



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 16 September 2014 at 7.00 pm  
at the Fitzroy Town Hall**

**[www.yarracity.vic.gov.au](http://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 Announcement

The Mayor questioned the bias in comments made in the Herald Sun editorial of Monday 15 September casting aspersions on the City of Yarra dealing with its primary functions. The Mayor said the editorial ignored the substantial part of the City of Yarra total budget of \$157 million allocated to services to the community and the 30 percent of this budget applied to capital works. The community is aware regarding pot holes or other problems such as rubbish, they can report these to Council or Councillors, to be referred for action.

In terms of financial management, the Mayor emphasised the several rewards received by Council for its leadership and advised that Council’s independent audit committee members had also highlighted that the City of Yarra was a leader in local government in areas such as risk management and financial reporting, and was the first Council in Victoria to complete its 2013/14 Annual Report.

## 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 Phillip Vlahogiannis

#### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Ralph Anania (Senior Governance Advisor)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Guy Wilson-Browne (Director Infrastructure Services)
- Margaret Elvey (Governance Officer)
- Mel Nikou (Governance Officer)

### Apology

- Cr Amanda Stone

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

Councillor Stephen Jolly declared a conflict of interest on item 11.7 as he is employed by the builder, Hamilton Marino.

Councillor Sam Gaylard declared a conflict of interest on item 11.1 due to a financial interest.

### **4. Confidential business reports**

#### **Item**

4.1 Contractual matters

4.2 Contractual matters

## 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 Barbour

**Seconded:** Councillor Colanzi

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 contractual matters.
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.

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Colanzi

**Seconded:** Councillor Gaylard

That the amended minutes of the Ordinary Council Meeting held on Tuesday 2 September 2014 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Nil

## 7. Public question time

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## **8. General business**

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## 12. Notices of motion

Nil

## 13. Urgent business

Nil

## 6. Petitions and joint letters

Nil

## 7. Public question time

### 7.1 Mr Herschel Landes, President of the Bridge Road Main Street Incorporated - Parking

Question:

Without any occupancy data, why did Council consider it appropriate to raise parking fees along Bridge Road?

Will Council agree that it has breached its duty of care when it fails to manage the activity centre along Bridge Road in line with stated best practices in the SGS parking report and Council's own Economic Development Strategy 2009-2014?

*Response:*

*The Mayor advised that parking fees were increased in line with CPI with all parking across Yarra and following consultation with the budget process.*

*The Mayor also advised that Council could not respond to the duty of care matter due to legal issues and that Council does not have a role in managing activity centres but does deal with the amenity of Bridge Road.*

*The Director Corporate & Financial Services advised that:*

- (a) parking rates for Bridge Road have increased by CPI or slightly less in the last three years;*
- (b) in setting the budget and in particular reviewing those fees, Council officers and Councillors have been very conscious of the economic impact that the parking fees have on residents and people visiting the municipality;*
- (c) the SGS report to which Mr Landes refers to, on page 4 of that report, the report states that, "it is the conclusion of this study that there is no evidence to suggest that the reduction or removal of parking tariffs on Bridge Road would make a significant impact on trading conditions. If they were to be removed, this would represent a step backwards in terms of implementing a best practice use of paid system of road space use."*

*The Director Corporate & Financial Services also advised that he will take the question relating to management of activity centres on notice as it relates to legal matters.*

*The Mayor undertook to contact Mr Herschel offline.*

## COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Coleman

**Seconded:** Councillor Colanzi

That public question time be extended for 5 minutes.

**CARRIED**

## **8. General business**

### **8.1 Councillor Fristacky - Historical Plaques**

Council at its formal Council meeting on 21 April 2009 (in response to a general business question at a prior Council meeting), received a report on recognition of the 150<sup>th</sup> anniversary in 2011 of the birth of Dame Nellie Melba and “other features of Yarra’s heritage and history which should be recognised more widely”. The report identified that Dame Nellie Melba (born Helen Mitchell on 19 May 1861 in Richmond) aged 8, sang at the Grand Opening Concert of the Richmond Town Hall in December 1869 (see Ann Blainey’s biography “I am Melba” Griffin Press 2009). The Council report in 2009 was noted; however, no action has to date been taken to recognise Dame Nellie’s involvement in opening of the Town Hall.

