



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 2 December 2014 at 7.05 pm  
at the Richmond 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. Presentation – The Liveability and Issues of Fitzroy

Year 7 Students: Jaimee Doyle, Ruby McKibbin, Vanessa Moles, Scarlett Silverback, Dian Moleta, Isabella James and Louisa Bongrain of The Academy of Mary Immaculate addressed Council.

The students presented a PowerPoint presentation and addressed various sites within Fitzroy that they felt needed to be improved i.e. more trees along Brunswick Street to create shade in the summer months and help with pollution, more drinking taps, more disabled car parking around St Vincent’s Hospital, and more lights in alleyways i.e. one off Brunswick Street. Students were however impressed with the St Vincent’s hospital sitting area, street art in Gertrude Street and the wide footpaths along Fitzroy Street that catered for wheelchairs and prams.

The Mayor thanked the students and their teacher, Ms Melanie Malakunas for their presentations to Council.

The CEO advised that the presentations will be forwarded to the appropriate divisions within Council to look into the issues raised.

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

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

#### 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 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters
- 4.4 Personnel 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 Fristacky

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
  - (a) contractual matters; and
  - (b) personnel 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 Fristacky

**Seconded:** Councillor Barbour

That the amended minutes of the Ordinary Council Meeting held on Tuesday 25 November 2014 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Nil

## 7. Public question time

Item		Page
7.1	Mr Herschel Landes - President, Bridge Road Main Street Inc. - Pedestrian Equity for Bridge Road	6
7.2	Ms Patsy Yaksender - Noise from Melbourne Water Carlton Sewer Upgrade	6
7.3	Ms Marion Marshall - Noise from Melbourne Water Carlton Sewer Upgrade	7
7.4	Mr Peter Canals of Nicholson Street Traders Association re: Melbourne Water Carlton Sewer Upgrade	8
7.5	Ms Ros McConville - Melbourne Water Carlton Sewer Upgrade	9
7.6	Ms Liz Cairns - Christmas Signage for North Fitzroy and Nicholson Street Villages	9

## 8. General business

Nil

## 9. Delegates' reports

Nil

## 10. Questions without notice

Item		Page
10.1	Councillor Amanda Stone - Trans Pacific Partnership Agreement	10
10.2	Councillor Misha Coleman - Age Advertisement Relating to Proposed Road Discontinuance of Coles Terrace	10

## **11. Council business reports**

<b>Item</b>	<b>Page</b>	<b>Res. Page</b>
11.1 City of Yarra Heatwave Plan	11	11
11.2 Consideration of the Draft Street Tree Policy for Endorsement	12	12
11.3 Draft Economic Development Strategy 2015 -2020	13	13
11.4 Appointment of Authorised Officers - Planning and Environment Act 1987	14	14
11.5 TRAMSESSIONS - Live Music on Tram Promotion	15	15

## **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. - Pedestrian Equity for Bridge Road

Question:

Do you have a view to bring about greater pedestrian equity in the street and to fixing the tram stops?

*Response:*

*The Director City Development advised the pram crossings in Bridge Road are due to be installed by VicRoads in the next few days and undertook to provide information on the locations of the crossings to the Councillors.*

*The Director City Development also noted that over the next few days, the public space outside the old police station, near the Richmond Town Hall will be redeveloped to enhance the open space and that one of Council's specific endeavours is to create some improved public spaces in activity centres.*

### 7.2 Ms Patsy Yaksender - Noise from Melbourne Water Carlton Sewer Upgrade

Question:

What process is the Yarra City Council undertaking to ensure both Council and residents understand the full impact of the pneumatic drilling hammering through the 2 meters of 400mpa rock before commencement of this work?

How will Yarra City Council ensure that all drilling noise is within safe EPA limits and how will residents be kept informed of the noise levels and their potential harmful impacts?

*Response:*

*The Director Infrastructure Services advised that:*

- (a) Yarra City Council is sourcing its own independent data on noise levels and do it's best to quantify the situation and work out what officers can do and work in partnership with Melbourne Water to make sure the noise levels are lower;*
- (b) he understood that the loud noise had passed but it appeared not to be case and is meeting with Melbourne Water again on 3 December;*
- (c) he is not aware of the current frequency of noise monitoring that is taking place and will ensure there is regular monitoring; and*
- (d) will undertake to provide further feedback and data to residents and businesses.*

7.3 Ms Marion Marshall - Noise from Melbourne Water Carlton Sewer Upgrade

Ms Marshall tabled the Melbourne Water flyer – July 2014.

Question:

How can Council represent us now and will it look closely at the ramifications of the closure of Scotchmer Street and agree to look seriously at how partial reopening can take place after the drill leaves? Will Council at last speak up for us?

At a recent meeting with officers, what did they conclude about the disruption to businesses?

