



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 21 February 2017 at 7.10pm  
Fitzroy 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.”*

*“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.”*

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

### Attendance

#### Councillors

- Cr Amanda Stone (Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

#### 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)
- Joanne Murdoch (Director - Advocacy and Engagement)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Fred Warner (Group Manager – People, Culture and Community)
- Rhys Thomas (Senior Governance Officer)

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

Nil

## 4. Confidential business reports

### Item

- 4.1 Personnel matters
- 4.2 Personnel matters
- 4.3 Contractual matters; AND 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 Fristacky

**Seconded:** Councillor Coleman

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) personnel matters;
  - (b) contractual matters; and
  - (c) 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 Fristacky

**Seconded:** Councillor Searle

That the amended minutes of the Ordinary Council Meeting held on Tuesday 7 February 2017 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Item		Page	Res. Page
6.1	Petition - Council's use of Roundup for Weed Control	6	6

## 7. Public question time

Item		Page
7.1	Ms Elizabeth Gomm - Local Area Traffic Management (LATM) Program	7
7.2	Ms Kerry Echberg of YCAN - Climate Emergency Declaration	7
7.3	Ms Margaret O'Brien - Homelessness	8
7.4	Mr Brian Joss - Security of Department of Housing Property	9
7.5	Mr Ian Wood - Proposed Yarra Planning Amendment C220	9

## 8. General business

Nil

## 9. Delegates' reports

Item		Page	Res. Page
9.1	Cr Fristacky - Bike Futures	11	12

## 10. Questions without notice

Nil

## 11. Council business reports

<b>Item</b>	<b>Page</b>	<b>Res. Page</b>
11.1 Consideration of a petition requesting that a BMX track be constructed in the City of Yarra	13	13
11.2 Options for Establishing a Waste and Recycling Advisory Committee	14	14
11.3 Waste and Environment Service Charge	15	16
11.4 Amendment C209 to the Yarra Planning Scheme - Revised Clause 22.09 Licensed Premises Policy - Consideration of Submissions Received	17	19
11.5 NDIS Transition Report	20	20
11.6 Yarra Youth Advisory Committee Membership	21	22
11.7 Compact Agreement between DET, DHHS and Local Government	23	23
11.8 Richmond and Collingwood Youth Program Grants 2017-2020 Recommendation Report	24	24
11.9 Family Violence Services and Hub Options in Yarra	25	25
11.10 Proposed discontinuance of Part of roads at rear of 1-3 Alexandra Parade, Collingwood	26	27
11.11 Quarterly Financial Report - December 2016	28	28
11.12 Annual Plan Quarterly Progress Report - December	29	29

## 12. Notices of motion

<b>Item</b>	<b>Page</b>	<b>Res. Page</b>
12.1 Notice of Motion No 4 of 2017 - Extension of Out-of-Home Care Age from 18 to 21	30	30

## 13. Urgent business

Nil

## 6. Petitions and joint letters

### 6.1 Petition - Council's use of Roundup for Weed Control

Reference: D17/25915

A petition containing 203 signatures petitioning the City of Yarra to stop using Roundup as a weed spray, particularly in environmentally sensitive areas.

Petitioners request that Council no longer use Roundup to control weeds and that Council either steam spray or manually remove weeds, particularly in areas of environmental sensitivity notably along the Merri Creek corridor and surrounding habitat and parks.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Nguyen

1. That the petition be received and referred to the appropriate officer for consideration.
2. That officers consult with concerned community members and the Urban Agriculture Advisory Committee, research laws and practices in France where many councils are working towards zero pesticides, and provide a report to Council detailing:
  - (a) findings from this consultation and research;
  - (b) the current use of round-up and other herbicides in Yarra City Council's weed-management;
  - (c) the public health and environmental effects of this practice; and
  - (d) alternative weed management options, their effectiveness and cost.

**CARRIED**

## 7. Public question time

### 7.1 Ms Elizabeth Gomm - Local Area Traffic Management (LATM) Program

Question:

As Councillors will be aware, in 2015 Council officers prepared a list of Priority Precincts for a 2016/2017 LATM program. Unfortunately, Council saw fit to not budget for the LATM program in that budget and so a vital year of improving local traffic management was lost to the ratepayers and residents of Yarra. Such a delay cannot be allowed to happen a second year in a row as it would risk exponential deterioration in traffic management within the municipality.

My question relates to the most recent LATM program, as prepared and presented by Yarra Officers to Council in December 2016.

When can we expect Council to implement the LATM program following its reinstatement into the 2017/18 Yarra budget?

