



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 16 July 2019 at 7.00pm  
Richmond Town Hall**

**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

## 1. Statement of Recognition of Wurundjeri Land

*"Welcome to the City of Yarra."*

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

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

### Attendance

#### Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- 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)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

#### Apology

- Cr Mi-Lin Chen Yi Mei

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

Nil

## 4. Confidential business reports

### Item

- 1.1 Matters relating to the security of Council property
- 2.2 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 Coleman

**Seconded:** Councillor Fristacky

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
  - (a) Matters relating to the security of Council property; and
  - (b) 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 Stone

**Seconded:** Councillor Nguyen

That the minutes of the Ordinary Council Meeting held on Tuesday 25 June and Tuesday 2 July 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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## 9. General business

Nil

## 10. Questions without notice

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## **11. Council business reports**

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## **12. Notices of motion**

Nil

## **13. Urgent business**

Nil

## 6. Petitions and joint letters

### 6.1 Joint Letter from various Associations

Reference: D19/126367

A joint letter has been received by a group of associations that receive funding from the City of Yarra: Yarra Healthy Life Association; The Yarra Happy Family Association; Fitzroy Chinese Mandarin Community Friendship Association; Fitzroy Public Housing Resident Association; Fitzroy Atherton Garden Table Tennis Association; Fitzroy Chinese Association, and the Yarra Chinese Women's Group.

The above organisations have raised various complaints.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Coleman

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

**CARRIED**

## 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 Dorothy James - Recycling Waste

Questions:

Why hasn't Yarra used a similar plan as Boroondara? They issue residents with plastic recycling bags to leave at the top of the recycling bin. I take my soft plastic to the supermarket but clearly we can keep soft plastic out of landfill or out of the recycle rubbish.

I went to Boroondara yesterday to collect some information so I am hoping that Yarra City Council thinks about doing something similar, sooner rather than later.

We would also require public education, but also wondered why I have a large bin when I need a smaller one for my weekly rubbish.

Could Council undertake an education program and make some prudent changes that might cost a small amount of money in the short term but in the long term it will be financially worthwhile for all of us and environmentally worthwhile?

Response:

*The Mayor advised that Council has plastic free July this month, so Councillors and Yarra City Council has signed up to the Plastic Free July campaign where residents avoid using single use plastics. An article was placed in the Age on the campaign*

*and also put in the Yarra Newsletter; included an article on North Fitzroy Village and the action businesses are taking, it also covered a trial in Abbotsford by using different bins, different sized bins, bins for food and organic waste and bins for glass.*

*The Director City Works and Assets also advised that we would be happy to follow-up with Boroondara City Council to understand how it would be applicable at Yarra. Our holistic waste trial that we are running which is to separate our glass in order to recycle glass rather than have it processed with other materials which degrades all the products. We are also doing a trial to remove organic material from the bins so we are seeking to separate all kinds of waste. We don't have a solution as yet on plastic other than to offering collection points and we also have a recycling centre at our depot in Clifton Hill. Supermarkets are accepting soft plastics so people are able to drop them off there. In relation to bin sizes, we are looking at different bin sizes as part of the holistic waste trial, it isn't practical in terms of the way contractors work and the way the trucks collect to have different sized bins at different properties so as I accept not everyone needs the full volume of the bin, we do need to provide consistency in terms of bin sizes.*

## 7.2 Dan Bleakly - Data Collection of Cyclists

Question:

I live near Wellington Street and I would like to congratulate Council on the extension of the separated bike lane, I use it every day and I think it will encourage a lot of people to take up commuter cycling.

Will Council be taking data on the number of cyclists that are using the bike path in future and whether that data could be displayed to people? I've seen in some cities that when you ride down a separated bike path you can see how many people have used it this year compared to last year and I think the data would be very valuable to show the uptake of commuter cycling in Yarra.

