



Ordinary Meeting of Council Minutes

**held on Tuesday 26 November 2019 at 7.00pm
Richmond Town Hall**

www.yarracity.vic.gov.au

1. Acknowledgement of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Danae Bosler (Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Leave of Absence

- Cr Misha Coleman (Deputy Mayor)
- Cr James Searle

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 The personal hardship of a resident or ratepayer

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 Nguyen

Seconded: Councillor Chen Yi Mei

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) Contractual matters; and
 - (b) The personal hardship of a resident or ratepayer
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 Chen Yi Mei

That the amended minutes of the Ordinary Council Meeting held on Tuesday 12 November 2019 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

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12. Notices of motion

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Joint Letter - Peel Street Park Safety

Reference: D19/223036

A joint letter containing 5 signatures from local residents are requesting that Council consider increasing the lighting in Peel Street Park on the corner of Oxford and Peel Streets, Collingwood.

Residents advised that with only one light on the Council building, the rest of the park is in darkness, reducing the safety of using the pathways during the night-time as well as promoting ant-social behaviour.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

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

CARRIED UNANIMOUSLY

6.2 Petition - Footpaths Belong to Pedestrians - No Trees on Cameron Street Footpaths!

Reference: D19/217337

A petition containing 48 names from Cameron and surrounding streets are opposed to trees being planted on the footpath of Cameron Street, Richmond.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Bosler

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

CARRIED UNANIMOUSLY

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

7.1 Margaret O'Brien - Gift Policy

Question:

Having in mind, the current inquiry into Casey Council by the Independent Broad Based Anti-Corruption Commission, (IBAC), will Council publicly release its procedures for gifts and hospitality for councillors and staff, and place the registers of these items on public display?

Response:

The Mayor advised that Council has both a Staff Code of Conduct and Councillor Code of Conduct and both are already listed on the Council website. I have also spoken with our Governance Officer and Compliance Officer and there are two sub-documents which are administrative documents that are not currently on the website, but that is something that we can consider putting on the website if that is something the community wants. There is also a review of the process going on at the moment and Mr Thomas who is our Senior Governance Advisor has advised that he would be happy to get in touch with you and talk you through the review process.

7.2 Jen Rutherford, Collingwood Toy Library - Community Space

Question:

In the last four years we have grown significantly and doubled our membership from 300 to over 630 local families and as a result we are rapidly running out of space to maintain our current operations and in the near future this will start to limit the work we are already doing to help Council respond to recognised family services and early years community needs.

What can Council do to help us find a bigger space where families have more room to connect with the next few years? The rationale behind this; social connectedness has a positive impact on the mental health and emotional wellbeing of families in particular parents who can often feel isolated. In a bigger space we will be able to support more parents and their children and provide more opportunities for them to meet others, connect and get involved in the community.

Response:

The Mayor advised that community space as you can imagine is highly sought after and in high demand in Yarra and I think I get request on a monthly if not more frequent basis for use of community space and the particularly tricky area is the exclusive space you are after, it's not like our other community groups that usually need space one day a week and with the exclusive use you can't really share that space. I recognise the challenges and I think the best combination is something that

you have at the moment where you have a shared space with a business like Collingwood Football Club that provides the facilities that you need. I am happy to take up the cause and assist in advocating to the state government.

Cr Jolly – In relation to the Collingwood Town Hall precinct, we have the situation with the Soldiers and Sailors site that the RSL have pulled out. Not just that site but the whole area. Can you provide Council with the latest update on where we are at with that because I think that the Collingwood Toy Library needs to be part of that conversation as on the rare occasion part of that is Council owned?