Response:

*The Director Infrastructure Services advised that:*

- (a) officers are doing their best and have passed on all information from Melbourne Water;*
- (b) the impact of the works is far greater than officers were led to believe;*
- (c) officers are doing everything they can to remediate the situation and completed traffic counts;*
- (d) officers have made recommendations for traffic management and these will be presented for consultation at the public meetings;*
- (e) a meeting with businesses has been arranged for Friday 5 December at 7.00pm at the Fitzroy Library in Moor Street; and*
- (f) a meeting with the public has been arranged for Wednesday 10 December at 6.00pm in the community room in Edinburgh Gardens.*

*The Director also advised that Council officers have met regularly with Melbourne Water to discuss traffic measures and communications and undertook to provide the information to the businesses.*

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Coleman

**Seconded:** Councillor Colanzi.

That the public question time be extended a further 10 minutes.

**CARRIED**

7.4 Mr Peter Canals of Nicholson Street Traders' Association re: Melbourne Water Carlton Sewer Upgrade

Question:

Can Council give any guarantee that the horrendous decision to close Scotchmer Street will not be allowed to occur when work on the project begins on the Pigdon Street site that will occur next year?

Who made the decision to close Scotchmer Street and what consideration did Council have in this Traffic Management Plan? Was there any stage along the process where they were given a possibility of saying hang on a minute, you can't close it for that length of time?

Response:

*The CEO advised that:*

- (a) the Council, an elected body, cannot give any guarantee on what will happen next year;*
- (b) officers will engage with the CEO of Melbourne Water, which we are doing in a very big way and not just simply conversing with them; and*
- (c) we are actually putting our points in a very affirmative way and that will be the interface and platform for us to raise what Melbourne Water do next year.*

*The CEO responded further that:*

- (a) Melbourne Water is an entity on its own;*
- (b) Melbourne Water has chosen to do this upgrade and has consulted with Council;*
- (c) Yarra City Council will engage with Melbourne Water; and*
- (d) the consultation meetings had been arranged with Melbourne Water and encouraged all businesses and residents to attend.*

*The Director Infrastructure Services advised that:*

- (a) as part of the process Melbourne Water did submit a traffic management plan because they need Council's approval under the Road Management Act 2004;*
- (b) we are the road authority to occupy, close or utilise any section of our road reserves;*
- (c) we have given Melbourne Water approval and we have approved their traffic management plan, which did include the closure of Scotchmer Street;*
- (d) our traffic engineers took the analysis and formed the view it was necessary for the safety of the community for the works to occur;*
- (e) Council does not have the ability to simply say no, we must be reasonable and exercise our authority under the Road Management Act 2004 and given these are essential works we don't have the ability to say no, but we can work around options in terms of how we think traffic can be best managed for the safety and protection of the community.*

*The CEO undertook to arrange for officers to provide a gap analysis.*



7.5 Ms Ros McConville - Melbourne Water Carlton Sewer Upgrade

Question:

The Melbourne Water document from July 2014 states there will be temporary blocking for very short period of time of 5 months and this is now 24 months. Has there been some kind of agreement between Council and Melbourne Water to keep this a low profile to the public so that works can commence and residents can do nothing about it when it started?

Considering the dramatic reduction in the liveability and amenity of our area, will Council provide rate relief to affected residents and businesses for the duration of the project?

Response:

*The CEO advised that she would bring up the document with Melbourne Water and that Council cannot provide rate relief, and undertook to meet with Melbourne Water officers.*

7.6 Ms Liz Cairns - Christmas Signage for North Fitzroy and Nicholson Street Villages

Question:

Considering that it is only three weeks before Christmas, can you please advise us when we can expect to see some action regarding our request for festive signage and promotion of the North Fitzroy and Nicholson Street Villages?

Response

*The Director City Development took the question on notice.*

**8. General business**

Nil

**9. Delegates' reports**

Nil

## 10. Questions without notice

### 10.1 Councillor Amanda Stone - Trans Pacific Partnership Agreement

Question:

Councillor Stone tabled a letter (D14/165724) that was sent to the Mayors earlier this year about the development of a trans pacific partnership agreement between the Australian Government and a number of other countries. As part of that, there was going to be a clause that hasn't been in any free trade agreements before, that allows for businesses or large corporations to take legal action against any kind of sovereign entity that change regulations that might affect their business. An example is the action being taken by Philip Morris suing the Australian Government for the plain packaging legislation.

Does the CEO know anything about that and its impact on local government? It is possible to find out please?

*Response:*

*The CEO took the question on notice.*

### 10.2 Councillor Misha Coleman - Age Advertisement Relating to Proposed Road Discontinuance of Coles Terrace

Question:

Can officers please confirm that Council is only proposing the discontinuance of the subterranean part of the road because the advertisement goes on to say "the proposal is that Council discontinue the road and sell the road to the adjoining owner?" I am seeking assurance that officers are only proposing to discontinue the subterranean part of it?

