Ordinary Meeting of Council Minutes

held on Tuesday 16 February 2016 at 7.05pm
Richmond Town Hall

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

1.A Announcement – Certificate of Audit

Yarra City Council has been recognised for its commitment to community safety and wellbeing after receiving a perfect score in a recent audit of its Municipal Emergency Management Plan.

Council received the highest possible rating for all 24 audit questions of its Municipal Emergency Management Plan. The outstanding result not only highlighted the validity of the Emergency Management Plan, it recognised the three years of collaborative and rigorous work gone into improving plans, systems and processes to a level at which it became a model for other municipalities.

Victorian SES representatives, Ray Jasper and David Goldfinch addressed Councillors on this achievement and presented the Mayor with a Certificate of Audit.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Bruce Phillips (Director - Planning and Place Making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Mel Nikou (Governance Officer)

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

The Chief Executive Officer and Councillor Huggins declared a conflict of interest on item 11.1.

Councillor Barbour declared a conflict of interest on item 11.7.

4. Confidential business reports

Item

4.1 Contractual matters

4.2 Matters relating to legal advice

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 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:
   (a) contractual matters; and
   (b) matters relating to legal advice.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Huggins

That the minutes of the Special Council Meeting held on Thursday 28 January and the Ordinary Council Meeting held on Tuesday 2 February 2016 be confirmed.

CARRIED

6. Petitions and joint letters

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8. General business

Nil

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6. Petitions and joint letters

6.1 Save Rushall Park from Removal of Trees and Inappropriate Development

Record No: D16/18362

A petition containing 772 signatures from residents of Yarra are requesting that Council recognise the historic and heritage value of the Rushall Park Living Community and also object to planning application PLN15/0648 (20 Rushall Crescent, North Fitzroy) for the following:

- Removal of existing canopy of 70 well established trees along the northern boundary.
- Removal of these trees would be a devastating loss of amenity to residents and the wider community.
- The plan for a sheer wall of a three storey apartment represents a gross and overwhelming development of this fragile site.
- The planning proposal is a radical departure from the unique heritage environment and sets a dangerous precedent in this historic setting.

COUNCIL RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Colanzi

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

CARRIED UNANIMOUSLY

7. Public question time

7.1 Ms Dorothy James - Derelict Property

Question:

I live in the Burnley precinct which is in a heritage area and concerned with the state of the property that is opposite Mary Street Park that I believe to be 255 Rose Street. The property is derelict, I have contacted Council officers with my concern and officers have stated that the building is structurally sound. However, it is a fire hazard with half a dozen dry Christmas trees etc. in the backyard.

The property is in a heritage precinct and clearly if we are going to have heritage overlays then I think it not unreasonable for residents to see something is done to protect the property, but this doesn't seem the case with this particular property.

Response:

The Group Manager Chief Executive's Office advised that in relation to the rubbish left behind, there is very little authority that Council officers have to impose conditions on property owners to maintain the condition of their houses unless they are falling into disrepair and are becoming a danger to the public. Council doesn't have any legal authority to impose a requirement on the property owner to maintain their building, and indeed similarly with rubbish in the yard unless it's a fire hazard or housing rats or mice or other vermin, Council has very little authority to require an owner to take any action.

Councillor Jolly mentioned that he and Councillor Coleman attended the site and agreed that the site was in disrepair etc.

Councillor Jolly also advised that he received an email from Council's Compliance Officer on 29 January 2016 advising that the owner had contacted Council for a three week extension to clean the property as they are currently overseas and that Council has approved the extension.

The Group Manager Chief Executive's Office will follow-up with the Compliance Officer.

7.2 Ms Chris Star, Yarra Bicycle User Group - Wellington Street Bike Lane

Question:

In relation to the Wellington Street bike path that was opened on July 2015. Will there be further plans or detailed plans to complete the bike path further along Wellington Street?

Response:

The Director Planning and Place Making advised that there is no firm proposal at this stage to extend the lane, it's up to Council whether that's in the budget for consideration, no formal proposal at this stage. Although it's part of the bicycle strategy as are other projects, some are completed and some are yet to be done. The project was broken into two stages for budget considerations. Stage 2 is broadly designed but would need further refinements. Officers are in the hands of Council, if Council provides the budget to fund the project in the forthcoming budget then officers can present a proposal to Council.

7.3 Mr Ian Mack - Cyclist Safety

Question:

Can Council investigate the parking permit revenue so that a modest fee of an increase of approximately $10 would be hypothecated to more cycling infrastructure projects?

We have some wonderful projects in the Bicycle Strategy which have not been implemented and the people of this city want them implemented.

Can the Chief Financial Officer estimate the number of parking permits so then we can extrapolate how much would be potentially available to be hypothecated for cycling projects?

Response:

The Director Corporate, Business and Finance took the question on notice on parking permits and revenue.

