



Ordinary Meeting of Council Minutes

**held on Tuesday 21 October 2014 at 7.00 pm
at the Richmond Town Hall**

*Corrected by resolution of Council on Tuesday 11 November 2014

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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. Vale – Edward Gough Whitlam, former Prime Minister

The Mayor acknowledged the remarkable contribution to Australia of the former Prime Minister Gough Whitlam and of his passing this morning at the age of 98.

The Mayor noted the following:

- (a) born in Melbourne on 11 July 1916, the son of a public servant, a lawyer, barrister and QC, serving as a RAAF navigator in WWII, Gough Whitlam left an indelible mark on Australian history as a politician and inspirational leader who changed the face of the nation, despite only 3 years as its Prime Minister;
- (b) he achieved more in these 3 years than any other political leader, with strong and decisive policies, many of these supported on a bipartisan basis. Some of those policies were:
 - (i) Universal health insurance with Medibank;
 - (ii) Aboriginal advancement and land rights;
 - (iii) Law reform and national legal aid;
 - (iv) Anti-discrimination and human rights legislation;
 - (v) Family law changes with no fault divorce;
 - (vi) Equality of opportunity with access to tertiary and other education;
 - (vii) Multiculturalism;
 - (viii) Champion of the Arts establishing the Australia Council and National Gallery;
 - (ix) Environmental protection;
 - (x) Urban and regional development;
 - (xi) Support for local government;
 - (xii) Ending conscription;
 - (xiii) Improved trade and relations with China and South East Asian nations; and
 - (xiv) Trade practices and fairness in business, trade and commerce; and
- (c) Hawke government minister, Barry Cohen, asked Gough on one occasion how he might react when he met his maker. *“You can be certain of one thing,”* Whitlam responded, *“I shall treat him as an equal.”*

On behalf of Council, and the men and women of Yarra, the Mayor expressed the sadness of Gough Whitlam’s passing, his extraordinary contribution to Australian life and condolences to his family and friends.

The Mayor announced to the gallery to stand for a minute’s silence in honour of Gough Whitlam.

Councillors Colanzi, Vlahogiannis and Barbour also noted their special memories of Gough Whitlam and his contributions as former Prime Minister.

Councillor Coleman left the meeting at 7.17pm.

Councillor Coleman returned to the meeting at 7.19pm.

Councillor Jolly left the meeting at 7.22pm.

Councillor Jolly returned to the meeting at 7.35pm.

1B. Award – Living Positive Victoria, Positive Supporter Award 2014

The Mayor advised that:

- (a) the City of Yarra's role during the 2014 International AIDS Conference, held in June was designated as the Social Hub for the International AIDS Conference. Council along with the Sicut Bar in Fitzroy received the Positive Supporter Award from Living Positive Victoria; and
- (b) Council worked with a range of bars, clubs, restaurants and other businesses to provide our visitors with a means to network and socialise. The conference reminded everyone who is living with AIDS and HIV that there is a worldwide community dedicated to their wellbeing. The City of Yarra made an important contribution to this outcome: the rainbow crossings and special plantings in Smith Street, as well as the other social hub activities.

The Mayor thanked Councillor Jolly for having first raised the matter of the conference with Council and also thanked in particular the Executive Manager Chief Executive's Office, Ivan Gilbert and all Council officers that assisted with the project.

The Mayor noted that Council officers spent a considerable amount of time organising the event and all should be commended for the successful event that placed the City of Yarra on the map internationally.

1C. Award – Victorian History Community Awards

The Mayor announced that Emily Fitzgerald, Community Grants Officer attended the Victorian Community History Awards at the State Library and stated that the Welcome to Wurundjeri Country - Wurundjeri History of Yarra had received a commendation in the Local History, Small Publication Award Category. The Mayor congratulated Council officers, Emily Fitzgerald, Sarah Ernst, Julie Turnbull, Colin Hunter, Daniel Ducrou, Aldo Malavisi and Lu Sexton.

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 Chief Executive's Office)
- 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 Contractual matters
- 4.3 Matters prejudicial to Council and/or any person; Contractual matters; Proposed developments; and Matters relating to legal advice
- 4.4 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 Jolly

Seconded: Councillor Stone

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;
 - (c) Proposed developments; and
 - (d) Matters relating to legal advice.
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 Stone

That the amended minutes of the Ordinary Council Meeting held on Tuesday 7 October 2014 be confirmed.

