



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 27 August 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

#### 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)
- Rhys Thomas (Senior Governance Advisor)

#### Leave of Absence

- Cr Mi-Lin Chen Yi Mei
- Cr Amanda Stone

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

Nil

## 4. Confidential business reports

### Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Matters prejudicial to Council and/or any person

## Confidential business reports

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

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of matters prejudicial to Council and/or any person.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

**CARRIED**

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

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Nguyen

**Seconded:** Councillor Searle

That the minutes of the Ordinary Council Meeting held on Tuesday 13 August 2019 be confirmed.

**CARRIED UNANIMOUSLY**

## 6. Petitions and joint letters

Nil

## 7. Public question time

Nil

## 8. Delegates' reports

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Nil

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Nil

## 6. Petitions and joint letters

Nil

## 7. Public question time

Nil

## 8. Delegates' reports

### 8.1 Cr Bosler - Audit Committee

<b>Committee</b>	Audit Committee
<b>Appointed Councillors</b>	Cr Danae Bosler, Cr James Searle
<b>Date of Council Meeting</b>	27 August 2019
<b>Date of Report</b>	9 May 2019
<b>Report Author</b>	Cr Danae Bosler

### DELEGATES REPORT

Council's Audit Committee met on 9 May 2019, with committee members Cr Bosler, Helen Lanyon (Chair), and Vince Philpott in attendance, together with the Chief Executive Officer, both the internal and external auditors and senior staff. Apologies were received from Cr Searle and David Ashmore.

The Audit Committee received and considered a number of reports including:

- A review of actions arising from previous meetings
- An integrity attestation by those present
- A verbal report by the Chief Executive Officer
- 2018/19 External Audit Management letter
- The Audit Committee Annual work plan
- Receipt of an internal audit on Key Financial Control Diagnostics
- A review of actions arising from previous internal audits
- The commencement of a review of the Audit Committee Charter
- An update on new accounting standards
- The 2018/2019 March Quarterly Finance Report
- The Victorian Local Government rating system review

### COUNCIL RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Searle

1. That Council notes this Delegate's Report.

**CARRIED UNANIMOUSLY**

## 8.2 Cr Searle - Audit Committee

<b>Committee</b>	Audit Committee
<b>Appointed Councillors</b>	Cr Danae Bosler, Cr James Searle
<b>Date of Council Meeting</b>	27 August 2019
<b>Date of Report</b>	20 August 2019
<b>Report Author</b>	Cr James Searle

**DELEGATES REPORT**

Council's Audit Committee met on 20 August 2019, with committee members Cr Searle, Helen Lanyon (Chair), David Ashmore and Vince Philpott in attendance, together with the Chief Executive Officer, both the internal and external auditors and senior staff. Apologies were received from Cr Bosler.

The Audit Committee received and considered a number of reports including:

- An integrity attestation by those present
- A review of actions arising from previous meetings
- A verbal report by the Chief Executive Officer
- Council's Risk Management Policy and Framework
- An update on the Strategic Risk Register
- 2018/19 Annual Financial Statements, Performance Statement, and Audit Results
- The final draft of the Audit Universe
- An internal audit on Cash Handling
- An internal audit on the implementation of the Child Safe Standards
- A review of actions arising from previous internal audits
- Finalisation of the review of the Audit Committee Charter
- A report of bridge inspection and maintenance
- A review of fraud and corruption reporting arrangements

**COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Bosler

1. That Council note this Delegates Report.

**CARRIED UNANIMOUSLY**

## 8.3 Cr O'Brien - Merri Creek Management Committee

**COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note this Delegates Report;

- (b) notes the importance of the Merri and Darebin Creeks as part of the Yarra catchment and that although they may fall largely outside of Council boundaries these creeks are interconnected with the overall health of the Yarra River;
- (c) directs appropriate Officers responsible for consultation at Yarra to investigate the Cultural Flows Assessment for inclusion in community engagement;
- (d) welcomes the expertise of MCMC to produce recommendations on Sodic and Erosive Soils;
- (e) provide space at Richmond, Fitzroy and Collingwood Town Hall front desks to sell MCMC Christmas cards; and
- (f) consider a \$2000 contribution as part of the quarterly budget review to the MCMC Litter Clean-up project and request a FoMC Litter blitz in the lower Yarra catchment area of the Merri Creek with support from existing Yarra rubbish removal services.

**CARRIED UNANIMOUSLY**

#### 8.4 Cr Fristacky - Metropolitan Local Government Waste Forum

<b>Committee</b>	Metropolitan Local Government Waste Forum
<b>Appointed Councillors</b>	Cr Bridgid O'Brien; Cr Jackie Fristacky (Alternate)
<b>Date of Council Meeting</b>	27 August 2019
<b>Date of Report</b>	8 August 2019
<b>Report Author</b>	Cr Jackie Fristacky

#### **DELEGATES REPORT**

The Metropolitan Local Government Waste Forum (MLGWF) met on 8 August 2019 attended by Cr Fristacky together with other Council delegates and representatives.