Response:

*The Director Planning and Place Making advised that we are pleased with the progress of the Wellington Street lane and that should be completed by around September. Certainly from a "Super Tuesday" count which is Australia's biggest annual commuter bike count event, we would be doing that and it may be with some suitable census and those sort of facilities that we could get more frequent counts and think it would be useful to see the pattern ridge.*

*The Director also advised that the Elizabeth Street project is part of the pilot and trials program that was embedded in the budget. We need to achieve that in a cheaper manner than Wellington Street as those bike lanes were very expensive, so we need to get that program up and running. We will also be coming back to Councillors at briefing in a couple of months with a sense of how we go about it.*

## 7.3 Adele Taylor - Traffic Management

Questions:

I live in the North Richmond area and I wanted to discuss a traffic management issue that we have at the intersections of Hoddle Street and York Street and Hoddle Street and Egan Street. A number of residents and myself in the local area find that we get stuck there often trying to turn onto Hoddle Street, it is frustrating and weekly accidents and near misses in that area. I am petitioning to VicRoads to actually get

keep clear markings painted onto Hoddle Street and I am here tonight to ask for your support in doing that.

*Response:*

*The Chief Executive Officer advised she will be meeting with VicRoads in a week. The issues area around Hoddle Street, Swan Street and Egan Street in Richmond will be discussed with them.*

*The Chief Executive Officer also advised that she will send a memo to Councillors on the outcome of the discussions with VicRoads and if Ms Taylor could pass on any information to her it would be helpful in the discussions.*

#### 7.5 Andris Blums - Planter Boxes

*Question:*

*The Mayor read out further questions that Mr Blums sent in relating to planter boxes. Part 2 was in relation to the initial version one.*

What was the total uptake and administrative costs per planter box and the amount recouped in fees from administrative costs?

*Response:*

*The Mayor advised approximately 135 Urban Agriculture Agreements were issued between 2014-2019 with an associated 178 planter boxes and in terms of breaking down the administrative costs, as Councillors would know that is a hard piece of work to do associated with planter boxes as it is part of our community growing spaces program and a planter box is more than just the cost of the box and the cost of delivering the box, there is a bunch of community work that sits behind that as well and various from planter box to planter box, so it is inappropriate to respond to that part of the question.*



## 8. Delegates' reports

### 8.1 Cr Fristacky - Public Transport, Sustainable Transport Advocacy

<b>Subject</b>	Public Transport, Sustainable Transport Advocacy
<b>Appointed Councillor</b>	Cr Jackie Fristacky; Deputy Delegate: Cr Bridgid O'Brien
<b>Date of Council Meeting</b>	16 July 2019
<b>Date of Report</b>	16 July 2019
<b>Report Author</b>	Cr Jackie Fristacky

#### DELEGATES REPORT

##### 1. Metropolitan Transport Forum (MTF)

The MTF, representing 26 metropolitan council members, with additional associate members, holds a general members' meeting the first Wednesday of each month bar January, at the Melbourne City Council.

##### 2. Speaker at MTF 3 July monthly meeting

###### Minister for Public Transport, Ports and Freight

The Minister spoke on **State budget transport commitments and major projects** including Melbourne Metro 1 (MM1), Suburban Rail Loop (SRL), Melbourne Airport Rail; Geelong Fast Rail and a Western Rail Plan, with business cases anticipated in 2020. Questioned on **MM2**, the Minister said that while not a planned project, MM2 was supported by upgrades to signalling at Clifton Hill and tunnelling at the Parkville MM1 interchange.

**Re buses**, the Minister acknowledged buses as more flexible, and able to boost service levels quickly at far less cost than rail. The ageing state-owned bus fleet on Transdev routes are to be modernised with 100 new buses and 50 hybrid buses deployed. The Minister indicated that the second half of 2019 will see a boost to bus and rail services. She noted the success of a 'World of Melbourne by Bus' marketing campaign, with a 20% bus patronage in the Footscray area.

**Technology** was another focus with real-time data on public transport being shared with providers, such as RACV (its Arivo app including bus tracker) and ride share operators. Other technology raised: sensors on buses and trams to better track patronage data for fare avoidance and the free tram zone; traffic light priority for trams; control centre upgrades to predict and manage delays and congestion on the network; and trial bike racks on buses.

**Re Freight**, investment is under way to enhance the link between the Port of Melbourne and intermodal terminals at Somerton and Altona through the Port Rail Shuttle, aimed at taking trucks off-road and lowering costs. A business case for the Port of Melbourne on-dock rail solution to further integrate rail and port side logistics is currently before the State Government. The Maribyrnong area will reduce access times for trucks that do not meet Euro 5 cleaner engine standards.

### **3. Further monthly meetings**

Other monthly speakers planned for 2019 are the proposed busway as part of the North East Link Project (7 August); Melbourne Metro 2; the new Department of Transport structure, including VicRoads, PTV, active transport, and improved integrated transport planning; and RACV's mobility policies.

