



Ordinary Meeting of Council Minutes

**held on Tuesday 2 July 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)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Leave of absence

Councillor Searle declared leave of absence for the meeting on Tuesday 12 November.

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

Nil

4. Confidential business reports

Item

- 4.1 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 Coleman

Seconded: Councillor Chen Yi Mei

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

That the minutes of the Ordinary Council Meeting held on Tuesday 25 June 2019 will be confirmed at the next Council Meeting on Tuesday 16 July.

6. Petitions and joint letters

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Nil	

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

Nil

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 Kerry Echberg, YCAN - NE Link

Questions:

1. Will Yarra join with the three Councils, Boroondara, Banyule and Whitehorse in the campaign for a superior solution to a NE Link, one of which is a well-integrated urban redevelopment incorporating mass transit that dramatically reduces car use and freight transport on roads?
2. What action will Yarra take on the proposed NEL 'busway' which appears so poorly planned that there will not be any improvement over the current 'DART' buses?

Response:

The Mayor advised that the North East Link is part of Council's public transport advocacy so we will be working on it and we have an advocacy officer that works under our Chief Executive Officer. Boroondara and Banyule and Whitehorse merged one together and that is because they have overlapping interests. We looked more at what would impact Yarra most, we are not discrediting theirs in any way, but we are focusing more on the buses. I met with Andrew Herrington from the Victorian Transport Action Group a couple of weeks ago and some other Councillors have and are setting up another meeting with him and our officers so we can talk through how we can lobby for the buses.

The Director Planning and Place Making also advised that the difference between Yarra and the other Councils is that the project is located in those municipalities. The project has some impacts that we need to carefully consider for Yarra, the physical projects stops at Hoddle Street. Council has tried to tailor its submission and that submission came to Council and officers will be representing Council's view at the hearing that starts on the 25 July. The Council submission goes through a number of Council's strategic directions and intents and a component of that includes the electric buses.

7.2 Herschel Landes - Medically Supervised Injecting Facility

Question:

In Sunday's Age there was an article 'Residents Trapped in Injecting Experiment' and part of it talked about the injecting facility and in particular Councillor Jolly, 'he is helping to lead increasingly vocal cohort of residents who want the facility at the very least moved and he has suggested near North Richmond Train Station close to the intersection of Hoddle and Victoria Streets.

Is this also the view of Council?

Response:

The Mayor advised that Council has voted on the Medically Supervised Injecting Facility and believe over many years a unanimous support for the facility but not on the location.

Councillor Stone also advised that Council has always supported a Medically Supervised Injecting Facility, we have never stated where. It is the State Government's prerogative to determine where, we do not have a position on where at this point.

The Mayor also advised that there will be an article in Yarra News that talks about the Medically Supervised Injecting Facility and the support of Yarra City Council. Councillors are also meeting with residents across the area and many are in support of the facility. She has also been meeting with residents and traders about the facility and also try and support with amenity and street cleaning.

Councillor Coleman put the question to Mr Landes – Do you think that another facility in another location, an additional facility whether a fixed one or mobile one would help alleviate some of the burden on the North Richmond facility?

Mr Landes responded that the reality is that if this injecting facility is lost, no government will probably have the courage to set up another one. The injecting room in North Richmond is working overtime and nearly doubled the business in Kings Cross and around three thousand people living in largest social housing complex in that area. I would feel distressed if it was lost, because the success of this facility it has had to deal with a large influx of people coming from outside the area, it cannot deal with the volume on its own. The traders and I support the facility and calling for a Police Station on Victoria Street and a zero tolerance for any public dealing and using on the streets. I believe the government will need to look at different facilities across the metropolitan area.

7.3 Carol Pelham-Thorman - Mobile Phone Use

Questions:

In light of the Victorian Government banning the use of phones at schools and my recent experience at a meeting with Councillors.

1. Can the Councillors self-monitor and refrain from swiping and checking their phones during meetings?
2. If they are unable to self-monitor can a policy be introduced into the code of conduct to cover this growing distracting and distancing behaviour?

Response:

The Mayor advised that I hope residents do not make the assumption that Councillors are using their phones for Instagram, phones are often our medium of communication and spread information. As everyone would be aware a lot happens during a Council meeting and as long as it doesn't affect the ability of Councillors doing their job, I don't have a position on the matter and let Councillors make their own decisions.