The Director City Works and Assets advised that in relation to the bike trail along Trenerry Crescent that leads under the freeway is a footpath and people may be aware the road there is quite narrow, so some cyclists revert to what is perceived as a safer footpath, but unless you are under 12 or accompanied with an adult you are not permitted to cycle on the footpath unless there is a sign saying otherwise. We are trying to reduce some of the confusion with improving the signage and some markings to try and provide greater separation. The general rule where possible is if you can provide separation for cyclists and cars and pedestrians it generally increases safety.

8. General business

Nil

9. Delegates' reports

9.1 NAGA Report - Second Quarter 2015-2016

Councillor Gaylard reported the following:

Purpose

This paper has been prepared to update councillors on the activities of the Northern Alliance for Greenhouse Action (NAGA), for the second quarter of the 2015-16 financial year.

Background

The City of Yarra is a member of NAGA.

NAGA formed in 2002 as a network that shares information, coordinates emission reduction and adaptation activities and cooperates on the research and development of innovative projects. NAGA's goal is to substantially contribute to the transition to a low-carbon future by delivering effective programs and leveraging local government,

community and business action.

Advocacy

NAGA has secured savings worth $1.5 million in 2016 for its members as a result of its work with its counterpart alliance in the east, the Eastern Alliance for Greenhouse Action (EAGA) in the Australian Energy Regulator's five-yearly Electricity Distribution Price Review. The total savings over the next five-year period for the NAGA region is estimated to be at least $7.5 million.

NAGA and EAGA jointly engaged Ironbark Sustainability to conduct a technical analysis and evaluation of the five regulatory pricing proposals provided by Victoria's electricity distribution businesses, with the objective of capturing cost savings for councils through public lighting charges and supporting innovative initiatives that reduce emissions.

We then developed a joint submission on behalf of the local government sector, which can be accessed at http://www.naga.org.au/uploads/9/0/5/3/9053945/edpr_local_government_response_2015_07_13.pdf.

In addition, NAGA has prepared and submitted positions on behalf of its members on the following issues

- **Fair price for local renewable energy generation**; NAGA is proactively engaged in discussions with the Victorian Government and the Essential Services Commission advocating for an increase to the value received by local renewable energy generators (i.e. solar feed in tariffs). A review is currently underway and formal consultation has now commenced.
- **Local Government Act;** A substantial review of the Local Government Act is currently underway, and NAGA is advocating to accelerate legislative changes to the special rates charge. These changes will help councils offer low interest finance to households receiving rates rebates for energy improvements such as solar PV and energy efficiency (such as the Darebin Solar Savers program).
- **Plan Melbourne refresh;** NAGA has been advocating for changes to the Plan Melbourne submission to strengthen consideration of climate change and ensure stronger sustainability principles in the Victorian planning system.
- Changes to the **Victorian Energy Efficiency Target** scheme, incorporating project-based assessments.
- **Electricity Network Tariff reform;** NAGA has been meeting with electricity network businesses to discuss the new cost reflective tariffs being proposed. Our key messages have been to ensure no negative impacts on low income and solar households.
- **Community Energy;** NAGA working closely with the Victorian Community Solar Alliance has recently successfully advocated for changes to the Victorian energy licensing framework to remove barriers to community energy projects.

NAGA also represented its members at an end of year climate leadership summit with the Environment Minister, Lisa Neville.

NAGA is also exploring a project using behavioural economics to overcome the split incentive in the landlord-tenant relationship. Project is under development with RMIT

and Central Queensland University.

Projects

Regional Building Vulnerability Assessment

NAGA has recently worked with the Eastern Alliance for Greenhouse Action and ARUP to deliver tailored training sessions to council facility and asset managers to consider climate change asset vulnerabilities within their capital expenditure plans and rate capping variations. This was identified as a priority action in the regional *Adaptation in the North* project that NAGA recently completed and the training included case studies from City of Whitehorse and a presentation from the Essential Services Commission on the Rate Capping and Variation Framework

Solar Rates

NAGA is also working closely with EAGA to develop a business case for financing solar for low income households. The business case seeks to replicate the success of the City of Darebin's Solar Savers model and test different financing approaches to deliver solar to low income vulnerable households at scale. Should the business case prove successful, the subsequent delivery of the project will drive investment within Victoria's regions and support jobs within local renewable energy providers and related service providers.

Municipal Energy Profiles

NAGA is continuing to negotiate with electricity and gas network companies to obtain energy consumption data for 2013-2015, in order to develop up to date Municipal Energy Profiles. NAGA has been developing these profiles for eight years and they help councils improve greenhouse gas reporting and gain a better understanding of the factors influencing changes in energy consumption in their communities.

COUNCIL RESOLUTION

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

That the Delegates' report be noted.

CARRIED

9.2 Metropolitan Transport Forum

Councillor Fristacky gave a verbal report on the following:

The monthly Metropolitan Transport Forum will be held on Wednesday 3 March 2016, the March meeting is the MTF meeting that elects the office holders of the Metropolitan Transport Forum.