Response:

*The Mayor responded that appropriate provision for the LATM process would be subject to a budget allocation and as such is still subject to budget consideration.*

*The Director City Works and Assets explained that LATM programs are subject to the annual budget process, and that the questioner is correct in noting that no budget allocation was made in the 2016/2017 year. He noted that despite this, funding for ongoing traffic improvements continued to be available through a number of other Council programs and that as a result, a range of priority projects have been progressed or completed during the current year.*

### 7.2 Ms Kerry Echberg of YCAN - Climate Emergency Declaration

Question:

First of all, on behalf of YCAN I'd like to thank and congratulate Council and Councillors for supporting the declaration. We know that Yarra has, for a long time, been committed to reducing emissions in the city, and has taken many important actions to achieve a sustainable Yarra. We also know that we have entered a new phase in the battle for our planet, with 2016 being the hottest year on record, after several of the previous year's having had that 'honour'.

So recognition of Climate Emergency is no longer enough: Councils, along with every level of government, must develop stronger policies and actions to attempt to deal with the problem and to protect the community, particularly its most vulnerable members, from the impacts already present. Each Council policy must be based on its effect on climate change.

My question is, how will you develop a climate emergency program based on the latest scientific research and with targets and budgets for reduction of greenhouse gas emissions, which will reduce exacerbation of the disaster and protects the municipality, for your term of office and into the future?

Response:

*The Chief Executive Officer took the question on notice and undertook to provide a further response to the resident. However, did advise that the issue is one that is being considered by Council and officers.*

### 7.3 Ms Margaret O'Brien - Homelessness

**Question:**

I ask two questions about Yarra's response to the homelessness problem that appears to be escalating in our city and including in City of Yarra.

Homelessness has become more visible over recent months in the CBD, and thus has assumed high political attention. We are all very aware of the publicity and highly controversial responses and statements made on this matter of enormous social concern. The City of Melbourne has a Homelessness Advisory Committee. Does Yarra have a similar Homelessness Advisory Committee to that of the City of Melbourne?

The Melbourne Council has provided a budget of \$2 million and State Government \$4 million. The Council has announced its draft by-laws on homelessness and these proposed by-laws are the subject of considerable debate; understandably so, because this is a problem that cuts to the heart of our civil society: It is a matter of huge public interest. I understand that there is a 28 day period for submissions. Yarra has a vested interest in being party to these discussions. Yarra's strength is its inclusiveness. This is a shared problem and therefore requires a shared solution.

Might I also ask if Yarra will consider making a submission to the Melbourne Council's by-laws proposal and also if Yarra will use its influence to get the building of a homelessness strategy as a priority onto the agenda of the Inner Melbourne Councils' Advisory Group?

**Response:**

*The Mayor advised that Council does not have a Homelessness Advisory Committee.*

*The Chief Executive Officer advised that the organisation has six staff working on homelessness issues, including a member of staff dedicated to working on homelessness in the municipality. There are also staff in the Social Policy area who work with the State Government on relevant policy, including advocacy and facilitation of improvements for homeless persons in Yarra.*

*It is a matter that is engaging the organisation, but it is a growing challenge for Council.*

*The Mayor also advised that Council is considering making a submission to the City of Melbourne in relation to their proposed local law changes, but that a formal decision had not yet been made.*

*A Homelessness Strategy is included in the Action Plan of the Inner Melbourne Action Plan Committee, and the Mayor undertook to raise it at the next meeting of the Committee on Friday 24 February 2017.*

*Cr Jolly noted that it has been reported in the newspaper that the City of Melbourne's Homelessness Committee had not been consulted in relation to the proposed changes, and that there is little point having such a committee if it is not consulted.*

*He further noted that the recent closure of a number of rooming houses had created additional pressure and has exacerbated homelessness in Melbourne and surrounding municipalities including Yarra.*

*Cr Chen Yi Mei noted that she will be moving a motion later in the meeting in relation to the need to extend the out-of-home care age from 18 until 21 years for young people who are unable to live with their families, as this is another element leading to increased homelessness.*

*Cr McEvoy replied that he intends to submit a Notice of Motion in relation to the City of Melbourne's local law amendments at the next Council meeting and that Council makes a submission that opposes those amendments.*

#### 7.4 Mr Brian Joss - Security of Department of Housing Property

Question:

I am a resident of the Department of Housing in Collingwood and having asked on several occasions for security locks to be placed on our building and getting the run around from the Department saying that they had no money to fit the locks. On many occasions we've had to call housing security or the Police about the drug use and unauthorised people in our building. We've made several calls to Richard Wynne MP without results, we'd like a resolution sort it out. We'd like Council to advocate on our behalf.