Councillor Jolly also advised that we are not here to entertain the crowd and we are not here to appease the sensibilities of the people in the public gallery. We are here to carry out our tasks under the Local Government Act 1989 and any subsequent amendments. That means, being on top of Council papers, officers, residents and

for example when I am on the phone I am tweeting during the meeting because people that cannot attend the meeting and are interested in the views of Councillors and myself on the issues we discuss are kept informed.

Councillor Stone also mentioned although Councillors seem they are not engaged, these are public meetings and we should be engaging with people came along to them and not absorbed in our own worlds, if people are on their phones it looks that they are not present, this is not necessarily the truth, it is the perception that is conveyed by people and I understand where the submitter is coming from and the best we can do is to make it clear that we are engaged with the community that are here, by listening and responding to their questions and asking question as well and I think we do that.

Councillors Fristacky mentioned that the public should be aware that Councillors are drafting amendments to motions and sending them around to each other and to the Governance Officer to pick up issues, so a lot of it is work and the community to note that the work is being done and we talk our obligations seriously.

7.4 Andris Blums - Pop-up Gardens

Question:

The Mayor read out two questions sent in by Mr Blums:

The planter box program was first approved in early 2014 and revised later in the same year and reapproved by Council as version two. Mr Gilbert authorised the initial version number one.

Who authorised the revised version two that year?

What were the reasons given why it was necessary to do so?

Response:

The Mayor advised I would like to thank Mr Gilbert for his research and going through our minutes. The policy for establishing pop-up gardens in laneways and rights of way, which was initially presented to Council in March 2015, which was the first version and as you know with the first version it goes out for community consultation and then the second version came back in May 2015 for adoption. So that is the reason for the two versions presented.

7.5 Teresa Konopacki - Impacts by Construction Works

Question:

The construction site at 130 Gipps Street which has been in process since 16 December 2018 has caused me great distress. I have contacted the emergency line which I didn't think was an emergency initially but when it causes me distress I consider it an emergency. The police have spoken to the construction workers on several occasions but were told that they were just told VCAT, which I don't understand what that has to do with their work ethics, their procedures, they damaged my property, the swearing, intimidation, language that is used, disrespect of the boundary which has caused damage, the pack mentality where there is a group of men and one old lady living on her own, the call for trespass and theft.

Where do I go? Am I doing the right things? I've tried Council's Planning department, I was disappointed with them. When I was moved to the building area I was treated much better but again, I started emailing and phoning back in

December, I got one reply that Council doesn't get involved in rubbish being thrown over the fence. Until last week when Statutory Planning sent me a letter, but unfortunately on the 21st I was most distressed to receive one letter addressed to the occupant and one addressed to me, telling me that there is this list of about a dozen blokes that are going to come to my house and check it all out.

Who should I appeal to? I've had no summer, no privacy, my walls are collapsing and a crack is a line not something you can put your hand through.

Response:

The Chief Executive Officer advised that as you mentioned a number of departments, I will take it on board and work with the Group Manager in Governance and try to get to the issue resolved. I don't know all the details other than that you have received some letters, so I would like to spend some time with you and happy to coordinate whatever is asked for and find out what you are upset about and what we can do to alleviate your concerns.

8. General business

8.1 Councillor Bosler - Heritage Victoria Referrals

Public Submissions

The following people addressed Council on the matter:

Louise Elliot;

Ian White; and

Margaret O'Brien.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Stone

1. That:

- (a) Officers present to Council a report providing a review of the current process for managing Heritage Victoria referrals, including:
 - (i) legislative restrictions, such as deadlines, and how they can be managed effectively by Council;
 - (ii) opportunities for heritage and community groups, and interested Yarra residents, to submit and contribute to our referral response through a publicly listed meeting or public process; and
 - (iii) any other matters relevant;
- (b) Council acknowledge the extensive work by Ms Elliot and the community on a draft policy and refer it to officers;
- (c) Officers prepare a draft policy for managing Heritage Victoria referrals, and consult with Yarra's Heritage Advisory Committee (and relevant community parties) to seek their input into this policy;
- (d) the report is presented in the August cycle of Council meetings; and
- (e) Officers expedite the review of Council Planning Delegations Policy with regard to such applications, to be considered in conjunction with this policy.