1. **MLGWF Chair, Cr Lina Messina**, identified a range of initiatives in recycling: Adidas using ocean plastic in new shoes; Alex Fraser using glass and plastic in road materials; the City of Fremantle banning balloons; Victoria trialling plastic railway sleepers; and Melbourne, Port Phillip Frankston and Darebin Council representations to the State Government on container deposits. The Chair tabled copies of Yarra's Delegate's Report on the MLGWF presented to Yarra Council on 2 July 2019, as a model for other Councils.
2. **Josephine Regel, Director Strategy and Projects, Metropolitan Waste Resource Recover Group (MWRRG)**, gave a metropolitan overview on organics processing. MWRRG manages organics contracts for 21 metropolitan Councils. Organic waste diverted from landfill, had exceeded 2021 targets by 120,000 tonnes. Collective processing prompted investment with establishment of the \$65M state of the art SACYR organics composting facility in Dandenong South



She highlighted 10 Councils including Yarra undertaking FOGO trials with 10 other Councils involved in feasibility stages of trials. MWMG was producing a Guide for Organics Collections, with training workshops for Councils including on effective education of the community to reduce and compost food waste.

3. **Hanna Burns, Nillimbik Shire Council (NSC)** discussed her Council's actions to reduce contamination of kerbside collections in Green Waste-Organics bins. NSC has had a 3 bin system since 2003. Because of contamination, green waste went to land fill for 5 years. Threatened with a \$200,000-\$280,000 fine in penalties, NSC sought assistance to identify sources of contamination. The game changer was a rigorous inspection system to log every bin across the Shire:

- tagging bins that were not contaminated and OK for collection;
- separately tagging contaminated bins (12%) with advice on why not emptied;
- follow-up letters sent to offending households; and
- calling on repeat offender households.

This rigorous program had reduced contamination to 0.79%. However, after a further audit, contamination levels of green/organic bins increased to 3% (2014), to 16% (2017), then after further education, back to 6% (2019). Emphasised was need for ongoing inspection/education on contamination and responsible disposal of organics.

4. **Panel Discussion on Reducing Contamination from kerbside collections**

- **Greg Mulcahy, Strategic Contracts Manager, MWRRG**, deals with 24 Councils who all have issues with contamination. He cited a 3% contamination rate; if community education is reduced, contamination levels increase. Thus he also stressed the need for ongoing community campaigns to recycle responsibly with advice that just some plastic means a whole truckload going to landfill.
- **Sage Hahn, GM Sales Biogro** highlighted that recycled organics made for excellent compost/fertiliser with a strong market for good compost. There were not enough composting facilities, as yet, to meet expanding organics recycling by Councils. Education on contamination was critical - it was easier to tackle contamination at its source than deal with this at the end stage.
- **Frank Harney, Director Australian Organics Recycling Association**, spoke on the SACYR organics composting facility in Dandenong, the only new such facility in the last 10 years. As a farmer, he stressed problems of contamination in compost used for foods grown and grass for grazing; broken glass being the most dangerous which can be ingested. Contamination found in green bins had included garden gnomes, tools, all sorts of plastic, even a plastic Christmas tree! Referred to was a new duty on Councils, residents and processors from 1 July 2020 to prevent harm from pollution of waste introduced in 2018 amendments to the Environment Protection Act; this could be applied to recycling and contamination.

- **Melanie Kerr, Senior Waste & Sustainability Officer, Whitehorse**, emphasised that investment in composting facilities will flow if contamination problems can be solved. Technology such as RFID systems could be used to trace contamination back to its source. Education by varied methods was important to embed thoughtfulness by residents. ABC's "War on Waste" had helped as did education via schools, use of Facebook and Sustainable Living Week.
- **Rob Millard, CEO, WMRRG** advised of his retirement from the position after 13 years in the role (Jillian Riseley, new CEO from 2 September. Corporate background plus Boards of Royal Botanic Gardens, Launch Housing, Thin Green Line Foundation, Community Buying Group, Australian Council of Social Services, Launch Housing). As part of a final regular update, the outgoing CEO advised that:
  - 50% of people surveyed felt inadequately prepared for the E-waste ban; ongoing discussions with industry and communities were needed.
  - A *South East Advanced Waste Processing (AWP) facility* involving 16 metropolitan Councils was awaiting ACCC approval.
  - waste management principles needed to be embedded into urban design and planning approval processes.
  - An *Illegal Dumping Resource Kit* had received State funding in the budget and was being developed to be available at the end of 2019.
  - DELWP had Circular Economy framework: [circulareconomy@delwp.vic.gov.au](mailto:circulareconomy@delwp.vic.gov.au)

5. **MLGWF Operating Guidelines review:** The meeting adopted new 2019 Forum Operating Guidelines (marginally amended on who/how Forum media statements should be made).

6. **MLGWF Motions from the floor:** the attached motions presented to the MLGWF, were agreed to be presented to member Councils for their consideration.

- **Motion by Cr Dot Haynes, Manningham, Seconded by Cr Antonella Celi, Mornington:**

That the Forum seeks member councils' feedback and endorsement of the following requests to the state government through the MWRRG Board:

- that recycling and waste be declared an essential service.

- **Motion by Cr Jess Dorney, Moreland, Seconded by Clarke Martin, Bayside:**

That the Forum seeks member councils' feedback and endorsement of the following requests to the State government through the MWRRG Board:

- that recycling and waste be declared an essential service.
- in an event of the closure or interruption of service providers, that state government send out alerts via text messages to advise residents in relevant LG areas of any impact to bin collections.