Response:

*The Chief Executive Officer advised that she is happy to discuss the matter with her contacts at the Department and advocate on Mr Joss's behalf.*

*Cr Jolly provided some further context to the question, and explained that Mr Joss is a resident of a Collingwood walk-up, and that while some of the neighbouring properties have security locks fitted, some do not, and therefore attract drug dealing and anti-social behaviour. Minister Foley has approved funding for the locks, but somehow the money has gone missing. Mr Wynne is supportive of the case, but a resolution has not yet been reached.*

#### 7.5 Mr Ian Wood - Proposed Yarra Planning Amendment C220

Question:

*As Mr Wood was not in attendance, the Group Manager, Chief Executive's Office read his question to the meeting.*

Can Council confirm that it discussed proposed Amendment C220 with the relevant state planning department regional office prior to applying for ministerial authorisation, and did the Minister respond to Council's request for authorisation of the amendment?

If the Minister responded, what was the response and on what date; and what (if any) conditions or further review did the Minister require? If the Minister did not respond, and given the clearly expressed desire by Councillors to proceed with the Amendment, why did Council not proceed to prepare the amendment without the Minister's authorisation once 10 business days from the Minister's receipt of Council's application had expired, as provided for under section 8A (7) of the Planning and Environment Act and in Ministerial Direction No.15?

Response:

*The Director Planning and Place Making advised that:*

- (a) *officers have regular discussions with the Department of Environment Land Water and Planning (DELWP) about the strategic planning work being undertaken in Yarra, including the Johnston Street Local Area Plan which informs Amendment C220;*

- (b) *In context of the above, there were no detailed pre-authorisation discussions with the DELWP; this occurred at the time of the authorisation request and continues to occur;*
- (c) *Council submitted the request to DELWP for authorisation on 18 May 2016;*
- (d) *Council received acknowledgement of receipt of the authorisation application on 27 May 2016;*
- (e) *The acknowledgement advised that the application requires further review by the Department and advised that a decision would be made as soon as possible following this review;*
- (f) *In further discussions with the Department and Minister's Office it would seem that the key issue with authorising the amendment is the mandatory controls being proposed by the Council;*
- (g) *Council has specifically included the mandatory controls to provide more certainty to the development outcomes based on a thorough urban design analysis. Council considers that it is appropriate for the amendment to be authorised, even if this is conditional, to enable the amendment to be exhibited and considered by the community;*
- (h) *At its meeting of 22 November 2016, Council also resolved that the Mayor write to the Minister seeking immediate authorisation to exhibit Amendment C220 in relation to the Johnston Street DDO (Design & Development Overlay) — that occurred and senior Yarra City Council staff continue to urge the senior DELWP staff to 'authorise' the Amendment for exhibition to enable community input;*
- (i) *Council cannot proceed with an amendment until it receives 'authorisation' from the Minister for Planning;*
- (j) *In this case 'authorisation' has not been provided as the Department is still reviewing the amendment due to concerns about the proposed use of mandatory height controls in this Amendment; and*
- (k) *The Minister, through the May 2016 letter extended the 10 day time frame for authorisation to allow for further consideration of the amendment, therefore the timeframes in Section 8A(7) do not apply.*

## **8. General business**

Nil

## 9. Delegates' reports

### 9.1 Cr Fristacky - Bike Futures

Councillor Fristacky reported the following:

Bike Futures 2017, was a one day conference held at St Kilda Town Hall, City of Port Phillip, organised by Bicycle Network. The event was attended by Councillors McEvoy and Fristacky and staff from Strategic Transport. Some 150 other delegates attended from around Australia, NZ and overseas, including LG managers and councillors from Metropolitan and regional cities, consultants, officers from Transport for Victoria, VicRoads and other government agencies.

**Key presentations at Bike Futures** included:

1. **Professor Chris Pettit**, Professor of Urban Science, University of NSW, reported 12 months of Melbourne cycling data in 2012 from Bicycle Network's Riderlog app. The data revealed a major gender divide with male cyclists dominating. Pettit's research was reported in the Age Friday 10 February. The data highlighted:
  - Fewer than 1 in 5 cyclists are female with an average female participation rate of just 18%. Safe and more comfortable routes attract 35%+ female riders.
  - Low cycling rate among young people with just 5% of riders aged under 25. Pettit suggested this related to the long-term decline in children cycling to school.
2. **Luke Donellan, Minister for Roads and Road Safety** identified a 45% increase in cycling from 2006 to 2011. He outlined the Government's support for cycling:
  - (a) establishing and funding Active Transport Victoria;
  - (b) establishing a Safer Cyclist and Pedestrian Fund;
  - (c) implementing the Victorian Cycling Strategy;
  - (d) action to renew the Melbourne Bike Share contract; and
  - (e) integrating cycling within major metro road projects: e.g. Swan Street Bridge, Chandler Highway upgrade; Darebin Creek Trail; Box Hill to Ringwood Bikeway; Mernda Rail bike link; Shepherd's Bridge over the Maribyrnong River.
3. **Toby Kent, Chief Resilience Officer, City of Melbourne**, presented on the Rockefeller Foundation resilient cities project. Kent identified cycling as the single most beneficial factor for resilience of cities. He highlighted how disruption can be used to change long term behaviour with the example of PWC when moving its offices, advised staff that car parking would be reduced to 3 spaces, but 600 bike racks were being provided to encourage staff to ride to work.
4. Other speakers and sessions including presentations on protected intersections, bike education, E-bikes, low stress cycling, car dooring, girls & women riding.