CARRIED

CALL FOR A DIVISION

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

Against: Councillors Jolly, Nguyen and O'Brien

Abstained: Councillor Coleman

9. Delegates' reports

9.1 Councillor Fristacky - Metropolitan Local Government Waste Forum

Committee	Metropolitan Local Government Waste Forum
Appointed Councillors	Cr Bridgid O'Brien; Cr Jackie Fristacky – Deputy Delegate
Date of Council Meeting	2 July 2019
Date of Report	30 June 2019
Report Author	Cr Jackie Fristacky

DELEGATES REPORT

The Metropolitan Local Government Waste Forum (MLGWF) met on 9 May 2019, and on 27 June held a field visit on Council use of recycled products. Cr Fristacky together with delegates and representatives from Councils across Melbourne, attended the meeting and field visit.

MLGWF Forum Meeting, 9 May 2019

Attended by Council Officer, Lisa Coffa and Cr Jackie Fristacky.

MLGWF Chair, Cr Lina Messina, City of Manningham; and Rob Millard CEO, Metropolitan Waste and Resource Recovery Group (MWRRG) spoke on waste management initiatives in the metropolitan region; plastics; FOGO initiatives; E-waste ban to commence 1/7/2019; and high costs to Councils of dealing with waste management, litter and illegal dumping.

The MLGWF heard presentations by:

- **Skye Holcombe, DELWP, Waste and Resource Recovery Officer** on the Victorian Government ban from November 2019 on all plastic shopping bags less than 35 microns in thickness including bags made from degradable, biodegradable and compostable plastics. Of over 8,000 submissions, received 96% supported banning lightweight single use plastics.

A plastic pollution reference group of government, industry, retailers and community stakeholders is to develop a plastic pollution plan to reduce other types of plastic contaminants. Councils are asked to assist with the education campaign for retailers and the community.

- **Sue Phillips, Coordinator City of Darebin** on the Council's policy adopted in February 2019 for eliminating single use plastics through Council, on Council land and encouraged in schools, businesses and the broader community. Tricky aspects were: disposable coffee cups, bottled water and dog waste bags. Highlighted also was a Plastic Free July campaign.

MWRRG Field Visit 27 June 2019

This involved some 40 representatives from MLGWF Councils with presentations and visits to Yarra and Stonnington covering:

- **Yarra's Lisa Coffa showcasing recycled plastic planter boxes** in Bennett Street, North Fitzroy. Made to specification by Replas Products, the specifications including wicking beds and were being trialled for wider application. Advantages presented were an attractive plank design, superior

durability and longevity, capacity to be moved without demolition, with the plastic able to be further recycled at the end of the planter box life.

- **Yarra’s Peter Moran on use of recycled content road base in Stanley Street**, Richmond laid by contractor, Alex Fraser Group using crushed glass, recycled plastic (HDPE) and recycled asphalt product (RAP) mixed with new asphalt.
- **Stonnington’s recycled road base in South Yarra off Toorak Road**, laid by Downer Industries using recycled asphalt, glass, toner, and plastic bags - 500,000 plastic bags used in each road km. Recycled content was up to 35% with the mix having improved wear and rut resistance, with at least 3 years extra road life.
- **Showcasing ESD at Stonnington’s Environmental Education and Design Centre (SEED)** at its TH King Football/Cricket Pavilion in Glen Iris, featuring 6 star ESD (recycled demolition materials, solar energy, cross ventilation, double glazing and rainwater re-use for compostable toilet system. Also shown were use of recycled plastics for outdoor utilities: signage, boardwalks, drinking fountains, dog agility equipment and other outdoor equipment



- **Presentations** included DELWP, Sustainable Procurement Advisor from Sustainability Victoria, Ernst and Young Ecobuy, focusing on promoting the circular economy through resource recovery, recycling, sustainable supply chains, recycling procurement requirements for Departments and Agencies, and education, including sustainability courses. Highlighted by several was the initiative of railway sleepers made from recycled plastic installed at Richmond Rail Station Saturday 22 June.
- **RMIT Industrial Design School** informed on innovative undergraduate designs for using recycled materials in new products e.g. converting soft plastics and recycled cardboard into material used for bike panniers; glass fines for lampshades embedded with spent radioactive material; bases from recycled concrete; recycled PVC for animal feed bins; recycled plastic to make new spectacle frames; waste blood made into sausages, foam waste used for surfboards, and more.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor O'Brien

1. That Council:

- (a) note this Delegate’s Report on the Metropolitan Local Government Waste Forum (MLGWF) meetings in May and June 2019; and

- (b) further note the use of compostable toilets at Stonnington's Environmental Education and Design Centre (SEED) in an urban environment, and refer this to Yarra officers for consideration in Yarra's open space areas.

