



Ordinary Meeting of Council Minutes

**held on Tuesday 18 February 2014 at 7.00 pm
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. Presentation of Awards

The Director Community Programs introduced Colin Sneesby from Yarra Leisure and advised that at the recent the LGPro Conference Awards for Excellence, Yarra Leisure was presented with an award for its Yarra Leisure Community Membership Program, which provides free gym memberships to disadvantaged and homeless people, and was also named the joint winner in the Community Partnerships Initiative category.

Mr Sneesby presented the award to the Mayor.

The Mayor congratulated Mr Sneesby and the Yarra Leisure Team for their fantastic work.

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)
- Mel Nikou (Governance Officer)

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

Nil

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Matters prejudicial to Council and/or any person; AND Matters relating to legal advice

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Huggins

That the amended minutes of the Ordinary Council Meeting held on Tuesday 4 February 2014 be confirmed.

CARRIED

6. Petitions and joint letters

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7. Public question time

Nil

8. General business

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9. Delegates' reports

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11. Council business reports

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12. Notices of motion

Nil

13. Urgent business

Nil

4. 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 Colanzi

Seconded: Councillor Gaylard

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.

6. Petitions and joint letters

6.1 Speed Hump – James Street

TRIM REF: D13/73134 and D13/122314

A petition containing 18 signatures has been received on 29 July 2013 from residents of James Street opposing the speed hump built in James Street, Richmond.

A further petition containing 10 extra signatures (total of 28 signatures) has been received on 3 December 2013 from residents of James Street opposing the speed hump built in James Street, Richmond.

The petitions were received after Council endorsed the Local Area Traffic Management Study 20 (Balmain Precinct) at its ordinary meeting of Council held on 25 July 2013.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Huggins

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

CARRIED

7. Public question time

Nil

8. General business

8.1 Australian Youth Climate Coalition Victoria

Public Submissions

Mr Cameron Wheatley and Ms Phillipa Wright addressed Council regarding this matter.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council:

- (a) note a request from Australian Youth Climate Coalition (AYCC) Victoria, inviting it to support their new “Safe Climate Roadmap” campaign, as part of their working to secure a safe future for our generation;
- (b) note that such support will take the form of signing onto the AYCC Safe Climate Roadmap open letter of support to the Roadmap and also encouraging others to pursue an ambitious vision to secure a safe climate future, including by:
 - (i) reducing our pollution at least 40% by 2020;
 - (ii) investing in transitioning to 100% renewable energy within 10 years; and
 - (iii) moving Australia beyond coal and gas;
- (c) note the further request to support the campaign by:
 - (i) telling your constituents about the open letter and inviting them to sign; and
 - (ii) sharing a story from Yarra Council or the Yarra area to be uploaded to AYCC website with hundreds of other stories, about why your constituents are concerned about climate change; and
- (d) agree to sign the “Safe Climate Roadmap” open letter, attached.

CARRIED

8.2 Heatwave Plan

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Gaylard

1. In light of the increasing number of serious heatwaves and the work being undertaken on a heatwave plan through Council's Climate Adaptation Policy, that a report be provided to Council in the April cycle of meetings outlining:
 - (a) options for Council in providing additional relief to vulnerable residents during periods of heatwave;
 - (b) the costs these measures might incur; and
 - (c) the costs currently incurred by Council in proactive measures taken during heatwaves with HACC clients, opening Fitzroy pool for longer hours and other current heatwave protection measures.

CARRIED

8.3 Yarra City Council - Character Study

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Gaylard

That officers provide a report or Councillor Briefing on the relative merits of undertaking a 'character study' for the City of Yarra.

CARRIED

9. Delegates' reports

9.1 Friends of Bacau Inc.

Trim reference: D14/15398

Council Amanda Stone, as Council's delegate to Friends of Baucau tabled the following report.

Friends of Bacau provide friendship and support to UNAP, a local organisation in the district of Bacau, details of which were provided in a briefing to councillors late last year.

A key focus for districts like Bacau at present is the move towards a system of local government in Timor-Leste, and there will be a key role for friendship groups and their associated municipalities in providing support and guidance in this transition.

