggested redrafted Guidelines on public exhibition for later formal consideration together with any submissions received.

AMENDMENT

Moved: Councillor Huggins

1. That Council:
   (a) retain the current Mobile Food Vehicle Guidelines;
   (b) place the suggested redrafted Guidelines on public exhibition for later formal consideration together with any submissions received; and
   (c) endorse that the guidelines on public exhibition include multiple vehicles be allowed under a permit.

As the amendment 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 Jolly  Seconded: Councillor Stone

1. That Council:
   (a) retain the current Mobile Food Vehicle Guidelines;
   (b) place the suggested redrafted Guidelines on public exhibition for later formal
       consideration together with any submissions received; and
   (c) endorse that the guidelines on public exhibition include multiple vehicles be allowed
       under a permit.

CARRIED

Councillor Phillip Vlahogiannis abstained from voting on this item.

Councillors Gaylard and Huggins left the meeting at 8.04 pm.

Councillor Huggins returned to the meeting at 8.05 pm.
Councillor Gaylard returned to the meeting at 8.06 pm.

Attachments
1. Mobile Food Vehicle Guidelines with Track Changes
Notices of motion

11.1 Notice of Motion No. 4 of 2013 - Proposal to Rename East Richmond Station

Trim Record Number: D13/31482
Responsible Officer: Executive Manager Governance

Submission

Mr David Langdon – President, Richmond and Burnley Historical Society Inc addressed the Council on this item.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis    Seconded: Councillor Huggins

1. That Council:
   
   (a) supports initiating a process to seek the re-naming of East Richmond Station as Cremorne Station having regard to:
      
      (i) the location of the station within the suburb of Cremorne; and
      
      (ii) the existence of a Cremorne Station in the area, during the 19th century, that serviced the Cremorne Gardens, from which the suburb of Cremorne takes its name;
      
   (b) acknowledges the support and enthusiasm of the Richmond and Burnley Historical Society Inc. for the name change;
      
   (c) requests Council officers to undertake such steps as are required by relevant laws and Council policies (including any necessary stakeholder consultations and liaison with relevant authorities) in furtherance of this name change and to report back to Council, at the earliest opportunity on the outcomes of those steps; and
      
   (d) requests council officers to consult with the Richmond and Burnley Historical Society Inc., should the name change go ahead, in order to develop options for commemorating the history of Cremorne in conjunction with the name change, (including, but not limited to the installation of public art and the provision of visitor information) and report back to Council in relation to such options.

CARRIED
Urgent business

12.1 Attendance at Australian Local Government Association (ALGA) National Conference - Authorisation

Trim Record Number: D13/32441
Responsible Officer: Executive Manager Governance

Purpose
1. To pursuant to Council’s Expense Entitlement Policy, approve attendance by Councillors, at the principle national local government convention, the National General Assembly of the Australian Local Government Association (ALGA), to be held from 16 – 19 June 2013 at the National Convention Centre, Canberra.

Background
2. Council has in recent years successfully submitted a number of motions to the ALGA National General Assembly.
3. Council has generally been represented at both the National General Assembly and the State Council by one or two Councillors, in order to present the Council’s motions and also meet with Councillors from around the nation/state and learn of issues being addressed by local governments and importantly, methods of dealing with same.
4. Council at the 19 March meeting, approved attendance by Cr. Fristacky. Cr Coleman is now able to attend and a formal approval resolution is sought.
5. Council’s Expense Entitlement Policy provides:
   (a) “Councillors’ attendance at interstate and overseas conferences and Council’s payment of airfares is subject to the approval of the Council;” and
   (b) “Subject to the availability of funds, Council shall pay for the cost of registration fees, accommodation and travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars.”

Consultation
6. Not relevant to this report.

Financial Implications
7. The costs per person, associated with attendance at the Assembly are estimated as follows:
   (a) conference registration is around $880 (early bird) or standard $990 or late $1,150; and
   (b) other costs including economy airfares, accommodation, meals/incidentals are estimated to be around $1,500.
8. Provision is made in the Council budget for Councillors to attend approved Conferences/Assemblies.

Economic Implications
9. There are no economic implications.

Sustainability Implications
10. There are no sustainability implications.

Social Implications
11. Not applicable to this report.
Human Rights Implications
12. There are no Human Rights implications associated with this report.

Council Plan, Strategy and Policy Implications
13. The attendance at peak body conferences enables discussion with Councillors across the nation to compare issues, processes, services standards which assist Council in formulating its own plans, strategies and work procedures.

Legal Implications
14. There are no legal issues concerned with attendance by Councillors at the National General Assembly or the State Council, save that details of interstate travel (dates, attendees and costs) must be recorded in the interstate travel register, in accordance with the Local Government (General) Regulations 2004, in respect of the National General Assembly.

Other Issues
15. None applicable.

Options
16. None applicable.

Conclusion
17. That Council authorise the attendance of Councillors at the National General Assembly 2013.

RECOMMENDATION

COUNCIL RESOLUTION

Moved: Councillor Jolly Seconded: Councillor Barbour

That the recommendation be adopted.

CARRIED

Attachments
There are no attachments for this report.
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 (PROCEDURAL)

Moved: Councillor Jolly          Seconded: Councillor Coleman

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the Local Government Act 1989, to allow consideration of:

   (a) matters prejudicial to Council and/or any person;
   (b) contractual matters; and
   (c) matters relating to the security of Council property.

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 9.46pm.

Confirmed this 23rd day of April 2013

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Mayor