Ordinary Meeting of Council Minutes

held on Tuesday 3 February 2015 at 7.00pm
Richmond Town Hall

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land. Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra."

1A. Vale – Peter McCauley

COUNCIL RESOLUTION

Moved: Councillor Barbour **Seconded:** Councillor Jolly

1. That Council:
   (a) record a formal motion of condolence on the passing of Peter McCauley, a long term and highly respected member of the Yarra City Council staff;
   (b) note that Peter commenced his employment at Richmond City Council in 1980 and worked in various roles in the road management area;
   (c) in particular note, Peter's extensive community work in youth support and employment assistance programs;
   (d) note also Peter's Local Government Leadership Award in 2011 recognising his generous contributions to community work, social inclusion programs and innovative work practices; and
   (e) request the Mayor to forward a letter of condolence to Peter's family.

CARRIED

1B. Vale – Principal Margaret Donald

COUNCIL RESOLUTION

Moved: Councillor Jolly **Seconded:** Councillor Coleman

1. That Council:
   (a) record a formal motion of condolence on the passing of Margaret Donald, past Principal of the former Richmond Secondary College which was closed by the then State Government in 1992;
   (b) note that Margaret was a well-known and highly respected supporter of secondary education and in particular her part in the community campaign and protest against the closure of that College; and
   (c) request the Mayor to forward a letter of condolence to Margaret's family.

CARRIED

1C. Vale – Bart Williams

The Mayor received a letter from Mrs Christine Williams, the mother of Bart Williams. The Mayor read out Mrs Williams letter as she had requested which acknowledged and thanked Council officers Justin Hanrahan, Manager Recreation and Open Space and Jason Hocking, Coordinator Open Space Maintenance for helping her with arranging to place a memorial plaque in Edinburgh Gardens in time for Bart's 1 year anniversary.

1D. Announcement

Councillor Jolly acknowledged that the Atherton Gardens Public Housing Estate resident of 10 years, Mr Ranko Cosic had been selected as a PHD candidate at Melbourne University and was included in the Melbourne School of Engineering Dean's Honour's List.

Councillor Jolly congratulated Ranko and welcomed him to tonight's Council meeting.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Phillip Vlahogiannis (Mayor)
- Cr Geoff Barbour
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Executive Manager Chief Executive's Office)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Steven McMurray (Acting Director Infrastructure Services)
- Margaret Elvey (Governance Officer)
- Mel Nikou (Governance Officer)

Apologies

- Cr Jackie Fristacky
- Cr Amanda Stone
- Cr Roberto Colanzi

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

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 Huggins

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 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 Jolly **Seconded:** Councillor Huggins

That the minutes of the Special Council Meeting held on Monday 15 December 2014 be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Jolly **Seconded:** Councillor Huggins

That the minutes of the Ordinary Council Meeting held on Tuesday 16 December 2014 be confirmed.

CARRIED

6. Petitions and joint letters

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8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11. Council business reports

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12. Notices of motion

Nil

13. Urgent business

Nil

6. Petitions and joint letters

6.1 Objection to PLN14/1166 - 13-29 Nelson Street, Abbotsford

Record No: D15/4630

A joint letter containing 29 signatures has been received from residents of Cooke Street advising that they support the expansion of the business and request that Council considers the following items in relation planning application PLN14/1166 at 13 – 29 Nelson Street Abbotsford:

(a) no new gateway entry on Cooke Street and keep trucks off Cooke Street; and

(b) preservation of the laneway.

COUNCIL RESOLUTION

Moved: Councillor Jolly **Seconded:** Councillor Barbour

That the joint letter be received and referred to the appropriate officer for action.

CARRIED

6.2 Request to change Tree-scape of Bell Street, Fitzroy

Record No: D14/173807

A petition has been received from 23 residents of Bell Street, Fitzroy requesting Council provide a more uniform tree-scape and the inclusion of a wider tree/shade canopy for the street.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Huggins

That the petition be received and referred to the appropriate officer for action.

CARRIED

6.3 Community Use of Citizens' Park

Record No: D15/12403 MCR2981478

A petition containing 69 signatures has been received from residents requesting that Council:

(a) build a separate secure dog exercise area at Citizens' Park or at any of the many other non-sporting reserves within the vicinity;

(b) re-gazette the oval back to a sports only facility as soon as an option is provided for dog walkers; and

(c) improve the playing surface and pavilion to better suit community, school and sporting groups' needs.

COUNCIL RESOLUTION

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

That the petition be received and referred to the appropriate officer for action.