- that legislative reform on plastic bags be expanded to include the phase out of problematic single-use plastic products including plastic wrappings on food at supermarkets.
- that the State government establish a container deposit scheme by legislation in line with other states and territories.
- that it advocate to the Federal government for effective national product stewardship arrangements, including a container deposit framework, to drive recycling of drink containers, textiles, polystyrene, paper and cardboard, and all electronic goods.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor O'Brien

1. That Council note this Delegate's Report on the Metropolitan Local Government Waste Forum (MLGWF) meeting held 8 August 2019;
2. That Council particularly note the lessons presented on contamination of recycling as regards ongoing education of the community, and the 2018 amendments to the Environment Protection Act imposing a new duty on Councils, residents and processors to prevent harm from pollution of waste introduced which could be applied to recycling and contamination, to be effective 1 July 2020  
<https://www.environment.vic.gov.au/sustainability/independent-inquiry-into-the-epa/ep-bill-2018>
3. That Council endorse the above motions referred by the MLGWF to member Councils and advise [metro.forum@mwrrq.vic.gov.au](mailto:metro.forum@mwrrq.vic.gov.au) accordingly, to enable their further consideration at the MLGWF meeting 14 November 2019.

**CARRIED UNANIMOUSLY**

## 8.5 Cr Fristacky - Heritage Advisory Committee

<b>Committee</b>	Heritage Advisory Committee
<b>Appointed Councillors</b>	Cr Danae Bosler, Cr Jackie Fristacky, Cr James Searle
<b>Date of Council Meeting</b>	27 August 2019
<b>Date of Report</b>	20 August 2019
<b>Report Author</b>	Cr Jackie Fristacky

**DELEGATES REPORT**

The Heritage Advisory Committee (HAC) met on 15 August 2019 at Richmond Town Hall. Cr Fristacky (Meeting Chair) and Cr Searle, with Council Officers, Mr Ivan Gilbert and Richa Swarup attended, together with HAC members. Cr Bosler, being ill, was an apology.

**Key Discussion Items****1. Queens Parade Amendment C231**

- HAC members had been attending the C231 Panel hearings which commenced 12 August to proceed for 10 hearing days. HAC sought clarification of:
- How Appendix H to the Amendment was included as an incorporated planning document. This was not made clear during Council's meeting on the Amendment process.
- Statements of Significance required for any new heritage control - on opportunities for stakeholder input and review of these Statements.

**2. Swan Street Amendment**

HAC was advised this redrafted Amendment was expected to be presented to Council in December 2019.

**3. Yarra 2019/20 Budget for heritage projects**

It was confirmed that \$280,000 in the budget was allocated to the following heritage projects:

- Preparation of a framework for managing Council's own heritage assets - \$80,000;
- Identifying sites of shared heritage value (including cultural & social) - \$60,000;
- Completion and printing of current strategy initiatives (heritage walks, information sheets, Pastport etc.) and ad hoc gap studies such as 32 Wellington Street - \$60,000.

Council has also increased its contribution to the Victorian Heritage Restoration Fund (VHRF) from \$50,000 to \$80,000. This is to facilitate strategic restoration initiatives such as in activity centres in line with Melbourne and Ballarat City Council's strategic heritage restoration projects.

#### 4. Update on Heritage Strategy 2019-2023

HAC was advised that the new draft Heritage Strategy was to be presented to Council's meeting on 27 August to be endorsed for community input. This would enable any further HAC member input, alongside community and other stakeholders.

#### 5. Update on Yarra Planning Scheme Rewrite

HAC was informed that delay in the Planning Scheme Rewrite was due to a new Planning Scheme format introduced by the State needing officers to engage with DELWP to reformat previous work into the new system. A report with the new draft is scheduled to be presented to Council in November to provide opportunity for community feedback to early 2020, with the matter then coming back to Council for consideration and formal public exhibition.

HAC members particularly seek to view the redrafted sections on the MSS, built environment and heritage as well as local heritage and built form policies.

#### 6. Matters raised by HAC Members

- *Gaslight base, Cnr Pigdon/Nicholson Streets, North Carlton:* required to be removed for PTV/VicRoads tram - road works. Council had been advised that for road safety reasons, re-instatement of the base would need to be 600mm inwards from the kerb. But this would be problematic for pedestrians. HAC members expressed concern with this requirement and sought advice on scope for re-instatement on-site.
- *Degradation of contributory buildings leading to the risk of demolition.* Apart from heritage protection, the need to retain heritage buildings for environmental sustainability reasons was emphasised. HAC was asked to note that Yarra's revised draft planning scheme had sought to strengthen protections of contributory buildings from demolition; however, demolition policies should be further re-examined from the above perspective.
- *Fire protection for the Brunswick Street Oval - Fitzroy Football Club Grandstand.* Concerns were raised given the 2<sup>nd</sup> Grandstand was destroyed by fire in the 1970s. HAC was informed a sprinkler system had been installed several years ago; but confirmation of the system's status was sought to be provided to HAC.
- *Restoration of the Cannon from Darling Gardens.* Cr Searle set out Council's decision that following removal for restoration, the Cannon was to be re-instated in Barkly Gardens as part of the WWI Arbour. The need for further community input on this location was raised.
- *Porter Building Shed:* HAC seeks an update on the new location and Council's plan for relocating the Porter Building shed.

#### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

1. That Council:

- (a) notes this Delegate's Report on the Heritage Advisory Committee (HAC) meeting of 15 August 2019;

- (b) refers to officers that HAC seeks early clarification on the exhibition of Amendment C231 as regards inclusion of Appendix H to the GJM report as an incorporated document as per item 1 above given this was not clear in the report to Council approving referral to a Panel; and
  - (c) also refers the matters raised by HAC in items 5 and 6 above to officers to follow-up and provide an update to HAC.
2. That Council amends the Heritage Advisory Committee delegate's report for the meeting held 2nd July 2019 to add the words "their views forcefully." to the end of the bullet point entitled "Swan Street amendment C191".