The following people were elected:

(a) Councillor Tom Melican of the City of Banyule was re-elected as Chair;

(b) Councillor Martin Zakharov of the City of Maribyrnong as deputy Chair;

(c) Myself as Treasurer; and

(d) Mr Paul Hamilton of the City of Casey as Secretary.

COUNCIL RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Jolly

That the Delegates' report be noted.

CARRIED UNANIMOUSLY

9.3 Yarra Libraries Advisory Committee Meeting

Councillor Roberto Colanzi reported the following:

On Thursday 11 February, 2016 I chaired the first meeting of the Libraries Advisory Committee for the year, held at the Carlton Library.

The committee received the following reports and addressed the matters as listed below:

1. Progress with the development of Yarra's 2016-2020 Arts and Cultural Strategy
2. The Libraries Opening Hours Review 2016
3. Update on the Customer Self Service system
4. Results of the Libraries Mid-Year Review
5. The Richmond Library Refurbishment and receipt of the State Government Living Libraries Grant, and
6. Quarterly Overview of Yarra Libraries Community Learning & Partnerships

The next meeting of the Committee is set for Thursday 12 May 2016, at the Collingwood Library Meeting Room.

COUNCIL RESOLUTION

Moved: Councillor Colanzi **Seconded:** Councillor Fristacky

That the Delegates' report be noted.

CARRIED

10. Questions without notice

10.1 Councillor Stone - Air-conditioning Unit

Question:

It has now been two years since we received complaints about the impact of the air-conditioning units behind the FoodWorks store in Brunswick Street impacting on children and playgroups in the Connie Benn Centre, and despite many actions taken by Council nothing seems to have happened.
Is there an update on that so the children can use the playground area?

Response:

The Director Community Wellbeing advised he has had correspondence with the

Department of Health and Human Services this week on the matter. A planning permit has been submitted. The Minister for DELWP (Department of Environment, Land, Water and Planning) is the responsible authority for that facility and they have submitted their detailed design for a planning permit in the last week. Once they receive the planning permit they will go to tender for the works.

10.2 Councillor Jolly - Half Closure of Clarke Street

Question:

Langridge Ward Councillors have received a complaint by an irate resident in relation to the half closure on Clarke Street being ignored by cars driving south on Johnston Street and are requesting that it be taken away and replaced with a blockage at the east end of Yarra and Abbotsford Streets. That Abbotsford Street and Yarra Street be closed and the U-Turn facility for cars be placed at the bottom of Clarke Street.

What are the options or officers view on the cars not adhering to the half closure and the possibility of closing those streets?

Response:

The Director City Works and Assets advised he would advise officers to investigate the matter and would provide Councillors with a response on the officer's feedback.

10.3 Councillor Jolly - Snakes in Clifton Hill

Question:

Residents in East Clifton Hill are complaining that there are a lot of snakes, in particular tiger snakes that are likely coming across the esplanade from the river into their homes. There have been a few incidents where in recent weeks residents have had to call a private snake catcher that charge around $160.

I believe some Councils have this service but we don't. If Council was to have this service, can you explain whether this would be through the budget process, through resolution of Council or through a report from officers in due course because this is a concern of families with young children?

Response:

The Group Manager Chief Executive's Officer advised that this has been raised with officers, the officers are not trained and most Council officers wouldn't be trained. There are trained snake catchers available but they are not involved with Council. Most of the snake catchers would charge a fee for the removal of a snake. I have used their services before and the fee varies between $50 and $100 to remove a snake. Council officers are not trained and would be very reluctant in participating in the training.

If Council wanted this service they would need to engage with a professional snake catcher and that may be to employ someone or contract someone who was a qualified snake catcher.

10.4 Councillor Coleman - Weeding Program Using RoundUp

Question:

What proportion of Yarra's weeding program uses the chemical glyphosate, commonly known as RoundUp?

Whether Yarra has reviewed its level of usage since the WHO agency for cancer research upgraded its risk assessment of Roundup, from possibly being carcinogenic to humans, to probably being carcinogenic to humans?

Response:

The Director Planning and Place Making advised weed control occurs in the open space maintenance program and also in the clean-up program for cleaning lanes. Council has been trying the steaming method for weeding and received praise for that and certainly it is a matter that Council is investigating further. Where possible it's used, there are protocols around that. I can provide further details to Councillors via email, but certainly one of Councils innovative programs. At this stage the majority of Councils weeding program does use RoundUp with the steaming method being used where appropriate.

10.5 Councillor Vlahogiannis - Swan Street Footpath Decals

Question:

I have recently seen decals on Swan Street from businesses such as concert/music festival promoters.

Can you advise whether they are required to obtain a permit for such decals and whether any fines have been imposed or, as a minimum, cost recovery for removal?

Response:

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

11.1 Amendment C197 - Yarra Planning Scheme - rezoning of areas previously proposed for the Residential Growth Zone

Trim Record Number: D16/208
Responsible Officer: Director Planning and Place Making

The CEO and Cr Huggins left the meeting due to a conflict of interest at 7.50pm.