*Response:*

*The Director Corporate and Financial Services confirmed that the discontinuance applied to the subterranean portion of the road.*

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## 11.1 City of Yarra Heatwave Plan

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Trim Record Number: D14/150765

Responsible Officer: Manager Aged and Disability Services

### RECOMMENDATION

1. That Council:
  - (a) notes that the Municipal Emergency Management Planning Committee has reviewed and endorsed the draft Heatwave Plan; and
  - (b) adopts the amended City of Yarra Heatwave Plan (see Attachment 1).

*Councillor Fristacky left the meeting at 8.34pm*

*Councillor Fristacky returned to the meeting at 8.35pm*

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Gaylard

1. That Council:
  - (a) notes that the Municipal Emergency Management Planning Committee has reviewed and endorsed the draft Heatwave Plan;
  - (b) adopts the amended City of Yarra Heatwave Plan (see Attachment 1);
  - (c) request the CEO raise with the Health and Wellbeing Advisory Committee, as a priority, the issue of the breadth and depth of heatwave communication to vulnerable groups, including the Office of Housing residents; and
  - (d) officers report back to the March Council Meetings on options that will facilitate heatwave resilience for Yarra homes.

**CARRIED**

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## 11.2 Consideration of the Draft Street Tree Policy for Endorsement

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Trim Record Number: D14/160670

Responsible Officer: Director City Development

### RECOMMENDATION

1. That Council:
  - (a) notes the officer's report and the attached Draft Street Tree Policy;
  - (b) endorses the Draft Street Tree Policy (Attachment 1) as the Yarra Street Tree Policy (2014); and
  - (c) notes that the Yarra Street Tree Policy (2014) will be reviewed after a period of five (5) years from endorsement.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) notes the officer's report and the attached Draft Street Tree Policy;
  - (b) acknowledges the need for an updated Policy which addresses current issues related to street trees;
  - (c) endorses the draft Street Tree Policy (attachment 1) as the Yarra Street Tree Policy (2014) to provide the overarching framework regarding street tree matters; and
  - (d) resolves to review this Street Tree Policy in conjunction with the development of a draft Urban Forest Strategy in mid-2015 and the public consultation phase of that draft Strategy along with other street tree considerations.

**CARRIED**

Councillor Coleman abstained

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**11.3 Draft Economic Development Strategy 2015 -2020**

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Trim Record Number: D14/162545  
Responsible Officer: Manager City Strategy

**Recommendation**

1. That Council:
  - (a) note the officer's report regarding the draft Economic Development Strategy, the submissions received, and officers comments;
  - (b) adopt the Economic Development Strategy 2015-2020 as shown in Attachment 2, and the 2015 Action Plan as shown in Attachment 3;
  - (c) adopt the Revised Terms of Reference for the Business Advisory Group as shown in Attachment 4; and
  - (d) write to all submitters, and the Business Advisory Group members, thanking them for their contribution and provide a link to the adopted documents.

*Councillor Coleman left the meeting at 9:23pm*

*Councillor Coleman returned to the meeting at 9:27pm*

**COUNCIL RESOLUTION**

**Moved:** Councillor Colanzi

**Seconded:** Councillor Barbour

1. That Council:
  - (a) note the officer's report regarding the draft Economic Development Strategy, the submissions received, and officers comments;
  - (b) adopt the Economic Development Strategy 2015-2020 as shown in Attachment 2, and the 2015 Action Plan as shown in Attachment 3;
  - (c) adopt the Revised Terms of Reference for the Business Advisory Group as shown in Attachment 4; and
  - (d) write to all submitters, and the Business Advisory Group members, thanking them for their contribution and provide a link to the adopted documents.

**CARRIED**

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

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Trim Record Number: D14/161364

Responsible Officer: Executive Manager - Chief Executive's Office

**RECOMMENDATION**

1. That Council:
  - (a) formally appoints Stewart Martin as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*; and
  - (b) requests that an Instrument of Appointment and Authorisation for Stewart Martin, be duly executed by the Chief Executive Officer.

**COUNCIL RESOLUTION**

**Moved:** Councillor Huggins

**Seconded:** Councillor Colanzi

1. That Council:
  - (a) formally appoints Stewart Martin as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*; and
  - (b) requests that an Instrument of Appointment and Authorisation for Stewart Martin, be duly executed by the Chief Executive Officer.

**CARRIED**

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## 11.5 TRAMSESSIONS - Live Music on Tram Promotion

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Trim Record Number: D14/164957  
Responsible Officer: Chief Executive Officer

### RECOMMENDATION

1. That having regard to Council's resolution of 25 November, Council:
  - (a) note the revised program structured to fit with a reduced budget sum; and
  - (b) approve the program as presented.

### Public Submission

*Ms Ashley Hills, General Manager of TRAMSESSIONS addressed Council regarding this matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Huggins                      **Seconded:** Councillor Barbour

1. That having regard to Council's resolution of 25 November, Council:
  - (a) note the revised program structured to fit with a reduced budget sum of \$5,000; and
  - (b) approve the program as presented in the officer's report.

**CARRIED**

Councillor Stone abstained

**CONCLUSION**

The meeting concluded at 9:37pm.

Confirmed Tuesday 16 December 2014

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Mayor