History also records that the Richmond Police Station lock-up (on Bridge Road) housed Ned Kelly, over a weekend in 1870 when he was sent to Melbourne before being transferred to Kyneton Court for trial over a robbery earlier that year.

Given the desire to promote Bridge Road Richmond, particularly to support the activity centre, there is merit in plaques that would provide incentive to attract tourists and other visitors through recognising:

- (a) the young Nellie Melba singing at the Richmond Town Hall grand opening concert in 1861; and
- (b) the holding of Ned Kelly at the Richmond Police Station lock-up in 1870.

Examples of types of history plaques that can be erected are attached with examples recently introduced by the University of Melbourne imbedded in walking paths in the University Grounds.

#### **Attachment - Sample history plaques**

##### **Dame Nellie Melba**

Dame Nellie Melba (1861-1931), Australia’s most famed opera singer, sang at the Grand Opening Concert of the Richmond Town Hall in December 1869 before an audience of 700. Born Helen Mitchell on 19 May 1861 in Richmond, Melba aged 8, was the ‘gem’ of the Town Hall’s opening. Accompanying herself on the piano, she sang the sea shanty “You can’t dance the Polka”, and an Irish ballad “Barney O’Hea”. The reporters declared “The incomparable Miss Mitchell” a musical prodigy”. Helen Mitchell became the acclaimed Dame Nellie Melba, a national icon and Australia’s first international superstar.

The City of Yarra’s Melba Ward covering Richmond, is named after Nellie Melba.

##### **Ned Kelly**

Notorious bushranger, Ned Kelly (1854-1880) spent the weekend in the Richmond Police Station lock-up in May 1870 before being transferred to Kyneton Court for trial over a robbery earlier that year.

Ned Kelly and his gang were proclaimed outlaws after killing 3 policemen. In a confrontation with police at Glenrowan on 28 June 1880, Kelly, dressed in homemade plate metal armour and a helmet, was captured and sent to jail. Convicted of murder, Ned Kelly was hanged at the Old Melbourne Gaol in November 1880, at age 25. His daring and notoriety have made him an iconic figure in

Australian history, folklore, literature, art and film.

**Joseph Docker**

Joseph Docker (1793-1865), his wife Sarah, 6 children and thousands of sheep drove overland from Windsor, NSW to the Wangaratta area in 1838. In 1839, Docker purchased 50 acres in Richmond, where he ran an orchard and farm in the area later known as "Docker's Hill".

Docker was an early advocate for and protector of Aboriginal peoples in north eastern Victoria.

As an Anglican priest, he donated land and funds for building St Stephen's Anglican Church adjacent to this park.

**Alfred Deakin**

Alfred Deakin (1856-1919), Prime Minister of Australia was born in a small cottage at 90 George Street, Fitzroy, on 3 August 1856. The Deakin family settled in the district first known as Collingwood, later incorporated in the suburb of Fitzroy where Alfred Deakin's father ran a coach and dray business on the corner of Gore and Gertrude Streets.

Deakin served in the Victorian State Parliament (1880-1890), securing passage of the colony's pioneering Factories and Shops Act 1885, enforcing regulation of employment conditions and hours of work. He became a leader in the movement for Australian federation and served as Prime Minister (1903-1904; 1905-1908; 1909-1910) completing a significant national legislative program.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Vlahogiannis

1. That a report be provided to Council on:
  - (a) proposed heritage plaques identifying significant historical figures and their association with the City of Yarra, consideration of the attached information for plaques as examples, giving priority to the two initial plaques for Bridge Road, Richmond; and
  - (b) budgetary and other resource implications for implementation of the above.

**CARRIED**

## 9. Delegates' reports

### 9.1 Councillor Fristacky - Disability Advisory Committee (DAC)

Councillor Fristacky reported the following:

As Chair of Council's Disability Advisory Committee (DAC), Councillor Fristacky tabled a Motion passed at DAC's recent meeting which included an agenda item on Tram Route 96.

