



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 11 November 2014 at 7.00 pm  
at the Fitzroy Town Hall**

\*Corrected by resolution of Council on Tuesday 25 November 2014

**[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.”*

### 1 A. Awards

The Mayor announced that the City of Yarra received a further award from the Victorian Aids Council on Sunday 9 November, 2014 at the Victorian Aids Council Annual General Meeting, with the Minister of Health in attendance.

The Mayor noted that it was an award to recognise the City of Yarra’s contribution to the Worlds Aids Conference in July and the outstanding work that was recognised for our involvement as the social hub for the Aids Conference.

The Mayor also noted that the award was presented as special service award for both Yarra as the social hub and the City of Melbourne for its role in hosting the conference.

## 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)**

Councillor Simon Huggins declared a conflict of interest on Confidential item 4.4 and 4.6.

Councillor Simon Huggins also declared a conflict of interest on item 11.5 due to a family member being a chairman for one of the organisations.

Councillor Stephen Jolly declared a conflict of interest on Confidential item 4.9.

Councillor Stephen Jolly declared a conflict of interest on items 11.11 and 11.12, due to being employed by the builder, Hamilton Marino.

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

#### **Item**

- 4.1 Contractual matters
- 4.2 Matters relating to the security of Council property
- 4.3 Matters relating to legal advice
- 4.4 Personnel matters; and matters prejudicial to Council and/or any person
- 4.5 Contractual matters
- 4.6 Matters prejudicial to Council and/or any person
- 4.7 Matters prejudicial to Council and/or any person
- 4.8 Contractual matters
- 4.9 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 Colanzi

**Seconded:** Councillor Barbour

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;
  - (b) Matters relating to the security of Council property;
  - (c) Matters relating to legal advice;
  - (d) Personnel matters; and
  - (e) 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.

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Colanzi

**Seconded:** Councillor Huggins

That the amended minutes of the Ordinary Council Meeting held on Tuesday 21 October 2014 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Nil

## 7. Public question time

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7.1	Mr Con Carydis of Moore Street, Fitzroy - Planning Permit PLN13/0150 - 265 Fitzroy Street, Fitzroy - VCAT (P1231/2014)	7

## 8. General business

Nil

## 9. Delegates' reports

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## 12. Notices of motion

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## 13. Urgent business

Nil

## 6. Petitions and joint letters

Nil

## 7. Public question time

- 7.1 Mr Con Carydis of Moore Street, Fitzroy - Planning Permit PLN13/0150 - 265 Fitzroy Street, Fitzroy - VCAT (P1231/2014)

Question:

Will the CEO review the decision to not engage Maddocks lawyers to represent Council at the forthcoming VCAT hearing as we would like Maddocks to represent us?

Will Council please support the residents and ensure that Maddocks lawyers represent Council in the VCAT hearing?

*Response:*

*The CEO advised that she would take the question on notice and contact Mr Con Carydis.*

*The Mayor advised that Council is unable to direct the CEO with administration matters and mentioned that as the CEO advised, she would contact Mr Carydis to discuss the matter.*

*Councillor Jolly asked if the plans have been amended, has the heritage adviser seen them and when will those amended plans be made available to Councillors and the public to view.*

*The Director City Development advised that he would take the question on notice.*

*Councillor Colanzi also advised that at Council's IDAC meeting the application was unanimously rejected by Councillors. As a significant building within a significant location, and heritage in terms of streetscape and building design, there are significant issues that the City of Yarra should consider aggressively and positively putting forward a position with regards to this application.*

*Councillor Barbour put the question to the Director City Development if he could elaborate on the procedure of ensuring that objectors who are here today are able to be exposed to the revised plans and have some input into the way the Council position is presented, given the application was rejected unanimously at IDAC.*

*The Director City Development advised Councillors that once he had viewed all the facts and circumstances he would provide Councillors with a response, that Councillors could forward onto residents or if residents here today wished to leave an email address, he would forward the correspondence to them.*

## 8. General business

Nil

## 9. Delegates' reports

9.1 Councillor Amanda Stone - Age Friendly Communities and Local Government Conference, Melbourne - 29 and 30 October, 2014

Councillor Amanda Stone tabled the following report:

The conference, convened by the MAV, brought together a number of national and international people and case studies on the best approaches to providing age-friendly cities and communities.

The conference addressed the issue of an ageing population as a series of opportunities, challenging thinking about communities and how to plan and design age-friendly environments. Creating welcoming libraries, parks, public spaces, shopping centres, facilities and services is good for the whole community. The most successful cases emanated from councils which took a whole council approach and commitment to an age-friendly city.

These included:

- **Melville City Council, WA** – where there is a state commitment to age-friendly approaches linked to WHO guidelines. Melville’s plans and strategies all reference age-friendly outcomes, a scorecard for age-friendliness is used for all strategies, an annual community wellbeing survey checks on age-friendliness, intergenerational programmes are common, there is a large emphasis on digital literacy for older people, and more. The single most significant unintended outcome of their approach has been reduced age-discrimination and reduction in elder-abuse.
- **Unley Council, SA** – which developed an age-friendly strategy across 7 councils, shared information, community transport and responses to HACC reforms. Their local strategy focused on ageing in place, housing, recreation, access and mobility.
- **Shire of Orbost, VIC** – a declining population, under-utilised facilities and natural beauty, the shire has decided to harness sea-change migration and directly target older people to move to the area, attracting them through designing an age-friendly community. The strategy was developed by the Economic development unit in conjunction with community planning, based on attracting “mature consumers”, based on the fact that older people require more services and can create local employment. There is a commitment and a reason to make the area age-friendly.