The Director Community Wellbeing advised that Felicity Macchion, Manager Yarra Libraries and I meet with the Collingwood Toy Library last Thursday so we are very aware of the issues and concerns they have in terms of space for the extremely valuable service they provide. We do recognise that there are some possible future developments, we don't have a formal direction by Council on that specific management just yet and certainly we will be bringing further reports to Council in the coming months to seek that, but certainly do recognise that that is potentially an opportunity and just for Council's further information, Collingwood Toy Library currently utilises around 150 metres and understand would be looking at around 300 metre mark, effectively double the size and would require a range of other things such as a kitchen, better storage and a range of other things. Space in Yarra is extremely contestant, we have direction from Council to include community services in any future Collinwood Town Hall development, but we also recognise this may be contestant around a general book library, art space and a range of other things that will need to be considered. We will be bringing those opportunities back to Council for consideration and determination. Officers have undertaken to meet regularly with the Collingwood Toy Library to explore opportunities moving forward.

Cr Stone – When will a further report come to Council because I think we have talked about other Council services that might be relocated, there is really nice synergies with the toy library and the maternal child health for example, if they could work together?

The Director Community Wellbeing also advised that it is hard to provide a definitive answer on that as there has been a range of things that I am not able to discuss all in a public forum but certainly we are also negotiating with the department of health and human services around a feasibility study. The department have also gone through a senior staff turnover that has affected it and also some internal capacities that we are working through. We had originally intended to start the feasibility study early next year and we still planning to do that and have also written to the department in order to get some direction from them and have been given the undertaking that they will provide some funding, and are waiting on a response.

Cr Fristacky – asked the submitter – When is the termination of the lease and what time frame are you seeking?

Ms Rutherford advised that it was currently on a rolling lease that is due for renewal in about 3 years and given it would take a long time to find a new space, the sooner the better.

8. Delegates' reports

8.1 Cr Stone - Northern Alliance for Greenhouse Action (NAGA)

Committee	Northern Alliance for Greenhouse Action (NAGA)
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	26 th November 2019
Date of Report	26 th November 2019
Report Author	Cr Amanda Stone

DELEGATES REPORT

NAGA comprising the 9 local government areas of Darebin, Banyule, Hume, Manningham, Melbourne Moreland, Nillumbik, Whittlesea and Yarra recently held a breakfast briefing by Sarah Barker from Minter Ellison. The focus of the briefing will be corporate climate change risk for local governments.

The impacts of climate change upon council assets and the community are increasingly at the heart of corporate risk concerns of Australian local governments. Sarah discussed corporate governance, financial and liability implications of climate change risk and how this can be communicated across your council.

Sarah has two decades' experience as a corporate lawyer and is regarded as one of the world's foremost experts on investment governance issues relating to climate change, ESG (environmental, social, governance), and the UN Sustainable Development Goals. Her leadership in climate risk adaptation and resilience is internationally recognised and has been called upon by institutions from the Bank of England to the OECD, European Union and United Nations Principles for Responsible Investment. She has many other credentials and has addressed councillors and local government officers in a range of settings during this year.

Her main message was that finance and insurance markets have already shifted to factor in climate change and it needs to be factored into everything we do. That includes in local government,

She highlighted the physical exposure to climate change faced by local governments, especially through secondary costs of natural disasters in other states; and the economic transition risks as markets respond to climate change. She described the Paris Agreement (signed up to by all but 2 nations) as "the mother of all market signals", in the move towards a decarbonised global economy by 2050. Markets will follow - with the examples of internal combustion engines being banned in numerous countries, and price parity in the UK by 2020. With the risk to assets, including councils', in a 4 degree world, it's in everyone's interests to "get on the transition train".

With most NAGA councils having declared a climate emergency, her message resonated with those present. However, it also highlighted the significant changes in approach to risk management that all councils need to undergo, in the uncharted territory of a climate changed world where some past practices will no longer apply and an "act of God" or force majeure in contracts is no longer recognised.

Yarra's Climate Emergency Plan will provide an opportunity for Yarra Council to address the risks she highlighted and protect our community and assets in future

scenarios of increased temperatures and extreme weather events.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council:
 - (a) note this Delegate's Report; and
 - (b) officers provide advice to Council on including "Climate Risk" as a consideration in the preparation of reports for Council Meetings into the future.

