



Ordinary Meeting of Council Minutes

held on Tuesday 6 September 2016 at 7.05pm
Richmond Town Hall

***Corrected by resolution of Council on Tuesday 20 September 2016**

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 Roberto Colanzi (Mayor)
- Cr Geoff Barbour
- Cr Jackie Fristacky
- Cr Sam Gaylard
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Bruce Phillips (Director - Planning and Place Making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Mel Nikou (Governance Officer)

Apologies

- Cr Simon Huggins
- Cr Misha Coleman

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

Nil

4. Confidential business reports

Item

- 4.1 Personnel matters
- 4.2 Matters relating to legal advice
- 4.3 Matters relating to legal advice; AND Matters prejudicial to Council and/or any person
- 4.4 Matters prejudicial to Council and/or any person
- 4.5 Matters prejudicial to Council and/or any person
- 4.6 Matters relating to legal advice – LATE REPORT

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 Barbour

Seconded: Councillor Fristacky

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) personnel matters;
 - (b) matters relating to legal advice; and
 - (c) 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 Barbour

Seconded: Councillor Stone

That the minutes of the Ordinary Council Meeting held on Tuesday 16 August 2016 be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Barbour

Seconded: Councillor Stone

That the minutes of the Special Council Meeting held on Tuesday 23 August 2016 be confirmed.

CARRIED

6. Petitions and joint letters

Nil

7. Public question time

Item		Page
7.1	Ms Jennifer Worland - Public Question on Mayfield Street at last Council Meeting	7
7.2	Mr Brad Marsh - AMCOR Terms of Reference	8
7.3	Mr Jeff Katz - AMCOR Terms of Reference	9
7.4	Mr Ken Gomez - Planning Application PLN16/0078 - 312-318 Queens Parade, Fitzroy North	9
7.5	Mr Graham Merrett - Planning Application PLN16/0078 - 312-318 Queens Parade, Fitzroy North	9
7.6	Ms Carole Wilkinson of YCAN - Ethical Investment	10
7.7	Mr Keith Fitzgerald - Bendigo Street Amenity and Safety Issues	10
7.8	Mr Pino Caputa - Bendigo Street Amenity and Safety Issues	11
7.9	Mr Herschel Landes - Vietnamese Flag and Gleadell Street Carpark Closure	12

8. General business

Item		Page	Res. Page
8.1	Yarra Planning Scheme and MFB Fire Safety Guidelines	13	13

9. Delegates' reports

Nil

10. Questions without notice

Nil

11. Council business reports

Item		Page	Res. Page
11.1	2015/16 Annual Financial Statements and Performance Statement adoption 'in principle'.	14	14
11.2	2015/16 Annual Plan Quarterly Progress Report - June 2016 and 2015/16 Strategic Indicators Report	15	15
11.3	Resilient Melbourne Strategy	16	16
11.4	Proposed rezoning 510 Swan Street Richmond - DEFERRED	17	-
11.5	Heritage Advice - 462-470 Swan Street, Richmond	18	18
11.6	Proposed new open space, Charles & Mollison Street, Abbotsford	19	19
11.7	Consideration of trees for inclusion on the Significant Tree Register	20	20
11.8	Heritage Victoria permit application referral - Chandler Highway Bridge	22	24
11.9	Review of the Guidelines for Establishing Pop-up Gardens in a Laneway / Right of Way	26	26
11.10	Richmond and Collingwood Youth Grants Program 2017 - 2019 Initiation Report	27	27
11.11	Submission to Local Government Act Review Directions Paper	28	28

12. Notices of motion

Nil

13. Urgent business

Nil

6. Petitions and joint letters

Nil

7. Public question time

7.1 Ms Jennifer Worland - Public Question on Mayfield Street at last Council Meeting

Question:

We attended the Council Meeting on Tuesday 16 August and on page 7 of the Minutes Mr Stevens asked for an update on the rezoning of Mayfield Street. The Manager City Strategy advised the following stages and mentioned it would be resolved early next year, but the minutes state that it would be resolved in the middle of next year.

Can you please explain what's happened?

(Second question was not recorded as the resident did not turn on the microphone)

Response:

The Director Planning and Place Making advised that the Manager City Strategy did go through the broad process explaining those steps, however didn't recall if it was early or middle next year, but by virtue of those steps, it would be next year and the people concerned were certainly wondering when the process was about to start. We do need to engage with consultants to do the work, it is being arranged and the full process will occur. I cannot guarantee the start of next year; it may need to go through a panel approach. I am more than happy to try and keep people informed, but cannot guarantee a date.

The Group Manager Chief Executive's Officer advised that the confirmation of the minutes is the appropriate time to correct the minutes, even if they were indeed incorrect. Normally the minutes would be corrected to reflect whatever the date was if there was an error.