#### Background

The DAC met on Tuesday 9 September 2014 and discussed progress on decisions in relation to Tram Route 96, and in particular, the report before Council on Tuesday 2 September 2014 in relation to stops 20 (Reid/Richardson Streets); 21 (Scotchmer/Pigdon Streets) and 22 (Park/Brunswick St/Rd).

The DAC noted Council's decision to provide in principle support for the location and concept design for the upgrade of stops 21 and 22. DAC also noted the decision to seek further information on Stop 20.

In considering Stop 20, the DAC made the following points:

- (a) eliminating Stop 20 will make the walking / travel distance between stops unreasonable (well beyond the average Stop separation planned by PTV of 350 metres);
- (b) many people with disabilities and the elderly have difficulty with mobility and so are not able to walk far or quickly to a tram stop. Therefore, in general, DAC supports stops closer together than 350 metres. Retaining stop 20 is essential for this reason;
- (c) another significant consideration was pointed out by a DAC member who lives in the North Fitzroy housing estate, bordered by Nicholson/Reid/Rae/Church Streets. The estate has 800 residents, with over 70% elderly or having a disability. Most of the residents do not have cars, relying heavily on public transport, with many of them having mobility difficulties. They already will suffer from having Stop 19 removed and combined with Stop 18 south of Church/Fenwick Streets; and
- (d) when the upgrade to route 96 is completed, it will be the first route in Melbourne with 100% accessible stops and 100% accessible trams. As such it is important that Route 96 sets a high standard as a precedent for future upgrades to other tram routes.

DAC is also in favour of reducing the speed limit in Nicholson St to 40 km/hr. to improve safety for both pedestrians and motorists and retaining on-street parking as a buffer between pedestrians on footpaths and on-road car lanes, or at least limiting the loss of on-street parking to limited clearway hours.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Gaylard

1. That Council is advised that the Yarra Disability Advisory Committee strongly supports:
  - (a) retention of Stop 20 on Nicholson Street at the intersection of Richardson/Reid Streets;
  - (b) Stop 20 being upgraded to a fully accessible *Disability Discrimination Act* 1992 (DDA) compliant stop;
  - (c) the reduction of the speed limit on Nicholson Street from 60 to 40 km per hour; and
  - (d) retaining on-street parking on Nicholson Street and restricting the loss of on-street parking to limited clearway hours.
2. That the advice from Council's Disability Advisory Committee be referred to Public Transport Victoria (PTV), Yarra Trams and VicRoads.

**CARRIED**

## **10. Questions without notice**

### 10.1 Councillor Colanzi - Citizens' Park

Question:

In recent days I have been contacted by Richmond residents and dog owners/walkers concerning Citizens' Park, with reference to gates to the ground being left deliberately open by Council.

Can officers advise the reasons for this action, and what consultation has occurred with affected parties?

*Response:*

*The Director City Development advised that:*

- (a) *gates were left opened through consultation with local laws animal management officers, the parks officers and sporting clubs;*
- (b) *there were a number of people letting their dogs run unrestricted with the gates shut and therefore the dogs were not necessarily controlled;*
- (c) *the logic is that with the gates open and notifications to people that they would need to manage their dogs and look after them;*
- (d) *in consultation with sporting clubs and it seemed a reasonable point of view;*
- (e) *the local laws officers were patrolling the park and informing people of the change;*
- (f) *it has been a reasonable success with less dogs running unmanaged; and*

- (g) *undertook to take the matter on notice and provide more information to Councillors.*

*The Mayor invited Councillor Vlahogiannis to comment.*

*Councillor Vlahogiannis noted that:*

- (a) *a meeting was held with representatives of the various sporting clubs, cricket, football, soccer and Richmond Harriers athletics club;*
- (b) *attempts were made to contact representatives of the dog walkers however there were some problems establishing a connection there;*
- (c) *the key issue was the dog faeces and the impact on clubs training as well as occupational health and safety issues with children coming into contact with dog faeces;*
- (d) *it's been an ongoing discussion over a matter of months and this was a measure that has been implemented; and*
- (e) *it will be monitored to see how it pans out.*

*The Mayor added that:*

- (a) *it was done not as a trial but to be implemented and then reviewed; and*
- (b) *there is a commitment to review the opening of the gates and get further input from residents.*

## 10.2 Councillor Colanzi - Business Flyer

**Question:**

Residents in Fitzroy have recently received a flyer promoting the operations of a peer to peer car sharing business.