CARRIED UNANIMOUSLY

8.2 Cr Stone - Project Respect

Report Title	Project Respect
Date of Council Meeting	26 th November 2019
Date of Report	25 th November 2019
Report Author	Cr Amanda Stone

DELEGATES REPORT

Project Respect was established in 1998 as a service supporting women in the sex industry, women who have been trafficked and to advocate for change needed to end all forms of sexual exploitation. It employs a modest number of staff and works on a peer worker and outreach model which has had great success.

Project Respect is also housed in one of Council's properties and has received financial and in-kind support from Yarra Council over many of the past 20 years.

This year, Project Respect has celebrated its 20th birthday, beginning with a forum at Fitzroy Town Hall on human trafficking globally, and the new Australian legislation on trafficking, and concluding with an event at Parliament House in September, shared by former MP Neil Cole and Rosie Batty and the women who have both supported and been supported by the organisation over the past 20 years.

Programs have expanded in recent years from outreach and case management, to pathways to employment, training of other organisations who work with women in the sex industry or who may encounter women who have been trafficked, secondary consultations and referrals to other organisations. Of the women supported, 38% are Australian born, 23% Chinese, 10% Thai, 17% Korean and the remainder from a range of nations. The highest demand during outreach is for education and training.

A positive story for Project Respect in the past year has been the broadening of support from local government. From support from Yarra and just 2 other councils 10 years ago, Project Respect has received support from 9 councils in metropolitan Melbourne in the past 12 months, as well as state government and philanthropic organisations. Financial support is not guaranteed however and fundraising is an ongoing focus of the organisation.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

1. That Council:
 - (a) note this Delegate's Report;
 - (b) congratulate Project Respect on its 20 years anniversary; and
 - (c) acknowledge the vital and unique women-centred work undertaken by Project Respect now across Victoria.

CARRIED UNANIMOUSLY

9. General Business

- 9.1 Cr Jolly - Officers to present a report on amending the Planning Scheme to require new developments to use renewable energy

Background

Over 80% of carbon emissions in our area come from stationary energy.

Requiring future buildings to have zero emissions is the single best way to rapidly cut our carbon footprint in the City of Yarra.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

1. That Council requests Officers to report on the process required to amend the Yarra Planning Scheme to require:
 - (a) that all future developments in the City of Yarra have the highest possible environmental rating; and
 - (b) the use of 100% renewable energy in both the construction phase of developments and in completed developments.

CARRIED UNANIMOUSLY

- 9.2 Cr Nguyen - Officers to present a report on the operation of Yarra Youth Services

Background

Nil.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Jolly

1. That Council requests Officers to present a report by the first meeting cycle in May 2020, providing a comprehensive and detailed review of the operations of the Yarra Youth Services and which will include but not limited to the following:

- (a) the analysis of all existing programming currently managed by the Service;
- (b) a detailed statistical profile breakdown of young people engaged with the Service's programming;
- (c) the capacity of operational staff with particular emphasis on their ability to engage with diverse communities;
- (d) a review of the Service's senior management and organisational structure;
- (e) the interaction of the Service with other Council funded youth programming;
- (f) to highlight of any significant gaps in service delivery to key co-horts;
- (g) an outline of how the Service plans to interact with the new Youth Hub being established in Richmond;
- (h) an understanding of any opportunities which might exist to further expand programming and operations; and
- (i) details of interviews and consultation with young people engaged with the Service.

CARRIED

CALL FOR A DIVISION

For: Councillors Jolly, Chen Yi Mei, Nguyen and O'Brien

Against: Councillors Fristacky, Stone and Bosler

10. Questions without notice

10.1 Cr Stone - Car Share

Question:

Question from resident Keith Fitzgerald who has asked how council can help facilitate increased car share and car-pooling along the Eastern Freeway to reduce demand and future pressure on freeway expansion.

What opportunities are there to influence car share or car-pooling and will this be considered in the Integrated Transport Strategy?

