



Ordinary Meeting of Council Minutes

**held on Tuesday 28 May 2019 at 7.00pm
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."

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Chris Leivers (Director City Works and Assets)
- Mary Osman (Acting Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Leave of absence

Councillor Chen Yi Mei requested leave of absence for the meeting of Tuesday 4 June 2019.

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

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

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Chen Yi Mei

That the minutes of the Ordinary Council Meeting held on Tuesday 14 May 2019 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

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7. Public question time

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This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Joint Letter - Proposed tree planting in Princes Street, Abbotsford

Reference: D19/85635

A joint letter was received that included signatures of 6 residents that are objecting to the proposed tree planting in Princes Street, Abbotsford for a number of reasons including:

- No consultation with residents;
- Low level power lines in the street; and
- Families that walk along the street with prams and their children would not be able to walk side by side

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

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

CARRIED UNANIMOUSLY

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

7.1 Glenn Morrison - North Fitzroy LAPM Process

Question:

In relation to the meeting on March 5, Council voted on the North Fitzroy LAPM survey and made amendments to Brunswick Street North for the immediate trial of a right hand ban to be installed, followed by a trial medium strip to be installed. On March 12 we were advised by Dennis Cheng that the right hand turn bans would go ahead in 3 to 4 weeks, that was 12 weeks ago and that the process for trialling a medium strip would require a further community engagement and report to Vic Roads. After further communication with Dennis Cheng residents were advised on May 10, that right hand turn bans would be delayed because further data collection was required despite the extensive data that was collected during the LAPM survey.

Why can't right hand turn bans be actioned immediately and why is further data collection required, given the extensive data collection during the LAPM process?

Why is Dennis Cheng insisting that further community consultation is required when the LAPM policy does not require it?

Response:

The Director City Works and Assets advised that the baseline data is required to be collected in order for an effective evaluation to be conducted. There was previous data taken for the area but not specifically in relation to that treatment. The data collection that they are seeking in order to ensure a proper evaluation; part of the delay and timing of that was due to the school holiday period and Route 96 tram works. In relation to the consultation, it is a condition of approval by VicRoads and believe that a response has been provided.

7.2 Diana Courtney - North Fitzroy LAPM Process

Question:

I would like to state that I accept the amendments made by Council on March 5, 2019 and I'm not here to change them. My query is in relation to a complaint I made to the Council. I felt on that there were significant issues with the process and this was acknowledged and also had meetings with Dennis Cheng and Ivan Gilbert.

I contacted the Victorian Ombudsman as I wanted to know my rights and they suggested writing a letter to the CEO and that a response should be made within 28 days. I wrote a letter addressed to the Chief Executive Officer and six weeks later I had no response so I contacted the Victorian Ombudsman and they advised that they would pursue the matter. On April 9, I contacted Ivan Gilbert who advised that he had thought my complaint had been resolved and would get back to me in 2 days, that didn't occur. On May 6, I contacted Council and left a message for Ivan to call me back, I couldn't get through to his office and still haven't heard back.

I would like to know what you would do in my situation when you have gone through every process, had no response and felt ignored. Do I need to pursue the matter with the Victorian Ombudsman?

Response:

The Mayor advised that she had responded to one of Ms Courtney's emails on 9 May and felt that Council had been responding and that in her email it also included that Dennis Cheng had responded. However, the Mayor was happy to pursue the matter.

The Group Manager Chief Executive's Office also advised that he believed that a letter had been sent out in early May but would have to confirm that it did. A number of letters that are addressed to the CEO, are forwarded to him for a response which is replied to on behalf of the CEO, which is the standard practice.

7.3 Ariadne Zenella - Advertising on Council's Website

Question:

There is a meditation centre in Brunswick Street which has asked me to ask on their behalf whether there are any plans to have any kind of car park built in that area or increase parking space.

How does an organisation like that go about getting on Council's website page to get the broader community know it is available and that it is free of charge?

Response:

The Mayor suggested that people could walk to the centre or catch public transport and if the details of the advertising was emailed to her that she would forward that onto the Communications Department.

7.4 Andris Blums - Budget for Trees

The Mayor read out an email that Mr Blums had submitted via email:

I note that there were a total of 14 questions, in 23 parts. Everyone in the chamber would be aware, questions are limited to a maximum of two questions, so I will put the first two questions on the record.