The Chief Executive Officer advised that she would look into the matter, but it is never the question that the officer would change the minutes or the tone or the intention of the resolution. As the Manager City Strategy is not present, I will take the question on notice.

The Chief Executive Officer also advised that it is not only the City of Yarra that is involved, the State Planning Department and the State Planning Minister Mr Richard Wynne are involved. I meet with Mr Wynne each fortnight and this is one of the topics I raise with him. There is a lot of work going on behind the scenes and we take serious note of what is happening.

The Director Planning and Place Making also advised that Council sought an amendment, Council needed to get authorisation from the Minister and that did not come through, that's been negotiated as to what was required back. Officers have been working on that, we do need a consultant to do the work, that needs to be done and then the processes will flow, there is no finite date, whether it's February, March or April. The Manager City Strategy and I will keep the residents informed and will also inform Councillors and residents the various steps involved and estimated timeframes.

7.2 Mr Brad Marsh - AMCOR Terms of Reference

Question:

Our groups are concerned with inclusion of the phrase in the Terms of Reference, "Will have no involvement in the consideration of any Planning Permit Application".

Can you please clarify why this phrase was included?

Can Council clarify that a DPO does not exempt clauses 51, 57 and 60 of the Act which provides members of the public to inspect applications, make objections and for Council to consider those objections; and

Given this, it seems counter-productive to remove these rights from the Terms of Reference for the Community Reference Group and so should clause 9 (c) be removed?

Response:

The Director Planning and Place Making advised that the Council resolution last year required setting up a Community Reference Group and at the last Council Meeting officers brought a report on the Terms of Reference about that and Mr Marsh in part is talking about those. Mr Marsh is also talking about individual matters and there're two different things, the Community Reference Group is set up by Council, Ward Councillors and three Community Groups and three others that would be members and seeking for that membership is on display at the moment.

Can people look at Planning Applications in relation to AMCOR? Yes. Can people object, there not formally advertised, it's rather a moot point whether people can object, people can provide their comments in writing, but in Planning terms, there is no issue of a notice of determination to grant a planning permit, so in essence there is no third party appeal rights, in simple terms it means that with the development plan overlay, there is no advertising of the application.

Can an individual look at Planning Application at the front desk? Yes. Should the Community Reference Group get involved in the Planning Applications? No

A person, whether they are a Community Reference Group member or not, can look at the Planning Application. People can obviously form their own opinion and can provide their thoughts to a Councillor or all nine Councillors to represent them.

My recommendation and advice has been to not give expectations that the Community Reference Group can engage in Planning Applications, consider Planning Applications, give Council recommendations on Planning Applications and in my view not appropriate and hence the recommendation of the word, "no involvement".

To be very clear, "no authority" in my opinion means that people can be involved, but there is no authority. It's probably a moot point that if it says there is no involvement does that mean that if the committee members have conversations around it, is that taboo, it probably should not occur with those words, but if it does, maybe so be it, providing the Community Reference Group does not seek to write recommendations or seek to vote on them. I believe "no involvement" is appropriate.

If a person inspected the Planning Application and then provided a written submission to Council, a responsible officer or responsible authority being the Council would read that and they would need to look at the Planning Scheme provisions in relation to the site and having read that submission or letter they would form a view. Would that submission form part of the officer's formal consideration of the report? I would need to take legal advice on that because if officers or the Council actually made judgements that were deemed in law, improper, the applicant

could potentially take the matter to the tribunal.

7.3 Mr Jeff Katz - AMCOR Terms of Reference

Question:

Is it Council's intention that the Community Reference Group established at the last meeting has fewer rights of objection than the individuals that constitute it? It may be that the question needs to be deferred until legal advice has been taken but it seems to me that if we are saying it's not the intention that the Community Reference Group can consider these matters and yet individuals have rights to bring objections in relation to those matters that we are in fact saying the Community Reference Group has fewer rights than the individuals that sit on it.

Response:

Councillor Stone advised that Mr Phillips had said there are no objection rights. If the phrase was taken out as a condition of the group, would that address your issues and secondly could you see the reference group not getting bogged down in individual planning applications as I think it is one of the concerns that was intended to be addressed through that particular clause and as you know a whole range of things that the reference group is set up to consider and it could spend all its time discussing applications and not get onto other things.

I think it would be up to the Chair as to what is considered by the group for how long, in what terms and the process.

7.4 Mr Ken Gomez - Planning Application PLN16/0078 - 312-318 Queens Parade, Fitzroy North

Question:

There is an application for a 5 storey development that is abutting three laneways. It is in the middle of an NRZ1 zone although the actual site is C1 commercial zone.

Is a 5 storey development allowed or is a 2 storey development the maximum?