Response:

The Director Planning and Place Making advised that Council are certainly seeking to promote car share within the municipality and you have received an adopted policy and coming back to you with an implementation plan on that but the question that has been put really relates to car share towards Yarra or away from Yarra and into Yarra. There would be advocacy as part of that and that could be, also aspects of a potential fee structures with North East Link so there would need to be some thinking on that and limited ways that Council could seek to influence probably indirectly rather than direct. Happy to take it on notice and speak with staff and that could be a consideration as part of the thinking of integrated transport strategy.

Cr Jolly also added, if Councillor Searle as the MAV representative to raise this at

the MAV to potentially look at a joint campaign with municipalities in the eastern suburbs on this matter.

10.2 Cr Jolly - Intersection at Hoddle Street and Roseneath Street

Question:

Residents in east Clifton Hill have requested I ask a question in relation to the traffic lights on the intersection on Hoddle Street and Roseneath Street. If you're a pedestrian or even a cyclist it can sometimes take 10 minutes to cross due to the lack of synchronicity between the railway and the traffic lights.

If Council, either through the Mayor's office or relevant Director can lobby with PTV and VicRoads to look at a better syncretisation between the traffic lights and the boom gates so that pedestrians have priority on Hoddle Street and using smart traffic signals?

Response:

The Director Planning and Place making took the question on notice and advised that a letter could be sent as part of the active transport advocacy and promotion.

10.3 Cr Fristacky - Attaching advertising material to posts

Question:

A resident that undertakes neighbourly rides and advertises those with a little pull-off sleeve around various posts in Yarra. He has been approached by Council with a caution because of by-laws about attaching advertising material to posts, he pays a lot of money for those and he does support sustainable transport and teaching people how to cycle.

What scope is there to deal with the situation in terms of advertising those neighbourly rides to assist people to learn and get confidence on bicycles so that we can increase the cycle mode share which is part of our transport strategy?

Response:

The Director Corporate Business and Finance took the question on notice.

10.4 Cr Fristacky - Status of Lygon Street Flat

Question:

Can Councillors be provided with an update on the Lygon Street Flat, in terms of if it is offered as affordable housing or any other option?

Response:

The Group Manager Chief Executive's Office took the question on notice.

11.1 Update on Status of Pitfall Traps in Yarra

Reference: D19/190392

Authoriser: Director City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) note this report; and
 - (b) approve Council Officers to proceed to eliminate the pitfall traps identified in the audit as potentially presenting a risk to wildlife, by reconstructing the two stormwater drainage pits.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Stone

1. That Council:
 - (a) note this report; and
 - (b) approve Council Officers to proceed to eliminate the pitfall traps identified in the audit as potentially presenting a risk to wildlife, by reconstructing the two stormwater drainage pits.

CARRIED UNANIMOUSLY

11.2 Grant Initiation Report - Richmond and Collingwood Youth Program Grants 2020 - 2023

Reference: D19/193069
Authoriser: Director Community Wellbeing

RECOMMENDATION

1. That Council:
 - (a) Endorse the Richmond and Collingwood Youth Program Grants Guidelines 2020 – 2023 (**Attachment 1**);
 - (b) Authorises officers to establish the Richmond and Collingwood Youth Program Grants and to open applications from 20 January 2020;
 - (c) Endorses the formation of the Community Grant Assessment panel for the Richmond and Collingwood Youth program Grant to be chaired by the Manager Family, Youth and Children’s Services with two community representatives; and
 - (d) Note that \$100,000 will be referred to the mid-year budget process for consideration and for the purposes of recruitment of a full-time Youth Development Officer, Pathways, with a focus on working collaboratively with other key partners on the Richmond Housing Estate to deliver education, training and employment outcomes for young people.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei **Seconded:** Councillor Nguyen

1. That Council:
 - (a) Endorse the Richmond and Collingwood Youth Program Grants Guidelines 2020 – 2023 (**Attachment 1**);
 - (b) Authorises officers to establish the Richmond and Collingwood Youth Program Grants and to open applications from 20 January 2020;
 - (c) Endorses the formation of the Community Grant Assessment panel for the Richmond and Collingwood Youth program Grant to be chaired by the Manager Family, Youth and Children’s Services with two community representatives; and
 - (d) Note that \$100,000 will be referred to the mid-year budget process for consideration and for the purposes of recruitment of a full-time Youth Development Officer, Pathways, with a focus on working collaboratively with other key partners on the Richmond Housing Estate to deliver education, training and employment outcomes for young people.