**Other linked events:**

Bike Futures was held to coincide with the Sustainable Living Festival (SLF) with the main SLF held at Federation Square 10-12 February 2017. The SLF included a major **Melbourne City Council Conversations, with Professor Rob Adams and Jan Gehl** on 9 February, hosted by the University of Melbourne at its School of Design.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor McEvoy

1. That Council:
  - (a) accept this delegates' report on the Bike Futures conference in Melbourne 12-14 October;
  - (b) note the concurrent Sustainable Living Festival; and
  - (c) note the need to expand on-street bicycle parking, encourage ride to school programs and better cycling infrastructure to improve the gender and age balance in cycling.

**CARRIED**

**10. Questions without notice**

Nil

---

**11.1 Consideration of a petition requesting that a BMX track be constructed in the City of Yarra**

---

Trim Record Number: D16/185196

Responsible Officer: Director Planning and Place Making

[Help](#)

**RECOMMENDATION**

1. That Council:
  - (a) notes the petition and acknowledges the lack of BMX race tracks within inner Melbourne;
  - (b) notes that Council's parks and sporting facilities are well used and, in many instances, are at capacity and that without displacing another user group, it is not possible to construct a BMX race track in the City of Yarra; and
  - (c) authorises the Director, Planning and Place Making to write to the lead petitioner thanking them for their suggestions and advising them that Council cannot accommodate a BMX race track in the City of Yarra.

Public Submissions

*The following people addressed Council on the matter:*

*Casper;*

*Ms Kelly Reid; and*

*Mr Troy Parsons.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Bosler

1. That Council:
  - (a) notes the petition and acknowledges the lack of BMX race tracks within inner Melbourne;
  - (b) notes that Council's parks and sporting facilities are well used and, in many instances, are at capacity and that without displacing another user group, it is not possible to construct a BMX race track in the City of Yarra; and
  - (c) authorises the Director, Planning and Place Making to write to the lead petitioner thanking them for their suggestions and advising them that Council cannot accommodate a BMX race track in the City of Yarra; and
  - (d) authorise the CEO to advocate to the local member for Richmond and relevant state authorities for a BMX track on the VicTrack land next to Victoria Park Station in lieu of its use for a connection for the Doncaster Rail Link.

**CARRIED**

---

## 11.2 Options for Establishing a Waste and Recycling Advisory Committee

---

Trim Record Number: D17/18633

Responsible Officer: Director Planning and Place Making

[Help](#)

### RECOMMENDATION

1. That the officer's report on the appropriateness of a Waste and Recycling Advisory Committee be noted.
2. That the attached draft Terms of Reference for the Waste and Recycling Advisory Committee be adopted.
3. That Councillor/s ..... and .....be appointed as delegates to the Waste and Recycling Advisory Committee.
4. That Council authorise officers to commence an expression of interest process for the appointment of committee members in accordance with the attached Terms of Reference.
5. That a further report be prepared for Council to consider the appointment of committee members on completion of the EOI process.

### Public Submission

*Ms Carole Wilkinson – YCAN addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor McEvoy

**Seconded:** Councillor Bosler

1. That the officer's report on the appropriateness of a Waste and Recycling Advisory Committee be noted.
2. That Council endorse an additional Option D that is:  
Option D: Establish a Waste and Recycling Working Group as a subcommittee of the existing Environment Advisory Committee:
  - (a) adoption of a new Terms of Reference for the Working Group;
  - (b) recruitment of potential additional committee members through EOI process; and
  - (c) appointment of committee members as determined by Council.