Response:

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

7.5 Mr Graham Merrett - Planning Application PLN16/0078 - 312-318 Queens Parade, Fitzroy North

Question:

In relation to new developments abutting laneways, I note that the Yarra Planning Scheme in clause 22.07 requires that the subject laneway meet emergency services access requirements and that these requirements which are set out in the MFB Fire Safety Guidelines (GL-27), provide buildings greater than 2 storeys or with an effective height greater than 9 meters must have an access road of at least 3.5 meters wide. However the City of Yarra's planning unit asserts that they do not require compliance with the MFB guidelines because those guidelines are not incorporated into the Yarra Planning Scheme.

Are you aware that at least three local Council's; City of Port Phillip, City of Moreland and City of Banyule have incorporated the MFB Fire Safety Guidelines into their planning process and consequently require new developments comply with those guidelines, but the City of Yarra does not?

Can Council officers provide a public report to Councillors that highlights the differences between requiring compliance with MFB Fire Safety Guidelines (GL-27) as other Councils do and how the City of Yarra assess emergency services access requirements to proposed developments abutting laneways, including proposed developments higher than 2 storeys and secondly indicates why the Council considers failing to require compliance with MFB Safety Guidelines is consistent with clauses 15, 22.07, 34 and 55 of the Yarra Planning Scheme which relate to creating urban environments that enhance personal safety and property security including regarding emergency services access?

Response:

The Director Planning and Place Making advised that he was not aware of the other Council's incorporating the MFB guidelines into their planning process and took the question on notice.

Councillors moved a motion that a report be provided to Council (General Business 8.1).

7.6 Ms Carole Wilkinson of YCAN - Ethical Investment

Question:

We think that Council staff would benefit from an information session about superannuation and divestment. Moreland Council have had an information session presented by the group Market Forces who are leading the divestment movement.

Would Council consider in facilitating a lunchtime superannuation information session for Council staff?

Response:

The Director Corporate, Business and Finance advised that there was a session offered from Market Forces that was promoted to staff to attend. There hasn't been a specific session by Market Forces. The Chief Executive Officer and I meet with Vision Super about a month and a half ago and also offered to come and speak directly with Council and staff about what their activity is in relation to ethical investment and fossil fuel divestment and we will certainly take them up on that offer. In terms of a specific offer from Market Forces perspective in terms of offering a session to staff here at the City of Yarra I don't see why we couldn't make that occur.

7.7 Mr Keith Fitzgerald - Bendigo Street Amenity and Safety Issues

Question:

I have lived in Bendigo Street for the past 71 years and since 30 March 2016 the neighbourhood has been subjected to social disorder due to alcohol fuelled episodes and disruptive abusive tirades. Due to the poor communication between the State and Local Government the homeless people in Bendigo Street have become out of control and no longer a place for families with children.

When will Council enforce the Local Government Public Health and Safety statutes to restore full amenity to the residents of Bendigo Street, Collingwood?

Response:

The Chief Executive Officer advised that with Councils' amenity; cleaning or waste bins our Director City Works and Assets will take the issues on notice. In relation to the State Government, it is my number one agenda topic and I raised the issue with the State Government and with the Department of Human Services and they are completely aware of the issue. If you don't mind I would like to hand out the submission you are just read out to Councillors to present it the State Government to say that an effected resident in Bendigo Street has raised these issues.

The Director City Works and Assets advised if there is an issue of public safety within the public realm and the road reserve that is something that Council officers can action. We need to be clear about the boundaries between private property and the public realm and from what I can gather there is a mixture of issues and will need to look at those carefully.

7.8 Mr Pino Caputa - Bendigo Street Amenity and Safety Issues

Question:

I live in Bendigo Street and my children have witnessed a woman being physically abused that resulted in her hitting her head on the concrete.

The police attend and they cannot take any action, the Council cannot take any action, the State Government isn't taking any action so I would like to know what is it going to take to resolve the issues in Bendigo Street? The violence that is occurring in the street is unbearable and we cannot sleep at night.

When the evictions take place in Bendigo Street on the 19 September we are concerned what is going to happen to the resident's security when this takes place.

Response:

The Mayor advised putting Mr Caputa in contact the local area Police commander who would be the best person to speak with in the interim.

The Chief Executive Officer advised will take up the issue with the local area Police commander in the morning and also liaise with the estate manager of the State Housing and Health and Housing Services, they are aware of the issue but am happy to take up with them again in the morning as priority. Council is involved in the amenity, streetscape and waste management, we can only facilitate services, officers can liaise with the homeless and suggest they take up the facilities provided by agencies such as HomeGround, but cannot enforce anything.