**CARRIED UNANIMOUSLY**

#### 8.6 Cr Fristacky - Victorian Local Governance Association

Cr Fristacky informed the meeting in her capacity as delegate to the Victorian local Governance Association that following the recent election, Cr Lambros Tapinos, Moreland Councillor, has been appointed as President of the VLGA, having served on the Board for 7 years with 5 years as Treasurer, and independent Directors Louise Hill and Joanna Hayter have been appointed as Vice President and Treasurer respectively.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor O'Brien

1. That Council notes this Delegate's Report.

**CARRIED UNANIMOUSLY**

#### 8.7 Cr Fristacky - Metropolitan Transport Forum

Cr Fristacky informed the meeting in her capacity as delegate to the Metropolitan Transport Forum that the MAV and MTF are jointly hosting a Local Government Briefing on "The Melbourne Rail Plan" on Thursday 12 September. The keynote speakers are John Hearsch: (Rail Futures President), Peter Don (Melbourne Rail Plan Project Leader), Professor Michael Buxton (RFI Executive and Emeritus Professor of Environment & Planning, RMIT) and Peter Tesdorpf (RFI Executive and planning and regional development consultant).

She invited Councillors to attend.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor O'Brien

1. That Council notes this Delegate's Report.

**CARRIED UNANIMOUSLY**

## 9. General Business

### 9.1 Councillor Jolly - Request Report on Potential for Establishing Tiny Homes in Yarra

#### Background

Recent media coverage referenced a “Tiny Homes” program implemented in a number of Melbourne suburbs as a solution to assist in addressing Melbourne’s homeless crisis.

This new project now implemented in Footscray and Maidstone areas is structured to offer homeless people a chance to rebuild their lives and especially, the chance to live in their own “TinyHome”.

The new “Tiny Homes” will be the first of six such houses being established in the above suburbs, to offer permanent accommodation for homeless people.

Further such “Tiny Homes” are planned by Launch Housing and to be backed by Harris Capital.

To mark Homeless Week, Launch Housing is also urging governments to release unused land for housing projects.

The launch comes after recent media coverage of the historic Fitzroy Football Club Grandstand being used as a tent city for increasing numbers of homeless.

Indications are that some 25,000 people are without a home in Victoria of which it is estimated around 1,100 of them are sleeping rough.

#### Notable Points:

- The referenced “Tiny “Homes” project has been built on VicRoads land.
- There are some 195 hectares of government land lying empty across the greater Melbourne area.
- Whilst not for everyone, the “Tiny Homes” are designed for and offer an opportunity for single people who want a secure place for themselves and to begin to rebuild their lives.
- The prefabricated homes were built in a Horsham factory, transported in and then dropped on to the land by crane.
- Each unit costs about \$130,000 which include whitegoods and utilities connections.

Additionally, the Boklok model in the UK, Worthing council has agreed to license the developer (BloKlok) to use the land (rather than selling it off), charging it an annual ground rent. In return the Council will get 30% of the properties to use as affordable housing to rent to local people, while the remaining properties can be sold by BoKlok based on its “left to live” affordability model.

<https://www.theguardian.com/business/2019/jun/26/uk-council-ikea-affordable-housing-worthing-boklok>

## COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) note the recent media coverage outlining a program now introduced in various Melbourne suburbs to offer permanent residence opportunities via a "Tiny House" program in order to begin to address the current homeless crisis; and
  - (b) request an Officers report on the potential for establishment of such a "Tiny House" program in Yarra with consideration of the Boklok model in the UK.

**CARRIED UNANIMOUSLY**

### 9.2 Councillor O'Brien - Yarra Riverbank Slump

#### Background

The closure of the riverbank access route has caused significant disruption to the local community.

The closure:

- Has fractured the community, particularly between East and West Alphington;
- Has caused a sense of concern that residents are being excluded from monitoring the riverbank damage;
- Poses a safety risk, particularly to school children who now have to use major roadways and crossings at Chandler Hwy;
- Poses a further safety risk to residents because of less frequent use and the associated isolation felt by those using other parts of the route;
- Impacts on the nature based activities vital to community wellbeing and livability.

## COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Coleman

1. That in the matter of the Yarra Riverbank slump and having regard to:
  - (a) part of Council's resolution of 30 July 2019:- *"(g) officers approach Glenvill regarding the provision of alternate continuous access for the community along the river front and report back to Council on their response."*;
  - (b) the tree that posed a potential safety risk now having been removed; and
  - (c) that the Alluvium report recommending short term mitigation action to infill the slump tension cracks.
2. That Council notes:
  - (a) the initial response from Glenvill referencing safety issues with the current arrangements but that they are open to reviewing the matter as site conditions change;
  - (b) the community is prepared to work with Glenvill in the form of a working bee to repair the walking path; and



- (c) the community requests the riverbank pathway be reopened as soon as possible.
3. That Council request Officers to re-engage with Glenvill to seek reinstatement of the riverbank access route and to report back to Council on their response.