CARRIED UNANIMOUSLY

9.2 Councillor Searle - Heritage Advisory Committee (HAC)

Committee	Heritage Advisory Committee (HAC)
Appointed Councillors	Cr James Searle, Cr Danae Bosler, Cr Jackie Fristacky
Date of Council Meeting	2 July 2019
Date of Report	2 July 2019
Report Author	Cr James Searle

DELEGATES REPORT

The Heritage Advisory Committee met on Thursday 13 June 2019 and was well attended by HAC members. Councillors Searle and Bosler were in attendance.

Items on the agenda included:

Update on the draft 2019-2023 Heritage Strategy

- The consultant has produced a draft heritage strategy (working with the HAC sub-committee). The draft is currently in the process of being refined by officers and the consultant and will be presented to HAC before being presented to a Council meeting for exhibition.

Update on Activity Centre built form analysis and structure planning

- Queens Parade amendment C231
 - Members asked questions and some expressed concerns about the outcome of the Queens Parade draft built form controls. Councillors offered explanations of their position as did officers. The draft design & development overlay will now be considered by a Planning Panel. It was noted by members that they appreciate the collaborative approach that was taken by officers in developing the controls.
- Swan Street amendment C191
 - This amendment has been on exhibition and public submissions have closed. Officers are currently preparing their response. Some members referred to the set of principles drafted by members which were presented as part of the previous delegate's report and expressed.
- Smith & Brunswick Streets
 - The strategic planning teams are working on built form analysis for Smith & Brunswick streets which will be presented to HAC and Councillors in August.

Other matters

HAC had discussions on the cultural heritage of Victoria St, the Victorian Heritage Restoration Fund, the Royal Exhibition Building World Heritage Area review, and a funding application for the heritage restoration of Collingwood Library,

HAC members raised concerns about the timeframe of the planning scheme heritage policy and planning scheme rewrite and asked that their concerns be included in the delegate's report.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Bosler

1. That Council:

- (a) note this Delegates Report, including:
 - (i) HAC's concern about the delay in inclusion of a new heritage policy in the planning scheme;
 - (ii) the delay in the completion of the planning scheme rewrite; and
 - (iii) HAC's request for feedback about the expected timeframe for completion of the planning scheme rewrite.

CARRIED

9.3 Councillor Bosler - Disability Advisory Committee (DAC)

Committee	Disability Advisory Committee (DAC)
Appointed Councillors	Mayor, Cr Danae Bosler and Cr Steve Jolly
Date of Council Meeting	2 July 2019
Date of Report	26 June 2019
Report Author	Cr Danae Bosler

DELEGATES REPORT

Over recent months the Disability Advisory Committee has considered a number of issues related to the roll-out of the National Disability Insurance Scheme (NDIS). This process has included:

- (a) A sub-group of members meeting to outline their personal experiences of participating in the Scheme to identify key issues;
- (b) Presentation by Leadership Plus, an agency funded to provide advocacy (on both individual and systemic issues) through to the NDIA; and
- (c) Consideration of local action by the DAC to highlight issues and support participants to improve individual outcomes.

The experiences outlined by members represent a small sample of people (6 members involved in the sub-group meeting), however they were consistent with the

common areas of concern including:

- (a) Annual Plan Review process – individuals have experienced confusion and uncertainty about the process to review their plans, being frustrated with the level of documentation and evidence to be provided. Cases sighted of being left in abeyance while decisions are being made and outcomes varying greatly from the previous year, leaving individuals with a reduced level of support and funding;
- (b) Appeals processes – lack of transparency of how decisions will be reviewed, including timing and confusion created by multiple officers being involved; with no possibility of any communication with them;
- (c) Administration requirements – several members expressed concerns about being ‘worn out’ by the administrative burden, record keeping and management of their individual plans, invoicing arrangements;
- (d) Eligibility – discussion of how some people are reluctant to engage with the system based on friends’ experiences and sense of inadequate support for people with particular disabilities;
- (e) Advocacy support – unclear about what support is available; how to access it and the roles of an advocate; limits to actual support, planner and support coordinator roles; and
- (f) Knowledge – need for more information, education and resources so that individuals can access advocates; support coordinators and feel more in control of their plan and supports.