CARRIED

Councillor Coleman abstained

7. Public question time

7.1 Dr Virginia Dods, School Council President at Abbotsford Primary School - Safety at School Crossings

Questions:

Given the importance of taking a risk management approach, how can the Council justify not taking any practical action to improve safety at the pedestrian crossing in Nicholson Street, Abbotsford?

Given the importance of taking a risk management approach, why has the Council not placed safety barriers around the intersection of Church Street and Bridge Road?

Response:

The Director City Development advised that:

(a) the traffic engineers have met with the Abbotsford Primary School and took the question on notice; and

(b) Bridge Road is a VicRoads' road and that is a matter that Council could advocate and he undertook to take the matter up with VicRoads.

7.2 Mr Jeff Walker - FOI Application Fees / Green Parking Dining

Question:

Can the Freedom of Information application fees be waived for pensioners?

Response:

The Executive Manager – Chief Executive's Office took the question on notice.

Who in Council gave Green Park Dining about 37.5m2 of our parkland, worth about $187,000?

Where is the municipal boundary located and why did Open Space remove the boundary marker?

Response:

The Acting Director Infrastructure Services took the question on notice.

The Mayor thanked Mr Walker for his questions and noted that a report will be presented to Council.

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11.1 Brunswick Street/St Georges Road Working Group 2 - Update

Trim Record Number: D14/158431
Responsible Officer: Director City Development

RECOMMENDATION

1. That Council:
   (a) note the potential actions put forward by the Brunswick Street/ St Georges Road Working Group 2;
   (b) consider these potential actions in further place making plans for Brunswick Street/ St Georges Road and also in discussions with other agencies relating to this corridor; and
   (c) Council thank those who took part in Brunswick Street/ St Georges Road Working Group 2 for their active, enthusiastic and collaborative participation.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Jolly

1. That Council:
   (a) note the report and the potential actions put forward by the Brunswick Street/ St Georges Road Working Group 2;
   (b) consider these potential actions in further place making plans for Brunswick Street/ St Georges Road and also in discussions with other agencies relating to this corridor; and
   (c) Council thank those who took part in Brunswick Street/ St Georges Road Working Group 2 for their active, enthusiastic and collaborative participation.

CARRIED UNANIMOUSLY

11.2 Solar Panels on Council Buildings

Trim Record Number: D14/149419
Responsible Officer: Manager Sustainability and Strategic Transport

RECOMMENDATION

1. That Council receive and note the Officer report on the potential for additional solar photovoltaic installations on Council buildings, and if predisposed to pursue further solar installations to refer the matter to the 15/16 budget process for consideration.

COUNCIL RESOLUTION

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

1. That Council receive and note the Officer report on the potential for additional solar photovoltaic installations on Council buildings, and Council refer the matter to the 15/16 budget process for consideration.

CARRIED UNANIMOUSLY

11.3 Proposed Consultation on Road to Park Conversion at Charles and Mollison Streets, Abbotsford

Trim Record Number: D14/165076
Responsible Officer: Coordinator Open Space

Councillor Jolly left the meeting at 7:55pm.

RECOMMENDATION

1. That Council:
   (a) notes the initial work to date on the proposal for a partial road closure at the intersection of Charles and Mollison Street, Abbotsford, for the purpose of creating a new local park; and
   (b) authorises officers to proceed with commencing preliminary community consultation on the project.

Public Submission

Dr Virginia Dods addressed Council regarding this matter.

COUNCIL RESOLUTION

Moved: Councillor Barbour **Seconded:** Councillor Gaylard

1. That Council:
   (a) notes the initial work to date on the proposal for a partial road closure at the intersection of Charles and Mollison Street, Abbotsford, for the purpose of creating a new local park; and
   (b) authorises officers to proceed with commencing preliminary community consultation on the project.

CARRIED UNANIMOUSLY

11.4 5-15 Mayfield Street, Abbotsford - Rezoning Request

Trim Record Number: D14/153358
Responsible Officer: Manager City Strategy

RECOMMENDATION

1. That Council advise the applicant that it is not prepared to proceed with the rezoning request on the grounds that there is no strategic justification for the proposed zone change, and it would conflict with the Municipal Strategic Statement, local policy and orderly planning in the area.

COUNCIL RESOLUTION

Moved: Councillor Jolly **Seconded:** Councillor Coleman

That item 11.4 be deferred to the Council Meeting on Tuesday 3 March 2015.