Question:

Please advise the number of trees planted in 2018/19 for a total budget outlay of \$800,000 new and replacement?

Response:

Total trees: planted was 1,180; infill was 867 and capital was 313.

Question:

What is the average cost per tree planted in 2018/19?

The cost varies as it includes a 2 year maintenance period; roadside trees are \$840 per tree and footpath trees are about \$470 per tree.

8. General business

- 8.1 Councillor O'Brien - The Design, Management and Safety of Council's Parks, Reserves and Gardens

Background

Further background comments can be sourced from the following quick links:

https://theconversation.com/to-design-safer-parks-for-women-city-planners-must-listen-to-their-stories-98317?utm_medium=ampemail&utm_source=email

<https://www.wien.gv.at/english/administration/gendermainstreaming/examples/parks.html>

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Coleman

1. That Officers present a report to Council on public safety in Council Parks, Reserves and Gardens (parks), such report to address issues including but not limited to:
 - (a) appropriate lighting such that parks can be used safely by all members of the community after dusk;
 - (b) the viability of panic alarms or other appropriate forms of raising emergency attention to issues;
 - (c) that the overall planning, designing and managing of parks be addressed in a manner to recognise Council's policies of gender equality and inclusion and address considerations that:
 - (i) park supervisors are appropriately trained in leisure time management and social pedagogics;
 - (ii) pedestrian pathways be clearly visible (e.g. clear route concept, in direct line of sight to streets and apartment buildings);
 - (iii) pedestrian and cycling pathways across parks should be well lit (e.g. sensor activated or continual lighting after dark); and
 - (iv) cleanliness in the parks include safe, clean and functioning toilets close to the playground or park if not in the park.

CARRIED UNANIMOUSLY

9. Delegates' reports

- 9.1 Councillor Fristacky - Australian Bicycle Summit 2019

Conference	Australian Bicycle Summit 2019
Conference Date	15 May 2019
Date of Council Meeting	Tuesday 28 May 2019
Date of Report	Tuesday 28 May 2019
Report Author	Cr Jackie Fristacky

DELEGATES REPORT

This summit was a one day conference on 15 May 2019 organised by “We Ride Australia”, formerly the Australian Cycling Promotion Fund. The event at Docklands was attended by Cr Fristacky and Yarra strategic transport staff. Delegates came from around Australia, NZ and overseas: managers and Councillors from Metropolitan and regional cities, industry, consultancies, Transport for Victoria, Transport Accident Commission (TAC), and VicRoads.

Key presentations at Bike Futures included:

1. **Timothy Papandreou**, Emerging Transport Provider, formerly Chief Innovation Officer, Municipal Transportation Agency, Toronto. Key points:
 - (a) Challenge to develop land and skyspace in cities without increasing road space;
 - (b) How good cycling infrastructure is a precondition for cycling expansion;
 - (c) How cycling infrastructure was transformative for cities and the economy and a major tool for social change and social equity, with need for “*cyclist advocates*”;
 - (d) World trends towards a sharing economy - mobility as a service; shift to electric e-bikes, e-cars, e-scooters, autonomous vehicles (AVs), with the shared economy estimated to be worth \$10Tr by 2035 globally;
 - (e) How “Waymo” technology in AVs was testing predicting moves by cyclists, pedestrians, children and others to achieve a gold standard for AVs;
 - (f) Critical requirement to reallocate road space with protected space for cyclists, e-scooters and new forms of micro mobility; and
 - (g) Disruptive impacts for some 40 industries: vehicles including bicycles, transport support services, land use, transition for governments relying on parking revenue to tolls, and different forms of regulation of road space.
2. **TAC CEO Jo Calafieri (JC)** highlighted the TAC \$1.6B safer cyclist and pedestrian fund rolling out road safety projects for vulnerable road users. Also highlighted was the expanded definition of “accident” to cover TAC liability for collision with a stationary vehicle following the death of cyclist Rory Wilson. Retrospectivity of this change to cover Wilson was described as historic and ground breaking!