There is likely to be a role for Yarra Council, through its involvement in Friends of Bacau, in supporting the decentralisation process in Bacau, proving support, mentoring and skills exchange with local government leaders in the Bacau District.

Timor-Leste Conference and Expo

Eleven years after the first successful international conference, Working Together for East Timor was held in Melbourne in 2003, the Victorian Local Governance Association (VLGA) and partners (including Darebin and Moreland Councils) are sponsoring a conference and expo "Working Together for Timor-Leste: The Next 10 Years" on 25-26 July at Darebin Arts and Entertainment Centre.

http://www.vlga.org.au/Events_Training/Events/Working_together_for_Timor-Leste_the_next_10_years.aspx

Open to all people interested in Timor-Leste's future development, this Conference and Expo comes after over 13 years of activity by Australian Governments, Local Government Friendship groups, aid organisations, businesses and community groups, working with their Timorese counterparts to support the task of establishing the new nation.

It will feature keynote speaker Sir Agio Pereira, Minister of State and President of the Council of Ministers. Other speakers include representatives of Timor-Leste and Australian government and civil society organisations and friendship groups.

The conference will focus on key issues in local development: friendship relationships, rural livelihoods, health, education and human resource development, strengthening local communities, engaging young people, empowering women, village technology, and the establishment of elected municipal government.

The Conference will provide an opportunity for individuals and organisations working in, and for, Timor-Leste to share their knowledge and experience and discuss ways of working together to meet the challenges of the next phase of nation-building.

Friends of Bacau will sponsor four delegates from Bacau (one government official, three village heads) to attend this conference and the VLGA has agreed to provide discount conference fees. Friends of Bacau is one several friendship organisations making presentations at the conference.

Friends of Bacau Annual Dinner

This fund raising event will be held on Saturday 15 March at "Curry Down Under". All friends and supporters of the friendship group are welcome and Councillors encouraged to attend.

Fundraising

Friends of Bacau rely on fundraising efforts to support activities in Bacau. Most of these are through coffee sales at stalls at events in Darebin and Yarra, but these provide limited income.

A major fundraiser, an art auction, has been planned for May, to be held in Yarra. Arts and Culture officers have been providing guidance and support in the planning for this event, and discounted use of the town hall has been granted. The event will highlight the involvement of the City of Yarra in the organisation, the historic connections to people from Timor-Leste who

have made Yarra their home, and our ongoing commitment, through a friendship group, to support to the district of Bacau.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Gaylard

1. That:
 - (a) this report be accepted; and
 - (b) Council note the in-kind support being provided to the fundraiser art auction to be held in Yarra; and
 - (c) Council provide in principle support for this event by promoting it through Yarra's communication channels.

CARRIED

9.2 Senate Rural and Regional Affairs and Transport References Committee Inquiry into the Role of Public Transport in delivering Productivity Outcomes

Trim Reference: D14/15869

The Mayor tabled a report and advised of her appearance before the Senate Rural and Regional Affairs and Transport References Committee on 18 February to speak to the Council submission lodged with the Committee under letter dated 5 February and to answer questions by the Committee.

The Mayor also noted that as former Chair, now Treasurer, and contributor to the Metropolitan Transport Forum submission, she was also asked to speak in support of that submission.

Key Messages highlighted to the Committee

1. Investment in public transport is of National significance because it is intrinsically linked to economic growth and prosperity. Failure of the Commonwealth to fund public transport will undermine the economic capacity of Australia's major cities to better contribute to national productivity and compete in a global economy.
2. Investment in public transport would not only contribute substantially to enhancing productivity, but also to supporting housing affordability, national health, reducing congestion, social inequities and emissions.
3. Extending the reach of public transport offers more equitable access to jobs, services and education and helps reduce disadvantage, health and accident costs.
4. Australia's transport costs at around 14% of GDP, are the highest of any developed nation - higher than the US, Canada, Europe and wealthy Asian economies. These high transport costs adding to the cost of labour, goods, and services negatively affect our productivity.