The MTF AGM is to be held 4 September 2019.

### **4. Bus Advocacy**

A Bus Forum is planned for 2 October 2019, to be held at the MAV. The aim is to engage relevant stakeholders to encourage a step-change in the role of buses in Melbourne's transport system.

### **5. Administration**

A MTF Strategy Day will be held on 20 July to plan MTF's future role. To support the Forum activities and role, an increase in membership fees was flagged - these not having increased for many years.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor O'Brien

That the Delegate's Report be noted.

**CARRIED**

### **8.2 Cr Stone - Leaps and Bounds Festival**

I would like to note the great success of Council's Leaps and Bounds Live Music Festival for filling one of the aims of our Arts and Culture Strategy which is to make Arts and Culture accessible to everyone. The theme of the festival this year was diversity and it was a living, breathing example of that from the launch at Hares and Hyenas Bookshop and the great performance that was there to a gig for our aged care residents at the Corner Hotel last week in the afternoon, to another gig at the Corner Hotel for our littlest pre-schooler and their parents and this weekend Smith Street Dreaming with indigenous music and performers. It really is incredibly diverse and shown that live music is for everyone of all ages and it's the sort of Council that we all should be proud to part of and I would also like to congratulate the Arts and Culture team and PBS FM who were responsible for the programming and the organisation and a terrific two weeks of live music for everyone.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That the Delegate's Report be noted.

**CARRIED UNANIMOUSLY**

## 9. General business

Nil

## 10. Questions without notice

### 10.1 Councillor Searle - Construction Signs

Question:

In reference to Council's Local Law that requires building and construction sites not to commence works before 7.00am or not to make noise before 7.00am, some builders are really good this rule and some are very cheeky. I saw an example of good practice in Collingwood recently where there was a sign on the frontage of the construction site which had the logo of the builder and a sign which said, "No noise before 7.00am" and it had the phone number of builder. I thought it was a really good practice.

I would like to know if it was something that Council has required or if Council is aware of and if Council has not required that whether or not we can consider requiring signs of that nature in Construction Management Plans.

Response:

*The Director City Works and Assets advised that Construction Management enforce the times of construction. I am not aware of that sign but it sounds like a good idea. I don't know if it is enforceable but certainly happy to take that on board. As you would be aware we have officers that patrol and they actively patrol and also respond when advised if people are doing the wrong thing. Something like that is something that we could look at and happy to provide some advice on that.*

### 10.2 Councillor Jolly - North Richmond Club - Land Tax

Question:

I received a letter from the North Richmond Club based on Church Street who are a philanthropic club that assist through their philanthropy i.e. the Women's Refuge Burnley Street, St Ignatius, Richmond Seniors Citizens, Milparinga School, Gold Street Centre, Fitzroy Special School, Abinger Street Nursery, Berry Street Babies Home and many more. What they have said is that their future, and they have been in operation since 1944 is under threat because of Land Tax and as you know there are exemptions and concessions for Land Tax available for charitable organisations under certain conditions, so they are asking that we help lobby the State Government to find out why they are not able to receive it. They have also written to the State Revenue Office and have quoted back, "section 74 (1) of the Land Tax Act 2005 and are concerned that they may have to close down if they don't get any assistance.

Can this letter be accepted and perhaps discussed with the local member and or the State Government if they are entitled to some type of exemption or concession for Land Tax?

Response:

*The Mayor advised that she would accept the letter and pursue the matter.*

### 10.3 Councillor Fristacky - Library Fines

**Question:**

In relation to an article in the Age dated on 4 July about Library Fines and several Council's deciding to abolish library fines because of the negative impact of fines on people particularly on children that have had lots of fines and their response to heavy fining was to no longer use the library.

I think it would be useful for Council or Councillors to receive a report on that and how it can be assessed and how it is assessed by Yarra and the impacts on usage of libraries would be an important consideration.

**Response:**

*The Director Community Wellbeing advised that it is something that we are looking at and certainly in lines with contemporary practice. There is some view around the capacity of fines being a problem, particularly the disadvantaged community so it is certainly something we are looking at and happy to undertake to bring a report back to Council.*

### 10.4 Councillor Coleman - Broadcast of Translations

**Question:**

In relation to the production values of our weekly announcements on 3CR and 3ZZZ in Greek, Turkish and Arabic. When our latest edition of Yarra News hit people's letterbox I was contacted by a number of people saying that the production values of the Greek, Turkish and Arabic broadcast by Yarra have gone, as quoted, 'a little crappy'.