Other presentations focused on:

- **Walking as Transport** – increases with age, and councils need to ensure streets are walkable and comfortable, with seating, shade, meaningful links to other footpaths, safe road crossings . “Age-Friendly Design Guidelines” for walkable streets will soon be published by Victoria Walks.
- **Building design for all ages** – a co-housing model where home owners pool their home equity to pay for their care was outlined. Research shows that older people prefer low-rise homes, natural light, breezes/ventilation, and small housing clusters. Cost effective ageing is possible when housing is designed to age in place.
- **Integrated settings** – larger residential settings with taller buildings are possible with good architectural design, co-located services, community self-governance models, master planning and “age-friendly wellness centres” as a



conceptual basis. It was suggested that a national housing strategy is needed to ensure that quality housing is provided across the ages and not left to chance.

Ref: "Cyber Seniors" - <http://www.youtube.com/watch?v=cAWnVL3yMeU>

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Coleman

That the delegate's report be accepted.

**CARRIED**

#### 9.2 Councillor Jackie Fristacky - MAV State Council - 24 October 2014

Councillor Fristacky reported that she attended the MAV State Council Meeting on 24 October 2014, along with Councillor Roberto Colanzi and tabled the following report:

A total of 58 Motions were heard; 54 Motions from Councils, plus 4 late motions.

##### 1. **City of Yarra Motions:**

- Minimum standards for new apartments and units – passed 100%
- State congestion levy – passed 80%
- Marriage equity, same sex marriage – 51%, but lost on division 49%
- Late Motion on the Minister for Planning to not proceed with removal of the 4 storey height limit in the Residential Growth Zone – passed 78%

##### 2. **Other Motions:**

- Advocacy on public transport and affordable housing to State & Federal governments - passed
- Advocacy on HACC funding to State & Federal governments limiting local government funding to 20% – passed 85%
- State Government to invest in health services and preventive health to meet current and future needs of the community – passed 100%
- State Government to take a State wide approach to better manage and control graffiti – passed 99%
- MAV to promote local governments employing a minimum of 1 additional apprentice or youth trainee and commit to providing work experience for young people – passed 89%
- Reconsideration of rezoning and sale of school land in areas of forecast population growth – passed 93%
  
- State government to fully fund implementation of the Victorian Library initiatives and redress imbalance between State and local government funding of libraries – passed 89%

- ESD standards in new developments – passed 97%
  - Greater proportion of landfill levies be directed to local government for waste minimisation and environmental projects, with transparency of reporting on levy income and expenditure – passed 99%
  - Controls over distribution of plastic bags by retailers – passed 89%
  - Rationalisation of governance of Yarra, Docklands, Port Phillip Bay – 95%
  - Funding an independent analysis of proposals to locate a new container port, with good governance practices to ensure clear and transparent decision making – passed 86%
  - MAV to lobby ALGA to establish a Parliamentary Friendship Group for local government - passed 72%
  - Advocacy on saving the Palais Theatre – passed 74%
3. MAV Annual Conference presentations on 23 October by Premier, Minister for Local Government, Shadow Minister, Leader of the Victorian Greens, Acting Victorian Auditor General, ABC's Jon Faine and Fran Kelly.

An acclaimed highlight of the Annual Conference presentations was a session with 5 CEOs from West Wimmera, Gippsland and Loddon Shires, Wyndham and Yarra City Councils with an exceptional presentation by Yarra's CEO.

Councillor Stephen Jolly received an award in recognition of 10 years' service as a councillor.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Colanzi

That the delegate's report be accepted.

**CARRIED**

#### 9.3 Councillor Sam Gaylard - Future of Local Food Conference

Councillor Gaylard reported that he along with Councillor Fristacky attended the conference on the Further of Local Food and advised the following:

The most significant message emanating from the conference was made by Sebastian Klein, President of the VLGA – that local food production, knowledge and accessibility was now a mainstream local government issue, hence this conference by our peak organisation, the MAV. This validates the City of Yarra's early adoption of local food policies and activities. However, as exemplified by the many presentations at the conference, many other Councils are committing to encouraging local food production.

The conference highlighted the role of emerging social organisations with creative ideas that will transform the way that local food can be produced and distributed locally. This developing sector has enormous implications for addressing food scarcity and challenging widespread unhealthy dietary practices causing an escalating health crises. Additionally, local food production and distribution was seen as an essential element for developing the liveable and sustainable cities of the

future. As the MAV recognises, there is a growing role for Local Government to be involved in this new social movement. This report focuses on three conference presentations that Yarra Council could play a role.