CARRIED

6. Petitions and joint letters

Nil

7. Public question time

Item		Page	Res. Page
7.1	Mr Herschel Landes - President Bridge Road Main Street Inc. - Management of Bridge Road.	7	-

8. General business

Nil

9. Delegates' reports

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10. Questions without notice

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10.3	Councillor Phillip Vlahogiannis - After Hours Parking Enforcement	10	-
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11. Council business reports

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11.4 Heatwave Planning Arrangements - Yarra City Council	16	16
11.5 520 Victoria Street, Richmond – Development (item was withdrawn)	-	-

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 Bridge Road Main Street Inc. - Management of Bridge Road.

Question:

Mr Landes tabled his questions and thanked Council for its tribute to Edward Gough Whitlam and also acknowledged and thanked the Mayor for attending a site tour of Bridge Road to view the issues, challenges and areas of potential improvements along the precinct.

Mr Landes also thanked the Mayor for her meeting and inspecting the work being done by the Tract Group in putting together a collaborative workshop on 'rethinking the strip'.

Working towards a more holistic view of the management of Bridge Road, what short term deliverables can now be identified, agreed and achieved over the next six months?

What long term structural arrangements can be now set in motion that reflect the contemporary challenges of the precinct and a collaborative approach of the management of Bridge Road by the various statutory authorities within the planning ambitions of those authorities?

Response:

The Mayor noted that Mr Landes had been a regular attender asking these sorts of questions and that officers have responded in writing to Mr Landes on a range of things that Council has been involved and held meetings with Mr Landes.

The Mayor responded that in terms of short term deliverables, she had discussed several of these with Mr Landes last Monday being:

- (a) improved signage and stickers to Judd Street car park;*
- (b) possible long term idea for the conversion of the car park to a park;*
- (c) improved street cleaning and maintenance and bins for cigarette butts;*
- (d) meeting with Director Infrastructure, Guy Wilson-Browne at Bridge Road to ascertain what can be done;*
- (e) discussions on landscaping of shared spaces for laneways and the off-roads with paving, trees, seating, and lighting which would need to be considered in the budget;*
- (f) discussions on landscaping Mary Rogers Square;*
- (g) discussions on landscaping of area around the Richmond Town Hall and the former Police Station; and*
- (h) support for new businesses including Cr Colanzi and Mayor attended the launch of a new business, Fredericks Fine Grocer.*

In terms of long term arrangements, the Mayor noted that Mr Landes had made some suggestions.

The Mayor also noted that all of Yarra's activity centres are the subject of ongoing involvement and improvement.

The Director City Development noted that he had outlined the initiatives for Bridge Road at the last meeting of Council.

The Mayor also noted that Tract Consultants had rented premises on Bridge Road for the last three weeks and will be conducting a forum on 23-25 October with the masters students of Urban Design, Architecture and Landscape Design from Melbourne University to focus on the challenges facing traditional strip shopping precincts, and in particular our own Bridge Road.

8. General business

Nil

9. Delegates' reports

9.1 Councillor Misha Coleman - Metropolitan Local Governments' Waste Forum - Landfill Levy

Councillor Misha Coleman as the delegate to the Metropolitan Local Governments' Waste Forum reported that she moved a motion to request information related to the disbursement of the landfill levy from the Minister for Environment and Climate Change. The letter that was promulgated as a result of the motion is attached below as a reference.

Secretariat
C/- Metropolitan Waste and Resource Recovery Group
PO Box 1326
South Melbourne 3205

Hon Ryan Smith
Minister for Environment and Climate Change
Level 17, 8 Nicholson Street
MELBOURNE VIC 3002

Dear Minister

LANDFILL LEVY INFORMATION

The Landfill Levy directly impacts the 31 member Councils of the Metropolitan Local Governments' Waste Forum. This impact relates not only to payment for waste that is the responsibility of the Councils but also in relation to the availability for funds from the Sustainability Fund to assist projects that will enhance waste management activities, the funding of the Metropolitan Waste and Resource Recovery Group, Sustainability Victoria and the Environment Protection Authority.

At the August 2014 meeting the Forum had a constructive discussion on ways that funding opportunities through programs such as the Metropolitan Fund could better align with Council budget processes and operational matters. Such alignment would benefit all parties involved. The types of projects that would be of greatest benefit to Councils and the industry were also discussed. Forum discussions were preceded by the circulation of a discussion paper a copy of which I'm including for your information.

During the discussion questions were raised in relation to the funds that have been received by Government through the Landfill Levy and how much of this has been invested back into the waste management and resource recovery industry.

The meeting thus resolved that the Chair write to you to obtain details on income and expenditure related to the Landfill Levy for the period from the 2008-09 financial year to the current date. This information is sought to be provided by 14 October 2014.

Once this information is received it will be provided to members of the Forum.

Yours sincerely

Cr Sam Alessi
Chair
Metropolitan Local Governments' Waste Forum

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Gaylard

That the delegate's report be accepted.