**CARRIED UNANIMOUSLY**

### 9.3 Councillor Fristacky - Unrestricted Parking

#### **COUNCIL RESOLUTION**

##### **Background**

1. A recent article on car parking was circulated to Councillors and the Executive: What can our cities do about sprawl, congestion and pollution? Tip: scrap car parking: <https://theconversation.com/what-can-our-cities-do-about-sprawl-congestion-and-pollution-tip-scrap-car-parking-118393>  
This article emphasises the importance of managing car parking in cities with parking restrictions and parking strategies integrated alongside land-use planning. It concludes: “no parking should be free. Revenues from parking fees should be returned to local communities in the form of improved public amenities.”
2. In order to better manage the anticipated increased demand for car parking from new constructions and multi-unit developments, Council over a decade ago, adopted policies that:
  - there be no unrestricted parking across Yarra;
  - visitors contribute to the cost of parking management; and
  - occupants of new developments which increase density of a site, not be entitled to on-street parking permits.
3. Notwithstanding Council’s adoption of these policies, many areas of unrestricted parking remain in Yarra, enabling occupants of new developments and commuters to park extended hours without restriction or contribution to the cost of parking management in Yarra, contrary to those Council adopted policies. Many members of the Yarra community have raised problems with unrestricted parking enabling city and other commuters to use Yarra as a free car park.
4. In light of the above, a report is requested to be provided to Council on:
  - how many areas of unrestricted parking have altered following the policy that there be no unrestricted parking in Yarra;
  - how many remaining areas of unrestricted parking, exist in Yarra;
  - what changes in parking management would enable these remaining areas of unrestricted parking to be converted to appropriate restrictions?

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That a report be provided to Council during the October 2019 cycle of Council meetings on:

- (a) how many areas of unrestricted parking have altered following Council's adoption of the policy that there be no unrestricted parking in Yarra;
- (b) how many remaining areas of unrestricted parking exist in Yarra; and
- (c) what changes in parking management would enable these remaining areas of unrestricted parking to be converted to appropriate restrictions?

**CARRIED UNANIMOUSLY**

#### 9.4 Councillor Bosler - Merri Creek Management Committee

##### **Background**

Cr O'Brien has been attending meetings of the Merri Creek Management Committee. However, due to an administrative oversight, she has not been formally appointed as Council's Delegate. This motion corrects that error.

##### **COUNCIL RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Jolly

1. That Cr Bridgid O'Brien be appointed as Council's delegate to the Merri Creek Management Committee.

**CARRIED UNANIMOUSLY**

## **10. Questions without notice**

#### 10.1 Councillor O'Brien - Decriminalising Public Drunkenness

Question:

How will the Victorian State Government's decision to decriminalise public drunkenness impact on the City of Yarra's consumption of alcohol in public places Local Law?

Response:

*The Director Corporate Business and Finance advised that the Local Law is currently out for community consultation and would not be pre-empting any impact.*

#### 10.2 Councillor O'Brien - Environmental (Construction) Management Plans

Question:

What is the process for updating an Environmental Management Plan, and what authority does Council have regarding the update and enforcement of such plans?

Response:

*The Director Planning and Place Making advised that the Environmental Management Plan or Construction Management Plan would be in certain*

*circumstances submitted, assessed and if appropriate approved. Once approved, that would set any ground work so there would need to be substantive matters that would require any change and that would need to be discussed and negotiated with the applicant.*

*A Construction Management Plan would need to be required on significant developments and would be a planning condition on significant developments and it might also be in a planning scheme for a major amendment or a rezoning and in the context of that via the planning scheme provisions or planning permit conditions, would be enforceable by Council.*

10.3 Councillor O'Brien - Alphington Riverbank

Question:

Can officers provide specific details of the current setback of the Glenwill development from the river taking into account the current riverbank loss?

How much riverbank has been lost to date to the centimetre and hence what is the current set back of the approved proposed development?

Response:

*The Director Planning and Place Making advised that the approved development plan requires a 30 metre setback, which is part of the approval and therefore believe that it would not change. The question on the amount of riverbank loss was taken on notice*

10.4 Councillor Fristacky - Parking in multi-unit developments

Question:

I asked a question without notice, June last year, on utilisation of parking spaces in Multi Unit Developments (MUDs) in Yarra following identification in City of Melbourne MUDs, that up to 40% of parking in private car parks including new developments were unused. This finding was informed by RMIT research fellow Elizabeth Taylor.

My question in 2018 was how such information on car parking utilisation in Yarra MUDs can be ascertained. I am not aware of this being progressed to assist Council in its decision making and policy development around parking requirements and waivers for MUD planning applications.

Accordingly, I ask this question again re ascertaining such information either by survey work, writing to MUD body corporates, or engaging with research students at local educational institutions looking for useful applied research projects.

Can advice be provided on how such information on car parking utilisation in Yarra's multi-unit developments can be ascertained (i.e. survey work, writing to multi-unit development body corporates or engaging with research students at local educational institutions looking for useful applied projects)?

Response:

*The Director Planning and Place Making took the question on notice.*

10.5 Councillor Coleman - Planning Permit Fees

Question:

In relation to a letter that was sent to the Minister for Planning on 19 January 2017, Council asked about the new Planning Permit fee for works under \$10k, which basically discourages amongst other things the installation of solar panels on houses that have heritage overlays.

What was the response from the Minister? If a response hasn't been received, can the CEO in her next meeting with the Minister for Planning request that this fee either be reduced or removed to encourage the installation of solar panels on houses that have a heritage overlay?