**Increased health outcomes from local food production - Stephanie Alexander's Kitchen – Garden Foundation.**

One in four children are overweight leading to many life –threatening diseases. Preventable issues of poor food habits and sedentary lifestyles cause this, the aim should be intervention at a young age and structured in schools.

Stephanie Alexander's gardening and cooking program for primary schools gets children growing and cooking food at school. The aim is to provide children with positive lifelong eating habits; increased vegetable and fruit intake, regular physical activity and understanding the food production process. The program encourages wider community participation, the students take the program home and schools become the centres of influence.

**Sharing local food an creating an ultra-local economy - RipeNearMe**

The RipeNearMe is a free App, which promotes local gardeners to advertise excess ripe fruit or vegetables for sale or free give-away.

This has social justice and food scarcity implications; when fruit or vegetables are abundant and ready for picking their supermarket price remains relatively high. This ability to distribute local grown food could potentially provide an income for gardeners and a supply of cheap or free food for low-income earners. Council could play a role in developing a home grown urban food economy.

**Promoting uptake of cheap organic produce - CERES Fair Food Program**

This program distributes cheap organic produce grown or baked at CERES or from farmers close to Melbourne. This grown social enterprise distributes 10 tons of organic food per week, employs 25 people and has 67 volunteers. It has 900plus orders per week with an annual turnover of \$3m. Council could engage with Fair Food to provide Yarra resident s easier access to organic food and make other contributions to promoting the business with spin-offs to our residents; particularly those on low incomes.

**COUNCIL RESOLUTION**

**Moved:** Councillor Gaylard

**Seconded:** Councillor Stone

That officers note the report and consider the three programs cited above for consideration in the implementation of the Urban Agriculture Strategy, if endorsed by Council.

**CARRIED**

## 10. Questions without notice

### 10.1 Councillor Amanda Stone - New Regulations for Electrical Line Clearances

Question:

There are new regulations for electrical line clearances that change some the parameters about how far trees need to be from electrical power lines and are seeking input on those guidelines. Will Council be putting in a submission and will it be supporting the new guidelines?

*Response:*

*The Director Infrastructure advised that:*

- (a) the new guidelines are almost reverting back to the existing regulations;*
- (b) Yarra and other intercity Councils, through the MAV, put up a very strong submission to basically say that the original proposed new regulations were just simply unaffordable;*
- (c) Council is certainly supportive of what's now essentially coming back to the current regulations; and*
- (d) the end result, the revised regulations are a lot more sensible and reflective of what's practicably possible.*

### 10.2 Councillor Misha Coleman - Status of the MCR Review

Question:

The MCR system as you know is how Councillors communicate with residents and executive staff. The review I believe commenced around late 2012. What is the status of the MCR review?

*Response:*

*The Chief Executive Officer advised that there have been many discussions on the review and officers will put forward the many recommendations to Councillors.*

### 10.3 Councillor Amanda Stone - Refrigeration Unit

Question:

The refrigeration units at the back of Food Works which intrude into the Connie Benn Centre playground. The noise from these are excessive and were raised 12 months ago and an approach to DHS to address it but nothing has happened in 12 months. I have an email from a parent that says she no longer meets the mothers group at the Connie Benn Centre as the noise is too excessive and very concerned for the children.

What action can Council take to pressure DHS to address this issue?

*Response:*

*The Director Community Programs advised that:*

- (a) the refrigeration units are still in place are causing a terrible effect to one of the playgrounds directly adjacent to it, used by playgroups and occasional care*

*within the Connie Benn Centre;*

- (b) officers have been pursuing DHS consistently around this matter;*
- (c) DHS til the middle of this year have been looking at pursuing at their own cost rectification works, this appears to have been frustrated and now pursuing the lease holder for rectification works, with two or three technical prototypes or designs completed, which when brought to an Acoustic Engineer said that it was not going to be effective so I think they are now pursuing this through the lease;*
- (d) officers have had Council's Health Department involved in pursuing the matter on behalf of a resident and looking if there is a breach;*
- (e) I have also raised the matter with Arthur Rogers and Fiona Williams within DHS, who are very senior bureaucrats; and*
- (f) I will raise the matter with them again and try and move the matter along.*

*Councillor Barbour mentioned if the sound level is compliant with the SEPPN1, mechanical noise level, if not, what should be done about it.*

*The Director Community Programs advised that he wasn't aware of the mechanical noise levels being checked and would follow up it up and also raise the matter with Council's Planning Enforcement Officers.*

#### 10.4 Councillor Amanda Stone - Trees

**Question:**

I noticed in the City of Yarra's last newsletter an article on the Significant Tree Register which is part of the Significant Tree Policy. There are reports that new residents in the riverside development are removing trees in the river corridor without a permit, to improve their view.

Do officers have any particular plans for targeting residents in these new developments in relation to obligations to get permits or check out the requirements before they remove trees, which are the very thing that make these new developments attractive?