Further emphasised by JC was the extent of TAC accident data including every police, ambulance and hospital report on bike accidents, while acknowledging significant unreported accidents, and near miss incidents.
3. **John Merritt, TAC Board member**, further examined accident data with 40% of deaths involving vehicles running of the road, 30% due to missed turns, and 20% of serious bike accidents involving brain injury. He stressed the “Toward Zero” approach required dealing with potential human error through the reconfiguration of road infrastructure, road space and intersections as well as social attitudes to speed.
4. **Dr Ben Beck, Monash University**, similarly covered bike accident analysis, prevention and solution. His analysis identified the leading cause of injuries, 45%, as single bicycle crashes; 37% involving loss of control to avoid a collision; 13% re potholes, 19% train re tracks, and 10% involving mechanical issues.

5. Other speakers and sessions included presentations on positive health impacts of cycling, need for safer intersections and infrastructure, bike education, and low stress cycling. The Summit concluded with presentation of the 15th Cycling Luminaries Awards. Fiona Campbell, Manager Cycling Strategy, Sydney City Council received the Cycling Luminaries Leadership Award. The Bike Culture Award went to 3 ACT Public Agencies working together on cycling programs and the Built Environment Award to Aura Developments for building communities with 300 kms of bikeways.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor O'Brien

1. That Council note this delegate's report on the Australian Bicycle Summit held 15 May 2019.

CARRIED UNANIMOUSLY

9.2 Councillor Stone - Inner North Local Learning and Employment Network

Committee	Inner North Local Learning and Employment Network
Date of Council Meeting	Tuesday 28 May 2019
Date of Report	Monday 27 May 2019
Report Author	Cr Amanda Stone

DELEGATES REPORT

Inner Northern Local Learning and Employment Network

The Inner North Local Learning and Employment Annual General Meeting was held on Wednesday 15th May at CERES Environmental Park in Brunswick.

I attended along with councillors from Moreland and Darebin Councils, and Yarra Youth Services officers.

The AGM also launched the **Youth Enterprise Hub**, a project 2 years in development, and a partnership between community agencies, business and industry, schools and education providers to develop entrepreneurship skills in young people in the Region.

It will be driven by a **Youth Enterprise Hub Working Party** whose aim is to *“oversee and support the infrastructure and development of a Youth Enterprise Hub to promote the awareness of a youth enterprise culture, trial an entrepreneurial curriculum and enterprise implementation in and outside the school context.”*

The Youth Enterprise Hub is one initiative of the **Youth Employment Taskforce**, established 4 years ago to develop a Youth Employment Strategy for the inner north of Melbourne.

Other YET initiatives reported on at the AGM included:

- **Real Industry Job Interview** program, aimed at providing Year 19 students with job search, resume writing and job interview skills. It involved 20 schools, 689 students and 79 volunteer industry interviewers in 2018, a significant increase on previous years.
- **Jobs for Youth Campaign** – 3 months of structure events and activities to engage young people in job awareness and readiness. In 2018, 2525 young people were involved in 102 events with 213 organisations and businesses involved.

INLLEN also extended the successful **Join the Dots** primary-secondary transition project, piloted in Yarra and now extended to all schools in the region; continued with the **Structured Workplace Learning** program, linking students studying VET subjects with local employers and work opportunities in the inner north.

The **Community Transition Support** program also continued to support young people in specialist schools to improve career development and employment pathways, supported the **Specialist Schools Transition Network** to become a self-managed network providing professional development for careers and specialist staff in special schools, and to support **Ticket to Work**, a School Based Apprenticeship and Trainee program using partnerships to sourcing opportunities for young people with disabilities to access the employment market.

The INLLEN works across a wide range of programs to support young people in all 3 municipalities to develop employment skills and career pathways as part of a collective effort to address continuing high unemployment rates in the inner north.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council note this Delegates' Report.
2. That Council be advised of who Yarra's representative is on the INLLEN Committee of Management.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Searle - Heritage Property

Question:

In relation to a property at 336 Burnley Street which is an individually significant heritage property and a relatively rare double fronted timber house dating from the 1870's. Since at least 2013 the property has been allowed to deteriorate by a series of owners, it's had squatters, it is covered in graffiti and falling apart. I also understand there was a development application to demolish the property which Council refused and was upheld by VCAT. There is also another development application for developing the rear of the site that doesn't actually involve fixing the heritage property.