1. Are officers aware of this business, and or similar operating in Yarra?
2. Is this business and similar, compliant with Council's policies, such as but not limited to parking permits, business trading?
3. Is there any identifiable liability to Council from the operation of such a business, especially as the business model is based on private vehicles parked on roads in largely residential streets?

**Response:**

*The Director Corporate & Financial Services advised that officers are now aware and the details have been forwarded to officers in the Compliance Branch and Parking Services Branch.*

*In relation to liability matters, the Director Corporate & Financial Services undertook to get further details from Councillor Colanzi as to that nature of the enquiry and then pursue the matter and investigate whether there are any breaches of the law.*

10.3 Councillor Fristacky - Trains Not Tollroads Campaign

Question:

Regarding item 13.4 of the Minutes of Council's Ordinary meeting held on Tuesday 2 September 2014, Councillor Gaylard's motion on "Trains Not Tollroads Campaign" banners being put up in the front of Fitzroy Pool Leisure Centre and other locations.

I would like a progress update whether this has been implemented or not and the timelines on that?

*Response:*

*The Executive Manager Communications & Customer Services advised that:*

- (a) Communications has been working with Leisure on getting the large banner at the Fitzroy Pool and that will be up within the next two weeks; and*
- (b) Officers are working on identifying sites along Alexandra Parade and Hoddle Street and in two to three weeks these signs will be up as well.*

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**11.1 Consideration of Amendment C138 - Cameron Street Rezoning (Richmond Plaza)**

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Trim Record Number: D14/116276  
Responsible Officer: Coordinator Strategic Planning

*Councillor Barbour left the meeting at 9:40pm.  
Councillor Barbour returned to the meeting at 9:43pm.*

*Councillor Gaylard left the meeting due to a conflict of interest at 9:40pm.*

**RECOMMENDATION**

1. That Council adopts Amendment C138 to the Yarra Planning Scheme and submits the amendment to the Minister of Planning for approval in accordance with Section 35 of the *Planning and Environment Act 1987*.

*Public Submission*

*Mr Padraig O'Grady - SJB Planning, addressed Council regarding this matter.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Vlahogiannis      **Seconded:** Councillor Barbour

1. That Council adopts Amendment C138 to the Yarra Planning Scheme and submits the amendment to the Minister of Planning for approval in accordance with Section 35 of the *Planning and Environment Act 1987*.

**CARRIED**

Councillor Coleman abstained.

*Councillor Gaylard returned to the meeting at 9.53pm.*

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**11.2 Draft Multicultural Partnerships Plan 2015-2018**

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Trim Record Number: D14/110214

Responsible Officer: Coordinator Community Development

**RECOMMENDATION**

1. That Council endorse the draft Multicultural Partnerships Plan 2015-2018 for further consultation and engagement leading to adoption by Council in February 2015.

**COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Colanzi

1. That Council endorse the draft Multicultural Partnerships Plan 2015-2018 for further consultation and engagement leading to adoption by Council in February 2015.

**CARRIED**

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**11.3 Draft Aboriginal Partnerships Plan 2015-2018**

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Trim Record Number: D14/110170

Responsible Officer: Coordinator Community Development

**RECOMMENDATION**

1. That Council endorse the draft Aboriginal Partnerships Plan 2015-2018 for further consultation and engagement leading to adoption by Council in February 2015.

**COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Colanzi

1. That Council endorse the draft Aboriginal Partnerships Plan 2015-2018 for further consultation and engagement leading to adoption by Council in February 2015.

**CARRIED**

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## 11.4 CPI Rate Increases

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Trim Record Number: D14/117041

Responsible Officer: Director Corporate and Financial Services

*Councillor Huggins left the meeting at 10:30pm.*

### RECOMMENDATION

1. That Council receives and notes this report and considers the issues raised when commencing the 2015/16 budget process.