What has happened or what has changed? If these broadcasts are going out via 3CR and 3ZZZ could we not be using those studios and that equipment for those broadcasts? I heard a couple of them and they sounded like bad, scratchy phone lines.

Going forward can we consider using the AM and FM station studios as opposed to doing things on scratchy phone lines.

*The Mayor also noted if we could also consider the recognised industry best, VITS LanguageLoop and SBS radio.*

**Response:**

*The Communications and Engagement Advisor, Erin Marcon advised we have had received that type of feedback recently and have had some discussions with a new provider who we have recently moved to and that has been when the quality issues have occurred. We have facilitated a discussion between one of the community radio stations and the provider of the audio and they are working through those issues with the view of providing better quality going forward.*

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## 11.1 Car Share Policy

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Trim Record Number: D18/193902

Responsible Officer: Director Planning and Place Making

### RECOMMENDATION

1. That:
  - (a) Council note the report of officers on a proposed Car Share Policy;
  - (b) Council note the responses to the exhibition of a draft policy as outlined in Attachment 2;
  - (c) Council note the revised draft Car Share Policy as shown in Attachment 1;
  - (d) Council, having noted the submissions and the officer report, adopt the Car Share Policy (2019 – 2024) as outlined in Attachment 1;
  - (e) officers commence implementation of the Car Share Policy; and
  - (f) submitters be informed of the Council decision.

### Public Submissions

*The following people addressed Council on the matter:*

*Dan Bleakly;*

*Richard Davean;*

*Justin Passaportis, Goget;*

*Frank Grocl;*

*Jeremy Lawrence;*

*David Brant, DAC member;*

*Mary Rispoli, DAC member; and*

*Harry Barber.*

### MOTION

**Moved:** Councillor Searle

**Seconded:** Councillor Coleman

1. That:
  - (a) Council note the report of officers on a proposed Car Share Policy;
  - (b) Council note the responses to the exhibition of a draft policy as outlined in Attachment 2;
  - (c) Council note the revised draft Car Share Policy as shown in Attachment 1;
  - (d) Council, having noted the submissions and the officer report, adopt the Car Share Policy (2019 – 2024) as outlined in Attachment 1, with the following additions:
    - (i) A new 7.3 (and subsequent re-numbering), "7.3 - The figures in Table 1 are targets. The targets for on-street spaces will be reviewed if they are reached before the expiration of this policy. The maximum number of off-street car share spaces is not controlled by Council and is wholly within the control of car share providers;"

- (ii) in section 7.3, “As per the targets in Table 1, there should be a limit on the provision of on-street car parking bays but no limit on the provision of off-street car parking bays.”;
- (iii) A new 7.7 in the policy: “A mid-policy review shall be commenced should the number of bays reach 85% of the number of target spaces;”
- (iv) throughout section 10, replace wheelchair accessible with “electric-wheelchair accessible”;
- (e) officers commence implementation of the Car Share Policy;
- (f) submitters be informed of the Council decision;
- (g) Officers report back to Council in 3 months with an implementation plan for the 2019/20 phase of car share bays: and
- (h) Councillors to receive an annual report on the quantity and location of car share bays, data on their usage, the future pipeline of bays and any other relevant information

*Councillor Nguyen proposed a further amendment. The mover did not accept the amendment. Councillor Nguyen then formally moved the amendment.*

#### **AMENDMENT**

**Moved:** Councillor Nguyen

**Seconded:** Councillor Jolly

For provision 10.3 to be phased in with effect of current car share operators to immediately provide wheelchair accessible vehicles based on their current allocations of vehicle bays.