**Response:**

*The Director City Development advised that he was not aware of the matter and would take the details from Councillor Stone to pursue the issue.*

## 11. Council business reports

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### 11.1 Australian Catholic University - Commitment to Sign an MOU

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Trim Record Number: D14/151281

Responsible Officer: Director Community Programs

#### RECOMMENDATION

1. That Council:

- (a) note the commitment from Dr John Ballard, Associate Vice Chancellor – Melbourne Campus on behalf of the Australian Catholic University to the development of an MOU with Yarra City Council;
- (b) note that the areas of interest will include, but not be limited to:
  - (i) **Place Making and Urban Design** – both Council and the ACU are invested in ensuring that the best outcomes are achieved for the broader community through the design of urban spaces and the interface between ACU and Council land;
  - (ii) **Education and Professional Development** – the ACU is a significant provider of educational services and it is envisaged that there will be many opportunities for collaboration and support between the parties;
  - (iii) **Community Initiatives** – the ACU and Council already partner across a range of community based initiatives and there is significant opportunity to extend the reach of these programs;
  - (iv) **Economic Development** – the ACU is an ‘economic powerhouse’ in the context of local development and visitation, a more vigorous relationship in this policy space will benefit both Council and the local community;
  - (v) **Recreation** – the ACU does not have a strong recreation program due to limited open space opportunities but there is real potential that there could be mutual benefit arising from cooperation around indoor sports or leisure centre redevelopment; and
  - (vi) **Research** – the ACU has a strong commitment to public health and wellbeing and there are likely to be many opportunities for cooperative research and development across a range of portfolio areas; and
- (c) receive a further report in April 2015 to consider formal authorisation of the final MOU between the parties.

#### Public Submission

*Dr John Ballard of the Australian Catholic University addressed Council regarding this matter.*

## COUNCIL RESOLUTION

**Moved:** Councillor Colanzi

**Seconded:** Councillor Vlahogiannis

1. That Council:

- (a) note the commitment from Dr John Ballard, Associate Vice Chancellor – Melbourne Campus on behalf of the Australian Catholic University to the development of an MOU with Yarra City Council;
- (b) note that the areas of interest will include, but not be limited to:
  - (i) **Place Making and Urban Design** – both Council and the ACU are invested in ensuring that the best outcomes are achieved for the broader community through the design of urban spaces and the interface between ACU and Council land;
  - (ii) **Education and Professional Development** – the ACU is a significant provider of educational services and it is envisaged that there will be many opportunities for collaboration and support between the parties;
  - (iii) **Community Initiatives** – the ACU and Council already partner across a range of community based initiatives and there is significant opportunity to extend the reach of these programs;
  - (iv) **Economic Development** – the ACU is an ‘economic powerhouse’ in the context of local development and visitation, a more vigorous relationship in this policy space will benefit both Council and the local community;
  - (v) **Recreation** – the ACU does not have a strong recreation program due to limited open space opportunities but there is real potential that there could be mutual benefit arising from cooperation around indoor sports or leisure centre redevelopment; and
  - (vi) **Research** – the ACU has a strong commitment to public health and wellbeing and there are likely to be many opportunities for cooperative research and development across a range of portfolio areas; and
- (c) receive a further report in April 2015 to consider formal authorisation of the final MOU between the parties.

**CARRIED**

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## 11.2 North Fitzroy Community Hub - Schematic and Detailed Design - End of Stage Report

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Trim Record Number: D14/147948

Responsible Officer: Director Community Programs

### RECOMMENDATION

1. That Council:
  - (a) notes the receipt of the North Fitzroy Community Hub Detailed Design End of Stage Report;
  - (b) notes that a Notice of Decision for a planning permit (PLN14/0122) has been issued for the project;
  - (c) note that a mediated settlement was reached on all matters at VCAT on 20 October 2014 and that an amended permit has been issued for the project;
  - (d) authorises a revised total Construction End Cost budget of \$14.5m for the project noting that:
    - (i) this total budget figure includes design and consulting engineer costs already expended; and
    - (ii) a 7.5% contingency is included in the overall budget;
  - (e) provides authority to the Chief Executive Officer to proceed to tendering and procurement processes for this very significant community project; and
  - (f) notes that a further report will be received by Council in March 2015 on the outcomes of the tender and procurement process.

*Councillor Coleman left the meeting at 8.44pm.*

### COUNCIL RESOLUTION

**Moved:** Councillor Colanzi

**Seconded:** Councillor Gaylard

1. That Council:
  - (a) notes the receipt of the North Fitzroy Community Hub Detailed Design End of Stage Report;
  - (b) notes that a Notice of Decision for a planning permit (PLN14/0122) has been issued for the project;
  - (c) note that a mediated settlement was reached on all matters at VCAT on 20 October 2014 and that an amended permit has been issued for the project;
  - (d) authorises a revised total Construction End Cost budget of \$14.5m for the project noting that:
    - (i) this total budget figure includes design and consulting engineer costs already expended; and
    - (ii) a 7.5% contingency is included in the overall budget;
  - (e) provides authority to the Chief Executive Officer to proceed to tendering and procurement processes for this very significant community project; and
  - (f) notes that a further report will be received by Council in March 2015 on the outcomes of the tender and procurement process.