**CARRIED UNANIMOUSLY**

---

**11.3 Waste and Environment Service Charge**

---

Trim Record Number: D17/18631

Responsible Officer: Strategic Transport Coordinator

[Help](#)

**RECOMMENDATION**

1. That the draft 2017/18 budget be prepared on the basis of separate waste and environmental service charges on the following principles:
  - (a) The waste service charge model allow that:
    - (i) all single dwellings be charged a flat waste service charge with no opt out possible;
    - (ii) Multiple Unit Developments (MUD's) be charged a flat rate waste service charge per dwelling. Individual apartments within a currently serviced MUD would not be able to opt out; however developments which currently have private service providers would not be charged; and
    - (iii) optional waste services be provided to commercial premises on a commercial rate, and charged according to bin sizes requested (current estimate of commercial property waste fees, subject to verification: 80L \$220 +GST, 120L \$400 + GST, 240L \$800 +GST); and
  - (b) The environment service charge model provide that:
    - (i) the environment service charge be scaled based on NAV of properties: i.e. lower value properties would have a lower environmental charge; higher value properties would have a proportionately higher charge;
    - (ii) the environment service charge would be weighted approximately 2:1 for non-residential properties: residential properties; and
    - (iii) that the environment service charge be applied to non-rateable properties on the same basis as non-residential properties; and
  - (c) A review be undertaken of the pensioner rebate to provide a more equitable rate outcome for pensioners, to minimise the impact of any potential increase in pensioner rates as a consequence of the introduction of the proposed waste and environmental service charges.
2. That officers undertake community consultation on the proposed introduction of separate waste and environmental charges in conjunction with the required 28 days public exhibition of the draft 2017/18 budget.
3. That officers develop a draft policy defining what services are included in each proposed service charge and that consultation on this draft policy occur in conjunction with the draft 2017/18 budget.

## COUNCIL RESOLUTION

**Moved:** Councillor Searle

**Seconded:** Councillor Chen Yi Mei

1. That the draft 2017/18 budget be prepared on the basis of separate waste and environmental service charges on the following principles:
  - (a) The waste service charge model allow that:
    - (i) all single dwellings be charged a flat waste service charge with no opt out possible;
    - (ii) Multiple Unit Developments (MUD's) be charged a flat rate waste service charge per dwelling. Individual apartments within a currently serviced MUD would not be able to opt out; however developments which currently have private service providers would not be charged; and
    - (iii) optional waste services be provided to commercial premises on a commercial rate, and charged according to bin sizes requested (current estimate of commercial property waste fees, subject to verification: 80L \$220 +GST, 120L \$400 + GST, 240L \$800 +GST); and
  - (b) The environment service charge model provide that:
    - (i) the environment service charge be scaled based on NAV of properties: i.e. lower value properties would have a lower environmental charge; higher value properties would have a proportionately higher charge;
    - (ii) the environment service charge would be weighted approximately 2:1 for non-residential properties: residential properties; and
    - (iii) that the environment service charge be applied to non-rateable properties on the same basis as non-residential properties; and
  - (c) A review be undertaken of the pensioner rebate to provide a more equitable rate outcome for pensioners, to minimise the impact of any potential increase in pensioner rates as a consequence of the introduction of the proposed waste and environmental service charges.
2. That officers undertake community consultation on the proposed introduction of separate waste and environmental charges in conjunction with the required 28 days public exhibition of the draft 2017/18 budget.
3. That officers develop a draft policy defining what services are included in each proposed service charge and what names should be given to these charges and that consultation on this draft policy occur in conjunction with the draft 2017/18 budget.

**CARRIED**

## CALL FOR A DIVISION

**For:** Councillors Fristacky, Stone, Chen Yi Mei, McEvoy, Searle and Bosler

**Against:** Councillor Jolly

**Abstained:** Councillors Coleman and Councillor Nguyen

---

## 11.4 Amendment C209 to the Yarra Planning Scheme - Revised Clause 22.09 Licensed Premises Policy - Consideration of Submissions Received

---

Trim Record Number: D16/179350

Responsible Officer: Coordinator Social Policy and Research

[Help](#)

### RECOMMENDATION

1. That Council:
  - (a) note the officer report in relation to a proposed revised clause in the Yarra Planning Scheme regarding Liquor Licenced Premises;
  - (b) note the submission received in relation to Amendment C209, as outlined in **Attachment 2**;
  - (c) having considered the submissions received, in accordance with Section 22 of the *Planning and Environment Act 1987*:
    - (i) request the Minister for Planning to appoint a panel to consider the submissions in accordance with Section 23 of the *Planning and Environment Act 1987*, and
    - (ii) authorise Council officers to make the changes to the amendment (including the policy and background documentation as required) as outlined in **Attachment 2** and **Attachment 3**.