Response:

*The Chief Executive Officer took the question on notice.*

10.6 Councillor Searle - Funding to support Councils affected by SKM crisis

Question:

A news item was posted on Yarra's website on 13 August about the Victorian Government's announcement of funding to support Councils affected by the SKM closure and the waste and recycling crisis. The news item is quite congratulatory of the State Government and I noted that this funding was only for Councils that use SKM which we don't and a very small percentage of the landfill levy which the state government has accrued, didn't go into anyway to address the crisis and seemed to counter Council's adopted position of advocacy on the landfill levy and our criticism of the State Government on this issue.

Is there a reason why we took the congratulatory tone in that new item?

Response:

*The Chief Executive Officer advised that she believed the article was written by the Mayor and that any step taken by the State Government on any kind of solution for the waste crisis is the beginning of a serious effort. Although we are not affected by SKM, we are doing our own initiatives and any step towards any clarity offered by the State Government is important enough for Yarra.*

10.7 Councillor Coleman - Consumption of Liquor in Public Places Local Law

Question:

Given the Victorian Government's decision to decriminalise public drunkenness, isn't the City of Yarra's Local Law that is currently out for consultation, now redundant?

Response:

*The Chief Executive Officer advised that public consultation is under section 223 of the Local Government Act. The government announcement will be taken into account as mentioned by our Director Corporate Business and Finance, however unilaterally the public consultation cannot be cancelled. It may be reflected in the results of the consultation that the dynamics have changed.*

10.8 Councillor Fristacky - Collingwood Doll's House

Question:

What action has been taken in relation to repairs to the Collingwood Doll's House?

What actions are necessary to undertake repairs and are any funding sources available?

Who is responsible for the maintenance and repair of the Collingwood Doll's House?

Response:

*The Chief Executive Office took the question on notice.*

10.9 Councillor Jolly - Consumption of Liquor in Public Places Local Law

Question:

The Chief Executive Officer advised that she did not have the authority to withdraw an already begun consultation process.

Is there any other way theoretically that this Council could withdraw the consultation process? Would it need a motion of Council or is it too late and we have to let it run the way it is?

Response:

*The Group Manager Chief Executive's Office advised that it would need a Council resolution to withdraw the process.*

*The Chief Executive Officer also advised that if Council was to move that way, a legal opinion would also be put forward for Council's consideration.*

10.10 Councillor Coleman - New pages on Council's website

Question:

There are two new pages on Yarra's website, one page relates to how to deal with sick and injured wildlife and the other is about protecting and enhancing habitat for wildlife.

Will Council be promoting that through social media, Yarra News or other platforms?

Is the Communications Manager aware that yesterday the National Tribune republished an article which was actually authored by Councillor O'Brien about Yarra's Grey-headed flying fox Colony?

Response:

*The Manager Advocacy and Engagement responded that she was pleased to work with Councillor O'Brien on the new pages that reflects beautifully part of the Yarra story that we haven't told before and that has been provided through Yarra Life which went to 14,000 emails yesterday afternoon and pleased that the National Tribune had also published that article.*

*Cr O'Brien thanked the Communications team for their work in updating Yarra's website.*

10.11 Councillor Searle - Consumption of Liquor in Public Places Local Law

Question:

There's been an equivalence drawn between the State Governments repeal of public drunkenness law which I support, that is, I support it being withdrawn and with Council's proposed Local Law 8 drinking in public. I would like to know and check whether they can be reasonably considered to be equivalent?

Is public drunkenness equivalent to drinking in public in terms of a law that we enforce and the police enforce?

Response:

*The Chief Executive Officer took the question on notice.*

10.12 Councillor O'Brien - Grey Headed Flying Fox

Question:

Given I was unable to present an urgent business motion regarding the plight of the grey-headed flying fox at the Colac Botanical Gardens and given Yarra's position and custodian of Melbourne's largest flying fox colony and the importance of those two colonies and their relationships to each other. May I have some sort of undertaking that I do not require an urgent business motion for us to produce a letter and send off to the appropriate people?

Response:

*The Mayor advised that she would be hesitant to send a letter directing another Council of Yarra's opinion on their business.*

*The Chief Executive Officer advised that she is willing to write to the CEO of Colac-Otway if she is provided with the context and urgency.*

10.13 Councillor Bosler - Gendered Changerooms

Question:

In looking at the plans for Jack Dyer Pavilion and Edinburgh Gardens I note that we have male and female bathrooms and change rooms, my understanding when speaking with officers is that we need to comply, not sure whether it is with the planning scheme or Recreation Victoria about facilities.

What do we need to change? Is it the planning scheme that needs to be changed or is it the guidelines as per Recreation Victoria that need to change to allow gender neutral toilets to exist rather than just male and female toilets at our sporting facilities?

Response:

*The Director City Works and Assets took the question on notice.*

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**11.1 Yarra Bend Tree Collapse and River Bank Slump - Stage 1 Interim Alluvium Report**

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Reference: D19/143920  
Authoriser: Director City Works and Assets

*Councillor Coleman left the meeting at 8.14pm  
Councillor Coleman returned to the meeting at 8.19pm*

*Councillor Nguyen left the meeting at 8.17pm  
Councillor Nguyen returned to the meeting at 8.29pm*