**CARRIED**



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**11.3 Studio 2 - GTV9 Community Facility Development - Tender Initiation**

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Trim Record Number: D14/147947

Responsible Officer: Director Community Programs

**RECOMMENDATION**

1. That Council:
  - (a) note the constructive progress on tenancy and lease arrangements with Richmond Community Learning Centre around co-management and lease of the facility;
  - (b) endorse the final design that has been issued with tender documentation and is included as an attachment to this report;
  - (c) note that the final Cost Plan based on the 'six degrees' design for the project has required that the total estimated project budget be increased from \$1.5m to \$1.85m and that this budget will be further refined through the tendering process;
  - (d) note that a formal naming process will be initiated for the Studio 2 Facility and managed through the Governance Branch; and
  - (e) provide authorisation for initiation of the tender process (noting that this was advertised on 1 November 2014) and note that a report recommending appointment of a contracted builder will be brought to Council for decision in late December 2014.

**COUNCIL RESOLUTION**

**Moved:** Councillor Huggins

**Seconded:** Councillor Vlahogiannis

1. That Council:
  - (a) note the constructive progress on tenancy and lease arrangements with Richmond Community Learning Centre around co-management and lease of the facility;
  - (b) endorse the final design that has been issued with tender documentation and is included as an attachment to this report;
  - (c) note that the final Cost Plan based on the 'six degrees' design for the project has required that the total estimated project budget be increased from \$1.5m to \$1.85m and that this budget will be further refined through the tendering process;
  - (d) note that a formal naming process will be initiated for the Studio 2 Facility and managed through the Governance Branch; and
  - (e) provide authorisation for initiation of the tender process (noting that this was advertised on 1 November 2014) and note that a report recommending appointment of a contracted builder will be brought to Council for decision in late December 2014.

**CARRIED**

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## 11.4 Draft Public Art Policy - Council Approval for Exhibition

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Trim Record Number: D14/142056

Responsible Officer: Director Community Programs

### RECOMMENDATION

1. That Council:
  - (a) place the draft Public Art Policy (as attached) on public exhibition for a period of six weeks; and
  - (b) receive a further report on feedback received in December 2014 or February 2015.

*Councillor Coleman returned to the meeting at 8.50pm.*

### MOTION

**Moved:** Councillor Huggins

**Seconded:** Councillor Vlahogiannis

1. That Council:
  - (a) place the draft Public Art Policy (as attached) on public exhibition for a period of six weeks; and
  - (b) receive a further report on feedback received in December 2014 or February 2015.

### AMENDMENT

**Moved:** Councillor Gaylard

1. That Council:
  - (a) place the draft Public Art Policy (as attached) on public exhibition for a period of six weeks; and
  - (b) receive a further report on feedback received in December 2014 or February 2015 including:
    - (i) with the inclusion of Edinburgh Gardens Plinth as a temporary public arts site; and
    - (ii) addressing the issue of protecting privately owned art works in the public domain.

***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 Huggins

**Seconded:** Councillor Vlahogiannis

1. That Council:
  - (a) place the draft Public Art Policy (as attached) on public exhibition for a period of six weeks; and
  - (b) receive a further report on feedback received in December 2014 or February 2015 including:
    - (iii) with the inclusion of Edinburgh Gardens Plinth as a temporary public arts site; and
    - (iv) addressing the issue of protecting privately owned art works in the public domain.

**CARRIED**

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## 11.5 Annual Grants 2015 Recommendations Report

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Trim Record Number: D14/141663

Responsible Officer: Director Community Programs

*Councillor Huggins left the meeting due to a conflict of interest at 8.56pm.*

### RECOMMENDATION

1. That Council accepts and endorses the Annual Grants 2015 recommendations of the community panels as listed in the Attachments to this report.

### COUNCIL RESOLUTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Colanzi

1. That Council accepts and endorses the Annual Grants 2015 recommendations of the community panels as listed in the Attachments to this report.

**CARRIED**

*Councillor Huggins returned to the meeting at 9.04pm.*

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**11.6 2015 Extension of Leases/Licences for Council Owned or Managed Land**


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Trim Record Number: D14/128017

Responsible Officer: Manager Buildings and Property

### RECOMMENDATION

1. That Council resolve to enter into a Crown Lease (subject to approval from the Crown) or a Council Lease or Licence with the following community organisations on the terms and conditions noted in this report and subject to a public notice being given in the form required under Section 190 of the *Local Government Act 1989*:
  - (a) Collingwood Youth and Boxing Club – Rear Stanton Street Hall: Renew the licence for use as a boxing club for three years from the 1 August 2015;
  - (b) Yarra U3A – Stanton Street Hall: Renew the licence for use as an office for three years from the 1 August 2015;
  - (c) St Vincent de Paul – Brick Storage Shed at rear of Collingwood Town Hall: Renew the licence for use as a storage shed for three years from the 1 October 2015;
  - (d) Royal District Nursing Service – Brick Storage Shed at rear of Collingwood Town Hall: Renew the licence for use as a storage shed for three years from the 1 April 2015;
  - (e) Dancehouse – 150 Princes Street North Carlton: Renew the lease for use as a theatre and dance studio for three years from 1 November 2015;
  - (f) Visionary Images – Rear 213 Church Street Richmond: Renew the lease for use as an educational facility for young people for three years from 1 September 2015;
  - (g) Richmond Community Learning Centre – The Stables: Renew the licence for use as a community space for two years from 1 July 2015;
  - (h) Richmond Community Learning Centre – 92 Lord Street Richmond: Renew the lease for use as a Neighbourhood House for two years from 1 July 2015;
  - (i) Holden Street Neighbourhood House – 125 Holden Street North Fitzroy: Renew the lease for use as a Neighbourhood House for three years from 1 July 2015;
  - (j) Belgium Avenue Neighbourhood House – 5a Belgium Avenue Richmond: Renew the licence for use as a Neighbourhood House for three years from 1 July 2015; and
  - (k) Women’s Art Register – Lower Level, 415 Church Street Richmond: Renew the lease for use as an office for three years from 1 January 2016.