#### Public Submissions

*The following people addressed Council on the matter:*

*Ms Sivy Orr;*

*Ms Saul Siritzky- Urbis;*

*Ms Anna Wolf; and*

*Mr Con Karidis.*

### MOTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note the officer report in relation to a proposed revised clause in the Yarra Planning Scheme regarding Liquor Licenced Premises;
  - (b) note the submission received in relation to Amendment C209, as outlined in **Attachment 2**;
  - (c) having considered the submissions received, in accordance with Section 22 of the *Planning and Environment Act 1987*:
    - (i) request the Minister for Planning to appoint a panel to consider the submissions in accordance with Section 23 of the *Planning and Environment Act 1987*; and
    - (ii) authorise Council officers to make the changes to the amendment (including the policy and background documentation as required) as outlined in Attachment 2 and Attachment 3, as further amended to take into account the many submissions received expressing concerns over the proposed deletion to the existing provisions that "New licensed premises should be located such that they are not in ... Mixed Use zones";
    - (iii) the proposed retention of the existing discretionary provisions on mixed use zones as well as residential zones has regard to the following:

- a. Yarra's Mixed Use Zones are essentially residential zones, with many mixed use zoned properties located outside activity centres and in residential streets and neighbourhoods;
- b. under existing planning provisions, the number of licensed premises in Yarra has increased significantly from some 500 to 700 premises;
- c. Yarra has the highest number of licensed premises per head of population of any other municipality in Melbourne outside the CBD;
- d. Yarra's Municipal Health Plan has as a key plank, dealing with harms caused by alcohol and too easy access to alcohol;
- e. related to the above is the problem of alcohol induced violence and in particular, family violence;
- f. the need to better manage the location of licensed premises in the interests of public health and safety, and residential amenity;
- g. considerable existing resources applied by Council in dealing with complaints about amenity impacts of licensed premises: noise escaping, smoking on pavements, impact of footpath trading and access in residential streets, patrons leaving licensed premises talking animatedly on mobiles or in groups in residential streets, noise of patrons accessing parked cars, increased demands on parking in residential streets, and adverse use of front setbacks and lanes behind terraces and other residences;
- h. the nature of Yarra's streets where residential front rooms are directly on-street or proximate to the street with small set-backs;
- i. the impact of the further proliferation of licensed premises on the viability of existing licensed premises and their operation.

(d) From clause 2209-3, remove Gertrude Street from the list of late night precincts.

**LOST**

#### **CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky and Jolly

**Against:** Councillors Chen Yi Mei, McEvoy, Searle, Bosler and Nguyen

**Abstained:** Councillor Stone

**LOST**

## COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Chen Yi Mei

1. That Council:
  - (a) note the officer report in relation to a proposed revised clause in the Yarra Planning Scheme regarding Liquor Licenced Premises;
  - (b) note the submission received in relation to Amendment C209, as outlined in **Attachment 2**;
  - (c) having considered the submissions received, in accordance with Section 22 of the *Planning and Environment Act 1987*:
    - (i) request the Minister for Planning to appoint a panel to consider the submissions in accordance with Section 23 of the *Planning and Environment Act 1987*, and
    - (ii) authorise Council officers to make the changes to the amendment (including the policy and background documentation as required) as outlined in **Attachment 2** and **Attachment 3**; and
  - (d) notes the concerns expressed by the submitters on the proposed removal of the discretion in relation to Mixed Use Zones and the inclusion of Gertrude Street as a late night precinct and that these concerns be highlighted to the Panel.

**CARRIED**

---

## 11.5 NDIS Transition Report

---

Trim Record Number: D17/15560  
Responsible Officer: Director Community Wellbeing

[Help](#)

### RECOMMENDATION

1. That Council:
  - (a) notes the report and actions taken to support the implementation of the National Disability Insurance Scheme in Yarra and across the NEMA region since its commencement in July 2016; and
  - (b) writes to the State Government Minister for Housing, Disability and Ageing expressing its concern at the lack of advice on the future directions of the MetroAccess program and to request urgent action to ensure this program is maintained at the local level to build on Victoria's efforts to be a fully inclusive community.

*Councillor Coleman left the meeting at 10.46pm.*

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor McEvoy

1. That Council:
  - (a) notes the report and actions taken to support the implementation of the National Disability Insurance Scheme in Yarra and across the NEMA region since its commencement in July 2016; and
  - (b) writes to the State Government Minister for Housing, Disability and Ageing expressing its concern at the lack of advice on the future directions of the MetroAccess program and to request urgent action to ensure this program is maintained at the local level to build on Victoria's efforts to be a fully inclusive community.

**CARRIED UNANIMOUSLY**

---

## 11.6 Yarra Youth Advisory Committee Membership

---

Trim Record Number: D17/2388

Responsible Officer: Director Community Wellbeing

[Help](#)

### RECOMMENDATION

1. That:

- (a) Council appoint the following young people to the vacant positions on the Yarra Youth Advisory Committee:
  - (i) Tony Luo (20);
  - (ii) Stella Griffiths (18);
  - (iii) Javid Amin (15);
  - (iv) Joseph Nguyen (23);
  - (v) Natalie Di Natale (22);
  - (vi) Wilson Poni (18);
  - (vii) Lizzy Wol (19);
  - (viii) Angela D'Souza (16);
  - (ix) Maggy Liu (19);
  - (x) Fardosa Wur (18);
  - (xi) Michelle Clarke (23);
  - (xii) Joshua Davies (22); and
  - (xiii) Mark Hill (22); and
- (b) all young people who nominated be thanked for their interest and receive formal correspondence advising of the Council decision;
- (c) expressions of Interest remain open until all 15 positions on the YYAC have been filled; and
- (d) the YYAC terms of reference be amended to include 'a strong connection to the City of Yarra' in the eligibility criteria.

### COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Jolly

**Seconded:** Councillor Bosler

That the meeting be extended for 15 minutes.

**CARRIED**

## COUNCIL RESOLUTION

**Moved:** Councillor Nguyen

**Seconded:** Councillor Chen Yi Mei

1. That:

- (a) Council appoint the following young people to the vacant positions on the Yarra Youth Advisory Committee:
  - (i) Tony Luo (20);
  - (ii) Stella Griffiths (18);
  - (iii) Javid Amin (15);
  - (iv) Joseph Nguyen (23);
  - (v) Natalie Di Natale (22);
  - (vi) Wilson Poni (18);
  - (vii) Lizzy Wol (19);
  - (viii) Angela D'Souza (16);
  - (ix) Maggy Liu (19);
  - (x) Fardosa Wur (18);
  - (xi) Michelle Clarke (23);
  - (xii) Joshua Davies (22); and
  - (xiii) Mark Hill (22); and
- (b) all young people who nominated be thanked for their interest and receive formal correspondence advising of the Council decision;
- (c) expressions of Interest remain open until all 15 positions on the YYAC have been filled; and
- (d) the YYAC terms of reference be amended to include 'a strong connection to the City of Yarra' in the eligibility criteria.

**CARRIED UNANIMOUSLY**

---

**11.7 Compact Agreement between DET, DHHS and Local Government**

---

Trim Record Number: D17/15349

Responsible Officer: Director Community Wellbeing

[Help](#)

**RECOMMENDATION**

1. That Council endorse the MAV to represent Yarra in the signing of the Early Years Compact Agreement.

**COUNCIL RESOLUTION**

**Moved:** Councillor Nguyen

**Seconded:** Councillor Bosler

1. That Council endorse the MAV to represent Yarra in the signing of the Early Years Compact Agreement.

**CARRIED UNANIMOUSLY**

---

**11.8 Richmond and Collingwood Youth Program Grants 2017-2020 Recommendation Report**

---

Trim Record Number: D17/9902

Responsible Officer: Community Grants Team Leader

**RECOMMENDATION**

1. That Council endorse the Community Panel's recommendation to award Drummond Street Services a three-year grant totalling \$170,000 per annum (plus CPI increase) over three years under the Richmond and Collingwood Youth Program Grants 2017-2020, pending Council approval through the budget processes of 2017/18, 2018/19 and 2019/20.

**COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Searle

1. That Council endorse the Community Panel's recommendation to award Drummond Street Services a three-year grant totalling \$170,000 per annum (plus CPI increase) over three years under the Richmond and Collingwood Youth Program Grants 2017-2020, pending Council approval through the budget processes of 2017/18, 2018/19 and 2019/20.

**CARRIED UNANIMOUSLY**

## 11.9 Family Violence Services and Hub Options in Yarra

Trim Record Number: D17/12238

Responsible Officer: Group Manager - People, Culture and Community

[Help](#)

### RECOMMENDATION

1. That:
  - (a) when recommendation 94 of the Royal Commission is enacted, Council work with other Councils, State Government and the MAV to develop appropriate measures;
  - (b) officers continue to work in partnership to monitor and respond to changes in the family violence space, and report to Council when further information on the proposed Hubs is available or any other significant updates;
  - (c) explore a range of funding opportunities available after the State Government announcement in March and provide further direction in relation to the budget implications and proposed actions for 2017/18;
  - (d) Council advocates to and works in partnership with State Government and housing associations to support additional social housing options for families experiencing family violence; and
  - (e) Council participate in the regional family violence summit, and hold a local forum afterwards if appropriate, to enable a strategic approach to addressing and preventing family violence, that is clearly aligned with the State Government's Ten Year Plan.

### Public Submission

*Ms Kerrie Walker – Neighbourhood Justice Centre addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note the Officer's report:
    - (i) responding to Council's previous questions regarding the establishment of a family violence hub in Yarra; and
    - (ii) outlining the current work Council undertakes to address family violence in Yarra and possible options moving forward; and
  - (b) defer consideration of the report pending expected State Government announcements on the subject, anticipated after March 2017 and receive an updated report which includes recommendations.

