



# Ordinary Meeting of Council Minutes

**held on Tuesday 20 March 2018 at 7.00pm  
Collingwood Town Hall**

**\*\*Corrected by resolution of Council on Tuesday 3 July 2018**

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

## 1. Statement of Recognition of Wurundjeri Land

*"Welcome to the City of Yarra."*

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

### 1.A. Presentation

Ms Lydia Osmer, MS Ambassador described some of the symptoms and medical conditions she has faced since being diagnosed with Multiple sclerosis (MS) in the 1990s when she was a university student.

On Friday 23 February 2018, Council again supported the MS MegaSwim charity event to help raise funds for multiple sclerosis by closing the Fitzroy Swimming Pool to for the 24 hours of the event.

The Mayor invited Deputy Mayor Misha Coleman, Councillor Mike McEvoy and Assistant Director Planning and Place Making, Jane Waldock to accept an award from Ms Osmer for their team participation in the MS MEGA SWIM 2018 Fitzroy.

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

### Attendance

#### Councillors

- Cr Daniel Nguyen (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

#### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Mel Nikou (Governance Officer)

#### Apology

- Cr Danae Bosler

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

Nil

## 4. Confidential business reports

### Item

- 4.1 Matters prejudicial to Council and/or any person

### 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 Stone

**Seconded:** Councillor Coleman

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

**CARRIED UNANIMOUSLY**

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

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That the amended minutes of the Ordinary Council Meeting held on Tuesday 6 March 2018 be confirmed.

**CARRIED UNANIMOUSLY**

## 6. Petitions and joint letters

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## 8. General business

Nil

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## 13. Urgent business

Nil

## 6. Petitions and joint letters

- 6.1 Petition - Support for keeping the lane between Tranmere Street to Scotchmer Street public

Reference: D18/49641

A petition signed by 661 residents are requesting that Council keep and maintain the existing laneway between Transmere Street to Schotchmer Street, that runs behind Piedimonte's supermarket.

Residents do not support the privatisation of the laneway for the purpose of private commercial interests.

### COUNCIL RESOLUTION

**Moved:** Councillor McEvoy

**Seconded:** Councillor Fristacky

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

**CARRIED UNANIMOUSLY**

- 6.2 Petition to have a young space for young people in Richmond

Reference: D18/52551

A petition signed by 102 young people living in Richmond are requesting that Council consider providing a youth space for the young people living in the Richmond Public Housing Estate.

Having a dedicated youth space would provide an outlet to safely express themselves around peers and have a sense of belonging.

### Public Submissions

*Ms Farhiya Mohamed and Ms Nyayound Jice of Drummond Street Services (Carlton) addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Coleman

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

**CARRIED UNANIMOUSLY**

## 7. Public question time

- 7.1 Mr Daniel Joran - Childcare Centre/ Woolworths Promotion Earn and Learn

*Question:*

One of Yarra's Childcare Centre recently sent out a newsletter that included a reference to the Woolworths Earn and Learn promotion. The reason for the Childcare engaging in this activity, in their opinion, is to qualify to meet with the national quality standards areas 6.2.3 community engagement. I disagree, engaging with Woolworths who are the biggest purveyor of pokie machines in this country is an outrage. The vision of Council's gambling policy is to advocate for a fairer society when the gambling industry no longer causes social or economic harm in the community of Yarra.

How is supporting the Woolworths Earn and Learn scheme through children's services consistent with Yarra's gambling policy?

*Response:*

*The Mayor and Acting Director Community Wellbeing advised Mr Jordan that he would be contacted the following day with a response.*

- 7.2 Mr Maurice Sheehan - Coles Site/Know your Council Website

*Question:*

Over the years the Coles site has had a negative impact on trading in that area because Coles have continually proposed to redevelop the site. Stores have moved out as a result. I had been advised that work on the site would commence in August 2018.

Has there been any communication from Coles to the City of Yarra with regards to the site that is there, to the permits they are seeking in terms of the development of the site?

In relation to the Know your Council website and comparing Yarra with other Council's in meetings closed to the public, I am puzzled as to why the City of Yarra is at 11.29% in comparison with other Council at 7.17% and all Councils at 9.45%?

*Response:*

*The Mayor and Director Planning and Place Making responded.*

- 7.3 Ms Michelle Zwagerman - Graffiti in North Richmond

*Question:*

Graffiti in North Richmond has severely escalated and believe that graffiti has a negative effect on the neighbourhood and by allowing it to occur implies that illegal acts are acceptable.