*Councillor Vlahogiannis left the meeting at 9.09pm.*

### COUNCIL RESOLUTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Jolly

That item 11.6 be deferred to early 2015 to allow further consultation to take place in respect to maintenance costs and arrangements.

**CARRIED**

## 11.7 Responding to Federal and State Budget Cuts

Trim Record Number: D14/142274

Responsible Officer: Director Corporate and Financial Services

*Councillor Vlahogiannis returned to the meeting at 9.15pm.*

### RECOMMENDATION

1. That Council:
  - (a) only considers requests for funding outside of the Annual Planning and Budget process, where the request for funding is an extension of an existing Council service or the negative impact on the community is imminent and damaging;
  - (b) supports local government campaigns to State or Federal Governments, when relevant, to ensure appropriate funding of services that meet important local needs; and
  - (c) refers any initiative (outside of Service Plans or adopted Council Strategies and Plans) for consideration in the Annual Planning and Budget process, through a General Business motion of Council.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Huggins

1. That Council:
  - (a) only considers requests for funding outside of the Annual Planning and Budget process, where the request for funding is an extension of an existing Council service or the negative impact on the community is imminent and damaging;
  - (b) supports local government campaigns to State or Federal Governments, when relevant, to ensure appropriate funding of services that meet important local needs; and
  - (c) refers any initiative (outside of Service Plans or adopted Council Strategies and Plans) for consideration in the Annual Planning and Budget process, through a General Business motion of Council.

**CARRIED**

### CALL FOR A DIVISION

**For:** Councillors Barbour, Colanzi, Coleman, Fristacky, Gaylard, Huggins, Stone and Vlahogiannis

**Against:** Councillor Jolly

**CARRIED**

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**11.8 Appointment of Audit Committee Independent Membership**

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Trim Record Number: D14/148525

Responsible Officer: Director Corporate and Financial Services

**RECOMMENDATION**

1. That Council:
  - (a) notes the outcomes of the expression of interest process conducted in accordance with Council's Audit Charter for the selection of an Independent Member of Council's Audit Committee; and
  - (b) endorses the recommendation of the Audit Committee and authorises the re-appointment of Mr Michael (Mike) Said for a further three-year term as an Independent Member of Council's Audit Committee.

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Huggins

1. That Council:
  - (a) notes the outcomes of the expression of interest process conducted in accordance with Council's Audit Charter for the selection of an Independent Member of Council's Audit Committee; and
  - (b) endorses the recommendation of the Audit Committee and authorises the re-appointment of Mr Michael (Mike) Said for a further three-year term as an Independent Member of Council's Audit Committee.

**CARRIED**

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**11.9 Councillor Attendance at Sydney Conference - Authorisation**

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Trim Record Number: D14/150563

Responsible Officer: Executive Manager - Chief Executive's Office

**RECOMMENDATION**

1. That Council pursuant to Council's Expense Entitlement Policy, approve attendance by Councillor Fristacky at the Banksia Awards in Sydney on 11 November, 2014.

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Huggins

1. That Council pursuant to Council's Expense Entitlement Policy, approve attendance by Councillor Fristacky at the Banksia Awards in Sydney on 11 November, 2014.

**CARRIED**



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**11.10 Waste and Resource Recovery Strategy 2014 - 2018**

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Trim Record Number: D14/144242

Responsible Officer: Director City Development

**RECOMMENDATION**

1. That Council:
  - (a) notes the report of the Director City Development regarding the proposed Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (b) note the attached proposed Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (c) resolve to adopt the attached document as the Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (d) notes that the funding implications beyond Year 1 of the Yarra Waste and Resource Recovery Strategy 2014 - 2018 are currently not included in Council's Strategic Resource Plan, and that officers are preparing a bid for 2015/16 which will allow Council to determine what, if any, funds will be allocated to the strategy as part of the 2015/16 annual planning and budget process. Further bids would also be made in future years; and
  - (e) receive a further report on the preparation of a specification for the new waste management tenders to enable processes and timetabling to be resolved, in order to have new contracts in place in sufficient time to enable the commencement of the new contract in mid-2016.