5. Investing in public transport has huge capacity to free up space on existing road networks for car use and freight, to reduce congestion and meet the demand for PT increasing in Melbourne by 4% per annum, while car use is stagnant/declining.
6. Public transport investment has a high positive cost benefit - for every \$1 invested in public transport returns over \$1.80 to the economy. It is far more efficient in cities to enhance rail capacity with projects such as the Melbourne Metro, Doncaster Rail, Airport Rail, and rail grade separations than the EWL.
7. Restricting investment in roads will require far more expenditure to meet transport needs.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Huggins

That this report be accepted.

CARRIED

10. Questions without notice

10.1 Napoleon Street, Collingwood – CMP on Construction Site

Councillor Stephen Jolly

Question:

Can officers review the construction management plan for the Napoleon Street development and ensure sufficient parking for residents is provided?

Response:

The Director City Development took the question on notice.

10.2 Enforcement of Parking when the AFL Football Seasons Commences

Councillor Phillip Vlahogiannis

Question:

In the lead up to the AFL football season, what preparations and resources are in place for enforcement of parking restrictions in fringes of the sports and entertainment precinct?

Response:

The Director Corporate and Finance Services took the question on notice.

11.1 Adopted Interim Heritage Control Protocol - Proposed Changes

Trim Record Number: D14/4807

Responsible Officer: Coordinator Strategic Planning

RECOMMENDATION

1. That Council:
 - (a) notes the advice received in the Department of Transport, Planning and Local Infrastructure's letter dated 31 October 2013 in Attachment 1.
 - (b) adopts the revised Interim Heritage Control Protocol in Attachment 3.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Stone

1. That Council:
 - (a) notes the advice received in the Department of Transport, Planning and Local Infrastructure's (DTPLI) letter dated 31 October 2013 in Attachment 1.
 - (b) adopts the revised Interim Heritage Control Protocol in Attachment 3.
 - (c) writes to the Municipal Association of Victoria and the Victorian Local Governance Association to enquire if they have been consulted on the interim heritage overlay controls and in particular:
 - (i) their views on the DTPLI's guidelines in respect to the interim heritage controls;
and
 - (ii) whether these guidelines are being consistently applied across local governments.

CARRIED

11.2 49 Tudor Street - Future Use

Trim Record Number: D14/5830

Responsible Officer: Manager Buildings and Property

RECOMMENDATION

1. That Council:

- (a) resolve to commence the statutory process in accordance with Sections 190 and 223 of the *Local Government Act 1989* for a lease between the Yarra City Council and the Richmond Community Learning Centre Inc (ABN 59 709 547 292) on the following terms and condition:
1. Lease Area: 49 Tudor St Burnley
 2. Term: 11 years
 3. Options: Nil
 4. Lease Commencement: At the conclusion of the Section 190 and Section 223 statutory notice process.
 5. Rental: \$104.00 per annum plus GST
 6. Rental Commencement: At the conclusion of the Section 190 and Section 223 statutory notice process.
 7. Capital Contribution: \$1,050,000 to undertake the development.
 8. Ongoing Contribution: \$139,200 plus GST payable over the first 5 years of the lease.
 9. Maintenance: Richmond Community Learning Centre Inc will pay for all service charges, including insurance, communication facilities, cleaning, garbage collection, electricity, gas, water, administration, repairs and maintenance;
 10. Permitted Use: Activities associated with Neighbourhood Houses are to be identified within the Service Agreement.
 11. Hours of operation: 7am – 10pm Monday to Sunday
- (b) authorises the Chief Executive Officer or her delegate to finalise non material matters associated with the lease subject to the completion of the Section 223 process;
- (c) authorises the Chief Executive Officer or her delegate to execute said lease; and
- (d) authorises this resolution be made public.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Huggins

1. That Council:

- (a) resolve to commence the statutory process in accordance with Sections 190 and 223 of the *Local Government Act 1989* for a lease between the Yarra City Council and the Richmond Community Learning Centre Inc (ABN 59 709 547 292) on the following terms and condition:
1. Lease Area: 49 Tudor St Burnley
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 3. Options: Nil
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 10. Permitted Use: Activities associated with Neighbourhood Houses are to be identified within the Service Agreement.
 11. Hours of operation: 7am – 10pm Monday to Sunday
- (b) authorises the Chief Executive Officer or her delegate to finalise non material matters associated with the lease subject to the completion of the Section 223 process; and
- (c) authorises the Chief Executive Officer or her delegate to execute said lease.