**LOST**

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

**For:** Councillors Jolly, Nguyen and O'Brien

**Against:** Councillors Fristacky, Stone, Searle and Bosler

**Abstained:** Councillor Coleman

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Coleman

1. That:

- (a) Council note the report of officers on a proposed Car Share Policy;
- (b) Council note the responses to the exhibition of a draft policy as outlined in Attachment 2;
- (c) Council note the revised draft Car Share Policy as shown in Attachment 1;
- (d) Council, having noted the submissions and the officer report, adopt the Car Share Policy (2019 – 2024) as outlined in Attachment 1, with the following additions:
  - (i) A new 7.3 (and subsequent re-numbering), “7.3 - The figures in Table 1 are targets. The targets for on-street spaces will be reviewed if they are reached before the expiration of this policy. The maximum number of off-street car share spaces is not controlled by Council and is wholly within the control of car share providers”;
  - (ii) A new 7.7 in the policy: “A mid-policy review shall be commenced should the

- number of bays reach 85% of the number of target spaces”;
- (iii) throughout section 10, replace wheelchair accessible with “electric-wheelchair accessible”; and
  - (iv) Amend 1.1.5 to read: “Average emissions for passenger vehicle fleets of 175 grams of carbon dioxide equivalent emissions per kilometre in 2019, reducing by 5 grams per kilometre annually until 2021.”
- (e) officers commence implementation of the Car Share Policy;
  - (f) submitters be informed of the Council decision;
  - (g) Officers report back to Council with a proposed implementation plan prior to the designation of any proposed car share sites for 2019/20 , and that the implementation plan include a plan for the provision of the electric wheelchair accessible vehicles; and
  - (h) Councillors to receive an annual report on the quantity and location of car share bays, data on their usage, the future pipeline of bays and any other relevant information.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Stone, Searle and Bosler

**Against:** Councillors Jolly, Nguyen and O'Brien

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**11.2 Amendment C223 - 81-95 Burnley Street, Richmond - Re-authorisation**


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Trim Record Number: D19/99986

Responsible Officer: Director Planning and Place Making

**RECOMMENDATION**

1. That Council resolve to:
  - (a) note the officer report on Amendment C223 which seeks to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay;
  - (b) note the revised Development Plan Overlay – Schedule 15 for seeking re-authorisation from the Minister for Planning; and
  - (c) seek re-authorisation from the Minister for Planning to prepare Amendment C223 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. If re-authorisation is granted officers arrange for the exhibition of Amendment C223 in accordance with Section 19 the requirements of the *Planning and Environment Act 1987*.
3. That the community consultation during the exhibition and consideration of the proposed amendment include:
  - (a) public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;
  - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;
  - (c) provision of fact sheets with information about the amendment and the consideration process;
  - (d) a targeted consultation process with residents immediately adjoining the site, conducted by the proponent;
  - (e) consideration of community submissions with a report provided to Council;
  - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
  - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

Public Submission

*Adam Terrill of Tract Consultants, representing Harry the Hirer addressed Council on the matter.*

**MOTION****Moved:** Councillor Coleman

Seconded: Councillor O'Brien

1. That Council resolve to:
  - (a) note the officer report on Amendment C223 which seeks to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay;
  - (b) note the revised Development Plan Overlay – Schedule 15 for seeking re-authorisation from the Minister for Planning subject to the following change:
    - (i) remove 'Making other arrangements for the provision of affordable housing to the satisfaction of the Responsible Authority' in clause 1.1; and



- (ii) replace with 'making other arrangements for the provision of Affordable Housing as defined at section 3AA of the Planning and Environment Act 1987, to the satisfaction of the Responsible Authority';
  - (c) seek re-authorisation from the Minister for Planning to prepare Amendment C223 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if re-authorisation is granted officers arrange for the exhibition of Amendment C223 in accordance with Section 19 the requirements of the *Planning and Environment Act 1987*;
3. That the community consultation during the exhibition and consideration of the proposed amendment include:
- (a) public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;
  - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;
  - (c) provision of fact sheets with information about the amendment and the consideration process;
  - (d) a targeted consultation process with residents immediately adjoining the site, conducted by the proponent;
  - (e) consideration of community submissions with a report provided to Council;
  - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
  - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.
4. That should the applicant propose to make other arrangements for the provision of affordable housing to the satisfaction of the Responsible Authority' in clause 1.1, the matter shall be referred to a public Council Meeting for determination.