What can Council do to compel the owner of the site to both stop the property from deteriorating further but also to restore it?

Response:

The Chief Executive Officer advised that correspondence had been sent to the owner and would take the enforcement question on notice as the relevant Director was not in the chamber.

The Acting Director Planning and Place Making advised that the planning scheme cannot compel a property owner to maintain their property or to restore their property. Some information has been passed onto the owner about the heritage fund which is available for all owners to apply if they wish to restore their property. In relation to enforcement, there has been some correspondence regarding upkeep but not necessarily the restoration.

10.2 Councillor Stone - Litter

Question:

In relation to litter and increasing awareness in the community with the impacts of litter particularly plastic litter that enters our waterways and also impacts on the environment, especially marine life. I had been speaking with a number of residents that said they couldn't stomach looking at more footage of birds ingesting plastic and inevitably causing their death.

Has the oil and litter interceptor for Victoria Street that was approved in the mid-year budget review been installed yet?

When will Council and the community receive any updates on our proudly plastic free strategy or approach?

Response:

The Director City Works and Assets advised that they had hoped that it would have done already but there was a delay with the interceptor in terms of the design. It is expected to be delivered sometime in July. Due to extensive works in Melbourne currently it would be difficult to obtain a contractor to do any works at short notice.

In relation to the plastic free approach, officers will come back to Council in the coming months with a sense of what is being done and how we are proceeding.

11.1 Hardy Gallagher Community Growing Space

Trim Record Number: D19/79384

Responsible Officer: Director City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) notes the feedback received during the public consultation on the design of the growing space;
 - (b) notes that there was general support expressed for the draft design proposed;
 - (c) endorse the general design and layout of the proposed design and authorise officers to negotiate minor amendments with the North Carlton Railway Neighbourhood House as required to satisfy planning permit requirements and any other regulatory matters;
 - (d) authorise the removal of the chain mesh fence on the southern boundary of the site;
 - (e) considers the budget submission made by The North Carlton Railway Neighbourhood House in support of construction of the garden and subject to an allocation of funding towards this project in the 2019/20 budget, authorise these funds to be provided for the project via a funding agreement between Council and the North Carlton Railway Neighbourhood House; and
 - (f) notes that the ongoing maintenance arrangements will be set out in the supporting documentation appended to a licence agreement for the site.

Public Submission

Tony Doltern, member of the Committee of Management, North Carlton Railway Neighbourhood House addressed the Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council:
 - (a) notes the feedback received during the public consultation on the design of the growing space;
 - (b) notes that there was general support expressed for the draft design proposed;
 - (c) endorse the general design and layout of the proposed design and authorise officers to negotiate minor amendments with the North Carlton Railway Neighbourhood House as required to satisfy planning permit requirements and any other regulatory matters;
 - (d) authorise the removal of the chain mesh fence on the southern boundary of the site;
 - (e) considers the budget submission made by The North Carlton Railway Neighbourhood House in support of construction of the garden and subject to an allocation of funding towards this project in the 2019/20 budget, authorise these funds to be provided for the project via a funding agreement between Council and the North Carlton Railway Neighbourhood House; and
 - (f) notes that the ongoing maintenance arrangements will be set out in the supporting documentation appended to a licence agreement for the site.

CARRIED UNANIMOUSLY

11.2 Amendment C231 - Queens Parade - Response to submissions

Trim Record Number: D19/76352

Responsible Officer: Acting Director Planning and Place Making

RECOMMENDATION:

1. That Council:
 - (a) receives and notes submissions received following the exhibition of Amendment C231;
 - (b) notes that there is/will be considerable development growth in precincts 2 and 5 of the DDO and at the former Gas Works site;
 - (c) notes the officer report and attachments in response to submissions on Amendment C231 and endorses the recommended changes to the amendment including the Preferred Version of the DDO schedule;
 - (d) adopts as its submission to the panel the position of support for Amendment C231 with changes as identified in (c) above;
 - (e) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C231 in accordance with Section 23 of the Planning and Environment Act 1987;
 - (f) refer all submissions, including late submissions and new or modified submissions in response to the further notice as in paragraph (g) below to the panel;
 - (i) writes to all landowners and occupiers directly affected by the revised DDO schedule and to all submitters to:
 - (ii) advise of Council's decision to proceed to panel;
 - (iii) advise of Council's position in support of the Preferred Version of the DDO; and
 - (iv) advise that if they make a submission in relation to the recommended changes, the new or varied submission will be referred directly to the panel; and
 - (g) notes that officers will provide a further report to Council after the planning panel report is received from Panels Victoria to enable further consideration of Amendment C231 by Council.