The DAC provides advice to Council on *“programs, services and initiatives developed by all levels of Government and non-Government organisations to respond to access and inclusion issues and to identify systemic advocacy issues”*.

At its May meeting the DAC reflected on the stress within both the new NDIS and My Aged Care systems and expressed concern that in many instances these systems were not working for people, in providing the human rights based and choice and control aspects that have been promoted. Concern was also expressed about inequitable outcomes. The DAC requested that Council initiate advocacy to effectively communicate community concerns as outlined above.

Whilst there may be some examples where the NDIS has achieved good outcomes for a number of people, it is clear that this is not a uniform experience and the confusion is causing real difficulty and hardship in people’s lives.

This request from the DAC is consistent with City of Yarra’s Strategic Advocacy Framework 2018-2021 and aligned with Council’s advocacy priorities and strategic focus to: *Ensure the new NDIS, My Aged Care and CHSP systems are accessible for especially vulnerable, CALD and Aboriginal community members.*

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Fristacky

1. That Council notes this Delegate’s Report.

CARRIED

10. Questions without notice

10.1 Councillor Stone - Heritage Referral - 11 Brunswick Street, Fitzroy

Question:

In relation to the recent decision on 11 Brunswick Street, Fitzroy by the Heritage Council who was reviewing Heritage Victoria's refusal to issue a permit for work. It made a particular comment about Yarra, apparently Yarra made contradictory positions, it approved the development on the basis that it could not consider heritage and yet when we were asked to have input into the Heritage Victoria position we objected to it and that was partly because Councillors were advised that matters of heritage were not relevant and could not be considered as part of the application because it was a Heritage Victoria decision. The decision stated, "Yarra left all heritage assessment to the Heritage Council as we were advised to do, the committee notes the unfortunate result was the heritage impacts of that part of the proposed apartment building outside the building footprint of the main house in the rear wing were not assessed by Yarra in the context of the planning permit and are not able to be assessed by the committee in the context of this review". It was written in a critical way.

Can the Director Planning and Place Making please explain the discrepancy between how Council officers interpreted the footprint for the purposes of assessment at this site, compared to the Heritage Council assessment, which is different and is the basis of their criticism of us?

Can the information that is provided to Councillors also be provided to the objectors?

Response:

The Director Planning and Place Making advised that the advice that officers gave IDAC at the time was that because the whole site is in a heritage registered position with Heritage Victoria that Council cannot consider the heritage, it's the consistent advice officers provide and believe that it is correct. In those circumstances, Council need to consider all aspects that are triggered under the planning scheme except heritage because Heritage Victoria is the responsible authority to determine on heritage. That decision by the Heritage Council arrived last Friday and I have officers looking at it and I have spoken to them today. There are some aspects that make the decision seem a little odd to officers at this point and it may well be that the mapping of the Victorian Heritage register in the state system is correct or incorrect, so I need to get to the bottom of it, so there are queries and complexities in that which we are looking at seriously and I will be reporting back to Councillors either this week or next.

The Director Planning and Place Making also agreed to provide the information to objectors.

10.2 Councillor O'Brien - AMCOR redevelopment

Question:

I am seeking clarification for the record regarding several matters.

If Glenvill seek an exemption from the planning scheme to remove any trees aside from the one already down and across the river, will this come back to a Council Meeting for determination as per the resolution on 11 June?

It is my understanding that Council is waiting on Geotechnical advice from Glenvill before our consultants make a determination on the cause of the riverbank collapse, this may take a further two weeks. The situation as we all know is critical and depending on how much rain we have there is likely to be more damage to the riverbank if not, the loss of more significant trees and it would seem that it is in Glenvill's interests for the process to take as long as possible given their view is that those two trees should be removed as a safety risk.

I am seeking some clarification about why we are waiting to respond on Glenvill's conclusion regarding the cause of the riverbank collapse and how is this position accommodated by the motion 13.1 from 25 June regarding a City of Yarra separate investigation?