Councillor Jolly advised that had been briefed by the people running the campaign that between now and the 19 September the State Government will take action in finding alternative accommodation for the homeless people before the Supreme Court resumes on the 19 September and the remaining political activists have agreed to accept that. My understanding is that there will not be an eviction.

7.9 Mr Herschel Landes - Vietnamese Flag and Gleadell Street Carpark Closure

Question:

My question goes to Council on the contradiction of formally recognising the Vietnamese Flag as a symbol of the identity and contribution of Vietnamese Australians and then show insensitivity through their actions and words.

Will Council now seek to set up a working group consisting of officers, ward Councillors and community representatives to shape an outcome of civic affirmation on June 19 at a town hall for the Vietnamese community and will Council now apologise to the Vietnamese community for any offence and stress that has been caused at the last Council Meeting?

I believe the carpark behind the town hall in Gleadell Street will be closed at the end of October. What arrangements have been made in terms of parking facilities once it's closed?

Response:

The Group Manager Chief Executive's Officer advised the resolution at the last Council Meeting was carried firstly as Council formally recognising the Vietnamese Co Vang Flag as a community flag and the second point that Council resolved was quite a detailed resolution in seeking the officer bring forward a report that considers review of the Council's flag policy with a view to provide opportunity for community flags to be flown at some civic facilities within the municipality. Officers are currently working on the report and will be presented well before the June 19 commemoration day. The final resolution I would have thought was a respectful resolution because again it did mirror and was based upon our sister organisation, City of Greater Dandenong's approach to the same issue.

Councillor Stone advised that she had spoken with Ms Vivien Nguyen as have most Councillors since the meeting who supported the motion and fair to say there is mutual understanding and respect as a result of that and been explained to her and the Vietnamese community through Ms Nguyen no disrespect was intended. At the Council meeting I did clearly say when speaking to the motion that I anticipated the request to fly the Vietnamese flag will be met on the 19 June 2017, where the flag would be flown was a matter for a revised flag policy but that their request could and almost certainly be met and that somehow became lost. With regards to the acknowledgement of the importance of the flag versus flying the flag the request we were given was distinctive in two parts; one to acknowledge the flag and two to fly the flag and the early request was simply to acknowledge the flag so I think we have paid a high respect to the Vietnamese community in Yarra by acknowledging the flag which was the predominate request we had from them and as the Council was not united on where or whether or how to fly the flag, we found a position that was consistent with Great Dandenong and to some extent with Maribyrnong that we believe will demonstrate respect for the Vietnamese community and that was explained to Ms Nguyen.

The Assistant Director Planning and Place Making advised that signs will be placed at the Gleadell Street carpark notifying people of the closure so that users of the carpark are aware that the carpark will no longer be available.

The Chief Executive Officer also advised there will be no staff carpark in Gleadell Street. The State Government has undertaken to liaise with the Gleadell Street market as it's a State Government project.

8. General business

8.1 Yarra Planning Scheme and MFB Fire Safety Guidelines

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

That Council Officers provide a report in the second meeting of October to consider incorporating the MFB Fire Safety Guidelines (GL-27) into the City of Yarra's Planning Scheme.

CARRIED UNANIMOUSLY

9. Delegates' reports

Nil

10. Questions without notice

Nil

11.1 2015/16 Annual Financial Statements and Performance Statement adoption 'in principle'.

Trim Record Number: D16/124534

Responsible Officer: Director Corporate, Business and Finance

[Help](#)

RECOMMENDATION

1. That Council:

- (a) notes the accompanying 2015/16 Annual Financial Statements and Performance Statement, and receives the endorsement of Council's Audit Committee;
- (b) adopts the 2015/16 Annual Financial Statements and Performance Statement 'in principle' prior to them being provided to the Victorian Auditor-General's Office for audit sign off;
- (c) nominates the Mayor, Councillor Colanzi, Audit Committee member and Councillor Vlahogiannis, Audit Committee member, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
- (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
- (e) designates Philip Mason, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014; and
- (f) signs-off the 2015/16 Performance Statement, Report of Operations and Governance and Management checklist.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Stone

1. That Council:

- (a) notes the accompanying 2015/16 Annual Financial Statements and Performance Statement, and receives the endorsement of Council's Audit Committee;
- (b) adopts the 2015/16 Annual Financial Statements and Performance Statement 'in principle' prior to them being provided to the Victorian Auditor-General's Office for audit sign off;
- (c) nominates the Mayor, Councillor Colanzi, Audit Committee member and Councillor Vlahogiannis, Audit Committee member, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
- (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
- (e) designates Philip Mason, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014; and
- (f) signs-off the 2015/16 Performance Statement, Report of Operations and Governance and Management checklist.