## AMENDMENT

**Moved:** Councillor Fristacky

*That the following amendments be added under 1. (b)*

(iii) in the development plan overlay to insert the word "on site" before "car share spaces" in the green travel plan; and

(iv) in the development plan overlay to insert the words in dot point 4 of the clause on heritage on pages 8-9 "History and " before "Industrial past" including interpretive panels depicting that past;

*The amendments were accepted by the mover and seconder and incorporated into the motion below.*

## COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor O'Brien

1. That Council resolve to:
  - (a) note the officer report on Amendment C223 which seeks to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay;
  - (b) note the revised Development Plan Overlay – Schedule 15 for seeking re-authorisation from the Minister for Planning subject to the following change
    - (i) remove 'Making other arrangements for the provision of affordable housing to the satisfaction of the Responsible Authority' in clause 1.1; and
    - (ii) replace with 'making other arrangements for the provision of Affordable Housing as defined at section 3AA of the Planning and Environment Act 1987, to the satisfaction of the Responsible Authority';
    - (iii) in the development plan overlay to insert the word "on site" before "car share spaces" in the green travel plan; and
    - (iv) in the development plan overlay to insert the words in dot point 4 of the clause on heritage on pages 8-9 "History and " before "Industrial past" including interpretive panels depicting that past;
  - (c) seek re-authorisation from the Minister for Planning to prepare Amendment C223 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if re-authorisation is granted officers arrange for the exhibition of Amendment C223 in accordance with Section 19 the requirements of the *Planning and Environment Act 1987*;
3. That the community consultation during the exhibition and consideration of the proposed amendment include:
  - (a) public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;
  - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;
  - (c) provision of fact sheets with information about the amendment and the consideration process;
  - (d) a targeted consultation process with residents immediately adjoining the site, conducted by the proponent;
  - (e) consideration of community submissions with a report provided to Council;
  - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
  - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.
4. That should the applicant propose to make other arrangements for the provision of affordable housing to the satisfaction of the Responsible Authority' in clause 1.1, the matter shall be referred to a public Council Meeting for determination.

**CARRIED UNANIMOUSLY**

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### 11.3 Local Government Bill Reform Proposal

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Trim Record Number: D19/117274

Responsible Officer: Group Manager Chief Executive's Office

#### RECOMMENDATION

1. That Council:
  - (a) note this report on the Local Government Bill reform proposal;
  - (b) record its disappointment that additional time was not available to enable a more meaningful engagement process to be undertaken with the local government sector;
  - (c) determines that it supports the following position in relation to each of the proposed reforms:
    - (i) Reform 1 – Voter Franchise, Option \_\_\_\_\_(A, B or C);
    - (ii) Reform 2 – Electoral Structures, Option \_\_\_\_\_(A or B);
    - (iii) Reform 3A – Candidate Training, Option \_\_\_\_\_(A, B or C);
    - (iv) Reform 3B – Councillor Training, Option \_\_\_\_\_(A, B or C);
    - (v) Reform 4 – Donation Reform, Option \_\_\_\_\_(A or B);
    - (vi) Reform 5 – Improved Conduct, Option \_\_\_\_\_(A, B or C); and
    - (vii) Reform 6 – Community Accountability, Option \_\_\_\_\_(A, B or C); and
  - (d) authorise the Chief Executive Officer to finalise Council's feedback and submit it on Council's behalf by 17 July 2019.

*Councillor Jolly left the meeting at 10.30pm*

#### Public Submission

*Jeremy Lawrence addressed Council on the matter.*

*Councillors O'Brien left the meeting at 10.35pm.*

#### COUNCIL RESOLUTION

**Moved:** Councillor Searle

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note this report on the Local Government Bill reform proposals;
  - (b) acknowledge the extension by the Minister of time for submissions from 17 July to 31 July but nevertheless record its disappointment that further time was not available to enable a more meaningful engagement process to be undertaken with the local government sector in accordance with the:
    - (i) Victorian State-Local Government Agreement signed by the Premier and Minister for Local Government on behalf of the Victoria Government on collaborative working relationships and improving communication and consultation;