Response:

The Director Planning and Place Making advised that officers will follow the Council resolution and just for clarity Glenvill are asserting that those trees are of risk of falling, their arborist and our arborist and officers have been in conversations. It is officer's view at this point in time and that could change any day or hour, those trees are not imminently dangerous and therefore not exempt. The Council resolution provides some parameters on how the process would work and we will follow that.

The Director Planning and Place Making also advised that Glenvill have been requested to provide geotechnical and arborist advice as I have indicated last week and they are working on that and I followed up with Glenvill on that today and they thought that they may get the geotechnical advice yesterday or today but I do not have that yet but will follow that up again. We have a consultant engineer working to the City Works branch who will review that information once it's provided.

10.3 Councillor Searle - Bridge Road, Road Services

Question:

The road surface at Bridge Road on the intersection Bridge Road and Church Street surrounding the tram tracks is in very poor condition and of course it is not a Council road.

Are officers are aware of the poor condition of the road which makes it quite dangerous for cyclists turning right or straight from Church Street and whether or not we can do some advocacy to VicRoads for repair of that road surface?

Response:

The CEO took the question on notice.

10.4 Councillor Searle - Condition of shop fronts on Bridge Road

There are many vacant shops on Bridge Road, particularly on the hill, some of which are owned by land banking developers who pay no attention to the condition of their shop fronts and some in particular which have recessed entries and a lot of cigarette butts and dust and dirt and private property of course and so it should be the responsibility of the property owner to clean it.

Does Council have any way to compel those developers which own those properties to keep them in good condition?

Response:

The Director Planning and Place Making advised that it would depend on what the

local law says so will have to put that question to Mr McAlary and Mr Martin of compliance.

10.5 Councillor Jolly - Women experiencing verbal abuse in Edinburgh Gardens

Question:

I have been approached by several women and one of them is my partner about what has effectively become a no go zone for woman in the largest and most beautiful park in the City of Yarra, Edinburgh Gardens. A portion of the park, around the stand, next to Fitzroy Oval, we have a situation now where it's also become a police matter as there is a group of individuals who are male, who make it their business on a regular occasion to involve themselves in sexist and homophobic remarks against woman who are alone, who are walking in the area and many woman have stopped walking their dog outside the front of the stand area. It's not done to males and it's not done when the footy is on when the women or men are practising or playing footy.

Have officers put their mind to the fact that if this is taking place, it's obviously unacceptable that parks are no go zones for women, some of these people are living in the stand and are therefore obviously homeless. If they have mental health issues or if simply misogynist, is there somewhere they can be helped to move to that's going to give them the support they need, whether it's mental health support or whatever support they that's needed, because people with those attitudes, it's probably not the best place for them to be living.

Do officers have a view on this issue?

Would it be possible for officers in some way shape or form to say to this group that are living there that we at Yarra do not value homophobic, racist, sexist remarks and that we have kept a very patient attitude to their occupation and there not doing themselves any favours and any respect in the community by carrying on like that? At the very least, could we let them know that we are aware of their behaviour and it's not acceptable?

Response:

The Group Manager People, Culture and Community advised that is a delicate and challenging nature around the safety of women and also understanding our rough sleepers in our community. Council is limited in ways we can help the homeless, we do play an active role in our partners at Launch Housing, the homeless outreach team and all requests and referrals do go through Launch Housing to respond to rough sleepers, specific to Edinburgh Gardens, I can state that our engagement advice on housing and homelessness within our Community Partnerships Branch attends the site twice a week. The area is cleaned twice a week and a major site clean on 13 February, understanding that there have been continued scheduled cleans since then to disrupt the area. Victoria Police have played an active role and are very much aware of the situation. We can confirm that there is a Senior Sergeant from Victoria Police that has been assigned and based in Fitzroy who is specifically tasked to look into this matter that has recently been raised and regular meetings that happen with the police and we are often told of any concerns and to date, we have not received any concerns about any of our rough sleepers. Having said that we are very keen to continue to work with the police and our Launch Housing outreach services.

The Chief Executive Officer advised that she will meet the local police who have been assigned to this and have a walk through the park with officers so that they

are not exposed to the unsafe atmosphere.

The Director Community Wellbeing also advised that he would arrange a meeting with various officers and the police members assigned to the area.