CARRIED UNANIMOUSLY

11.2 2015/16 Annual Plan Quarterly Progress Report - June 2016 and 2015/16 Strategic Indicators Report

Trim Record Number: D16/121072

Responsible Officer: Director Corporate, Business and Finance

[Help](#)

RECOMMENDATION

1. That Council note the end-of-year results for the 2015/16 Annual Plan and Strategic Indicators.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council note the end-of-year results for the 2015/16 Annual Plan and Strategic Indicators.

CARRIED UNANIMOUSLY

11.3 Resilient Melbourne Strategy

Trim Record Number: D16/127840

Responsible Officer: Director - City Works and Assets

[Help](#)

RECOMMENDATION

1. That Council:
 - (a) notes the officer report;
 - (b) endorses the Resilient Melbourne Strategy (refer Attachments 2-8);
 - (c) provides in-kind support for the Strategy within available resources; and
 - (d) notes that any request from the Resilient Melbourne Project Office to deliver specific actions or projects will be subject to Council's annual Budget process.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Fristacky

1. That Council:
 - (a) notes the officer report;
 - (b) endorses the Resilient Melbourne Strategy (refer Attachments 2-8);
 - (c) provides in-kind support for the Strategy within available resources; and
 - (d) notes that any request from the Resilient Melbourne Project Office to deliver specific actions or projects will be subject to Council's annual Budget process.

CARRIED UNANIMOUSLY

11.4 Proposed rezoning 510 Swan Street Richmond

Trim Record Number: D16/119522

Responsible Officer: Director Planning and Place Making

ITEM WAS WITHDRAWN and rescheduled for Council Meeting on 20 September 2016.

11.5 Heritage Advice - 462-470 Swan Street, Richmond

Trim Record Number: D16/124945

Responsible Officer: Director Planning and Place Making

[Help](#)

RECOMMENDATION

1. That in the matter of the properties at 462–470 Swan Street Richmond, Council note that:
 - (a) Council’s heritage consultant concludes that the properties are unlikely to reach the threshold of local significance at the individual level and do not form an extension to the proposed Burnley Street commercial precinct;
 - (b) Council officers advise that the heritage assessment does not support heritage protection; and
 - (c) no interim heritage order has been sought in relation to the properties.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Fristacky

1. That in the matter of the properties at 462–470 Swan Street Richmond, Council note that:
 - (a) Council’s heritage consultant concludes that the properties are unlikely to reach the threshold of local significance at the individual level and do not form an extension to the proposed Burnley Street commercial precinct;
 - (b) Council officers advise that the heritage assessment does not support heritage protection; and
 - (c) no interim heritage order has been sought in relation to the properties.

CARRIED

Councillor Stone abstained

11.6 Proposed new open space, Charles & Mollison Street, Abbotsford

Trim Record Number: D16/127583

Responsible Officer: Assistant Director Planning and Place Making

[Help](#)

RECOMMENDATION

1. That Council:
 - (a) notes the Officer report regarding the outcomes of community consultation in relation to the draft design for a new park on Mollison Street at the corner of Charles Street Abbotsford;
 - (b) notes and thanks the community for its contribution to the discussion around the design features for a new park on Mollison Street at the corner of Charles Street Abbotsford;
 - (c) notes that \$200,000 is available in the 2016/17 capital works budget to undertake detailed design and contract documentation and commence construction works, with a further \$700,000 required in 2017/18 to complete construction works;
 - (d) endorses the final concept plan (Attachment 5) and authorises officers to proceed to detailed design and contract documentation for the new pocket park;
 - (e) authorises Officers to commence the process for partial road discontinuance of the eastern section of Mollison Street pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989; and
 - (f) authorises officers to notify residents of adjoining properties of Council's resolution and the next steps in the project.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council:
 - (a) notes the Officer report regarding the outcomes of community consultation in relation to the draft design for a new park on Mollison Street at the corner of Charles Street Abbotsford;
 - (b) notes and thanks the community for its contribution to the discussion around the design features for a new park on Mollison Street at the corner of Charles Street Abbotsford;
 - (c) notes that \$200,000 is available in the 2016/17 capital works budget to undertake detailed design and contract documentation and commence construction works, with a further \$700,000 required in 2017/18 to complete construction works;
 - (d) endorses the final concept plan (Attachment 5) and authorises officers to proceed to detailed design and contract documentation for the new pocket park;
 - (e) authorises Officers to commence the process for partial road discontinuance of the eastern section of Mollison Street pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989; and
 - (f) authorises officers to notify residents of adjoining properties of Council's resolution and the next steps in the project.