*Councillor Nguyen left the meeting at 8.34pm*

**RECOMMENDATION**

1. That Council:
  - (a) notes the attached report dated 19 August 2019 from Council's appointed consultants Alluvium;
  - (b) notes Alluvium's advice in regards to potential short term mitigation measures:
    - (i) seal existing abandoned and new sediment control ponds;
    - (ii) reduce ground water infiltration from the existing gravel car park adjacent to the steep embankment and at the east side of the subject site;
    - (iii) review and implement the surface water management plan that should form part of an updated environmental management plan, including management of surplus site stormwater runoff including approvals for any off site water disposal; and
    - (iv) subject to work health and safety constraints, infilling of the slump tension cracks on the lower terrace with a suitable material to reduce direct water entry to cracks and slumped material.
  - (c) notes Alluvium's advice in regards to further investigations to determine long term mitigation measures;
  - (d) direct Council officers to share Alluvium's report dated 19 August 2019 with Glenvill, Melbourne Water, DELWP, the Environmental Protection Agency and other relevant bodies, and to seek that Glenvill take appropriate action, in liaison with the appropriate authorities where necessary; and
  - (e) note that appointed consultant Alluvium will be undertaking a detailed investigation that will identify long term mitigation measures reflecting the outcomes of geotechnical, groundwater, surface water, riparian and waterway management assessments, and that the findings of this report will be reported back to Council as soon as practicable.

*Public Submissions*

*The following people addressed Council on the matter:*

*Fiona Currie, Alphington Paper Mill Action Group;*

*Spiro Georgakopoulos;*

*Jenny Livingston; and*

*James Wilson.*

## COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Jolly

1. That Council:

- (a) notes the attached report dated 19 August 2019 from Council's appointed consultants Alluvium;
- (b) notes Alluvium's advice in regards to potential short term mitigation measures:
  - (i) seal existing abandoned and new sediment control ponds;
  - (ii) reduce ground water infiltration from the existing gravel car park adjacent to the steep embankment and at the east side of the subject site;
  - (iii) review and implement the surface water management plan that should form part of an updated environmental management plan, including management of surplus site stormwater runoff including approvals for any off site water disposal; and
  - (iv) subject to work health and safety constraints, infilling of the slump tension cracks on the lower terrace with a suitable material to reduce direct water entry to cracks and slumped material.
- (c) notes Alluvium's advice in regards to further investigations to determine long term mitigation measures;
- (d) note that appointed consultant Alluvium will be undertaking a detailed investigation that will identify long term mitigation measures reflecting the outcomes of geotechnical, groundwater, surface water, riparian and waterway management assessments, and that the findings of this report will be reported back to Council as soon as practicable.
- (e) request Council officers to:
  - (i) share Alluvium's report dated 19 August 2019 with Glenvill, Melbourne Water, DELWP, the Environmental Protection Agency and other relevant bodies; and
  - (ii) seek advice from the relevant bodies on any actions which they may take regarding:
    - a. the short term mitigation measures referenced in the interim report; and
    - b. later, when the causes and consequences of the riverbank slump are established;
- (f) request that Glenvill promptly liaise with relevant authorities to take appropriate short-term mitigation actions;
- (g) request officers to contact Glenvill and ascertain whether it is proposing to carry out the interim mitigation works as proposed in the Alluvium Report or alternative works to mitigate the risks outlined in the report; and
- (h) request Council officers to seek a response from Glenvill as to the proposal 1(b) (iii) above, as referenced in the Alluvium Report.

**CARRIED UNANIMOUSLY**



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## 11.2 Brunswick Street Oval Precinct Plan

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Trim Record Number: D19/124534

Responsible Officer: Manager Building and Asset Management

### RECOMMENDATION

1. That Council:
  - (a) endorse the Brunswick Street Oval Precinct Needs Analysis and Concept Plan for public consultation;
  - (b) proceed to community engagement on the concept plan for a period of 4 weeks; and
  - (c) provide a report back to Council on the results of this consultation, and with a final scope and recommended concept design for the facilities within the Brunswick Street Oval precinct, prior to proceeding to tender for architectural services.

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council:
  - (a) endorse the Brunswick Street Oval Precinct Needs Analysis and Concept Plan for public consultation;
  - (b) proceed to community engagement on the concept plan for a period of 4 weeks; and
  - (c) provide a report back to Council on the results of this consultation, and with a final scope and recommended concept design for the facilities within the Brunswick Street Oval precinct, prior to proceeding to tender for architectural services.

**CARRIED UNANIMOUSLY**

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### 11.3 Management of Plane Trees

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Reference: D19/135809

Authoriser: Director Planning and Place Making

*Councillor Jolly left the meeting at 9.20pm*

*Councillor Jolly returned to the meeting at 9.22pm*

*Councillor Jolly left the meeting at 9.45pm*

#### **RECOMMENDATION**

1. That Council:
  - (a) note the Officer report and the Tree Logic attachment regarding Plane trees;
  - (b) note that the target percentage in the Urban Forest Strategy of no species being more than 5-10% of total tree stock is largely for ecological reasons in case of the incursion of any disease;
  - (c) note that Plane trees in the municipality do provide a very significant positive impact to canopy cover but that the Plane tree species does at times cause property damage and does cause some health issues to some persons in the months of August to October;
  - (d) notes that the target of 10% Plane tree population in Yarra is likely to be achieved by 2024/25 through the increase in tree plantings largely with other species;
  - (e) notes that new plantings of Plane trees will only occur in key locations, with a net reduction in Plane tree numbers each year due to a greater number of removals than new plantings; and
  - (f) notes the alternate tree species to Plane trees for street planting, but not limited to those listed in the Tree Replacement Palette, will be planted throughout the streets of Yarra in new locations and also where existing Plane trees have been removed and it is not considered desirable to be replaced with a Plane tree.