**CARRIED**

---

**11.10 Proposed discontinuance of Part of roads at rear of 1-3 Alexandra Parade, Collingwood**

---

Trim Record Number: D16/174377

Responsible Officer: Chief Financial Officer

[Help](#)

**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 part of the roads abutting 1-3 Alexandra Parade, Collingwood which is shown marked 'Lot 1' on the title plans attached as Attachment 1 and Attachment 2 to the report (**Roads**);
  - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review newspaper, The Age newspaper and Council's social and digital media;
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued Council proposes to sell the Roads to In Care Medical Property and Development Group Pty Ltd ACN 151 001 973 (**Owner**); and
  - (d) authorises Bill Graham Coordinator Valuations 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 the required statutory procedures pursuant to section 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 Roads, are not reasonably required for public use, it discontinues the Roads;
  - (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 Roads be sold to the owner for no less than the market value as determined by the Act;
  - (d) directs that the CEO sign any transfer of the Roads and any other documents required to be signed in connection with the discontinuance of the Roads and its subsequent sale to the Owner; and
  - (e) that any easements, rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance and sale.

*Councillor Chen Yi Mei left the meeting at 11.01pm*

*Councillor Chen Yi Mei returned to the meeting at 11.02pm*

## COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Chen Yi Mei

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 part of the roads abutting 1-3 Alexandra Parade, Collingwood which is shown marked 'Lot 1' on the title plans attached as Attachment 1 and Attachment 2 to the report (**Roads**);
  - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review newspaper, The Age newspaper and Council's social and digital media;
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued Council proposes to sell the Roads to In Care Medical Property and Development Group Pty Ltd ACN 151 001 973 (**Owner**); and
  - (d) authorises Bill Graham Coordinator Valuations 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 the required statutory procedures pursuant to section 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 Roads, are not reasonably required for public use, it discontinues the Roads;
  - (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 Roads be sold to the owner for no less than the market value as determined by the Act;
  - (d) directs that the CEO sign any transfer of the Roads and any other documents required to be signed in connection with the discontinuance of the Roads and its subsequent sale to the Owner; and
  - (e) that any easements, rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance and sale.

**CARRIED UNANIMOUSLY**

---

**11.11 Quarterly Financial Report - December 2016**

---

Trim Record Number: D17/17895

Responsible Officer: Director Corporate, Business and Finance

[Help](#)

**RECOMMENDATION**

1. That:

- (a) Council approves and adopts the quarterly financial report for the period ending 31 December 2016, in accordance with sections 137 & 138 of the Local Government Act 1989.

**COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Chen Yi Mei

1. That:

- (a) Council approves and adopts the quarterly financial report for the period ending 31 December 2016, in accordance with sections 137 & 138 of the Local Government Act 1989.

**CARRIED**

---

## 11.12 Annual Plan Quarterly Progress Report - December

---

Trim Record Number: D17/18766  
Responsible Officer: Manager Corporate Performance

[Help](#)

### RECOMMENDATION

1. That Council review and discuss the Yarra City Council Annual Plan Quarterly Progress Report – December 2016, attached to this report as Attachment 1.

#### Public Submission

*Ms Margaret O'Brien addressed Council on the matter.*

*Councillor Nguyen left the meeting at 9.57pm*

*Councillor Nguyen returned to the meeting at 9.59pm*

*Councillor Bosler left the meeting at 9.57pm*

*Councillor Bosler returned to the meeting at 10.00pm*

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council review and discuss the Yarra City Council Annual Plan Quarterly Progress Report – December 2016, attached to this report as Attachment 1.

**CARRIED UNANIMOUSLY**

---

**12.1 Notice of Motion No 4 of 2017 - Extension of Out-of-Home Care Age from 18 to 21**

---

Trim Record Number: D17/19375

Responsible Officer: Group Manager Chief Executive's Office

[Help](#)

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Jolly

That the meeting be extended for 5 minutes.

**CARRIED**

**COUNCIL RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Nguyen

1. That Yarra City Council:

- (a) resolve to support and join the Home Stretch national campaign led by a coalition of youth support and social service agencies to lobby the Government to extend the out-of-home care age from 18 until 21 years for young people who are unable to live with their families (often due to child abuse and neglect); and
- (b) note that:
  - (i) national and international research, shows that high proportion of young people who are no longer entitled to out-of-home care when reaching the age of 18 end up homeless, in the criminal justice system, unemployed or a new parent within the first year; and
  - (ii) further, international research indicates that extending such out-of-home care will provide young people with the support and opportunity to make the right start in life and enjoy a better long term life outcome.

**CARRIED**

**Conclusion**

The meeting concluded at 11.17pm.

Confirmed Tuesday 7 March 2017

---

Mayor