In relation to Yarra's Graffiti Management Framework where and how and what are the monitoring and evaluation results that are stated should be ongoing and occurring. Are Council going to consider looking at alternative solutions, cost effective solutions and better engagement with the community and youth services?

*Response:*

*The Mayor and Director City Works and Assets responded*

7.4 Ms Polly Helsing, Fitzroy North Residents Action Group - Piedemonte's Site

*Question:*

In relation to the development of the Piedemonte's site, we note Council officer's assessment of the Waste Management Plan which concludes that all waste collections will be conducted internal to the site.

How does this align with the development plan which shows the closure of the existing right-of-way and the construction of a new, 6 metre wide road into a small one-way street for waste collection?

*Response:*

*The Mayor and Director Planning and Place Making responded.*

7.5 Mr Ken Gomez - Debit Issues

*Question:*

Is Council aware or Mr Andrew Day aware that Yarra ranks quite poorly with other Council's in terms of debit, cash and term deposits?

What is Council doing in the long term basis to address the situation?

*Response:*

*The Mayor responded*

7.6 Mr Brad Marsh - 582 Heidelberg Road, Alphington Development Application

*Question:*

Yarra has recently advertised for an 11 storey residential property at 582 Heidelberg Road, Alphington.

I am concerned about the statement in the Town Planning report that has been submitted by the applicant, "*there has been one pre-application meeting with the City of Yarra Council to discuss various aspects of the proposal held on 22 August 2017 with the Manager of Statutory Planning and the key conclusions to this meeting are: that Council is generally supportive of the design direction and resolution*".

Why is the Planning Department allowing developers to come away from meetings with them, before applications have been received and advertised with a genuine belief that they are giving a tentative thumbs-up for such a controversial application?

How can the community trust that the Planning Department has any concern for residents objections and how can we be sure that it hasn't already been decided it's going to support this application for whatever reason and turn a blind eye or down play elements of the scheme that work against the application while highlighting and emphasising the elements that support it?

*Response:*

*The Mayor advised that he would speak with the Director Planning and Place Making.*

*Cr Jolly would like some clarification as to what actually occurred at the meeting between the developer and officer.*

*Cr Stone also advised that some developers like to imply in early documents that Yarra Planners support something and has seen this occur many times, and planners had advised that they had said no such thing. Cr Stone would also like to know if this can be prevented as it had not been the first time a developer had made such comments.*

#### 7.7 Ms Teresa Konapacki - Planning Matters/Communications/Dog Registration

Question 1:

I live in a modest workers cottage in a row of six that are over 100 years old and that have only been residences. We are covered by Heritage Overlay and I am very passionate about heritage. The row of terrace houses is contributory and has a character that is much sought after.

I thought I'd done the right thing by meeting with the Planning Department and found that I sat there for an hour only to hear two consistent words: irrelevant and emotional. I'm not sure if that's standard procedure or not. However, on the second meeting with planners at the end of that meeting I was asked, What is your ethnic background? I fail to see the relevance of that and I pride myself of being an Australian. It's the only country I have ever known and the only passport I have applied for and the only country I have ever represented. I felt that the planners couldn't answer any of my questions or provide any guidance as to where to go or what to do and found them to be quite insulting. I found that planning met with heritage with other options; they have given them guidance, why couldn't I get any guidance as to where to go and what to do. I love the character of my neighbourhood. The proposed development which VCAT have upheld as a C2 zone, because we have a sewerage easement across the backyard they are proposing a second storey extended upstairs so they can, not just go from boundary to boundary but also take sunlight which from 1pm in the afternoon from the roof, I'm in shadow. If this continues, that means I get how many hours of sunlight during the day. I like my private open space, I've worked hard and I'd like to enjoy it.

I'm sorry for picking on planning I know they do work hard and a lot is going on in Yarra but is this standard procedure?

Response:

*The Mayor advised that a meeting be arranged with the Director Planning and Place Making and Ms Konapacki to discuss her planning matters and that he would ask the Group Manager Chief Executive Officer to investigate the specific matters raised by Ms Konapacki.*

Question 2:

I forgot to pay my dog registration, I got a reminder text, I paid it, but now I am being taken to court. I'd forgotten about the matter. I've gone to see various people and I just get palmed off. I find this distressing.