CARRIED UNANIMOUSLY

11.5 Yarra Aboriginal Partnerships Plan 2015-2018

Trim Record Number: D15/492
Responsible Officer: Coordinator Community Development

RECOMMENDATION

1. That Council:
   (a) adopt the Yarra Aboriginal Partnerships Plan 2015-2018; and

   (b) thank the members of the Aboriginal Advisory Group and the Aboriginal Partnerships Plan Reference Group for their guidance and contribution to the development of the plan over the past 12 months.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Huggins

1. That Council:
   (a) adopt the Yarra Aboriginal Partnerships Plan 2015-2018; and

   (b) thank the members of the Aboriginal Advisory Group and the Aboriginal Partnerships Plan Reference Group for their guidance and contribution to the development of the plan over the past 12 months.

CARRIED

11.6 Yarra Multicultural Partnerships Plan 2015-2018

Trim Record Number: D15/951
Responsible Officer: Coordinator Community Development

RECOMMENDATION

1. That Council:
   (a) adopt the Multicultural Partnerships Plan 2015-2018; and
   (b) thank the members of the Multicultural Partnerships Plan Reference Group for its guidance and contribution to the development of the plan over the past 12 months.

COUNCIL RESOLUTION

Moved: Councillor Barbour **Seconded:** Councillor Coleman

1. That Council:
   (a) adopt the Multicultural Partnerships Plan 2015-2018; and
   (b) thank the members of the Multicultural Partnerships Plan Reference Group for its guidance and contribution to the development of the plan over the past 12 months.

CARRIED UNANIMOUSLY

11.7 2016 General Revaluation - Notice of Intention to cause a Return

Trim Record Number: D15/3201
Responsible Officer: Manager Finance

RECOMMENDATION

1. That:
   (a) Council resolves to cause a general valuation (Revaluation) to be made of all properties within the Municipal District of the Yarra City Council and that the general valuation is to be returned no later than 30 June, 2016;
   (b) the general valuation (Revaluation) be carried out pursuant to the provisions of the *Valuation of Land Act* 1960; and
   (c) notice of the resolution is given to the Valuer-General and every other rating authority interested in the general valuation (Revaluation) as required by Section 6 of the *Valuation of Land Act* 1960.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Huggins

1. That:
   (a) Council resolves to cause a general valuation (Revaluation) to be made of all properties within the Municipal District of the Yarra City Council and that the general valuation is to be returned no later than 30 June, 2016;
   (b) the general valuation (Revaluation) be carried out pursuant to the provisions of the *Valuation of Land Act* 1960; and
   (c) notice of the resolution is given to the Valuer-General and every other rating authority interested in the general valuation (Revaluation) as required by Section 6 of the *Valuation of Land Act* 1960.

CARRIED

11.8 Discontinuance of Road Abutting 1 Gough Place, Cremorne

Trim Record Number: D15/3837
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 road abutting 1 Gough Place, Cremorne, which is shown shaded on the title plan attached as Attachment 1 to this report (Road);
   (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance be given in the 'Melbourne Leader' and Melbourne Times Weekly' newspapers;
   (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST); 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 Gaylard **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 road abutting 1 Gough Place, Cremorne, which is shown shaded on the title plan attached as Attachment 1 to this report (Road);
   (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance be given in the 'Melbourne Leader' and Melbourne Times Weekly' newspapers;
   (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST); 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

11.9 Councillor Attendance at ALGWA National Biennial Conference - Authorisation

Trim Record Number: D15/5158
Responsible Officer: Executive Manager - Chief Executive's Office

RECOMMENDATION

1. That Council pursuant to Council's Expense Entitlement Policy approve attendance by Councillor Misha Coleman at the Australian Local Government Women's Association (ALGWA) National Biennial *'Step Up & Top Up'* Conference at the Barossa Valley, South Australia from 25 – 28 March, 2015.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Huggins

1. That Council pursuant to Council's Expense Entitlement Policy approve attendance by Councillor Misha Coleman at the Australian Local Government Women's Association (ALGWA) National Biennial *'Step Up & Top Up'* Conference at the Barossa Valley, South Australia from 25 – 28 March, 2015.

CARRIED

11.10 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D14/167556
Responsible Officer: Executive Manager - Chief Executive's Office

RECOMMENDATION

1. That Council:
   (a) formally appoints Chris Harrison and Jacqualine Ryan as Authorised Officers 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 the Instruments of Appointment and Authorisation for Chris Harrison and Jacqualine Ryan be duly executed by the Chief Executive Officer.

COUNCIL RESOLUTION

Moved: Councillor Gaylard **Seconded:** Councillor Huggins

1. That Council:
   (a) formally appoints Chris Harrison and Jacqualine Ryan as Authorised Officers 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 the Instruments of Appointment and Authorisation for Chris Harrison and Jacqualine Ryan be duly executed by the Chief Executive Officer.

CARRIED

Conclusion

The meeting concluded at 8:12pm.

Confirmed Tuesday 17 February 2015

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Mayor