Public Submissions

The following people addressed Council on the matter:

Linda Young;

David Young;

Anastasia Morritt;

Virginia Noonan;

Glen McCallum;

Chris Goodman, 3068 Group;

Anne Horrigan-Dixon;

Marianne van Leeuwen; and

Paul Thompson.

MOTION

Moved: Cr Jolly

Seconded: Councillor O'Brien

1. That Council:
 - (a) receives and notes submissions received following the exhibition of Amendment C231;
 - (b) notes that there is/will be considerable development growth in precincts 2 and 5 of the DDO and at the former Gas Works site;
 - (c) notes the officer report and attachments in response to submissions on Amendment C231 and endorses the recommended changes to the amendment including the Preferred Version of the DDO schedule, conditional upon the following further amendments, to Schedule 16 to Clause 43.02 Design and Development Overlay (dated 20 May 2019):

2.9.4 Precinct 4 – Activity Centre Precinct

Design requirements

Development must:

- (i) Add the following two dot points immediately after the second dot point:
 - a. retain the fabric of contributory heritage buildings to the extent of the principal roof or 10 metres from the street wall whichever is the greater;
 - b. retain the fabric of individually significant heritage buildings to the extent of the principal and secondary roofs;
- (ii) Revise the current fifth dot point to include heritage fabric and Wellington Street, so that it reads:
 - a. retain the visual prominence and heritage fabric of the return façades of buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets;
- (iii) After the dot point that begins “retain chimneys . . .”, add a new dot point that reads:
 - a. maintain service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade.

Table 4 – Street wall height, building height and setbacks for Precinct 4

- (i) Fourth row – Minimum upper level setback on Queens Parade. Replace “8 metres” with:
 - a. 10 metres or the depth of the principal roof, whichever is the greater.
- (d) adopts as its submission to the panel the position of support for Amendment C231 with changes as identified in (c) above;
- (e) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C231 in accordance with Section 23 of the Planning and Environment Act 1987;
- (f) refer all submissions, including late submissions and new or modified submissions in response to the further notice as in paragraph (g) below to the panel;
 - (i) writes to all landowners and occupiers directly affected by the revised DDO schedule and to all submitters to;
 - (ii) advise of Council's decision to proceed to panel;
 - (iii) advise of Council's position in support of the Preferred Version of the DDO; and
 - (iv) advise that if they make a submission in relation to the recommended changes, the new or varied submission will be referred directly to the panel; and

- (g) notes that officers will provide a further report to Council after the planning panel report is received from Panels Victoria to enable further consideration of Amendment C231 by Council.

AMENDMENT

Moved: Councillor Coleman

- (h) that the proposed rear setbacks for precincts 3A and 4 be mandatory, rather than discretionary.

The amendment was accepted by the mover and incorporated into the motion. The motion was then put to a vote.

MOTION

Moved: Cr Jolly

Seconded: Councillor O'Brien

1. That Council:

- (a) receives and notes submissions received following the exhibition of Amendment C231;
- (b) notes that there is/will be considerable development growth in precincts 2 and 5 of the DDO and at the former Gas Works site;
- (c) notes the officer report and attachments in response to submissions on Amendment C231 and endorses the recommended changes to the amendment including the Preferred Version of the DDO schedule, conditional upon the following further amendments, to Schedule 16 to Clause 43.02 Design and Development Overlay (dated 20 May 2019):

2.9.4 Precinct 4 – Activity Centre Precinct

Design requirements

Development must:

- (i) Add the following two dot points immediately after the second dot point:
- a. retain the fabric of contributory heritage buildings to the extent of the principal roof or 10 metres from the street wall whichever is the greater;
 - b. retain the fabric of individually significant heritage buildings to the extent of the principal and secondary roofs;
- (ii) Revise the current fifth dot point to include heritage fabric and Wellington Street, so that it reads:
- a. retain the visual prominence and heritage fabric of the return façades of buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets;
- (iii) After the dot point that begins “retain chimneys . . .”, add a new dot point that reads:
- a. maintain service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade.