#### Public Submission

*Ms Margaret O'Brien addressed Council regarding this matter.*

### COUNCIL MOTION

**Moved:** Councillor Barbour

**Seconded:** Councillor Colanzi

1. That Council receives and notes this report and considers the issues raised when commencing the 2015/16 budget process.

### AMENDMENT

**Moved:** Councillor Gaylard

**Seconded:** Councillor Coleman

1. That Council receives and notes this report and considers the issues raised when commencing the 2015/16 budget process.
2. That the Mayor write to Dan Andrews, Leader of the Opposition, expressing our concern at the ALP's proposal, if it wins the November election, to cap Yarra Council's rates at CPI resulting in significant loss of income over 10 years. The letter to include:
  - (a) that the cap will result in severe slashing of Council's programs potentially including its community services, environmental and sustainable transport projects, participation in planning matters, its ability to provide emergency management and cost effectively managing assets, many of which are requiring urgent attention due to already existing financial constraints;
  - (b) that the proposed appeal process for raising rates above CPI will result in cumbersome red tape and places an unelected body, the Essential Services Commission, and the Minister to effectively make decisions on local priorities previously made by Council;
  - (c) the proposal is disrespectful to Yarra Council and Local Government and will harm state-local government relations and ignores the legislative framework within which Councils determine their budgets; and
  - (d) requests that the proposal be abandoned before the state elections.

**LOST**

### CALL FOR A DIVISION

**For:** Councillors Coleman, Gaylard and Jolly

**Against:** Councillors Barbour, Colanzi and Fristacky

**Abstained:** Councillor Vlahogiannis

The amendment was put and lost . The substantive motion was then put and carried as below.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Barbour

**Seconded:** Councillor Colanzi

1. That Council:
  - (a) receives and notes this report and considers the issues raised when commencing the 2015/16 budget process; and
  - (b) receives and notes the submission presented by Ms Margaret O'Brien.

**CARRIED**

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**11.5 2014-15 Annual Plan - revised Waste Strategy Milestones**

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Trim Record Number: D14/126737

Responsible Officer: Director Corporate and Financial Services

**RECOMMENDATION**

1. That Council adopt the revised Milestone for the Waste Strategy Action (4.06) in the 2014-15 Annual Plan.

**COUNCIL RESOLUTION**

**Moved:** Councillor Barbour

**Seconded:** Councillor Gaylard

1. That Council adopt the revised Milestone for the Waste Strategy Action (4.06) in the 2014-15 Annual Plan.

**CARRIED**

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**11.6 Appointment of Authorised Officers - Planning and Environment Act 1987**

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Trim Record Number: D14/121766

Responsible Officer: Executive Manager - Chief Executive's Office

**RECOMMENDATION**

1. That Council:
  - (a) formally appoints the following officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*:
    - (i) Kay Oklobdzija
    - (ii) Bill Parlamentas
    - (iii) Shan Uweinat
    - (iv) Victor Bilasch
    - (v) Karen Campbell
    - (vi) Rachelle Chapman
    - (vii) Simon Dunne
    - (viii) Dominica Graham
    - (ix) Sade Jones
    - (x) Shane McKeown
    - (xi) Stephanie Munro
    - (xii) Jared Streager
  - (b) requests that the relevant Instruments of Appointment and Authorisation for the Officers listed in (a) above, be duly executed by the Chief Executive Officer.

**COUNCIL RESOLUTION****Moved:** Councillor Jolly**Seconded:** Councillor Colanzi

1. That Council:
  - (a) formally appoints the following officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*:
    - (i) Kay Oklobdzija
    - (ii) Bill Parlamentas
    - (iii) Shan Uweinat
    - (iv) Victor Bilasch
    - (v) Karen Campbell
    - (vi) Rachelle Chapman
    - (vii) Simon Dunne
    - (viii) Dominica Graham
    - (ix) Sade Jones
    - (x) Shane McKeown

- (xi) Stephanie Munro
- (xii) Jared Streager
- (b) requests that the relevant Instruments of Appointment and Authorisation for the Officers listed in (a) above, be duly executed by the Chief Executive Officer.