Public Submission

*Ms Carole Wilkinson – Yarra Climate Action Now (YCAN), addressed Council regarding this matter.*

## COUNCIL RESOLUTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Coleman

1. That Council:
  - (a) notes the report of the Director City Development regarding the proposed Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (b) note the attached proposed Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (c) resolve to adopt the attached document as the Yarra Waste and Resource Recovery Strategy 2014 – 2018;
  - (d) notes that the funding implications beyond Year 1 of the Yarra Waste and Resource Recovery Strategy 2014 - 2018 are currently not included in Council's Strategic Resource Plan, and that officers are preparing a bid for 2015/16 which will allow Council to determine what, if any, funds will be allocated to the strategy as part of the 2015/16 annual planning and budget process. Further bids would also be made in future years;
  - (e) receive a further report on the preparation of a specification for the new waste management tenders to enable processes and timetabling to be resolved, in order to have new contracts in place in sufficient time to enable the commencement of the new contract in mid-2016; and
  - (f) officers report back to the March 2015 Council Meeting on a proposal to inform our community on the progress of the Waste and Resource Recovery Strategy Implementation.

**CARRIED**

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**11.11 Discontinuance of Subterranean Road at Coles Terrace, Richmond**

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Trim Record Number: D14/149930  
Responsible Officer: Manager Finance

**RECOMMENDATION**

1. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves that the statutory procedures be commenced to discontinue the subterranean part of the road known as Coles Terrace, Richmond shown as the road hatched on the plan attached as Attachment 1 to this report, and on the title plan attached as Attachment 2 to this report (Road);
  - (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance of the Road be given in the “Age” newspaper.
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value; and
  - (d) authorises the Valuations Coordinator, Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**COUNCIL RESOLUTION**

**Moved:** Councillor Vlahogiannis      **Seconded:** Councillor Huggins

1. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves that the statutory procedures be commenced to discontinue the subterranean part of the road known as Coles Terrace, Richmond shown as the road hatched on the plan attached as Attachment 1 to this report, and on the title plan attached as Attachment 2 to this report (Road);
  - (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance of the Road be given in the “Age” newspaper.
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value; and
  - (d) authorises the Valuations Coordinator, Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**CARRIED**

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**11.12 520 Victoria Street, Richmond - Occupation of Williams Reserve**

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Trim Record Number: D14/151612

Responsible Officer: Manager Construction Management

*Councillor Jolly left the meeting due to a conflict of interest on this item and item 11.11 at 7.30pm.*

**RECOMMENDATION**

1. That in accordance with the Council September 2014 resolution, Council note that extensive dialogue has occurred between the Yarra City Council CEO and builder / developer on the various options for the construction approach to the approved development at 520 Victoria Street, Richmond.
2. That Council note the further report of the Director, City Development regarding the construction management plan aspects of the planning permission for the site known as 520 Victoria Street, Richmond.
3. That in this context, Council note the revised request from the builder / developer to:
  - (a) temporarily occupy a strip of land 3 metres wide along the eastern edge (approximately 4%) of Williams Reserve for public protection associated with the construction of the approved development at 520 Victoria St; and
  - (b) temporarily occupy a further 60 square metres (approximate) of Coles Terrace, between Davison Lane and the western edge of the subject site for site compound and laydown area.
4. That Council note the contribution by the builder and developer to the Council for the refurbishment of Williams Reserve; which is to be used for that purpose following the completion of the development at 520 Victoria Street, Richmond
5. That Council determine that the builder / developer be required at no cost to the Council, and to the satisfaction of the Yarra City Council CEO to:
  - (a) relocate the Palm tree elsewhere in Williams Reserve;
  - (b) relocate the playground equipment not less than 30 m from the subject site;
  - (c) provide for the planning of 4 trees to replace the 4 trees to be removed;
  - (d) remediate all damage to the current condition of Williams Reserve; and
6. That the builder / developer be advised that:
  - (a) they will be required to pay for the preparation of any licences and leases required to secure the Yarra City Council interests as determined by the Council Solicitors, and that
  - (b) any licence and or lease may require securities to be paid for the period of occupation of Williams Reserve and Coles Terrace west of the subject site.
7. That officers begin to prepare plans for the refurbishment of Williams Reserve in the 12 month period following the completion of the development at 520 Victoria Street, Richmond.