CARRIED UNANIMOUSLY

11.3 Amendment C269 - Yarra Planning Scheme - Rewrite of local policies

Reference: D19/208933

Authoriser: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
 - (b) notes the extensive strategic work supporting the draft policy positions including the adopted *Housing Strategy 2018* and the *Yarra Spatial Economic Employment Strategy 2018* and other adopted strategies and policies outlined in the report;
 - (c) notes the supporting documentation attached to this report;
 - (d) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara; and
 - (e) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act and as outlined in the report at paragraph 33-35.

Public Submissions

The following people addressed Council on the matter:

Greg Chenhall, Fitzroy Residents Association;

Anne Horrigan-Dixon, Queens Parade Heritage Planning and Traders Group;

Glen McCallum;

Ian Wight;

Margaret O'Brien; and

Anne Coveny.

MOTION**Moved:** Councillor O'Brien**Seconded:** Councillor Jolly

1. That Council:
 - (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
 - (b) notes the extensive strategic work supporting the draft policy positions including the adopted *Housing Strategy 2018* and the *Yarra Spatial Economic Employment Strategy 2018* and other adopted strategies and policies outlined in the report;
 - (c) notes the supporting documentation attached to this report;
 - (d) notes the verbal submissions by community members at this meeting;
 - (e) defer further consideration of this matter pending undertaking of a community consultation on the proposal; and

- (f) authorise Officers to initiate a short community consultation of the Draft “Yarra Planning Scheme – rewrite of local policy” document and report back to Council for further assessment by March 2020.

LOST

CALL FOR A DIVISION

- For:** Councillors Jolly and O'Brien
Against: Councillors Fristacky, Chen Yi Mei, Bosler and Nguyen
Abstained: Councillor Stone

Councillor Jolly left the meeting at 9.57pm

Councillor Jolly returned at 10.10pm

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Fristacky

1. That Council:
 - (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
 - (b) notes the extensive strategic work supporting the draft policy positions including the adopted *Housing Strategy 2018* and the *Yarra Spatial Economic Employment Strategy 2018* and other adopted strategies and policies outlined in the report;
 - (c) notes the supporting documentation attached to this report;
 - (d) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara, subject to feedback from the public exhibition and any subsequent changes to the amendment; and
 - (e) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act and as outlined in the report at paragraph 33-35:
 - (a) that the amendment be exhibited for a minimum of 8 weeks; and
 - (b) commence preliminary engagement with key resident groups in Yarra whilst awaiting Ministerial authorization and exhibition.
3. That a letter be sent to the Department requesting that a proper numbering system be considered to facilitate navigation through the planning scheme and the benefits of this for applicants, parties and tribunals, in more readily identifying provisions.

CARRIED

CALL FOR A DIVISION

- For:** Councillor Fristacky, Stone, Chen Yi Mei, Bosler and Nguyen
Against: Nil
Abstained: Councillor O'Brien

11.4 Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions

Reference: D19/191633

Authoriser: Director Planning and Place Making

Councillor O'Brien left the meeting at 10.08pm

Councillor O'Brien returned at 10.10pm

RECOMMENDATION

1. That Council:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer report in response to submissions on Amendment C245 and split it into two parts, with:
 - (i) Part 1 – Places that received no submissions seeking changes as listed in **Attachment 8**;
 - (ii) Part 2 – Places which received submissions seeking changes (**Attachment 9**); and
 - (iii) abandon the part of Amendment C245 proposing changes to HO109, including 14 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.
- (c) adopt Part 1 and submit it to the Minister for Planning for Approval;
- (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 Part 2 in accordance with Section 23 of the *Planning and Environment Act 1987*;
- (e) refer the submissions and C245 Part 2 to a Panel and adopt a position of support for Amendment C245 Part 2 and responses to submissions, as set out in this report and the associated attachments;
- (f) update the *Yarra High Streets: Statements of Significance* with the addition of the documents from Amendment C245 set out in this report;
- (g) write to all submitters to advise of this decision; and
- (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with C245 Part 2.