RECOMMENDATION

1. That Council, having considered the submissions received in relation to Yarra Planning Scheme Amendment C197 in accordance with Section 22 of the Planning and Environment Act 1987 (the Act), split the Amendment into two parts as follows:
   (a) Part 1 would include the following areas:
      (i) 310-364 Nicholson Street, Fitzroy;
      (ii) 104-248 Queens Parade, Fitzroy North;
      (iii) 43-61 Queens Parade, Clifton Hill;
      (iv) 406 Wellington Street & 56-100 Alexandra Parade, Clifton Hill;
      (v) 199-327 Punt Road, Richmond; and
      (vi) 244-342 (west side) & 187-367 (east side) Burnley Street, Richmond (excluding those areas in the Neighbourhood Residential Zone, Schedule 1); and
   (b) Part 2 would include the following areas:
      (i) 10-84 Alexandra Parade, Fitzroy;
      (ii) 95-187 Hoddle Street, Richmond; and
      (iii) 47 Murphy Street, 158-160 Kent Street, 177-179 Somerset Street, 86-134 (west side) & 97-115 (east side) Burnley Street, Richmond (north of Bridge Road).
2. That Council note that no submissions opposed to the Amendment have been received in relation to all the properties noted in 1 (a) above, and that therefore Council may adopt the amendments in relation to those properties.
3. That Council abandon the proposed Amendment as it relates to 892-900 Nicholson Street, & 3-9 Miller Street, Fitzroy North.
4. That Council abandon the proposed amendment as it relates to 1 South Terrace and 160 Gold Street, Clifton Hill;
5. That Council adopt Part 1 of Amendment C197 and submit it to the Minister for Planning for approval in accordance with Section 31 of the Act, and
6. That Council request the Minister for Planning appoint a panel to consider the submissions received for Part 2 of Amendment C197, in accordance with Section 23 of the Act.

Public Submissions:

The following people addressed Council on this matter:

Mr Jay Hollerich – Town Planning Pty Ltd on behalf of Brotherhood of St Laurence;

Mr Vito Ceniti - Professional Planning on behalf of residents of 109 Nicholson Street;

Mr Tim McBride-Burgess – Contour Town Planners on behalf of residents of 896 Nicholson Street; and

Mr Geoffrey Warren – Principal of Clifton Hill Primary School.

COUNCIL RESOLUTION

Moved: Councillor Barbour **Seconded:** Councillor Stone

1. That Council, having considered the submissions received in relation to Yarra Planning Scheme Amendment C197 in accordance with Section 22 of the Planning and Environment Act 1987 (the Act), split the Amendment into two parts as follows:
   (a) Part 1 would include the following areas:
      (i) 310-364 Nicholson Street, Fitzroy;
      (ii) 104-248 Queens Parade, Fitzroy North;
      (iii) 43-61 Queens Parade, Clifton Hill;
      (iv) 406 Wellington Street & 56-100 Alexandra Parade, Clifton Hill;
      (v) 199-327 Punt Road, Richmond; and
      (vi) 244-342 (west side) & 187-367 (east side) Burnley Street, Richmond (excluding those areas in the Neighbourhood Residential Zone, Schedule 1); and
   (b) Part 2 would include the following areas:
      (i) 10-84 Alexandra Parade, Fitzroy;
      (ii) 95-187 Hoddle Street, Richmond; and
      (iii) 47 Murphy Street, 158-160 Kent Street, 177-179 Somerset Street, 86-134 (west side) & 97-115 (east side) Burnley Street, Richmond (north of Bridge Road).
2. That Council note that no submissions opposed to the Amendment have been received in relation to all the properties noted in 1 (a) above, and that therefore Council may adopt the amendments in relation to those properties.
3. That Council abandon the proposed Amendment as it relates to 892-900 Nicholson Street, & 3-9 Miller Street, Fitzroy North.
4. That Council abandon the proposed amendment as it relates to 1 South Terrace and 160 Gold Street, Clifton Hill;
5. That Council adopt Part 1 of Amendment C197 and submit it to the Minister for Planning for approval in accordance with Section 31 of the Act, and
6. That Council request the Minister for Planning appoint a panel to consider the submissions received for Part 2 of Amendment C197, in accordance with Section 23 of the Act.

CARRIED UNANIMOUSLY

The CEO and Cr Huggins returned to the meeting at 8.26pm.

11.2 Amendment C198 - Heritage Overlays in Collingwood and Abbotsford - Consideration of Submissions

Trim Record Number: D16/5999
Responsible Officer: Coordinator Strategic Planning

RECOMMENDATION

1. That Council, having considered the submissions received in relation to Amendment C198 to the Yarra Planning Scheme, in accordance with Section 22 of the Planning and Environment Act 1987 (the Act):
   (a) modify Clause 43.01s (the schedule to the Heritage Overlay) and Appendix 8 (incorporated document) to make the following changes:
      (i) remove the property at 30 Mater Street, Collingwood; and
      (ii) re-classify the carpark associated with 114-118 Campbell Street Collingwood as *not-contributory; and*
   (b) subject to the above changes, request that the Minister for Planning appoints a panel to consider the submissions received for Amendment C198 in accordance with Section 23 of the Act;
   (c) amend the exhibited Heritage Overlay map to exclude the property at 30 Mater Street, Collingwood; and
   (d) advise the property owners and submitters of 30 Mater Street and 114-118 Campbell Street Collingwood of the changes to the amendment.