CARRIED

10. Questions without notice

- 10.1 Councillor Roberto Colanzi - East West Link October Newsletter from Linking Melbourne Authority

Question:

Are fellow Councillors, officers, and in particular the Director City Development aware of the East West Link October newsletter published on the Linking Melbourne Authority website?

The newsletter is the first edition and of note some of the misleading headlines include: "Work set to commence on East West Link", "Tunnelling our way to faster travel", "Get ready to ride" - of note Bicycle Victoria has heavily supported the infrastructure and the last headline "Creating a lasting legacy".

Response:

Director City Development advised that he was aware of the newsletter and undertook to discuss the matter with the CEO and Executives.

The Mayor advised that she had emailed the Bicycle Network Victoria and queried its support for the Bicycle Infrastructure.

10.2 Councillor Roberto Colanzi - Garage Sale Trail

Question:

What is Yarra City Council doing in communicating and presenting the Garage Sale Trail event this weekend?

Response:

The Director City Development took the question on notice and advised that he would provide a response to Councillors tomorrow.

The Mayor invited Councillor Colanzi to view the full event details on the Yarra website.

10.3 Councillor Phillip Vlahogiannis - After Hours Parking Enforcement

Question:

I understand that permit parking is patrolled after hours and was seeking some information on whether and to what extent, time limited parking is enforced after hours and weekends?

I have received some complaints about parking not being enforced and parking restrictions not being enforced.

Does a quota system apply so that if a number of tickets have been issued then no further tickets are issued?

Response:

The Mayor invited the Manager Parking Services to respond.

The Manager Parking Services advised that:

- (a) in some areas the time restrictions are enforced and in others they are not;*
- (b) time restrictions are not enforced in Alphington and not enforced in back blocks where there is no demand;*
- (c) where there is demand, officers enforce. In particular, Cremorne, Burnley and Richmond we would enforce.*

The Manager Parking Services responded that in relation to the second question:

- (a) there is no quota system, in fact parking enforcement is not about tickets issued, it's about compliance; and*
- (b) the officers go out and mark up the streets and come back and issue an infringement that is because someone has illegally parked. If they come back and everybody has moved, then they don't issue an infringement. That is just good enforcement.*

The Manager Parking Services requested that Councillor Vlahogiannis provide the streets of interest so that officers can provide the data on those street and tickets issued.

10.4 Councillor Misha Coleman - Surf Coast Shire Motion on Single Use Plastic Bags

Question:

What will the City of Yarra's position be when our delegates vote at the MAV meeting this Friday with regards to a motion that is being put up by the Surf Coast Shire seeking the MAV to lobby the State Government to plan for single use plastic bags for Victoria?

Response:

The Mayor confirmed that she will be attending the MAV State Council meeting and in accordance with the Yarra City Council's prior motions on the issue of plastic bags, that she would support the motion put forward by the Surf Coast Shire.

11.1 Parking Permit Scheme Review

Trim Record Number: D14/125226

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council adopts of the draft Parking Permit Scheme.
2. That Council receives a further report in early 2015 which addresses the following topics:
 - (a) the December 2003 permit eligibility ruling, particularly its impact on small developments (i.e. up to 3 dwellings with partial continuity of ownership/occupancy);
 - (b) a “cap and trade” scheme for parking permits; and
 - (c) providing permits for residents (not eligible for permits) when there are events in the sporting precinct.

Public Submission

Mr Herschel Landes addressed Council regarding this matter.

MOTION

Moved: Councillor Coleman

Seconded:

1. That Council adopts the draft Parking Permit Scheme.
2. That Council receives a further report in early 2015 which addresses the following topics:
 - (a) the December 2003 permit eligibility ruling, particularly its impact on small developments (i.e. up to 3 dwellings with partial continuity of ownership/occupancy);
 - (b) a “cap and trade” scheme for parking permits;
 - (c) providing permits for residents (not eligible for permits) when there are events in the sporting precinct; and
 - (d) considering the issuance of annual permits to employees of Yarra-based businesses.

LAPSED

The motion lapsed for want of a seconder.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Fristacky

1. That Council adopts the draft Parking Permit Scheme subject to paragraph 3.
2. That Council receives a further report in early 2015 which addresses the following topics:
 - (a) the December 2003 permit eligibility ruling, particularly its impact on small developments (i.e. up to 3 dwellings with partial continuity of ownership/occupancy) and options for solutions to redress that impact;
 - (b) a “cap and trade” scheme for parking permits;
 - (c) providing permits for residents (not eligible for permits) when there are events in the sporting precinct; and
 - (d) review of S1 Council staff permits, considering who is eligible and where they can park;

noting that the review should have regard to the eligibility criteria that is currently applied to business permits, Council's sustainable transport policy and be benchmarked against practice in other councils.