Public Submissions

*The following people addressed Council regarding this matter:*

*Mr John Belfrage; and*

*Mr Tim Woodruff.*

**COUNCIL RESOLUTION****Moved:** Councillor Coleman**Seconded:** Councillor Vlahogiannis

1. That:

- (a) in accordance with the Council September 2014 resolution, Council note that extensive dialogue has occurred between the Yarra City Council CEO and builder / developer on the various options for the construction approach to the approved development at 520 Victoria Street, Richmond;
- (b) Council note the further report of the Director, City Development regarding the construction management plan aspects of the planning permission for the site known as 520 Victoria Street, Richmond;
- (c) in the context of clause (b) above, Council note the revised request from the builder / developer to:
  - (i) temporarily occupy a strip of land 3 metres wide along the eastern edge (approximately 4%) of Williams Reserve which is essential for public protection, provisions associated with the construction of the approved development at 520 Victoria Street for which Council has applied a fee of \$14.30 per square meter per week calculated on like fees charged by other metropolitan Councils, resulting in an estimate of \$89,232.00; and
  - (ii) temporarily occupy a further 60 square metres (approximate) of Coles Terrace, between Davison Lane and the western edge of the subject site for site compound and laydown area for which Council's standard fees are \$6.10 per square metre per week, resulting in an estimate of \$101,821.20;
- (d) Council determine further, that the builder / developer be required at no cost to the Council, and to the satisfaction of the Yarra City Council CEO, to:
  - (i) relocate the Palm tree elsewhere in Williams Reserve;
  - (ii) relocate the playground equipment not less than 30 m from the subject site;
  - (iii) provide for the planning of 4 trees to replace the 4 trees to be removed; and
  - (iv) remediate all damage to the current condition of Williams Reserve;
- (e) Council note the further contribution by the builder and developer, to enable the refurbishment of the public park being Williams Reserve, following the completion of the development at 520 Victoria Street, Richmond, for the benefit of the Yarra community;
- (f) the builder / developer be advised that:
  - (i) they will also be required to pay for the preparation of any licences and leases required to secure the Yarra City Council interests as determined by the Council Solicitors; and
  - (ii) any licence and or lease will require securities to be paid for the period of occupation of Williams Reserve and Coles Terrace west of the subject site; and
- (g) officers begin to prepare plans for the refurbishment of Williams Reserve in the 12 month period following the completion of the development at 520 Victoria Street, Richmond; and
- (h) consultation with local residents be commenced with regards to the ultimate design of the park and positioning of the playground.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Barbour, Coleman, Fristacky, Gaylard, Huggins, Stone and Vlahogiannis

**Against:** Councillor Colanzi

**CARRIED**

*Councillor Jolly returned to the meeting at 8.12pm.*

## 12. Notices of motion

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### 12.1 Notice of Motion No. 8 of 2014 - Proposal for Naming of the North Fitzroy Community Hub

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Trim Record Number: D14/152158

Responsible Officer: Executive Manager - Chief Executive's Office

#### RECOMMENDATION

1. That in the matter of the North Fitzroy Community Hub and, having regard to:
  - (a) an expression by stakeholders in the Community Hub project over a number of years, to have a name which respects aboriginal heritage and culture in this City; and
  - (b) the significant contribution to Aboriginal rights in Australia by:
    - (i) former Prime Minister, the late Gough Whitlam, and in particular his recognition as the “father of aboriginal land rights in Australia” in championing the rights for Australia’s indigenous people through both land rights and education; and
    - (ii) former well known Yarra resident and strong collaborator for Indigenous Rights, the late Sir Doug Nicholls.
  
2. Council initiate a proposal to name the North Fitzroy Community Hub as the “Whitlam-Nicholls Community Hub”; and
  - (a) refer the proposal to the North Fitzroy Community Hub Design Reference Group for comment;
  - (b) request the Officers to initiate the process prescribed in Council’s “Governance-Naming of Roads, Features and Localities Policy”; and
  - (c) request a report back to Council for formal consideration, on the outcome of the processes as stated in the aforementioned Policy.

#### MOTION

**Moved:** Councillor Colanzi

**Seconded:** Councillor Barbour

1. That in the matter of the North Fitzroy Community Hub and, having regard to:
  - (a) an expression by stakeholders in the Community Hub project over a number of years, to have a name which respects aboriginal heritage and culture in this City; and
  - (b) the significant contribution to Aboriginal rights in Australia by:
    - (i) former Prime Minister, the late Gough Whitlam, and in particular his recognition as the “father of aboriginal land rights in Australia” in championing the rights for Australia’s indigenous people through both land rights and education; and
    - (ii) former well known Yarra resident and strong collaborator for Indigenous Rights, the late Sir Doug Nicholls.
  
2. Council initiate a proposal to name the North Fitzroy Community Hub as the “Whitlam-Nicholls Community Hub”; and
  - (a) refer the proposal to the North Fitzroy Community Hub Design Reference Group for comment;
  - (b) request the Officers to initiate the process prescribed in Council’s “Governance-Naming of Roads, Features and Localities Policy”; and

- (c) request a report back to Council for formal consideration, on the outcome of the processes as stated in the aforementioned Policy.

## **AMENDMENT**

**Moved:** Councillor Gaylard

**Seconded:** Councillor Stone

1. That in the matter of the North Fitzroy Community Hub and, having regard to:
  - (a) an expression by stakeholders in the Community Hub project over a number of years, to have a name which respects aboriginal heritage and culture in this City.
2. Council initiate a proposal to name the North Fitzroy Community Hub; and
  - (a) refer the proposal to the North Fitzroy Community Hub Design Reference Group for comment;
  - (b) request the Officers to initiate the process prescribed in Council's "Governance-Naming of Roads, Features and Localities Policy"; and
  - (c) request a report back to Council for formal consideration, on the outcome of the processes as stated in the aforementioned Policy.

**Councillor Roberto Colanzi withdrew his Notice of Motion for the proposal to name the North Fitzroy Community Hub.**

## **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Jolly

**Seconded:** Councillor Vlahogiannis

That the meeting be moved into the confidential session.

**CARRIED**

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



**Conclusion**

The meeting concluded at 10.55pm.

Confirmed Tuesday 25 November 2014

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Mayor