10.6 Councillor Coleman - AMCOR Trees

Questions:

1. In relation to the two trees which are now under threat at the AMCOR site, please advise how many days the trees have got left before they become unviable?
2. Can City of Yarra conduct a separate investigation as opposed to just waiting to receive and review Glenville's (arborists and geotechnical) reports?

Response:

The CEO advised that first part of the question is technical response so I need to rely on our technical staff and with part two I am assuring you that it will be an independent report.

The Director Planning and Place Making advised that the Council's arborist does not believe the trees are in danger of falling at this point and the arborist on the other side have a different view and we have asked for more work for them to put their point of view forward so it can be duly considered. There was also a question raised; could the trees be cabled for example, and the answer I'm told is that there is an occupational safety issue about getting near the trees to even think about cabling them, let alone any technical ability whether the cables could be anchored. I cannot answer the question directly, it's a topic that is being taken seriously, the arborists can say that the tree is structurally sound and healthy but that's not the only matter, it's the soil that holds tree up and there is a question about the root system whether the slump has affected the root system or there's a slump at the root and is all still quite stable and that's why it is a combination of the geotechnical report and the arborist report that needs to be done and looked at its not one or the other.

11.1 Yarra's Christmas Decoration Program

Trim Record Number: D19/92481

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding the Christmas decorations program;
 - (b) support the installation of Christmas decorations at three sites as outlined in Option 2 in this report for 2019; being the Richmond Town Hall, Collingwood Town Hall, Bargoonga Nganjin Library; and
 - (c) create a more customised Christmas program for these sites for subsequent years.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the officer report regarding the Christmas decorations program;
 - (b) support the installation of Christmas decorations at three sites as outlined in Option 2 in this report for 2019; being the Richmond Town Hall, Collingwood Town Hall, Bargoonga Nganjin Library; and
 - (c) create a more customised Christmas program for these sites for subsequent years.

CARRIED

CALL FOR A DIVISION

For: Councillors Jolly, Stone, Chen Yi Mei, Searle, Bosler and O'Brien

Against: Councillors Coleman, Fristacky and Nguyen

11.2 Yarra City Council going Single Use Plastic Free

Trim Record Number: D19/39819

Responsible Officer: Director City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) note the 'Yarra City Council going Single Use Plastic Free' report;
 - (b) note that the adopted Waste Minimisation and Resource Recovery Strategy and Action Plan 2018-22 contains actions in year 1 and 2 of the plan to address single use plastics; and
 - (c) proceed with the work to remove single plastic from Yarra operations and stagger the project over the next two years as outlined in the report as per Option 4.

REVISED OFFICER RECOMMENDATION

1. That Council:
 - (a) note the 'Yarra City Council going Single Use Plastic Free' report;
 - (b) note that the adopted Waste Minimisation and Resource Recovery Strategy and Action Plan 2018-22 contains actions in year 1 and 2 of the plan to address single use plastics; and
 - (c) proceed with the work to remove single plastic from Yarra operations and stagger the project over the next two years as outlined in the report as per paragraph 31 ~~Option 4~~.

Public Submissions

The following people addressed Council on the matter:

Carole Wilkinson, YCAN; and

Kerry Echberg, YCAN.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor O'Brien

1. That Council:
 - (a) note the 'Yarra City Council going Single Use Plastic Free' report;
 - (b) note that the adopted Waste Minimisation and Resource Recovery Strategy and Action Plan 2018-22 contains actions in year 1 and 2 of the plan to address single use plastics; and
 - (c) proceed with the work to remove single plastic from Yarra operations and stagger the project over the next two years as outlined in the report as per paragraph 31.

CARRIED UNANIMOUSLY

11.3 Endorsement of Graffiti Management Framework 2019-2022

Trim Record Number: D19/74475

Responsible Officer: Group Manager People, Culture and Community

RECOMMENDATION

1. That:
 - (a) Council adopt the Graffiti Management Framework 2019-2022.

Public Submissions

The following people addressed Council on the matter:

Brad Reynolds, Fitzroy Residents Association; and

Margaret O'Brien.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Jolly

1. Request a deferral of this report for one month to ensure that:
 - (a) areas of the policy which are currently unclear are clarified;
 - (b) that areas such as the heritage dimensions are more carefully considered; and
 - (c) that the submission from the Fitzroy Residents Association and others today are considered by officers for potential inclusion by officers in the revised report.