Public Submission:

Mr Victor Chow of 114 Campbell Street, Collingwood addressed Council on this matter (tabled submission).

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Barbour

1. That Council, having considered the submissions received in relation to Amendment C198 to the Yarra Planning Scheme, in accordance with Section 22 of the Planning and Environment Act 1987 (the Act):
   (a) modify Clause 43.01s (the schedule to the Heritage Overlay) and Appendix 8 (incorporated document) to make the following changes:
      (i) remove the property at 30 Mater Street, Collingwood; and
      (ii) re-classify the carpark associated with 114-118 Campbell Street Collingwood as *not-contributory; and*
   (b) subject to the above changes, request that the Minister for Planning appoints a panel to consider the submissions received for Amendment C198 in accordance with Section 23 of the Act;
   (c) amend the exhibited Heritage Overlay map to exclude the property at 30 Mater Street, Collingwood; and
   (d) advise the property owners and submitters of 30 Mater Street and 114-118 Campbell Street Collingwood of the changes to the amendment.

CARRIED UNANIMOUSLY

11.3 Consideration of Community Consultation Feedback for New Play Equipment in South Collingwood

Trim Record Number: D15/168000
Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
   (a) notes the Officer report regarding the surveys of the community in relation to play equipment in Collingwood parks;
   (b) notes the options outlined in the Officer report;
   (c) notes the outcomes of the local consultation on new play equipment identified Cambridge Street Reserve as the preferred location for a new double swing; and
   (d) authorise Officers to install a new double swing in Cambridge Street Reserve in 2015/16; and
   (e) write to submitters advising of the Council decision.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Barbour

1. That Council:
   (a) notes the Officer report regarding the surveys of the community in relation to play equipment in Collingwood parks;
   (b) notes the options outlined in the Officer report;
   (c) notes the outcomes of the local consultation on new play equipment identified Cambridge Street Reserve as the preferred location for a new double swing; and
   (d) authorise Officers to install a new double swing in Cambridge Street Reserve in 2015/16; and
   (e) write to submitters advising of the Council decision.

CARRIED UNANIMOUSLY

11.4 Proposed Discontinuance of Road abutting 138-144 Garton Street, Princes Hill.

Trim Record Number: D16/1007
Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
   (a) resolves that the required statutory procedures be commenced to discontinue the road abutting 138-144 Garton Street, Princes Hill, which is shown marked Lots 1, 2, and 3 on the title plan attached as Attachment 1 to the report (**Road**);
   (b) 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 the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
   (d) authorises Bill Graham Valuations Co-ordinator 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.
2. Further, should no submissions be received, Council:
   (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A, and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road;
   (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
   (c) directs that, once discontinued, the Road be transferred to the adjoining owners for no less than the market value plus (GST) as determined by the Act; and
   (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners.

COUNCIL RESOLUTION

Moved: Councillor Huggins **Seconded:** Councillor Fristacky

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
   (a) resolves that the required statutory procedures be commenced to discontinue the road abutting 138-144 Garton Street, Princes Hill, which is shown marked Lots 1, 2, and 3 on the title plan attached as Attachment 1 to the report (**Road**);
   (b) 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 the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
   (d) authorises Bill Graham Valuations Co-ordinator 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.

2. Further, should no submissions be received, Council:

   (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A, and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road;

   (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;

   (c) directs that, once discontinued, the Road be transferred to the adjoining owners for no less than the market value plus (GST) as determined by the Act; and

   (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners.

CARRIED UNANIMOUSLY

11.5 Proposed Discontinuance of Road abutting 24 Risley Street, Richmond

Trim Record Number: D16/1005
Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**) :
   (a) Resolves that the required statutory procedures be commenced to discontinue the road abutting 24 Ridley Street, Richmond which is shown marked 'Lot 1" on the title plan attached as Attachment 1 to the report (**Road**);
   (b) 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 the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value plus GST as determined by the Act; and
   (d) Authorises Bill Graham Valuations Co-ordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 or the Act in relation to this matter.
2. Further, should no submissions be received, Council:
   (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
   (b) directs that a notice pursuant to the provisions of clause 3(a) of schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
   (c) directs that, once discontinued, the Road be transferred to Hallmarc Projects Pty Ltd ACN 168 946 003 (**Owner**) for no less than the market value plus GST, as determined by the Act; and
   (d) directs that the CEO sign any transfer or transfers of the Road and any other documents to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner.