- (ii) Constitution Act of Victoria which stipulates Councils as responsible for governance “constituted by democratically elected Councillors as the governing body which is accountable for its decisions and actions and responsible for ensuring good governance”;
- (c) determines the following Council position on each of the proposed reforms:
- (i) Reform 1 – Voter Franchise (require non-resident property owners to apply for enrolment before each election with voting then being compulsory) - Option B – support the proposed reform without the transitional arrangements for 2020, with the reform taking full effect from 2024;
  - (ii) Reform 2 – Electoral Structures (conversion of all Councils to a single ward structure) - Option B – do not support the proposed reform, and further note the following:
    - a. Council wards should be structured to best suit the differing geography, demographics and governance of municipalities and collective decision making in the interests of the community as a whole;
    - b. Singles member wards are highly limiting for smaller geographic Councils like Yarra, Port Phillip or Queenscliffe;
    - c. The requirement for all Councillors to be elected from single-member wards has the effect of abolishing proportional representation;
    - d. Proportional representation allows for voters who favour independents and small political parties to have their views represented on Council;
    - e. Each State & Territory Parliament with the exception of Queensland and the Northern Territory has a proportionally elected house, and the Federal Senate is proportionally elected;
    - f. The number of municipalities with Councillors elected from single-member wards has decreased from 43 in 2003 to 7 in 2019, due to Victorian Electoral Commission (VEC) representation reviews consistently recommending multi-member wards and that VEC representation reviews involve extensive community consultation and analysis of the impacts of each model;
    - g. The 2016 State Government Commission of Inquiry into the City of Greater Geelong highlighted single-member wards as a contributing factor in the dysfunction and poor governance of that municipality, and since that inquiry, the City of Greater Geelong has had multi-member wards;
    - h. Single-member wards were not canvassed in the government’s 2016 discussion paper or the 2013 Petro Georgiou discussion paper;
    - i. A single Councillor in each ward would mean that in the event of a Councillor being unable or unwilling to fulfil their duties, the local community would have no other ward Councillor representation;
    - j. Single-member wards have resulted in uncontested elections in other municipalities;
    - k. Councillors are required to represent the entire municipality and having wards with a very small geographic area is in conflict with this principle;
    - l. The proposal will require by-elections for each ward vacancy, resulting in lack of representation of constituents during the vacancy period, and require more costs and delays in filling vacancies, in lieu of the proposed improved count-back system for filling vacancies;
    - m. Current wards would need to be separated into multiple wards, potentially separating communities of interest from each other;

- n. 41.69% of Victorian Councillors elected from multi-member wards are women, vs. only 33.9% in single-member wards;
- (iii) Reform 3A – Candidate Training (mandatory training for election candidates before the election) - Option C – oppose the proposed reform, as:
  - a. would unnecessarily limit candidates nominating for office;
  - b. such mandatory training provisions do not apply to Parliamentary candidates notwithstanding the complexities and responsibilities regarding governance for the State of Victoria;
  - c. ignores that candidates may have previously been Councillors or Council officers, may have undertaken other equivalent courses; been involved in Council meetings/committees, been involved in Boards, taught governance or politics or have other relevant experience;
  - d. suggests the electorate is incapable of assessing the aptitudes of candidates;
- (iv) Reform 3B – Councillor Training: (mandatory training for elected Councillors) - Option B – support the proposed reform subject to a Council’s Chief Executive Officer having responsibility for designing the training program and that such training be available as soon as possible after candidates are sworn in;
- (v) Reform 4 – Donation Reform (banning of foreign donations, limiting donations to any candidate (or group of candidates) from a single donor to \$1,000, the gift disclosure threshold being reduced to \$250) - Option A – support the proposed reform, subject to the \$250 gift policy not including the value of extraneous gifts provided to a candidate for purely private or persona reasons; and further submit that donations should be banned from property developers;
- (vi) Reform 5 – Prescribed Standards of Conduct: - Support simplification of the Councillor Code of Conduct to be no more detailed than that applicable to MPs, and to oppose Councillor Code of Conduct provisions being transferred from the Act to regulations because:
  - a. regulations can be more readily amended without the level of public and other scrutiny applicable to Statutes including application of the State-Local Government Agreement with the sector;
  - b. runs the risk of greater complexity and inconsistency, and being less accessible to the public;
  - c. the Victorian Constitution Act stipulates that it is the role of Parliament to make laws regarding Councils and Councillors, with Councils as the governing body being responsible for ensuring good governance;
- (vii) Reform 5B – Dispute Resolution (transferring Council internal dispute resolution processes to a centralised arbitration process) - Oppose because:
  - a. this is contrary to effective dispute settlement processes where disputes should not be escalated externally until all internal dispute resolution process stages have been exhausted; and
  - b. the Victorian Constitution Act stipulates that it is the role of Councils as the governing body, being responsible for ensuring good governance;
- (viii) Reform 6 – Community Accountability - Support individual Councillors being removed from office after two findings of ‘serious misconduct’, subject to a strict definition of ‘serious misconduct’ agreed with the sector, application of the rules of natural justice and checks on misuse of this provision with the onus being to prove serious misconduct beyond reasonable doubt and NOT on the balance of probabilities;

