



Ordinary Meeting of Council Minutes

**held on Tuesday 5 December 2017 at 7.00pm
Fitzroy 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.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

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

Apologies

- Cr Stephen Jolly
- Cr James Searle

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

Nil

4. Confidential business reports

Item

- 4.1 *Item withdrawn*
- 4.2 *Item withdrawn*

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

That the amended minutes of the Ordinary Council Meeting held on Tuesday 21 November 2017 be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

That the minutes of the Ceremonial Council Meeting held on Monday 27 November 2017 be confirmed.

CARRIED

6. Petitions and joint letters

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8. General business

Nil

9. Delegates' reports

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Petition - Proposed charge for planter boxes

Reference: D17/196365

A petition containing 32 signatures from residents of North Fitzroy, are requesting that Council withdraw the proposed annual fee of \$55 for existing planter boxes.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

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

CARRIED

6.2 Petition - Safer Roads to Richmond High School

Reference: D17/197350

Submitters: Grade 3 Students of Richmond Primary School

A petition signed by 51 people are calling for Council to help make the roads to Richmond High School safer.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

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

CARRIED

7. Public question time

7.1 Mr Herschel Landes - Coles Plaza/ Carpark

Question:

The Bridge Road Streetscape plan that was recently tabled before, failed to provide context, funding or a vision to revitalise and reactivate Bridge Road - My question is a good example of this lack of vision.

Bridge Rd has the highest vacancy rate in Melbourne and currently reported that 40 sites have been taken off the market to become development sites.

Council has stated openly that it has no funding available to improve local amenity, notwithstanding 1000 apartments are being built/ have been built in the immediate vicinity of Richmond Hill and spilling onto the roadway without adequate footpath space.

Over the last two years Bridge Rd Mainstreet have been encouraging discussions between Council and Coles to collaborate on an off street public parking facility, as part of their development to improve amenity and public realm outcomes for the immediate area, especially with the new High School, local administration and a central sporting complex.

The offer is an added basement to provide a 180 space public underground carpark - 2 hr free, number plate recognition, with pedestrian access through its mall to an entrance and thence to Citizens park area, the new High School and the Town hall area.

I believe that Coles has now written letters to CEO of Yarra and Minister stating that they need a decision by Christmas otherwise they will proceed regardless. Coles is also apparently still waiting for Council to confirm when they are going to brief the Councillors.

Have Councillors been briefed and whether a way forward has been activated to shape a future outcome for this valuable community asset?

Response:

The Mayor responded

The Director Planning and Place Making responded

7.2 Mr John Price - Strategic Plan

Questions:

Given the number of high rise developments proposed or approved at the east end of Queens Parade, why is the promised Strategic Plan for all of Queens Parade i.e. both the retail and commercial (east end) precincts not on the agenda for tonight's meeting?

What is the current state of progress with the strategic plan, and how does this impact on current and proposed developments?

Has the Council appointed an external planning consultant to expedite this process, given the Planning Minister's willingness to consider "interim built form guidance, including mandatory maximum height controls" (letter to me 28/7/17) as he has already done for the west end of Queens Parade?

Response:

The Mayor responded

7.3 Ms Margaret O'Brien - Flower Show

Question:

There is currently notification in the Carlton Gardens asking for submissions to the Executive Director Heritage. Will Council please submit an objection or write an appropriate letter to the Executive Director of Heritage Victoria stating Council's objections to the Flower show?

Council has previously, in previous years, sometimes the Mayor, sometimes the appropriate Executive written such a letter.

It occupies the gardens for about a month, the consequences of that are felt for many months after that and also before. It also fully enclosing the Carlton gardens southern part for 21 days, the period of enclosure has increased, some might say rather cynically, that increase is because of the objections being made by residents in the community to the City of Melbourne, they are responsible for the licencing the event and the responsibility for the heritage permit is with the Executive Director of Heritage Victoria because it is a World Heritage site.

Would Council, either the Mayor or whoever Councillors think appropriate, to inform themselves of that permit and to the timeline by which some commentary is required?

Response:

The Mayor responded

8. General business

Nil

9. Delegates' reports

9.1 Councillor Stone - Friends of Baucau

Committee	Friends of Baucau
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	5 December 2017
Date of Report	5 December 2017
Report Author	Cr Amanda Stone

Friends of Baucau has continued to meet monthly, at venues alternating between Darebin and Yarra, to further the partnership with the community in Baucau and the representative organisation UNAP, and to raise funds for various projects supporting the Baucau community.