CARRIED UNANIMOUSLY

11.7 Consideration of trees for inclusion on the Significant Tree Register

Trim Record Number: D16/112071

Responsible Officer: Director Planning and Place Making

[Help](#)

RECOMMENDATION

1. That Council:
 - (a) notes the officer report and the independent assessment of trees that have been considered for inclusion on the City of Yarra Significant Tree Register under the Local Law (Attachment 1);
 - (b) notes that four trees are recommended for inclusion on the Significant Tree Register (Attachment 1);
 - (c) endorses inclusion of the following trees on the City of Yarra Significant Tree Register:
 - (i) Alphington Park, Alphington (*Quercus robur*);
 - (ii) 162 Barkly Street, Fitzroy North (*Imus parvifolia*);
 - (iii) 160 Gold Street, Clifton Hill (*Acer negundo*);
 - (iv) 36 Lesney Street, Richmond (*Magnolia grandiflora*); and
 - (v) 8 Tyson Street, Richmond (*Corymbia citriodora*).
2. That officers:
 - (a) notify the owners and occupiers of private land, being 1(c)ii to 1(c)v above, which have a tree included on the City of Yarra Significant Tree register, and provide a copy of the 'Guidelines for the consideration of applications under the Local Law'; and
 - (b) notify nominees of the Council decision.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That Council:
 - (a) notes the officer report and the independent assessment of trees that have been considered for inclusion on the City of Yarra Significant Tree Register under the Local Law (Attachment 1);
 - (b) notes that four trees are recommended for inclusion on the Significant Tree Register (Attachment 1);
 - (c) endorses inclusion of the following trees on the City of Yarra Significant Tree Register:
 - (i) Alphington Park, Alphington (*Quercus robur*);
 - (ii) 162 Barkly Street, Fitzroy North (*Imus parvifolia*);
 - (iii) 160 Gold Street, Clifton Hill (*Acer negundo*);
 - (iv) 36 Lesney Street, Richmond (*Magnolia grandiflora*); and
 - (v) 8 Tyson Street, Richmond (*Corymbia citriodora*).
2. That officers:
 - (a) notify the owners and occupiers of private land, being 1(c)ii to 1(c)v above, which have a tree included on the City of Yarra Significant Tree register, and provide a copy of the 'Guidelines for the consideration of applications under the Local Law'; and

(b) notify nominees of the Council decision.

CARRIED UNANIMOUSLY

11.8 Heritage Victoria permit application referral - Chandler Highway Bridge

Trim Record Number: D16/124171

Responsible Officer: Manager Statutory Planning

[Help](#)

RECOMMENDATION

1. That Council notes the officer report in relation to the Heritage Victoria referral of permit application P25055 relating to the proposed construction of a new bridge abutting the existing heritage listed bridge across the Yarra River.
2. That Council advise Heritage Victoria that it does not object to permit application No. P25055 subject to the following conditions:
 - (a) recoating of the original bridge should be in its original colour. Paint is to be microscopically examined by an appropriately experienced heritage consultant to determine the original colour which should be matched according to the Munsell colour system. Repainting/recoating must be to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (b) details of all upgrade and restoration work to the existing bridge must be provided with drawings at a scale of 1:10 or 1:20 for further assessment and approval;
 - (c) a landscape/tree survey and vegetation removal plan must be undertaken by a suitably qualified arborist to identify, protect and retain any significant or good tree specimens to maintain the existing landscape setting of the original bridge. Future landscaping and revegetation must be documented and carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (d) re-use of all/any removed elements of the walkway on the western side of the existing bridge is to be carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (e) any salvaged objects are sent to an appropriate repository in accord with Heritage Victoria's standard archaeological, or other, requirements.
 - (f) an appropriate interpretation is installed at the site which addresses the early history of the environs, the bridge and later changes including cycle paths and the new bridge. This would include illustrative, vandal-proof signs which illustrate the history of the bridge with text and pictures. Maintenance of interpretative elements should be included in a Heritage Infrastructure Management Plan (HIMP);
 - (g) the bridge itself is not used as a community space, for artwork or as café until further information has been provided to Council for review and comment;
 - (h) further and full details of the construction of any underpasses and use or modification of the undercroft of the existing bridge be provided to Council and Heritage Victoria for approval; and
 - (i) that any maintenance of the existing bridge is to be carried out, to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria and in accord with a Heritage Infrastructure Management Plan (HIMP) which specifies particular activities and time-frames for execution.

Public Submission

Brad Marsh addressed Council on the matter.