#### Public Submissions

*The following people addressed Council on the matter:*

*Louise Elliot;*

*Carlos Arribas; and*

*Peter Tregloan.*

## COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note that this report was requested for the March/April 2019 meeting cycle;
  - (b) utilise the report commissioned by the City of Yarra, entitled "Plane Tree Review: an arboricultural assessment and report" (Tree Logic 2019), to inform and guide the City of Yarra's management of plane trees, effective immediately;
  - (c) update the City of Yarra Street Tree Policy (last reviewed in November 2014) before the end of 2019, utilising the above-mentioned report, and ensuring complementarity between the new Street Tree Policy and the current Urban Forest Strategy;
  - (d) introduce a new requirement into both the Urban Forest Strategy and the reviewed Street Tree Policy, to enshrine that the percentage of plane trees (as a proportion of our total street tree stock) not exceed a maximum percentage of 10%;
  - (e) halt new planting of all plane trees species until such time as the City of Yarra reduces its total plane tree stock to beneath 10%; and
  - (f) A Council report in a year's time to assess the impact of this halt to plane tree planting.
2. That the CEO ensure that this resolution is circulated and explained to all staff involved in Yarra's tree planting, including any contractors and sub-contractors.

**CARRIED**

## CALL FOR A DIVISION

**For:** Councillors Coleman, Fristacky, Bosler and O'Brien

**Against:** Councillor Searle

*The meeting was adjourned for three minutes at 10.10pm  
The meeting resumed at 10.15pm*

*The meeting considered Item 11.6.*

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## 11.4 Proposed Discontinuance of Road adjacent to 25 Balmain Street, Cremorne

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Reference: D19/133975

Authoriser: Director Corporate, Business and Finance

### RECOMMENDATION

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 25 Balmain Street, Cremorne, which is shown as lot 1 on the plan contained in Attachment 1 to this Report, being the whole of the land contained in certificate of title volume 2422 folio 238 (**Road**), be removed from Council's register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the following reasons:
  - (a) the Road was fenced (gated) for security purposes along the southern boundary for many years, public access to the road was restricted;
  - (b) the road is fenced into the property at 25 Balmain Street, Cremorne and now forms part of the vacant land parcel;
  - (c) the Adjoining Properties do not require the Road for access to the public road network; and
  - (d) no properties other than the Adjoining properties abut the Road.
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 25 Balmain Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**);
  - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in 'The Age Newspaper' The Local Newspaper, Council's Social Media and displayed on site;
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
  - (d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

### COUNCIL RESOLUTION

**Moved:** Councillor Searle

**Seconded:** Councillor Bosler

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 25 Balmain Street, Cremorne, which is shown as lot 1 on the plan contained in Attachment 1 to this Report, being the whole of the land contained in certificate of title volume 2422 folio 238 (**Road**), be removed from Council's register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the following reasons:
  - (a) the Road was fenced (gated) for security purposes along the southern boundary for many years, public access to the road was restricted;
  - (b) the road is fenced into the property at 25 Balmain Street, Cremorne and now forms part of the vacant land parcel;
  - (c) the Adjoining Properties do not require the Road for access to the public road network;

and

(d) no properties other than the Adjoining properties abut the Road.

2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:

(a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 25 Balmain Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**);

(b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in 'The Age Newspaper' The Local Newspaper, Council's Social Media and displayed on site;

(c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and

(d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**CARRIED UNANIMOUSLY**

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**11.5 Proposed Discontinuance of Road abutting 75-119 Cubitt Street, Cremorne**

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Reference: D19/135562

Authoriser: Director Corporate, Business and Finance

**RECOMMENDATION**

1. That Council, Acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 75-119 Cubitt Street, Cremorne, being part of the land contained in Conveyance Book 3 No. 358 (**Road**);
  - (b) directs that, under sections 207A and 223 of the act, public notice of the proposed discontinuance be given in 'The Age Newspaper,' the Local Newspaper, Council's Social Media, displayed on site and any adjoining owners.
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
  - (d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Bosler

1. That Council, Acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 75-119 Cubitt Street, Cremorne, being part of the land contained in Conveyance Book 3 No. 358 (**Road**);
  - (b) directs that, under sections 207A and 223 of the act, public notice of the proposed discontinuance be given in 'The Age Newspaper,' the Local Newspaper, Council's Social Media, displayed on site and any adjoining owners.
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
  - (d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**CARRIED UNANIMOUSLY**

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## 11.6 Draft Heritage Strategy 2019-2030

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Reference: D19/142787

Authoriser: Group Manager Chief Executive's Office

### RECOMMENDATION

1. That Council:
  - (a) note the report;
  - (b) approve the draft Heritage Strategy 2019-2030 (Attachment 1) for purposes of public exhibition;
  - (c) note the public exhibition process as outlined in para 55 above; and
  - (d) note that following the public exhibition period, officers will present a further report together with advice on any public submissions received, for Council consideration and final determination on the Heritage Strategy in October/November 2019.

### Public Submissions

*Andrew Hanson addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

1. That Council:
  - (a) note the report;
  - (b) approve the draft Heritage Strategy 2019-2030 (Attachment 1) for purposes of public exhibition;
  - (c) note the public exhibition process as outlined in para 55 above; and
  - (d) note that following the public exhibition period, officers will present a further report together with advice on any public submissions received, for Council consideration and final determination on the Heritage Strategy in October/November 2019.

**CARRIED UNANIMOUSLY**

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

**Conclusion**

The meeting concluded at 10.45pm.

Confirmed Tuesday 10 September 2019

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Mayor