CARRIED

Councillor Geoff Barbour abstained from voting on this item.

11.3 Endorsement of Middle Years Strategy and Action Plan 2014 - 2017

Trim Record Number: D14/6303

Responsible Officer: Acting Manager Family, Youth and Children's Services

RECOMMENDATION

1. That Council:
 - (a) adopt the Yarra Middle Years Strategy 2014 – 2017 and three year Action Plan;
 - (b) note that the Middle Years Strategy be widely distributed to networks, schools, professionals and families to ensure broad awareness of the objectives of the strategy; and
 - (c) note that identifiable participants in the consultation process will be thanked for their input and contribution to improving the Middle Years Strategy 2014 - 2017.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Huggins

1. That Council:
 - (a) adopt the Yarra Middle Years Strategy 2014 – 2017 and three year Action Plan;
 - (b) note that the Middle Years Strategy be widely distributed to networks, schools, professionals and families to ensure broad awareness of the objectives of the strategy; and
 - (c) note that identifiable participants in the consultation process will be thanked for their input and contribution to improving the Middle Years Strategy 2014 - 2017.

CARRIED

Councillor Misha Coleman abstained from voting on this item.

11.4 Safer Yarra Plan 2011-2014 Year 3 Implementation Plan Report and Health Plan 2013-2017 Year 1 Implementation Plan

Trim Record Number: D14/11038

Responsible Officer: Manager Community and Corporate Planning

RECOMMENDATION

1. That Council:
 - (a) note the actions implemented in the Safer Yarra Plan Year 3 Implementation Plan report (2013);
 - (b) endorse the consolidation of the Safer Yarra Plan and the Health Plan; and
 - (c) endorse the Health Plan Year 1 Implementation Plan (2013-14)

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Barbour

1. That Council:
 - (a) note the actions implemented in the Safer Yarra Plan Year 3 Implementation Plan report (2013)'
 - (b) endorse the consolidation of the Safer Yarra Plan and the Health Plan; and
 - (c) endorse the Health Plan Year 1 Implementation Plan (2013-14)

CARRIED

11.5 2013-14 Annual Plan Quarterly Progress Report - December 2013

Trim Record Number: D14/12467

Responsible Officer: Manager Community and Corporate Planning

RECOMMENDATION

1. That Council note the report.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Stone

1. That Council note the report.

CARRIED

11.6 Revised Budget 2013/14 Adoption

Trim Record Number: D14/12732

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council:
 - (a) adopt the 2013/14 Proposed Revised Budget as the final Revised Budget of Council for the 2013/14 financial year; and
 - (b) authorise the Chief Executive Officer to give public notice of the decision to adopt the Revised Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the Act.

COUNCIL RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Huggins

1. That Council:
 - (a) adopt the 2013/14 Proposed Revised Budget as the final Revised Budget of Council for the 2013/14 financial year; and
 - (b) authorise the Chief Executive Officer to give public notice of the decision to adopt the Revised Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the *Local Government Act 1989*.

CARRIED

11.7 Quarterly Financial Report December 2013

Trim Record Number: D14/12379

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council:
 - (a) notes the Yarra City Council financial report for the six months ending 31 December 2013 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*; and
 - (b) approve the variations contained therein.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

1. That Council:
 - (a) notes the Yarra City Council financial report for the six months ending 31 December 2013 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*; and
 - (b) approve the variations contained therein.

CARRIED

11.8 Report on Assemblies of Councillors Held - 26 November 2013 to 3 February 2014

Trim Record Number: D14/10846

Responsible Officer: Chief Executive Officer

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

1. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

CARRIED

Conclusion

The meeting concluded at 9.00 pm

Confirmed Tuesday 4 March 2014

Mayor