REVISED OFFICER RECOMMENDATION

1. That:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer response to submissions on Amendment C245 within the report and in the following attachments:
 - (i) *Places that received no submissions seeking changes (Attachment 8); and*
 - (ii) *Places which received submissions seeking changes (Attachment 9);*

- (c) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 in accordance with Section 23 of the Planning and Environment Act 1987;
- (d) refer ~~the~~ submissions and Amendment C245 to a Panel and adopt a position of support for Amendment C245 and responses to submissions, as set out in this report and the associated attachments, including the intent to abandon the part of Amendment C245 proposing changes to HO109, including 4 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61- 75 Langridge Street, Collingwood) so it no longer forms part of the Amendment;
- (e) update the Yarra High Streets: Statements of Significance with the addition of the documents from Amendment C245 set out in this report;
- (f) write to all submitters to advise of this decision; and
- (g) officers provide a further report to Council after the Planning Panel report is received about how to proceed with Amendment C245.

Councillor O'Brien left the meeting at 10.15pm

Public Submissions

The following people addressed Council on the matter:

Annabel Paul;

Judith Drill; and

Con Mydaras.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Nguyen

1. That Council:
 - (a) receive and note submissions received following the exhibition of Amendment C245;
 - (b) notes the officer response to submissions on Amendment C245 within the report and in the following attachments:
 - (i) Places that received no submissions seeking changes (Attachment 8); and
 - (ii) Places which received submissions seeking changes (Attachment 9);
 - (c) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 in accordance with Section 23 of the Planning and Environment Act 1987;
 - (d) refer submissions and Amendment C245 to a Panel and adopt a position of support for Amendment C245 and responses to submissions, as set out in this report and the associated attachments, including the intent to abandon the part of Amendment C245 proposing changes to HO109, including 4 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61- 75 Langridge Street, Collingwood) so it no longer forms part of the Amendment;
 - (e) advise the Panel that Council intends to abandon the proposal to apply internal alteration controls for the following properties:
 - (i) HO286 - Former Burnley Theatre, 365-377 Swan Street Richmond; and
 - (ii) HO504 - Former Richmond Theatre, 311-317 Bridge Road, Richmond;

- (f) update the Yarra High Streets: Statements of Significance with the addition of the documents from Amendment C245 set out in this report;
- (g) write to all submitters to advise of this decision; and
- (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with Amendment C245.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Jolly, Chen Yi Mei, Bosler and Nguyen

Against: Councillor Stone

The Mayor adjourned the meeting for 5 minutes at 10.47pm

11.5 Discussion Paper - Planning and Building Approvals Process Review

Reference: D19/209452

Authoriser: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) receive the report on the *Planning and Building Approvals Process Review Discussion Paper*, and
 - (b) submit the comments contained in the officers report as feedback to Better Regulations Victoria in relation to the Discussion Paper.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Bosler

That the meeting be further extended.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council:
 - (a) receive the report on the *Planning and Building Approvals Process Review Discussion Paper*, and
 - (b) submit the comments contained in the officers report as feedback to Better Regulations Victoria in relation to the Discussion Paper:
 - (i) highlighting the response to Action 1.3, "Faster policy resolution for emerging planning issues" and propose that this be addressed as a matter of urgency.
2. Further, Council authorize the CEO to advocate to the state government to address the concerns regularly raised with Council about the private building surveyor system through a letter to the Minister for Planning.