COUNCIL RESOLUTION

Moved: Councillor Huggins **Seconded:** Councillor Fristacky

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**) :
   (a) Resolves that the required statutory procedures be commenced to discontinue the road abutting 24 Ridley Street, Richmond which is shown marked 'Lot 1" on the title plan attached as Attachment 1 to the report (**Road**);
   (b) 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 the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value plus GST as determined by the Act; and

(d) Authorises Bill Graham Valuations Co-ordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 or the Act in relation to this matter.

2. Further, should no submissions be received, Council:

(a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;

(b) directs that a notice pursuant to the provisions of clause 3(a) of schedule 10 of the Act is to be published in the *Victoria Government Gazette*;

(c) directs that, once discontinued, the Road be transferred to Hallmarc Projects Pty Ltd ACN 168 946 003 (**Owner**) for no less than the market value plus GST, as determined by the Act; and

(d) directs that the CEO sign any transfer or transfers of the Road and any other documents to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner.

CARRIED UNANIMOUSLY

11.6 Aboriginal Partnerships Plan 2015-2018 Year One Report

Trim Record Number: D15/145737
Responsible Officer: Community Partnerships Unit Manager

RECOMMENDATION

1. That Council:
   (a) notes the first year report on the implementation of the actions contained within year one of the Aboriginal Partnership Plan 2015-2018; and
   (b) endorses the second year action plan for the Aboriginal Partnership Plan 2015-2018.

Councillor Coleman left the meeting at 10.07pm

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Vlahogiannis

1. That Council:
   (a) notes the first year report on the implementation of the actions contained within year one of the Aboriginal Partnership Plan 2015-2018; and
   (b) endorses the second year action plan for the Aboriginal Partnership Plan 2015-2018:
      (i) *with the inclusion of a new Action 11*; ensure induction for new Councillors after the 2016 election includes cultural awareness training and meetings with traditional owners.

CARRIED UNANIMOUSLY

11.7 Grant Approvals for the Yarra Room to Create Charitable Fund

Trim Record Number: D16/3223
Responsible Officer: Director Community Wellbeing

Councillor Barbour left the meeting due to a conflict of interest at 10.18pm

RECOMMENDATION

1. That Council:
   (a) endorse the recommendations made by the Room to Create Panel for the first Room to Create Grants round; and
   (b) delegate authority to the Room to Create Panel to determine and retrospectively report to Council the process and recipients for expenditure of the annual interest accrued on the Room to Create Fund account.

COUNCIL RESOLUTION

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

1. That Council:
   (a) endorse the recommendations made by the Room to Create Panel for the first Room to Create Grants round; and
   (b) delegate authority to the Room to Create Panel to determine and retrospectively report to Council the process and recipients for expenditure of the annual interest accrued on the Room to Create Fund account.

CARRIED UNANIMOUSLY

Councillor Barbour returned to the meeting 10.35pm.

11.8 Multicultural Partnerships Plan 2015-2018 Year One Report

Trim Record Number: D16/7282
Responsible Officer: Community Partnerships Unit Manager

RECOMMENDATION

1. That Council:
   (a) notes the progress report detailing the first year implementation of the Multicultural Partnerships Plan 2015-2018; and
   (b) endorses the actions proposed for the second year of the Multicultural Partnerships Plan 2015-2018, taking place in 2016.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis **Seconded:** Councillor Fristacky

1. That Council:
   (a) notes the progress report detailing the first year implementation of the Multicultural Partnerships Plan 2015-2018; and
   (b) endorses the actions proposed for the second year of the Multicultural Partnerships Plan 2015-2018, taking place in 2016.

CARRIED UNANIMOUSLY

11.9 2015/16 Annual Plan Quarterly Progress Report - December 2015

Trim Record Number: D16/1691
Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

That Council note the 2015/16 Annual Plan Quarterly Progress Report – December.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis **Seconded:** Councillor Stone

That Council note the 2015/16 Annual Plan Quarterly Progress Report – December.

CARRIED UNANIMOUSLY

11.10 Quarterly Financial Report as at 31 December 2015

Trim Record Number: D16/10182
Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council:
   (a) notes the Yarra City Council financial report for the period ending 31 December 2015 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act* 1989; and
   (b) approves the revised forecasts contained therein.

COUNCIL RESOLUTION

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

1. That Council:
   (a) notes the Yarra City Council financial report for the period ending 31 December 2015 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act* 1989; and
   (b) approves the revised forecasts contained therein.

CARRIED

11.11 Creation of a new park on the corner of Charles and Mollison Streets, Abbotsford

Trim Record Number: D16/626
Responsible Officer: Director Planning and Place Making

1. That Council:
   (a) notes the officer report regarding the outcomes of community consultation in relation to the trial pocket park on Mollison Street at the corner of Charles Street, Abbotsford, and the opportunity for the creation of a permanent new open space;
   (b) notes the options outlined in the officer report;
   (c) authorises officers to prepare a concept design for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford;
   (d) authorises officers to consult with the local community on a concept plan for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford;
   (e) requests a written update from officers on the outcome of the local consultation;
   (f) notes that funding is available in the 2015/2016 capital works budget for the preparation of a concept plan for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford (including community consultation on the concept plan); and
   (g) refer the matter of a capital budget for construction of a permanent park to the 16/17 budget process for consideration.