Table 4 – Street wall height, building height and setbacks for Precinct 4

- (i) Fourth row – Minimum upper level setback on Queens Parade. Replace “8 metres” with:
- a. 10 metres or the depth of the principal roof, whichever is the greater.
- (d) adopts as its submission to the panel the position of support for Amendment C231 with changes as identified in (c) above;

- (e) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C231 in accordance with Section 23 of the Planning and Environment Act 1987;
- (f) refer all submissions, including late submissions and new or modified submissions in response to the further notice as in paragraph (g) below to the panel;
 - (i) writes to all landowners and occupiers directly affected by the revised DDO schedule and to all submitters to:
 - (ii) advise of Council's decision to proceed to panel;
 - (iii) advise of Council's position in support of the Preferred Version of the DDO; and
 - (iv) advise that if they make a submission in relation to the recommended changes, the new or varied submission will be referred directly to the panel;
- (g) notes that officers will provide a further report to Council after the planning panel report is received from Panels Victoria to enable further consideration of Amendment C231 by Council; and
- (h) that the proposed rear setbacks for precincts 3A and 4 be mandatory, rather than discretionary.

LOST

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Fristacky

1. That Council:
 - (a) receives and notes submissions received following the exhibition of Amendment C231;
 - (b) notes that there is/will be considerable development growth in precincts 2 and 5 of the DDO and at the former Gas Works site;
 - (c) notes the officer report and attachments in response to submissions on Amendment C231 and endorses the recommended changes to the amendment including the Preferred Version of the DDO schedule, conditional upon the following further amendments, to Schedule 16 to Clause 43.02 Design and Development Overlay (dated 20 May 2019):

2.9.4 Precinct 4 – Activity Centre Precinct

Design requirements

- (i) Revise the fifth requirement, as follows, to include heritage fabric and Wellington Street:
 - a. retain the visual prominence and heritage fabric of the return façades of heritage buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets;
- (ii) Include a new requirement:
 - a. maintain service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade.

Table 4 – street wall height, building height and setbacks for Precinct 4

- (i) Include a new preferred built form requirement:
 - a. Minimum rear setback (C1Z interface) - 3 metres above 11 metres;

- (d) adopts as its submission to the panel the position of support for Amendment C231 with changes as identified in (c) above;
- (e) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C231 in accordance with Section 23 of the Planning and Environment Act 1987;
- (f) refer all submissions, including late submissions and new or modified submissions in response to the further notice as in paragraph (g) below to the panel;
 - (i) writes to all landowners and occupiers directly affected by the revised DDO schedule and to all submitters to:
 - (ii) advise of Council's decision to proceed to panel;
 - (iii) advise of Council's position in support of the Preferred Version of the DDO; and
 - (iv) advise that if they make a submission in relation to the recommended changes, the new or varied submission will be referred directly to the panel; and
- (g) notes that officers will provide a further report to Council after the planning panel report is received from Panels Victoria to enable further consideration of Amendment C231 by Council.

CARRIED

CALL FOR A DIVISION

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

Against: Councillor Nguyen

Abstained: Councillors Coleman, Jolly and O'Brien

11.3 Michael Hutchence Statue for Richmond Proposal

Trim Record Number: D19/69742
Responsible Officer: Director Community Wellbeing

RECOMMENDATION

1. That Council:
 - (a) accept, in principle, the proposal for the creation of a statue of Michael Hutchence in Stewart Street Richmond conditional to funds raised by his family, friends and fans and VicTrack agreement;
 - (b) seek feedback on the proposal from the community, including local residents, businesses and industry stakeholders; and
 - (c) authorises officers to commence the project planning process, continue to liaise with relevant stakeholders and authorities with respect to the preferred site and support the fundraising efforts of the Hutchence family.