3. That the words "The staff permit does not allow staff to park in bus zones, loading zones, disabled parking bays, no stopping bays and clearways." be added to the end of Clause 13.1 of the parking Permit Scheme.

CARRIED

11.2 Planning Scheme Review

Trim Record Number: D14/136955

Responsible Officer: Director City Development

Councillor Coleman left the meeting at 8.26pm.

Councillor Coleman returned to the meeting at 8.33pm.

Councillor Jolly left the meeting at 8.33pm.

Councillor Jolly returned to the meeting at 8.42pm.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding the 'Report on the Findings of the Review of the Yarra Planning Scheme', and the key themes of that review;
 - (b) resolve to endorse the 'Report on the Findings of the Review of the Yarra Planning Scheme' and forward it to the Minister for Planning pursuant to Section 12B of the *Planning and Environment Act 1987*; and
 - (c) support the learnings and findings from this Review informing the deliberative engagement process scheduled with the community in early 2015, which will help inform updates to the Yarra Planning Scheme.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Stone

1. That Council:
 - (a) note the officer report regarding the 'Report on the Findings of the Review of the Yarra Planning Scheme', and the key themes of that review;
 - (b) resolve to endorse the 'Report on the Findings of the Review of the Yarra Planning Scheme' and forward it to the Minister for Planning pursuant to Section 12B of the *Planning and Environment Act 1987*; and
 - (c) support the learnings and findings from this Review informing the deliberative engagement process scheduled with the community in early 2015, which will help inform updates to the Yarra Planning Scheme.

CARRIED

11.3 Yarra Arts Advisory Bodies - Proposed Updates

Trim Record Number: D14/141991

Responsible Officer: Director Community Programs

RECOMMENDATION

1. That Council:
 - (a) adopt the draft Terms of Reference for the Yarra Arts Advisory Committee, the Visual Arts Panel and the Room to Create Panel;
 - (b) thank all current community members on the various advisory bodies for their contribution to date; and
 - (c) authorise Officers to begin recruitment of community members to the three advisory bodies.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Gaylard

1. That Council:
 - (a) adopt the draft Terms of Reference for the Yarra Arts Advisory Committee, the Visual Arts Panel and the Room to Create Panel;
 - (b) thank all current community members on the various advisory bodies for their contribution to date; and
 - (c) authorise Officers to begin recruitment of community members to the three advisory bodies.

CARRIED

11.4 Heatwave Planning Arrangements - Yarra City Council

Trim Record Number: D14/139642

Responsible Officer: Manager Aged and Disability Services

RECOMMENDATION

1. That Council:
 - (a) notes the report and the current measures being taken to support vulnerable residents during periods of heatwaves – and the additional measures proposed for the 2014/15 summer period, these being:
 - (i) increased engagement with community and not for profit organisations;
 - (ii) adoption of a revised Heatwave Plan and initiating the heatwave safety campaign focussed on CALD communities; and
 - (b) notes that following consideration by the Municipal Emergency Management Planning Committee at its meeting to be held on 11 November 2014, the draft Heatwave Plan will be presented to Council for formal adoption; and
 - (c) notes that a comprehensive annual heatwave safety campaign and improved municipal-wide heatwave planning through stronger engagement with key stakeholders will be referred to the 2015/16 New Initiative budget process for consideration.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Colanzi

1. That Council:
 - (a) notes the report and the current measures being taken to support vulnerable residents during periods of heatwaves – and the additional measures proposed for the 2014/15 summer period, these being:
 - (i) increased engagement with community and not for profit organisations;
 - (ii) adoption of a revised Heatwave Plan and initiating the heatwave safety campaign focussed on CALD communities; and
 - (iii) officers advocate to the Office of Housing for affordable and sustainable heating and cooling options and officers also raise recommendations of the Yarra Energy Foundation Report to the Office of Housing on retrofitting Richmond and Fitzroy high-rise towers;
 - (b) notes that following consideration by the Municipal Emergency Management Planning Committee at its meeting to be held on 11 November 2014, the draft Heatwave Plan will be presented to Council for formal adoption; and
 - (c) notes that a comprehensive annual heatwave safety campaign and improved municipal-wide heatwave planning through stronger engagement with key stakeholders will be referred to the 2015/16 New Initiative budget process for consideration.

CARRIED

11.5 520 Victoria Street, Richmond - Development

THE ITEM WAS WITHDRAWN

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Jolly

Seconded: Councillor Huggins

That the meeting be moved into a Confidential session.

CARRIED

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

Conclusion

The meeting concluded at 9.36pm.

Confirmed Tuesday 11 November 2014

Mayor