**CARRIED**

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**11.7 520 Victoria Street, Richmond - Occupation of Williams Reserve**

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Trim Record Number: D14/122249

Responsible Officer: Director City Development

*Councillor Jolly left the meeting due to a conflict of interest at 7.41pm.*

**RECOMMENDATION**

1. That Council:
  - (a) note the request from the builder (Hamilton Marino) to temporarily occupy a substantial part of Williams Reserve for site activity associated with the construction of the approved development at 520 Victoria Street, Richmond; and
  - (b) note the second preference of the builder is to temporarily occupy the majority of the eastern portion of Coles Terrace and approximately 2.0m linear strip of Williams Reserve for site activity purposes during construction.
2. That Council note the report of the Director, City Development, in relation to the requests of the builder (Hamilton Marino) and in particular the constraints, and other relevant aspects, to build the approved development.
3. That Council determine whether temporary use of any part of Williams Reserve is acceptable on the basis of occupation fees, reinstatement fees, licences / leases as required, and any other considerations in lieu of this occupation.
4. That in the context of the report the Council determine which option (if any) is acceptable in principle to enable the construction of this approved development:
  - (a) the substantial temporary occupation of Williams Reserve (option 1 of this report) for site activity purposes;

**or**

  - (b) the minimal temporary occupation of Williams Reserve (being approximately some 2.0m in width only, to protect the public from construction purposes); and the further occupation of the majority of the eastern end of Coles Terrace for site activity purposes.
5. That if Council determines to consent to the substantial temporary occupation of Williams Reserve (as per 4 (a) above), that the CEO be authorised to hold discussions with the builder and to seek financial consideration for occupation of a Council park for temporary site construction purposes.
6. That Council, further authorise the CEO to require the builder to relocate the playground equipment away from the development site, and also the palm tree to a suitable location within Williams Reserve (at the builder's expense) and also require suitable leases and or licenses to formalise the temporary use of Williams Reserve and to protect Council's interests.

Public Submissions

The following people addressed Council regarding this matter:

Ms Sally Sadler;

Ms Fiona Andrews;

Ms Caroline Maher;

Mr John Belfrage;

Mr Matthew Green – Builder of Hamilton Marino

Mr Tim Woodruff; and

Ms Alice Schedlich.

**MOTION**

**Moved:** Councillor Coleman

**Seconded:** Councillor Huggins

1. That Council, having considered the builder's request for use of a substantial part of Williams Reserve for site construction purposes (referred to in the officer report as Option 1), and the analysis and commentary contained in the officer's report, resolve that consent is not given to the request, and formally advise the builder accordingly.
2. That Council further resolve that it does not consent to any occupation of the eastern end of Williams Reserve as part of the construction aspects of the development, and in this regard resolve to formally advise the builder that the construction be contained fully within the western boundary of the land known as 520 Victoria Street, Richmond.
3. That the requested occupation of part of Coles Terrace east for site construction activity purposes, be refused.
4. That Council authorise the CEO to require the builder to relocate the palm tree - ensuring the most extreme care is taken - to a suitable location within Williams Reserve (at the builder's expense) and negotiate appropriate compensation for the loss of the four other trees that will not be able to be retained on the eastern boundary of Williams Reserve due to the footings of the building.

**LOST**

**CALL FOR A DIVISION**

**For:** Councillors Coleman, Gaylard and Huggins

**Against:** Councillors Barbour, Colanzi, Fristacky and Vlahogiannis

**LOST**

**COUNCIL RESOLUTION**

**Moved:** Councillor Vlahogiannis

**Seconded:** Councillor Barbour

1. That Council:
  - (a) notes the request from the builder (Hamilton Marino) as set out in its proposed Construction Management Plan (version 2) dated 18 August 2014 to temporarily occupy a substantial part of Williams Reserve (referred to as Option 1 in the officer report) for site activity associated with the construction of the approved development at 520 Victoria Street, Richmond; and