CARRIED UNANIMOUSLY

11.6 Proposed Discontinuance of Road between 5 & 7 Brunswick Street, Fitzroy.

Reference: D19/211918

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in book SYD no 801:
 - (a) resolves that having followed all the required statutory procedures pursuant to section 189,207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road between 5-7 Brunswick Street, Fitzroy, is not reasonably required for public use. Council discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of Clause 3(a) of Schedule 10 of the Act, is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued the Road be transferred to the Applicant for the current market value plus (GST), with the market value to be determined in accordance with the Act;
 - (d) directs that any easements, rights or interests required to be created or saved over the Road by an authority be done so;
 - (e) authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant; and
 - (f) informs the submitters in writing of Council's decision on the matter.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Stone

Seconded: Councillor Fristacky

That the meeting be further extended to 11.30pm.

CARRIED

Public Submissions

The following people addressed Council on the matter:

Terence Taylor;

Louise Elliot;

Margaret O'Brien;

Kevin Dalton, St Vincent's Health Australia;

Sister Kerrie Cusack, Sisters of St Joseph Victoria and Tasmania;

Maryanne Confoy, Sister of Charity; and

Greg Chenhall, Fitzroy Residents Association.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Chen Yi Mei

Seconded: Councillor Stone

That the meeting be further extended

CARRIED

MOTION

Moved: Councillor Jolly

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in book SYD no 801:
 - (a) resolves that having followed all the required statutory procedures pursuant to section 189,207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that part of the road between 5-7 Brunswick Street, Fitzroy, is still reasonably required for public use, Council refuses to discontinue the Road; and further authorises officers to place a further Public Notice indicating that Yarra City Council, acting under clause 3 of schedule 10 to the *Local Government Act 1989* proposes to discontinue part of the road between 5 and 7 Brunswick Street, Fitzroy, shown cross-hatched on the plan below *
[*NB when drawn up for the Public notice this must be in accordance with the dimensions in the December 2018 revision of the Hospital plans.]
 - (b) directs that a notice pursuant to the provisions of Clause 3(a) of Schedule 10 of the Act, is to be published in the Victoria Government Gazette;
 - (c) authorises Council's CEO to sign any documents required to be signed in connection with the refusal of the discontinuance of the Road and the preparation and publication of the further Public Notice; and
 - (d) informs the submitters in writing of Council's decision on the matter.

LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in book SYD no 801:
 - (a) resolves that having followed all the required statutory procedures pursuant to section 189,207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road between 5-7 Brunswick Street, Fitzroy, is not reasonably required for public use. Council discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of Clause 3(a) of Schedule 10 of the Act, is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued the Road be transferred to the Applicant for the current market value plus (GST), with the market value to be determined in accordance with the Act;

- (d) directs that any easements, rights or interests required to be created or saved over the Road by an authority be done so;
- (e) authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant; and
- (f) informs the submitters in writing of Council's decision on the matter.

CARRIED

CALL FOR A DIVISION

For: Councillors Stone, Chen Yi Mei, Bosler and Nguyen

Against: Councillor Jolly

Abstained: Councillor Fristacky

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Stone **Seconded:** Councillor Fristacky

That the meeting be further extended to 12.15am

CARRIED

11.7 Proposed Discontinuance of Road abutting the rear of 88-90 Johnston Street, Collingwood

Reference: D19/212794

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked Lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the whole of the land contained in certificate of title volume 11849 folio 976 and part of the land contained in Memorial Book O No 870.
 - (a) Resolves that having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road abutting 88-90 Johnston Street, Collingwood, is not reasonably required for public use, Council discontinues the Road;
 - (b) Directs that a notice pursuant to the provisions of Clause 3(a) of schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) Directs that, once discontinued, the Road be transferred to the Applicant subject to the formal signing of a Section 173 Agreement requiring that:
 - (i) the adjoining Applicant/Owner covenants to keep the Vehicular Access Area open and accessible to the Adjoining Owners at all times; and
 - (ii) the Applicant/Owner covenants that it will not place and not allow any person to place any obstruction on the Vehicular Access or install any structure on the Vehicular Access Area, except where Council or the Adjoining Owners have provided their prior written consent; and thatthe transfer amount is to be the current market value plus (GST), with the market value to be determined in accordance with the Act;
 - (d) Directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so;
 - (e) Authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
 - (f) Authorises Council's CEO to sign the Section 173 Agreement; and
 - (g) Informs the submitters in writing of Council's decision on the matter.