Fundraising in 2017

Successful fundraising events were held this year with a Trivia Night in June, a Timorese Cultural Evening in October and a movie fundraiser last week. Friends of Baucau also raise funds through regular sales of coffee at community events and through packaged coffee. Yarra Council has recently arranged to sell packaged coffee at Richmond Town Hall. Council also donates funds from the sale of booklets at Carols by Candlelight to Friends of Baucau.

Funds raised support Afalyca, a community arts centre in Baucau which provides skills for young people and is integral in community development. Funds also support scholarships for young people to schools in Dili, supporting people from remote areas to a town centre to participate in training and conferences in a town centre, materials and equipment for the friendship group in Baucau, the provision and maintenance of solar lighting and a range of other requests such as material support following floods or other natural events.

All travel by Friends of Baucau members to Timor Leste are covered by the individuals.

Memorandum of Understanding between Friends of Baucau and UNAP

Friends of Baucau has an MOU with the corresponding organisation in Baucau, UNAP. This was to be renewed during a visit of FOB members in July this year as part of the election observer contingent. However it was apparent that more time is needed to clarify the terms of this MOU and it's hoped it will be renewed in 2018.

Yarra's Municipal Agreement with Baucau

As part of the Municipal Agreement signed in 2014, Yarra Council hosted a further delegation of government employees in August for professional development in waste management. Delegates were also guests at the monthly METAC dinner at Belgium Ave Richmond to share their experiences with both the local and Timorese community in Melbourne.

Local Government Victoria continues to convene the Local Government Timor-Leste Network, comprising local governments with Municipal Agreements, and other network representatives. The network met last week and with an update from LGV on the Victorian Government's forthcoming Timor-Leste Strategy, gender inclusion scholarships, further training for programmes and services in preparation for local government and further professional development exchange visits.

The Urban Planning and Waste Management Training Programme (which Yarra has been part of) will continue, with the TL government requesting more technical placements.

The current lack of resolution following the national elections in July is making planning for many joint activities difficult but it's hoped this will be resolved soon. The uncertainty is also delaying the transition to local government but Baucau is expected to be one of the first municipalities to be established and Yarra's support role will be important at that time.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That:
 - (a) Council note the Delegates' Report; and
 - (b) a representative of Friends of Baucau be invited to brief councillors on the current work of the friendship group both here and in Baucau in 2018.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Bosler - Interim Heritage Controls for Collingwood

Question:

When will South Collingwood have its Strategic work completed and ready for applying to the Minister for interim controls and with regard to the recent Ministers advice, has sufficient work been done to allow a request for immediate interim heritage controls for South Collingwood?

Response:

The Director Planning and Place Making advised this is related to Wellington Street, that study and the other major one around Bridge Road and Victoria Street are proceeding well and Councillors have been informed. We hope that this will be finished around February or March next year, and with that solid information, we may well be in a position to seek interim positions. We will not be able to bring that to Council until the study is complete.

10.2 Councillor Stone - Government Road Projects

Question:

A recent announcement by the State Government is that they will proceed with two major road projects, both of which Council have made submissions against because we know you can't build your way out of congestion and the impacts it will have on traffic in the inner city. One of those was the North East link route A, with a combination of a bus route transit down the median. I understand that part of that plan is to have those buses drop at Victoria Park Station or in that vicinity. Have there been any discussions between the relevant department and Council officers about that proposal and the impacts on Yarra?

Response:

The Director Planning and Place Making advised that in relation to the North East link and bus aspect, to my knowledge there has not been any discussions with that agency. I have advised the Strategic Planning staff to provide some brief notes so Executives can get their mind around that topic and then we can talk to Councillors. I have read the media reports around Victoria Park as well, how that would work in terms of getting buses in and out of that is a mystery at the moment and not clear on what the agency proposes.

10.3 Councillor McEvoy - Submission on plastic bags

Question:

The Victorian Government has released a document titled "Reducing the impacts of plastics on the Victorian Environment" out for consultation with a deadline of 25 January 2018. Can Council make a submission or does it require a resolution at Council for us to prompt that?

Response:

The Director Planning and Place Making advised that officers will submit a submission on behalf of Council that will include Council's strategic positions.