Public Submissions

The following people addressed Council on the matter:

Robbie Carroll;

Jane Gazzo/ Molly Meldrum;

Tim Northeast, Corner Hotel; and

Vasili Simon.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Searle

1. That Council:
 - (a) notes the offer of the creation of a Michael Hutchence statue in Stewart Street, Richmond to be paid for by funds raised from family, friends and fans of Michael Hutchence;
 - (b) seeks feedback from the community including local residents, businesses and industry stakeholders as well as the relevant Visual Arts Advisory Panel on the offer before determining Council's acceptance of offer;
 - (c) authorise officers to undertake said consultation, and continue to liaise with VicTrack and relevant stakeholders with respect to the proposed site and land-use agreement; and
 - (d) request that Officers report back to Council within 3 months on outcomes of consultation in order to make a determination.

CARRIED

11.4 Arts and Cultural Multi-Year Grant Recommended Applications

Trim Record Number: D19/73780

Responsible Officer: Director Community Wellbeing

RECOMMENDATION

1. That Council:
 - (a) endorses the proposed 13 grants recipients for the Arts & Cultural Multi-Year Program as listed in attachments 1, 2 and 3 to the value of \$333,500; and
 - (b) thanks all members of the Yarra Arts Advisory Panel for their time, deliberation and commitment to Yarra's arts and culture program.

Public Submissions

The following people addressed Council on the matter:

Bianca Bowman; CEO, Centre for Protection Art;

Jayne Lovelock, member of YAARTS; and

Chloe Powell, member of YAARTS.

Councillor Jolly left the meeting at 9.58pm.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Stone

1. That Council:
 - (a) endorses the proposed 13 grants recipients for the Arts & Cultural Multi-Year Program as listed in attachments 1, 2 and 3 to the value of \$333,500; and
 - (b) thanks all members of the Yarra Arts Advisory Panel for their time, deliberation and commitment to Yarra's arts and culture program.

CARRIED UNANIMOUSLY

11.5 Yarra Trams MoU

Trim Record Number: D19/78724

Responsible Officer: Acting Director Planning and Place Making

RECOMMENDATION

1. That:
 - (a) The contents of this report and its attachment are noted; and
 - (b) Council demonstrates its commitment to work with Yarra Trams on improving tram safety by authorising the Chief Executive Officer to sign the attached MOU

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Chen Yi Mei

1. That:
 - (a) The contents of this report and its attachment are noted; and
 - (b) Council demonstrates its commitment to work with Yarra Trams on improving tram safety by authorising the Chief Executive Officer to sign the attached MOU

CARRIED UNANIMOUSLY

11.6 North East Link

Trim Record Number: D19/74048

Responsible Officer: Acting Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the Environmental Effects Statement regarding the North East Link project by the State Government;
 - (b) approve the attached draft submission to be issued to the North East Link Project Team within the Major Transport Infrastructure Authority (MTIA);
 - (c) authorise the CEO to settle the submission and to lodge the submission within the exhibition period; and
 - (d) authorise the CEO to determine the level of advocacy required for the scheduled Panel hearing in July 2019.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

1. That Council:

- (a) note the officer report on the Environmental Effects Statement regarding the North East Link (NEL) project by the State Government;
- (b) approve the attached draft submission to be issued to the North East Link Project Team within the Major Transport Infrastructure Authority (MTIA), subject to including reference to:
 - (i) the mandated obligations under the Transport Integration Act 2010 to consider the NEL project in terms of the Act's objectives for the transport system in particular:
 - a. contributing to environmental sustainability by promoting forms of transport and the use of forms of energy and transport technologies which have the least impact on the natural environment and reducing the overall contribution of transport related greenhouse gas emissions (sections 10 (a)-(e));
 - b. reducing the need for private motor vehicle transport and the extent of travel (section 11 (1)(c); and
 - c. promoting forms of transport and the use of forms of energy which have the greatest benefit for and least negative impact on health and well-being and minimise risk of harm arising from the transport system (section 13); and
 - (ii) the particular implications for exacerbating congestion on Alexandra Parade without any provision for public transport along the length of Alexandra Parade from the end of the Eastern Freeway notwithstanding the current 65,000-70,000 vehicles per day using Alexandra Parade; and
 - (iii) the proposed NEL Busway being tested against Bus Rapid Transit (BRT) standards;
 - (iv) questioning the assumption underlying the conclusions that "North East Link would marginally reduce emissions due to heavy vehicles using North East Link instead of local roads." (Chapter 26, p12.);
 - (v) explore questioning the use of a reference project as the basis for the EES; and
- (c) authorise the CEO with further input from Councillors to settle the submission and to lodge the submission within the exhibition period; and
- (d) authorise the CEO with further input from Councillors to determine the level of advocacy required for the scheduled Panel hearing in July 2019.