Public Submissions:

The following people addressed Council on this matter:

Ms Lisa Wong; and

Ms Virgina Dods, President of Collingwood and Abbotsford Residents Association.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Barbour

1. That Council:
   (a) notes the officer report regarding the outcomes of community consultation in relation to the trial pocket park on Mollison Street at the corner of Charles Street, Abbotsford, and the opportunity for the creation of a permanent new open space;
   (b) notes the options outlined in the officer report;
   (c) authorises officers to prepare a concept design for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford;
   (d) authorises officers to consult with the local community on a concept plan for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford;
   (e) requests a written update from officers on the outcome of the local consultation;
   (f) notes that funding is available in the 2015/2016 capital works budget for the preparation of a concept plan for a permanent pocket park on Mollison Street, at the corner of Charles Street, Abbotsford (including community consultation on the concept plan); and

(g) refer the matter of a capital budget for construction of a permanent park to the 16/17 budget process for consideration.

CARRIED UNANIMOUSLY

Councillor Gaylard left the meeting at 8.52pm

Councillor Gaylard returned to the meeting at 8.54pm

Councillor Jolly left the meeting at 8.52pm

Councillor Jolly returned to the meeting at 8.56pm

11.12 Development Pressures - Yarra Planning Scheme

Trim Record Number: D15/122448
Responsible Officer: Director Planning and Place Making

Councillor Coleman left the meeting at 9.06 pm

Councillor Coleman returned to the meeting at 9.11pm

RECOMMENDATION

1. That Council:
   (a) note the report from the Director, Planning and Place Making in response to the questions raised by Council in relation to possible planning strategies for better managing development pressure in the City of Yarra;
   (b) note that the *Yarra Planning Scheme* re-write project is currently underway, and will also provide provisions relating to how to respond to development pressures in Yarra;
   (c) note the benefits of structure plans that are adopted and embedded into planning scheme provisions for statutory planning assessments and also that they are useful in informing Council capital works programs;
   (d) note that Structure Plans need to conform to the Practice Notes issued by the State Government, both in form and content, and that structure plans need to express consistency with State Government planning objectives;
   (e) note the commentary around the structure plans completed to date in the municipality;
   (f) note the nature of a structure plan and the time in which it normally takes to have a structure plan adopted by Council due to the complexity of many interrelated issues in inner city areas, and the level of community engagement undertaken prior to adoption;
   (g) note that for maximum benefit, structure plans need to be integrated into the Yarra Planning Scheme provisions in order to best influence statutory planning decisions both at Council and at VCAT;
   (h) note that to incorporate an adopted structure plan into planning scheme provisions for the Yarra Planning Scheme, the Minister for Planning must first 'authorise' a planning scheme amendment being put on exhibition to the community and further, that an independent panel from Panel Victoria would review the proposed amendment with rigour and report back to the Council with recommendations;
   (i) note that the Yarra Planning Scheme cannot be changed without the express written approval of the Minister for Planning;
   (j) note the options presented in the officers report including that of a Built Form Analysis approach of all major activity centres in order to seek development parameters in the Planning Scheme in a more timely manner than what has been possible by normal Structure Planning approaches; and
   (k) note that a preferred approach, in the context of the above, is to develop an Activity Centre Built Form Strategy that would then form a basis of pursuing Design and Development Overlays for the five major activity centres of the city.
2. That Council further note the other strategic planning initiatives currently being undertaken as part of the re-write of the *Yarra Planning Scheme* project.
3. That noting the above Council determine, that in lieu of a structure plan for Bridge Road, resolve to:
   (a) refer a Built Form Analysis Strategy bid to the 16/17 budget considerations as a specific means of developing planning scheme provisions relating to built form in order to better manage development outcomes; and also

(b) seek an interim report on the progress of a Bridge Road streetscape masterplan in August, 2016.

Public Submission

The following people address Council on the matter:

Mr Herschel Landes; and

Ms Margret O'Brien (emailed submission).

Councillor Jolly left the meeting at 9.47pm

Councillor Jolly returned to the meeting at 9.50pm

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis **Seconded:** Councillor Gaylard

1. That the item be deferred to the second meeting in March 2016 to seek further information.

CARRIED UNANIMOUSLY

11.13 State Government Chandler Highway widening Project- update

Trim Record Number: D16/16657
Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That officers' actions following the Council resolution of 2 February 2016 concerning the State Government's Chandler Highway widening project be noted.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Jolly

1. That officers' actions following the Council resolution of 2 February 2016 concerning the State Government's Chandler Highway widening project be noted.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No.2 of 2016 - Rescind Resolution re Traffic Treatments which may enhance the Safety of Cyclists

Trim Record Number: D16/14680
Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

That the resolution of Council carried at the Ordinary Meeting of 2 February 2016 and stating:

1. Council resolves to:
   (a) trial the use of sinusoidal road humps when the appropriate opportunity arises as part of Council's planned 2016/17 Road Renewal or LATM Capital Works program;
   (b) explore the potential for an area-wide 30kph trial and research study in the LATM 9 Rose precinct. Officers will undertake this action within the 2017/18 timeframe subject to:
      (i) VicRoads approval; and
      (ii) obtaining external funding; or
      (iii) in the event that external funding cannot be obtained, the $25,000 referred for consideration to the 2016/17 Council budget to fund the trial, is provided;
   (c) continue to trial varying types of 'psychological' traffic treatments through Council's future LATM Capital Works program and evaluate against traditional traffic treatments;
   (d) continue to advocate to State Government the important role that residential streets play in the cycling network and the importance of State funding being provided to improve bicycle facilities on local streets; and
   (e) continue to work with other Councils and VicRoads to improve bicycle infrastructure across municipal boundaries.
2. That officers consult with the Bicycle Advisory Committee, Bicycle Network Victoria, Disability Advisory Group and Active Aging Committee and report back to the second Council Meeting in March on further appropriate treatment works.
3. That consideration of traffic treatments that enhance the safety of cyclists be included in the future terms of reference for the forthcoming LATMS in Yarra';

be rescinded.

The motion lapsed due to no seconder.

13. Urgent Business

13.1 Punt Road Hoddle Street Corridor

Background:

Council at its meeting on 16 December 2008, resolved to request the Government to work with the City of Yarra on terms of reference for an integrated transport land use examination dealing with congestion on Hoddle Street in lieu of an engineering study on grade separations of the Street.

Council further resolved at its meeting on 15 December 2009, to write to the City of Melbourne seeking discussions on developing a joint vision for Hoddle Street based on principles of integrated land use and transport planning, liveability and sustainability and re-enforcing Inner Melbourne Action Plan, *IMAP Action 1.4, Boulevards and Major Roads: improving the quality and design of Hoddle Street*. The above actions requested have not progressed.

Council at a meeting on 10 November 2015 endorsed submissions to VicRoads' *Hoddle Street Streamlining Study*, supporting the improvement of public transport and facilities for pedestrian and cyclists as well as landscaping and public realm improvements. In conjunction with the Hoddle Street Streamlining Study, VicRoads also conducted investigations into the Public Acquisition Overlay (PAO) on Punt Road.

The Government on 31 January 2016 announced that it had decided to introduce clearways along Punt Road, to be implemented by mid-2016.

The Minister for Planning in 2015 established a *Punt Road PAO Advisory Committee Panel* to report and recommend on whether to modify or remove the PAO affecting Punt Road within the City of Stonnington. The Panel is tasked to consider submissions (closed 24 November 2015) and evidence at Panel hearings (commenced 9 February 2016) and to report on the matter to the Minister in April.

The City of Stonnington resolved at its 2 February 2016 meeting to present submissions to the Panel seeking removal of the PAO because of the adverse impacts of the widening of Punt road in exacerbating traffic volumes, impacts on heritage buildings, communities, and environmental and recreational linkages in the Yarra River environs.

It is proposed that Yarra Council seek input into the Panel process supporting its previous resolutions on the need for an integrated transport land use approach for the Punt Road Hoddle Corridor, advising that the additional traffic volumes resulting from such widening will exacerbate existing traffic congestion in inner Melbourne, and that the future of dealing with congestion on Hoddle Street/Punt Road lies in sustainable transport solutions including construction of Doncaster Rail.

COUNCIL RESOLUTION

Moved: Councillor Fristacky **Seconded**: Councillor Gaylard

1. That Council:

   (a) noting VicRoads' traffic data recorded a 17% reduction in traffic volume on Punt Road over the last decade, while modelling for VicRoads has nevertheless suggested a substantial increase in traffic volumes in the next decades, requests receipt of the traffic modelling undertaken, so as to inform input on options for the Punt Road Hoddle Street Corridor and to apply the Principle of Transparency set out in section 21 of the *Transport Integration Act* 2010;

   (b) considers that traffic capacity on the Corridor is limited by the capacity of intersections to handle greater traffic volumes, and that the proposed widening would increase traffic pressures at intersections along Punt Road Hoddle Street Corridor with adverse impacts on inner Melbourne and the City of Yarra;

   (c) considers that the future of the Punt Road Hoddle Street Corridor lies in practical options for improved mobility through integrated and sustainable transport options and in particular, given that around 50% of traffic on the Eastern Freeway turns into Hoddle Street, alleviation of congestion on that corridor lies in public transport network connections including construction of Doncaster Rail;

   (d) informs the Panel and Ministers for Planning and Roads of Council's views as above; and

   (e) receives a further report on the implications for Yarra of the proposed widening of the Punt Road Corridor and scope for input into the decision making process.

CARRIED

Councillor Vlahogiannis abstained

Conclusion

The meeting concluded at 10.49pm.

Confirmed Tuesday 8 March 2016

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Mayor