11.1 Outline of Deliberative Approach for Development of a Yarra Services Policy

Trim Record Number: D17/187601

Responsible Officer: Acting Director City Works and Assets

RECOMMENDATION

1. That:

- (a) Council endorse Option B – to implement the proposed approach of a Deliberative Poll in 2018/19, subject to an endorsed 2018/19 budget bid for additional resources, and
- (b) Officers work to implement the proposed approach of a Deliberative Poll in the first half of 2018/19.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Stone

1. That:

- (a) Council endorse Option B – to implement the proposed approach of a Deliberative Poll in 2018/19, subject to an endorsed 2018/19 budget bid for additional resources;
- (b) Officers work to implement the proposed approach of a Deliberative Poll in the first half of 2018/19; and
- (c) Officers brief Councillors before implementation outlining how the proposed participant briefing materials and facilitation approach will ensure that the deliberation is genuinely inclusive and unbiased.

CARRIED UNANIMOUSLY

11.2 Appointment of Chair for Audit Committee

Trim Record Number: D17/189477

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That:
 - (a) Council approves the appointment of Mr David Ashmore as Chairperson of the Audit Committee for the audit year ending 30 October 2018.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

1. That:
 - (a) Council approves the appointment of Mr David Ashmore as Chairperson of the Audit Committee for the audit year ending 30 October 2018.

CARRIED UNANIMOUSLY

11.3 Yarra Sculpture Gallery tenancy in 117 Vere Street Abbotsford

Trim Record Number: D17/192967

Responsible Officer: Acting Director Community Wellbeing

RECOMMENDATION

1. That Council continues to support the temporary arrangements in place for 117 Vere Street Abbotsford and allows the Contemporary Sculptures Association to remain on site in accordance with the terms and conditions of the Council Lease between both parties, executed as a Deed on the 10 October 2007, for the period commencing 1 January 2006.

Public Submission

Ms Sarah Randall, Gallery Manager of Yarra Sculpture Gallery addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor McEvoy

1. That Council continues to support the temporary arrangements in place for 117 Vere Street Abbotsford and allows the Contemporary Sculptures Association to remain on site in accordance with the terms and conditions of the Council Lease between both parties, executed as a Deed on the 10 October 2007, for the period commencing 1 January 2006.

CARRIED UNANIMOUSLY

11.4 Amendment C173 Heritage Overlay Follow-up

Trim Record Number: D17/157746

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council note:
 - (a) the officer's further report in relation to 114 – 120 Burnley Street, Richmond and 39 Shelley Street, Richmond;
 - (b) the circumstances relating to when interim heritage controls can be applied for; and
 - (c) that officers were unable to apply for interim heritage controls on 114-120 Burnley Street, Richmond as that part of the resolution of 19 September 2017 was contrary to the protocol for interim heritage overlays set out by the Department of Environment, Land, Water and Planning.
2. That, having regard to the further heritage analysis undertaken, Council not include dwellings at 39 Shelley Street Richmond and 114-120 Burnley Street Richmond (inclusive) in the heritage overlay.
3. Officers write to the Department of Environment, Land, Water and Planning to advise that Council no longer wishes to pursue interim heritage controls for 39 Shelley Street, Richmond.

Public Submissions

The following people addressed Council on the matter:

Mr John Briggs; and

Mr Steven and Chizanne Grocl.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Nguyen

1. That Council note:
 - (a) the officer's further report in relation to 114 – 120 Burnley Street, Richmond and 39 Shelley Street, Richmond;
 - (b) the circumstances relating to when interim heritage controls can be applied for; and
 - (c) that officers were unable to apply for interim heritage controls on 114-120 Burnley Street, Richmond as that part of the resolution of 19 September 2016 was contrary to the protocol for interim heritage overlays set out by the Department of Environment, Land, Water and Planning.
2. That, having regard to the further heritage analysis undertaken, Council not include dwellings at 39 Shelley Street Richmond and 114-120 Burnley Street Richmond (inclusive) in the heritage overlay.
3. Officers write to the Department of Environment, Land, Water and Planning to advise that Council no longer wishes to pursue interim heritage controls for 39 Shelley Street, Richmond.