CARRIED UNANIMOUSLY

11.7 Community Engagement Policy Refresh

Trim Record Number: D19/78932

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) note the proposed process and objectives for developing a refreshed Community Engagement Policy and a new 4 year implementation plan; and
 - (b) endorse the proposed process.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

1. That Council:
 - (a) note the proposed process and objectives for developing a refreshed Community Engagement Policy and a new 4 year implementation plan;
 - (b) endorse the proposed process; and
 - (c) note that there will be a further report on the Draft Community Engagement Policy later this year for Council consideration.

CARRIED UNANIMOUSLY

11.8 Appointment of Councillors to Council Committees

Trim Record Number: D19/75716

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council appoint the following councillors to each of the following committees for the remainder of the 2018/2019 Council year:
 - (a) Cr _____ to the Arts Advisory Committee;
 - (b) Cr _____ to the Bicycle Advisory Committee
 - (c) Cr _____ to the Environment Advisory Committee
 - (d) Cr _____ to the Yarra Community Awards Committee; and
 - (e) Cr _____ to the Yarra Health and Wellbeing Plan Advisory Committee.
2. That Council appoint the following councillors to each of the following organisations as its delegate for the remainder of the 2018/2019 Council year:
 - (a) Cr _____ to the Metropolitan (Local Government) Waste Management Forum, with Cr Fristacky as the substitute; and
 - (b) Cr Fristacky to the Metropolitan Transport Forum, with Cr _____ as the substitute.
3. That Council make any other changes to committee appointments arising from its review of committee appointments.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Stone

1. That Council appoint the following councillors to each of the following committees for the remainder of the 2018/2019 Council year:
 - (a) Cr O'Brien to the Arts Advisory Committee;
 - (b) Cr O'Brien to the Bicycle Advisory Committee;
 - (c) Cr O'Brien to the Environment Advisory Committee;
 - (d) Cr O'Brien to the Yarra Community Awards Committee; and
 - (e) Cr O'Brien to the Yarra Health and Wellbeing Plan Advisory Committee.
2. That Council appoint the following councillors to each of the following organisations as its delegate for the remainder of the 2018/2019 Council year:
 - (a) Cr O'Brien to the Metropolitan (Local Government) Waste Management Forum, with Cr Fristacky as the substitute; and
 - (b) Cr Fristacky to the Metropolitan Transport Forum, with Cr O'Brien as the substitute.
3. That Cr O'Brien also be invited to attend the Aboriginal Advisory Committee meetings.

CARRIED UNANIMOUSLY

11.9 Change to Council Meeting Schedule

Trim Record Number: D19/75687

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That the Ordinary Council Meeting scheduled for 18 June 2019 be rescheduled for the same time on 25 June 2019.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That the Ordinary Council Meeting scheduled for 18 June 2019 be rescheduled for the same time on 25 June 2019.

CARRIED UNANIMOUSLY

11.10 Report on Assemblies of Councillors

Trim Record Number: D19/74138

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That Council formally note and record the Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 8 of 2019 - Reiterating Council and Community Opposition to the East West Link Proposal

Trim Record Number: D19/86450

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Yarra City Council:

- (a) restate its opposition to the construction of an East West Link from the Eastern Freeway to City Link and urges the Victoria State Government to maintain its commitment to not building this piece of infrastructure, which has not demonstrated net community benefit nor is it economically sound;
- (b) commit to support its community in opposing any move by a State or Federal Government to construct the East West Link given its damaging impacts on our City; and
- (c) notes the \$4 billion proposed by the Commonwealth for the East West Link and that Victoria remains hugely underfunded as regards its share of Commonwealth infrastructure funding, and seeks that the Commonwealth \$4 billion be redirected to deliver high priority crucial urban public transport infrastructure for Melbourne such as the MM2 rail project which operates as an east west rail link.

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 10.44pm.

Confirmed Tuesday 25 June 2019

Mayor