- (b) note the second preference of the builder is to temporarily occupy the majority of the eastern portion of Coles Terrace and approximately 2.0m linear strip of Williams Reserve for site activity purposes during construction (referred to as Option 2 in the officer report).
2. That Council note the report of the Director, City Development, in relation to the requests of the builders (Hamilton Marino) and in particular:
- (a) the formal request of the builder and the preferred option and second option proposed by the builder;
  - (b) the various constraints of the site including the traffic and intersection of Victoria Street and Burnley Street;
  - (c) the four public abutments of this particular site;
  - (d) power lines abutting in both Victoria Street and Burnley Street;
  - (e) tram line attachments abutting in Victoria Street;
  - (f) the residential abuttal south of Coles Terrace East with residential apartments above the ground level;
  - (g) the consequential difficulties and or impracticalities of alternate construction area facilities as outlined in the report (the 'considerations');
  - (h) the consequential safety and risk management matters that must be taken into account for both the public and construction workers; and
  - (i) benefits to the community of a reduced construction timeframe (of some 4 months less duration) than option 2 being mainly use of Coles Terrace East for construction related facilities.
3. That Council requests the CEO to hold discussions with the builder and/or the developer:
- (a) to consider options in addition to those already proposed by the builder, noting the strong preference of Council to:
    - (i) minimise impact on the amenity of the local community and to maximise the potential for continuing use of as much of Williams Reserve as possible during the period of construction;
    - (ii) maintain access through Coles Terrace during the period of construction;
  - (b) to clarify the obligations of the builder and/or the developer to relocate the existing playground equipment to another location within Williams Reserve as nominated by Council officers for the purposes of ensuring the safety of users of the playground equipment during construction;
  - (c) to clarify the obligations of the builder and/or the developer to relocate the palm tree to another location within Williams Reserve as nominated by Council officers for the purposes of ensuring the health of the tree and safety of users of Williams Reserve;
  - (d) to negotiate fees that would be payable by the builder and/or developer to Council for occupation and use of Council property (including Williams Reserve);
  - (e) to clarify the remediation works (including but not limited to remediation of surfaces and any damages to the Williams Reserve and other Council property) that the builder and/or developer will undertake (at its or their cost) upon completion of any occupation of Council property (including Williams Reserve);
  - (f) to negotiate a package of improvements to Williams Reserve which may include but is not limited to:
    - (i) four (4) replacement trees to the satisfaction of the Council Officers; and
    - (ii) improved landscaping, planting additional trees, installation of a drinking fountain and extra seating; and

(g) to clarify arrangements for any leases, licences or other formal permissions or notifications to facilitate temporary occupation (if any) of Council property (including Williams Reserve) for the purposes of construction works relating to 520 Victoria Street, Richmond.

4. That Council requests officers to report back to a meeting of Council within four weeks in relation to the matters set out in paragraph 3 above and make recommendations for consideration of Council in relation to the appropriate course.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Barbour, Colanzi, Fristacky and Vlahogiannis

**Against:** Councillors Coleman, Gaylard and Huggins

**CARRIED**

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**11.8 Council Submission to Review of The Planning and Environment Regulations 2005**

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Trim Record Number: D14/120472

Responsible Officer: Director City Development

**RECOMMENDATION**

1. That Council note the report and authorise the Manager Statutory Planning to forward a submission on behalf of Council outlining the following recommendations:
  - (a) improvements that could be made to the Regulations to include:
    - (i) clarify the start date of an application;
    - (ii) formalise the statutory declaration as part of the advertising process and include the ability to stop the clock until it is submitted;
    - (iii) update the timeframe for an applicant to carry out advertising to a time beyond the further information request timeframe;
    - (iv) qualify timeframe for lodgement of appeals; and
    - (v) recognise changes in technology and modernise the Regulations to recognise this; and
  - (b) update the Regulations to include formalising the secondary consent process.