CARRIED

11.5 Interim Heritage Overlay Requests

Trim Record Number: D17/189192

Responsible Officer: Senior Coordinator Strategic Planning

RECOMMENDATION

1. That Council:
 - (a) notes the letter from the Minister for Planning dated 8 November, 2017 in relation to the revised State Protocol for seeking Interim Heritage controls for Planning Schemes;
 - (b) notes the officer report in relation to the Ministers recent advice about the application of blanket interim heritage controls; and
 - (c) having particular regard to the strategic analysis work recently undertaken, request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the Heritage Overlay to parts of the Swan Street activity centre, as part of Amendment C236, and Johnston Street, as part of Amendment C237, on an interim basis; and
 - (d) that this request apply to the following specific properties:
 - (i) 30 – 42 Swan Street, Richmond;
 - (ii) 273A Swan Street, Richmond;
 - (iii) 323 – 325 Swan Street, Richmond;
 - (iv) 223 – 239 Swan Street, Richmond;
 - (v) 219 – 241 Johnston Street, Abbotsford; and
 - (vi) 246 – 274 Johnston Street, Abbotsford.

Public Submission

Mr Glen McCallum addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council:
 - (a) notes the letter from the Minister for Planning dated 3 November, 2017 in relation to the revised State Protocol for seeking Interim Heritage controls for Planning Schemes;
 - (b) notes the officer report in relation to the Ministers recent advice about the application of blanket interim heritage controls; and
 - (c) having particular regard to the strategic analysis work recently undertaken, request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the Heritage Overlay to parts of the Swan Street activity centre, as part of Amendment C236, and Johnston Street, as part of Amendment C237, on an interim basis; and
 - (d) that this request apply to the following specific properties:
 - (i) 30 – 42 Swan Street, Richmond;
 - (ii) 273A Swan Street, Richmond;
 - (iii) 323 – 325 Swan Street, Richmond;

- (iv) 223 – 239 Swan Street, Richmond;
- (v) 219 – 241 Johnston Street, Abbotsford; and
- (vi) 246 – 274 Johnston Street, Abbotsford.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No. 22 of 2017 - Concrete Tree Surrounds

Trim Record Number: D17/191006

Responsible Officer: Group Manager Chief Executive's Office

MOTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

1. That Council:

- (a) notes the damage to street trees hit by parking of cars on Yarra Streets and the loss of street trees as a result (*refer photograph Attachment 1*); and
- (b) notes the introduction of concrete tree surrounds by the City of Melbourne in Cardigan Street, Carlton (*refer photograph Attachments 2 and 3*).

2. That Council be advised on:

- (a) the number of street trees lost on an annual basis as a result of being damaged by parked cars;
- (b) the average time taken to respond to damaged trees and hoops;
- (c) measures that can be taken to prevent/minimise such loss through alternative designs including the option of using concrete tree surrounds to protect street trees in vulnerable areas from being damaged; and
- (d) action being taken to replace the damaged and removed street tree at the southwest corner of Budd/Sackville Streets, Collingwood, reported to the administration on 9 November 2017.

AMENDMENT

Moved: Councillor McEvoy

3. That Council endorse initiatives by officers to trial alternatives such as concrete tree surrounds.

The amendment was accepted by the mover, however the seconder declined and withdrew as seconder.

Cr Coleman seconded the motion inclusive of the amendment.

The amendment was further debated following which the mover and seconder withdrew their support of the amendment.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council:

- (a) notes the damage to street trees hit by parking of cars on Yarra Streets and the loss of street trees as a result (*refer photograph Attachment 1*); and
- (b) notes the introduction of concrete tree surrounds by the City of Melbourne in Cardigan Street, Carlton (*refer photograph Attachments 2 and 3*).

2. That Council be advised on:

- (a) the number of street trees lost on an annual basis as a result of being damaged by parked cars;

- (b) the average time taken to respond to damaged trees and hoops;
- (c) measures that can be taken to prevent/minimise such loss through alternative designs including the option of using concrete tree surrounds to protect street trees in vulnerable areas from being damaged; and
- (d) action being taken to replace the damaged and removed street tree at the southwest corner of Budd/Sackville Streets, Collingwood, reported to the administration on 9 November 2017.

CARRIED UNANIMOUSLY

12.2 Notice of Motion No. 23 of 2017 - Planning Applications in the World Heritage Environs Area

Trim Record Number: D17/192888

Responsible Officer: Group Manager Chief Executive's Office

THE ITEM WAS WITHDRAWN

Conclusion

The meeting concluded at 8.43pm.

Confirmed Tuesday 19 December 2017

Mayor