MOTION

Moved: Councillor Stone

Seconded: Councillor Barbour

1. That Council notes the officer report in relation to the Heritage Victoria referral of permit application P25055 relating to the proposed construction of a new bridge abutting the existing heritage listed bridge across the Yarra River.
2. That Council advise Heritage Victoria that Yarra Council does not support an expanded bridge of 6 lanes adjacent to the now heritage listed Chandler Hwy Bridge, and contends that a bridge of this scale will negatively impact on the heritage values of the existing bridge. Council also notes the conclusion of Council's heritage advisor that "the construction of a new structure would typically be unacceptable in close proximity to a heritage structure" whilst noting the advisor accepts the case put by VicRoads for the proposed location of the new bridge.
3. Council advise Heritage Victoria that whilst it does not support the proposal, should a permit be issued, it request consideration of the following conditions:
 - (a) recoating of the original bridge should be in its original colour. Paint is to be microscopically examined by an appropriately experienced heritage consultant to determine the original colour which should be matched according to the Munsell colour system. Repainting/recoating must be to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (b) details of all upgrade and restoration work to the existing bridge must be provided with drawings at a scale of 1:10 or 1:20 for further assessment and approval;
 - (c) a landscape/tree survey and vegetation removal plan must be undertaken by a suitably qualified arborist to identify, protect and retain any significant or good tree specimens to maintain the existing landscape setting of the original bridge. Future landscaping and revegetation must be documented and carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (d) re-use of all/any removed elements of the walkway on the western side of the existing bridge is to be carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (e) any salvaged objects are sent to an appropriate repository in accord with Heritage Victoria's standard archaeological, or other, requirements.
 - (f) an appropriate interpretation is installed at the site which addresses the early history of the environs, the bridge and later changes including cycle paths and the new bridge. This would include illustrative, vandal-proof signs which illustrate the history of the bridge with text and pictures. Maintenance of interpretative elements should be included in a Heritage Infrastructure Management Plan (HIMP);
 - (g) the bridge itself is not used as a community space, for artwork or as café until further information has been provided to Council for review and comment;
 - (h) further and full details of the construction of any underpasses and use or modification of the undercroft of the existing bridge be provided to Council and Heritage Victoria for approval; and
 - (i) that any maintenance of the existing bridge is to be carried out, to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria and in accord with a Heritage Infrastructure Management Plan (HIMP) which specifies particular activities and time-frames for execution.

AMENDMENT

Moved: Councillor Fristacky

- (j) seeks that the history of the Chandler Highway Bridge be available to the public via a commemorative plaque; and

- (k) makes representations to VicRoads seeking the preparation and erection of such a commemorative plaque on the Bridge's history, as part of the upgrade project.

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

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Barbour

1. That Council notes the officer report in relation to the Heritage Victoria referral of permit application P25055 relating to the proposed construction of a new bridge abutting the existing heritage listed bridge across the Yarra River.
2. That Council advise Heritage Victoria that Yarra Council does not support an expanded bridge of 6 lanes adjacent to the now heritage listed Chandler Hwy Bridge, and contends that a bridge of this scale will negatively impact on the heritage values of the existing bridge. Council also notes the conclusion of Council's heritage advisor that "the construction of a new structure would typically be unacceptable in close proximity to a heritage structure" whilst noting the advisor accepts the case put by VicRoads for the proposed location of the new bridge.
3. Council advise Heritage Victoria that whilst it does not support the proposal, should a permit be issued, it request consideration of the following conditions:
 - (a) recoating of the original bridge should be in its original colour. Paint is to be microscopically examined by an appropriately experienced heritage consultant to determine the original colour which should be matched according to the Munsell colour system. Repainting/recoating must be to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (b) details of all upgrade and restoration work to the existing bridge must be provided with drawings at a scale of 1:10 or 1:20 for further assessment and approval;
 - (c) a landscape/tree survey and vegetation removal plan must be undertaken by a suitably qualified arborist to identify, protect and retain any significant or good tree specimens to maintain the existing landscape setting of the original bridge. Future landscaping and revegetation must be documented and carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (d) re-use of all/any removed elements of the walkway on the western side of the existing bridge is to be carried out to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria;
 - (e) any salvaged objects are sent to an appropriate repository in accord with Heritage Victoria's standard archaeological, or other, requirements.
 - (f) an appropriate interpretation is installed at the site which addresses the early history of the environs, the bridge and later changes including cycle paths and the new bridge. This would include illustrative, vandal-proof signs which illustrate the history of the bridge with text and pictures. Maintenance of interpretative elements should be included in a Heritage Infrastructure Management Plan (HIMP);
 - (g) the bridge itself is not used as a community space, for artwork or as café until further information has been provided to Council for review and comment;
 - (h) further and full details of the construction of any underpasses and use or modification of the undercroft of the existing bridge be provided to Council and Heritage Victoria for approval; and
 - (i) that any maintenance of the existing bridge is to be carried out, to the satisfaction of the Responsible Authority i.e. the City of Yarra and Heritage Victoria and in accord with a Heritage Infrastructure Management Plan (HIMP) which specifies particular activities

and time-frames for execution;

- (j) seeks that the history of the Chandler Highway Bridge be available to the public via a commemorative plaque; and
- (k) makes representations to VicRoads seeking the preparation and erection of such a commemorative plaque on the Bridge's history, as part of the upgrade project.