- (ix) Reform 6B – Community Accountability -Oppose the proposed process of a 'community initiated Commission of Enquiry' via a petition to the Minister signed by 25% of persons on a voters roll calling for an enquiry into a Councillor, as the proposed process:
- a. is inconsistent with any other State and Territory provisions throughout Australia;
  - b. would be divisive in the community and exacerbate disagreements over policy and Council processes which should be resolved prima facie through Council as the governing body;
  - c. is unnecessary with the plethora of existing processes including dispute resolution, Councillor Conduct Panel, investigation by Municipal Inspectorate, and proposed powers of the Minister to suspend a Councillor on the recommendation of an integrity body;
- (d) authorise the Chief Executive Officer to finalise Council's feedback including the additional reasons from Attachment 1 supporting the above, and submit it on Council's behalf by 31 July 2019, with copies also provided to the Municipal Association of Victoria and Victorian Local Governance Association.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Jolly, Stone, Searle, Nguyen and O'Brien

**Against:** Councillor Bosler

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## 11.4 Council Committees Policy

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Trim Record Number: D19/114841

Responsible Officer: Group Manager Chief Executive's Office

### RECOMMENDATION

1. That Council:
  - (a) adopt the Council Committees Policy found at **Attachment 1**; and
  - (b) incorporate the changes to the Appointment of Members to Council Committees Policy set out at **Attachment 2**, and endorse its change in status to a Procedure.

### Public Submission

*Jeremy Lawrence addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) adopt the Council Committees Policy found at **Attachment 1**;
  - (b) incorporate the changes to the Appointment of Members to Council Committees Policy set out at **Attachment 2**, and endorse its change in status to a Procedure; and
  - (c) notes that a further report be provided in November 2019 on the implementation of the policy including the terms of reference for committees.

**CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Bosler

**Seconded:** Councillor Coleman

That the meeting be extended for a further 5 minutes.

**CARRIED**

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## 11.5 Place Naming Policy

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Trim Record Number: D19/114796

Responsible Officer: Group Manager Chief Executive's Office

### RECOMMENDATION

1. That Council:
  - (a) revoke the existing Naming of Roads, Features and Localities Policy;
  - (b) revoke the existing Street Sign Names Policy; and
  - (c) adopt the Place Naming Policy found at **Attachment 1**.
2. That Council officers develop a proactive program to compile community suggestions for street names that recognise the contribution of women to Yarra's history in accordance with the vision of Council's Gender Equity Strategy 2016-2021.

### REVISED OFFICER RECOMMENDATION

1. That Council:
  - (a) revoke the existing Naming of Roads, Features and Localities Policy;
  - (b) revoke the existing Street Sign Names Policy; and
  - (c) replace all references to 'streets' with 'roads' and, with these changes, adopt the Place Naming Policy found at **Attachment 1**.
2. That Council officers develop a proactive program to compile community suggestions for street names that recognise the contribution of women to Yarra's history in accordance with the vision of Council's Gender Equity Strategy 2016-2021.

### MOTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Bosler

1. That Council:
  - (a) revoke the existing Naming of Roads, Features and Localities Policy;
  - (b) revoke the existing Street Sign Names Policy; and
  - (c) replace all references to 'streets' with 'roads' and, with these changes, adopt the Place Naming Policy found at **Attachment 1**.
2. That Council officers develop a proactive program to compile community suggestions for street names that recognise the contribution of women to Yarra's history in accordance with the vision of Council's Gender Equity Strategy 2016-2021.

### AMENDMENT

**Moved:** Councillor Stone

That officers further provide a Briefing to Council on the current policy for plaques and memorial objects and plans to review and update this.

*The amendment was accepted by the mover and seconder and incorporated into the motion below.*



## COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Bosler

1. That Council:
  - (a) revoke the existing Naming of Roads, Features and Localities Policy;
  - (b) revoke the existing Street Sign Names Policy; and
  - (c) adopt the Place Naming Policy found at **Attachment 1**.
2. That Council officers develop a proactive program to compile community suggestions for street names that recognise the contribution of women to Yarra's history in accordance with the vision of Council's Gender Equity Strategy 2016-2021.
3. That officers further provide a Briefing to Council on the current policy for plaques and memorial objects and plans to review and update this.

**CARRIED UNANIMOUSLY**

**Conclusion**

The meeting concluded at 11.04pm.

Confirmed Tuesday 30 July 2019

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Mayor