Public Submissions

The following people addressed Council on the matter:

Lochlan Sinclair;

Anthony Hahtoulas; and

John Fraser.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked Lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the whole of the land contained in certificate of title volume 11849 folio 976 and part of the land contained in Memorial Book O No 870.
 - (a) Resolves that having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road abutting 88-90 Johnston Street, Collingwood, is not reasonably required for public use, Council discontinues the Road;
 - (b) Directs that a notice pursuant to the provisions of Clause 3(a) of schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) Directs that, once discontinued, the Road be transferred to the Applicant subject to the formal signing of a Section 173 Agreement requiring that:
 - (i) the adjoining Applicant/Owner covenants to keep the Vehicular Access Area open and accessible to the Adjoining Owners at all times; and
 - (ii) the Applicant/Owner covenants that it will not place and not allow any person to place any obstruction on the Vehicular Access or install any structure on the Vehicular Access Area, except where Council or the Adjoining Owners have provided their prior written consent; and that
the transfer amount is to be the current market value plus (GST), with the market value to be determined in accordance with the Act;
 - (d) Directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so;
 - (e) Authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
 - (f) Authorises Council's CEO to sign the Section 173 Agreement; and
 - (g) Informs the submitters in writing of Council's decision on the matter.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No.16 of 2019 - Local Government Bill 2019

Reference: D19/214269

Authoriser: Group Manager Chief Executive's Office

Public Submissions

The following people addressed Council on the matter:

Glen McCallum; and

Margaret O'Brien.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council note:
 - (a) the tabling in the Victorian Parliament on 14 November of the Local Government Bill 2019;
 - (b) the inclusion in this Bill of Section 13 which removes the provision for multi-member wards;
 - (c) the recommendations by the Victorian Electoral Commission in recent electoral reviews of multi-members wards in most instances;
 - (d) the widespread sector opposition to the removal of multi-member wards;
 - (e) the deep concern expressed by the local government peak bodies, the Municipal Association of Victoria and the Victorian Local Governance Association about the removal of multi-member wards;
 - (f) the lack of support for the removal of multi-member wards throughout the prolonged consultation process during 2015-2018;
 - (g) support expressed in the Yarra community for the continuation of multi-member wards; and
 - (h) the lack of specific sector consultation on this aspect of the Bill.
2. That Council re-state its opposition to mandating single member wards for the following reasons:
 - (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) single member wards are highly limiting for smaller geographic Councils like Yarra, Port Phillip or Queenscliff;
 - (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 and 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; and
 - (n) 41.69% of Victorian Councillors elected from multi-member wards are women, vs. only 33.9% in single-member wards.
3. That the Mayor write to the Minister for Local Government The Hon Adem Somyurek MP asking him to pause the progress of this Bill and engage fully and respectfully with the local government sector on this issue.
4. That a copy of this resolution and the letter be sent to:
- (a) The Hon Dan Andrews, Premier of Victoria;
 - (b) Tim Smith MP, Shadow Minister for Local Government;
 - (c) Samantha Ratnam MLC, Local Government Portfolio holder, Victorian Greens;
 - (d) The Hon Richard Wynne MP, Member for Richmond;
 - (e) Tim Read MP, Member for Brunswick;
 - (f) Kat Theophanous, Member for Northcote;
 - (g) the Municipal Association of Victoria; and
 - (h) the Victorian Local Governance Association.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Jolly, Stone, Chen Yi Mei and Nguyen

Against: Councillor Bosler

Councillor Jolly left the meeting at 12.10am

Conclusion

The meeting concluded at 12.19am.

Confirmed Tuesday 3 December 2019

Mayor