CARRIED

Councillor Jolly abstained

11.9 Review of the Guidelines for Establishing Pop-up Gardens in a Laneway / Right of Way

Trim Record Number: D16/88833
Responsible Officer: Chief Executive Officer

[Help](#)

RECOMMENDATION

1. That in the matter of the Guidelines for the Process for Establishment of a Pop-Up Garden in a Council Laneway, Council:
 - (a) note the report;
 - (b) note the submissions received and thank all submitters for their contribution; and
 - (c) now formally adopt the revised Guidelines for the Process of Establishing a Pop-Up Garden in a Laneway/Right of Way. (**Attachment 1**).

Public Submissions

The following people addressed Council on the matter:

Ms Jane Miller; and

Mr Ben Hart.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Stone

1. That in the matter of the Guidelines for the Process for Establishment of a Pop-Up Garden in a Council Laneway, Council:
 - (a) note the report;
 - (b) note the submissions received and thank all submitters for their contribution; and
 - (c) now formally adopt the revised Guidelines (as amended) for the Process of Establishing a Pop-Up Garden in a Laneway/Right of Way. (**Attachment 1**).

CARRIED

Councillor Vlahogiannis abstained

11.10 Richmond and Collingwood Youth Grants Program 2017 - 2019 Initiation Report

Trim Record Number: D16/110864

Responsible Officer: Director Community Wellbeing

[Help](#)

RECOMMENDATION

1. That Council:
 - (a) endorse the continuation of the Richmond and Collingwood Youth Program Grants for the next three years from 2017 – 2020 and;
 - (b) endorse the updated guidelines for the Richmond and Collingwood Youth Program Grants 2017 – 2020.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Gaylard

1. That Council defer the report to the next Council Meeting to include options to bring the service in-house.

CARRIED UNANIMOUSLY

11.11 Submission to Local Government Act Review Directions Paper

Trim Record Number: D16/124337

Responsible Officer: Group Manager Chief Executive's Office

[Help](#)

RECOMMENDATION

1. That in response to the Victorian Government's ongoing review of the Local Government Act 1989 and specifically the publication of *Act for the future – Directions for a new Local Government Act*, Council:
 - (a) endorse the *Yarra City Council - Review of the Local Government Act 1989, Response to the Directions Paper* attached to this report as Attachment 1; and
 - (b) submit the endorsed response to the Local Government Act Review Secretariat by 16 September 2016.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Gaylard

1. That in response to the Victorian Government's ongoing review of the Local Government Act 1989, Council note the draft Yarra City Council - Review of the Local Government Act 1989, Response to the Directions Paper attached to this report as Attachment 1.
2. That Council endorse the following changes to the draft response:
 - (a) The response to Direction 50 be modified to read "Yarra City Council supports this proposal but not that the Mayor so report. The administration is responsible for implementation of the Council Plan and should prepare the report, as the Mayor and Councillors are responsible for setting the focus of Council Policy in the Plan and the supporting budget. This is what has long applied to reports to Council including on the Budget, and Annual Report which, in any event, is a report to the community on the achievement of the Council Plan. The relevant Council officers speak to the report and Councillors and community members ask questions about this. The report to the community on the achievement of the Council Plan should not be dealt with differently";
 - (b) The response to Direction 100 regarding the Mayor reporting on the progress of implementing the Council Plan be modified to read "Yarra City Council does not support this proposal. The administration being responsible for implementation of the Council Plan, should present the report, with the Mayor and Councillors having the role of asking questions about implementation of the Annual Report as is the present approach. See the earlier response to Direction 50"; and
 - (c) A new section be added after Direction 62 that reads "In addition to Council's specific responses to Direction 59 to 62, Yarra City Council further suggests that the 'Recommended benchmarks for Codes of Conduct' published by the Commonwealth Parliamentary Association in 2015, should be considered for consistency of code of conduct standards for elected representatives. The recommended benchmark report is a succinct statement covering the Purpose of the Principles, Codes of Conduct, Disclosure and Publication of Interests, Use of Public Property, Inducements, Civility, and Behaviour, in 5 pages";
3. That following the incorporation of these changes, Council:
 - (a) endorse the draft Yarra City Council - Review of the Local Government Act 1989, Response to the Directions Paper (as amended);
 - (b) submit the endorsed response to the Local Government Act Review Secretariat by 16 September 2016;

- (c) provide copies of its response to the MAV, VLGA, ISSMF, and LGPro.

CARRIED

Councillor Vlahogiannis abstained

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

Conclusion

The meeting concluded at 10.10pm.

Confirmed Tuesday 20 September 2016

Mayor