**COUNCIL RESOLUTION****Moved:** Councillor Barbour**Seconded:** Councillor Colanzi

1. That Council note the report and authorise the Manager Statutory Planning to forward a submission on behalf of Council outlining the following recommendations:
  - (a) improvements that could be made to the Regulations to include:
    - (i) clarify the start date of an application;
    - (ii) formalise the statutory declaration as part of the advertising process and include the ability to stop the clock until it is submitted;
    - (iii) update the timeframe for an applicant to carry out advertising to a time beyond the further information request timeframe;
    - (iv) qualify timeframe for lodgement of appeals; and
    - (v) recognise changes in technology and modernise the Regulations to recognise this; and
    - (vi) timelines for determining different categories of planning permit applications; and
  - (b) update the Regulations to include formalising the secondary consent process.

**CARRIED**

## 11.9 Tram Route 96 Project: Upgrade of Stop 20, Nicholson Village, North Fitzroy

Trim Record Number: D14/125833

Responsible Officer: Manager Sustainability and Strategic Transport

*Councillor Jolly returned to the meeting at 9:05pm.*

*Councillor Coleman left the meeting at 9:06pm.*

*Councillor Coleman returned to the meeting at 9:11*

### RECOMMENDATION

1. That Council note the report providing an assessment of the issues regarding the installation of a *Disability Discrimination Act 1992 (DDA)* compliant tram stop in the vicinity of Reid Street/Richardson Street.

### Public Submissions

*The following people addressed Council regarding this matter:*

*Mr Martin Leckey – Disability Advisory Committee;*

*Ms Mary Rispoli – Council officer member of the Disability Advisory Committee;*

*Mr David Brant – Disability Advisory Committee;*

*Mr Lachlan Lee-Archer – PTV; and*

*Mr Les Kulesza – Yarra Trams*

### COUNCIL RESOLUTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Colanzi

1. That Council:
  - (a) approves in principle the upgrade of Stop 20 immediately south of the Reid/Richardson Streets intersection;
  - (b) notes the expected loss of approximately 19 (non-metered) parking spaces on Nicholson Street;
  - (c) requests that officers work with Public Transport Victoria (PTV) officers in consulting further with VicRoads to create off-peak parking bays on Nicholson Street to include maximum provision of parking spaces during off-peak periods, and that for outbound lanes, the peak period be between 4pm and 6:30pm Monday – Friday; and that for the inbound lanes, the peak period be between 7am and 9am Monday to Friday. Any extensions to these period must be supported by evidence of traffic volumes exceeding safe carrying limits;
  - (d) requests that officers work with PTV officers in consulting further with VicRoads to achieve the reduction of the speed limit from 60km/hr to 40km/hr in the Nicholson Village area reflecting the high volumes of pedestrians and public transport users in Nicholson Street, and the closeness of the front wall of many homes to traffic lanes;
  - (e) requests that officers work with PTV officers to investigate urban design improvements, such as soft landscaping and street furniture that can be implemented by PTV as part of the Tram Route 96 upgrade project; and
  - (f) requests that PTV contact directly affected residents / business owners to discuss the proposed changes and associated impacts, and regarding issues such as access to loading bays and parking redistribution opportunities.

2. That PTV is advised that it will need to submit the necessary planning permit applications to Council for formal consideration.

**CARRIED**

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**11.10 Service Planning and Review**

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Trim Record Number: D14/126770

Responsible Officer: Manager Corporate Performance

**RECOMMENDATION**

1. That Council approve the commencement of Service Reviews for Statutory Planning, Leisure Services, Parking Services and the Councillor Support Unit.

**COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Colanzi

1. That Council approve the commencement of Service Reviews for Statutory Planning, Leisure Services, Parking Services and the Councillor Support Unit.

**CARRIED**

*Councillor Jolly left the meeting at 10:40pm.*

*Councillor Coleman left the meeting at 10:40pm.*

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**11.11 New Year's Eve Project Update - Further Information Report**

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Trim Record Number: D14/129691

Responsible Officer: Director Community Programs

**RECOMMENDATION**

1. That Council notes the report.

**COUNCIL RESOLUTION**

**Moved:** Councillor Colanzi

**Seconded:** Councillor Fristacky

1. That Council notes the report.

**CARRIED**

**Conclusion**

The meeting concluded at 10:50pm.

Confirmed Tuesday 7 October 2014

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Mayor