CARRIED

11.4 Multicultural Partnerships Plan 2019-2023

Trim Record Number: D19/73823

Responsible Officer: Group Manager People, Culture and Community

RECOMMENDATION

1. That:
 - (a) Council adopts the Multicultural Partnerships Plan 2019-2023.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Stone

1. That:
 - (a) Council adopts the Multicultural Partnerships Plan 2019-2023.

CARRIED UNANIMOUSLY

11.5 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D19/106760

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council formally appoints:

- (a) Irene Christopoulos;
- (b) Barry Dempsey;
- (c) Angela Eastwood;
- (d) Christopher Gaal;
- (e) Matthew Gillespie;
- (f) Jennifer Guo;
- (g) Sarkis Haladjian;
- (h) Kaela Isley;
- (i) Linden Jesensek;
- (j) Sharni Kearney;
- (k) Aoife Mulligan;
- (l) John Sanchez;
- (m) Evette Shomali;
- (n) Sanja Stojakovic;
- (o) Damian Visentini; and
- (p) Susan Yousif

as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

2. That Council directs that the Instruments of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council formally appoints:

- (a) Irene Christopoulos;
- (b) Barry Dempsey;
- (c) Angela Eastwood;
- (d) Christopher Gaal;
- (e) Matthew Gillespie;
- (f) Jennifer Guo;
- (g) Sarkis Haladjian;
- (h) Kaela Isley;
- (i) Linden Jesensek;
- (j) Sharni Kearney;
- (k) Aoife Mulligan;
- (l) John Sanchez;
- (m) Evette Shomali;
- (n) Sanja Stojakovic;
- (o) Damian Visentini; and
- (p) Susan Yousif

as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

2. That Council directs that the Instruments of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 11 of 2019 - Processing of Heritage Victoria Referrals by Council

Trim Record Number: D19/109630

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That in relation to Heritage Victoria referrals of permit applications and Heritage Council permit determination reviews, it is the policy of the City of Yarra that:
 - (a) Copies of Heritage Victoria permit applications referred to Council as the responsible authority in accordance with Section 100(1) of the *Heritage Act 2017* are sent to the Chief Executive Officer to ensure that all applications for places of state significance in Yarra are part of a public process;
 - (b) All Heritage Victoria permit application referrals will be placed on a Council meeting agenda so that Council in accordance with section 100(2) of the *Heritage Act 2017* may make a written submission having considered the officer report and recommendation, together with any additional information provided by the community;
 - (c) The level of detail in the referral reports listed on Council agendas will depend on whether the application is for a major permit application which requires a detailed heritage assessment as specified in sections 101(2) and 101(3) of the Act or minor works not visible from the public domain;
 - (d) Minor permit applications where the proposed works are not visible outside the heritage place will be listed as a brief report on Council agendas, so that Council has sufficient information included in the in-house heritage advice to determine whether it requires a formal response to the referral;
 - (e) If the proposal is visible from the public domain then a full report will be provided on the Council agenda including a detailed heritage assessment of the application and its effect on the cultural heritage significance of the place, as well as the considerations in section 101(3) of the *Heritage Act*;
 - (f) Major heritage applications on Council agendas will have a full report that includes a heritage assessment from an independent expert with extensive experience with similar high-level heritage applications, together with PDFs of the application plans and documentation and the Heritage Victoria referral letter provided as attachments to the report;
 - (g) Council's resolutions in response to major permit applications will be sent to Heritage Victoria as the responsible authority's submission, as will any response to minor application assessments in those instances when Council determines a written reply to the referral is required;
 - (h) When additional time is required for a major application, Heritage Victoria will be advised that Council is preparing a submission that will be sent no later than four to five weeks after the referral is received, and similarly if Council determines a reply will be sent in relation to a minor application then Heritage Victoria will be advised it will be sent for the Executive Director to consider as "any other relevant matter" in accordance with Section 101(3) (b); and
 - (i) When the Heritage Council notifies the responsible authority about permit determination reviews in accordance with Section 106(5) (b) of the *Heritage Act 2017*, this will be placed on the next Council agenda together with the reasons for the appeal so that Council can consider what procedure it wishes to adopt in relation to the specified timetable for each submission deadline.

THE NOTICE OF MOTION WAS WITHDRAWN BY CR JOLLY.

Conclusion

The meeting concluded at 10.46pm.

Confirmed Tuesday 16 July 2019

Mayor