Response:

*The Mayor advised that he would ensure the Group Manager Chief Executive Officer would investigate the matter.*

## 8. General business

Nil

## 9. Delegates' reports

### 9.1 Yarra Urban Agriculture Advisory Committee

Councillor Searle reported the following:

<b>Appointed Councillors</b>	Cr James Searle and Cr Danae Bosler
<b>Date of Council Meeting</b>	20 <sup>th</sup> March 2018
<b>Date of Report</b>	19 <sup>th</sup> March 2018
<b>Report Author</b>	Cr James Searle

The Yarra Urban Agriculture Advisory Committee had its first meeting of 2018 on the evening of Thursday 22<sup>nd</sup> February 2018 at North Carlton Railway Neighbourhood House. Councillors Bosler & Searle were in attendance with Cr Bosler chairing the meeting. It was a well-attended meeting with agenda items including a very useful discussion and consultation session on the Urban Agriculture Strategy review, followed by a tour of the neighbourhood house and its currently small (but excellent) garden.

The next meeting is scheduled for Thursday 17<sup>th</sup> May 2018.

### DISCUSSION ITEMS

- **Open Space Strategy**

Carrie & Julia from Council's Open Space team gave a short presentation on the public consultation Council is doing on the Open Space Strategy. The committee gave feedback on the consultation process as well as into the strategy itself. The committee sought clarity on Council's position on community gardens within public open spaces.

- **New Urban Agriculture Facilitator**

Council's new Urban Agriculture Facilitator (joining Pippa French in the role) is Eloise Lobsey. Eloise introduced herself to the committee and spoke about her extensive experience in the field of urban agriculture, urban planning and sustainable design. The committee warmly welcomed Eloise.

- **Review of Urban Agriculture Strategy**

Pippa gave an introduction to the review of the Urban Agriculture Strategy, followed by a breakout workshop where YUAAC members discussed the elements of the strategy and potential changes/additions to it. The outcome of this session will be used in developing an updated strategy.

### COUNCIL RESOLUTION

**Moved:** Councillor Searle

**Seconded:** Councillor Stone

That Council note this Delegates Report.

**CARRIED UNANIMOUSLY**

## 9.2 Disability Advisory Committee

Councillor Jolly reported the following:

<b>Appointed Councillors</b>	Cr Daniel Nguyen and Cr Stephen Jolly
<b>Date of Council Meeting</b>	20 March 2018
<b>Date of Report</b>	20 March 2018
<b>Report Author</b>	Cr Stephen Jolly

At its meeting on 13 March 2018, the Disability Advisory Committee discussed the following two key issues and requested that as Chair I provide this advice to Council.

### Accessibility of Footpaths and Streets

The first issue followed a presentation by Jeremy Lawrence, a representative for the Streets Alive Yarra advocacy group. DAC members discussed areas across Yarra where they found access or walkability was difficult and it was agreed to advise Council of these 'hot spots' for consideration as part of the budget and capital works program. The DAC was made aware that Council has an on-going program of repair, maintenance and improvement of footpaths. It was also acknowledged that the DAC list is not exhaustive.

The areas noted included:

- (a) School crossing at Yarra Boulevard near Bridge Road, Richmond – slip and fall hazard due to steep gradient;
- (b) Footpath on Stanton Street, Abbotsford leading to the railway station – again due to the steep gradient and impact on people using wheelchairs;
- (c) Burnley / Bridge Road, Richmond intersection and also Burnley Street opposite Victoria Gardens – ramps from footpath to road are too steep for wheelchair use;
- (d) Footpath outside Finbar Neighbourhood House – tree roots disrupting pavement and again difficult for people in wheelchairs;
- (e) Elizabeth Street, Richmond – slab style footpath out of alignment leading to trip hazards along this street and also along Church Street, Richmond between Cooke Crt and Victoria Street – broken telephone pit lids, ridges creating trip hazards; and
- (f) Walkability - need for public seating to be located along typical walk routes to enable older people and people to have a break and have a rest. Seating needs to consider shade and shelter aspects. Very important to help people maintain their health and is a social justice issue. A long term approach is needed to achieve 'walkable' neighbourhoods.

Officers have referred additional details on these sites to the City Works & Assets Division.

### Proposed Modifications to Collingwood Leisure Centre

The second issue was a discussion on the proposed works required at the Collingwood Leisure Centre. Council Officers and a Disability Access Consultant outlined the options available and time constraints that Council was operating under. The DAC was concerned that the proposed works will impact on people with disability being able to use the pool independently and having full access.

The DAC endorsed:

- Installation of a Pool-Pod as a short term measure;
- Installation of a ramp in the next financial year with funding being allocated in 2018-2019 (to enable separate ramped entry to both pool areas); and
- Consideration of safety equipment for children under 5 years of age.

## COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Nguyen

1. That:

- (a) Council note this Delegates Report; and
- (b) the advice from the Disability Advisory Committee be referred to relevant Council Officers for consideration.

**CARRIED UNANIMOUSLY**

## 10. Questions without notice

10.1 Councillor Searle - Ryan's Reserve

Question:

I note media reports about an investment by the State Government which is welcomed into Ryan's Reserve and the conversion of it into crown land.

Can officers provide an update on Council's perspective on what the implications are for Council's management of Ryan's Reserve and our tenure as our management committee on the land?

Response:

*The Director Planning and Place Making advised that papers are expected any day that we should be able to sign and probably for a period up to five years and the reason for that is for the machinery for government to work through possibly going back to crown land. As soon as the formal papers arrive they will be presented to the CEO for signature. Improvements to Ryan's Reserve has been committed by Sport and Recreation Victoria and that will occur between the next 6 to 12 months, there is just the logistics matter of the courts needing to be shut down for the renovations. Council will be committee of management as it was before.*

10.2 Councillor Searle - Council Street Cleaning

Question:

I was in Collingwood last Friday morning and noticed that either a contractor or Council employee was using a backpack petrol powered leaf blower to clean the streets. Is this the normal practice for cleaning the streets and are there any other alternatives that can be used?

Response:

*The Director City Works and Assets advised as a methodology, Spotless do not use petrol blowers on night shift due to the noise factor. The methodology is that if litter needs to be shifted out of the kerb for the sweeper they use a rake or a broom. Spotless have been trialling an electric blower in recent weeks on the night shift run, which make very little sound. Early indications from the trial suggest that the performance of electric blowers has been quite good, and the trial will assist to understand how the electric blowers compare in relation to maintenance and overall life of asset.*

*Petrol blowers are used for the residential sweeping as this was the methodology in the tender submission. Used correctly these blowers are very efficient.*

10.3 Councillor Chen Yi Mei - Gleadell Street Market

Question:

I have heard from some community members that there are rumours that Council is preparing to close the Gleadell Street Market.

Can I have some confirmation that that is not happening?

Response:

*The Mayor advised that there was no intention to close the market.*

10.4 Councillor McEvoy - Laneway behind Piedimonte's

Question:

Piedimonte's currently use the laneway as a loading bay. Is there any current agreement between Council and Piedimonte's regarding their use of the laneway for loading purposes or is that business following the same local laws and road rules as other vehicles?

Response:

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

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## 11.1 Yarra Environment Advisory Committee Membership

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Trim Record Number: D18/39911

Responsible Officer: Assistant Director Planning and Place Making

*Councillor Jolly left the meeting at 8:15pm.*

*Councillor Jolly returned to the meeting at 8:20pm.*

### RECOMMENDATION

1. That Council note the officer report regarding nominations for the Yarra Environment Advisory Committee 2018 – 2019.
2. That Council, having considered the nominations received for community representative positions, appoint the following applicants to the Yarra Environment Advisory Committee:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
  - (e) \_\_\_\_\_
  - (f) \_\_\_\_\_
  - (g) \_\_\_\_\_
  - (h) \_\_\_\_\_
  - (i) \_\_\_\_\_
  - (j) \_\_\_\_\_
  - (k) \_\_\_\_\_
  - (l) \_\_\_\_\_
3. That all persons who nominated be thanked for their interest and receive formal correspondence advising of the Council decision.
4. That the list of applicants be retained so that in the event of a vacancy arising, additional applicants may be invited to participate in the Yarra Environment Advisory Committee in accordance with the Appointment of Members to Council Committees Policy.

## COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

1. That Council note the officer report regarding nominations for the Yarra Environment Advisory Committee 2018 – 2019.
2. That Council, having considered the nominations received for community representative positions, appoint the following applicants to the Yarra Environment Advisory Committee:
  - (a) Jenny Backholer;
  - (b) Steve Blamforth;
  - (c) Simon Clark;
  - (d) Emily Collins;
  - (e) Chris Currie;
  - (f) Peter Howard;
  - (g) Tom Jenkins;
  - (h) Andrew Kelly;
  - (i) Yvonne Pecujac;
  - (j) Gary Shadforth;
  - (k) Adeline Stuart-Watt; and
  - (l) Andrew Vance.
3. That all persons who nominated be thanked for their interest and receive formal correspondence advising of the Council decision.
4. That the list of applicants be retained so that in the event of a vacancy arising, additional applicants may be invited to participate in the Yarra Environment Advisory Committee in accordance with the Appointment of Members to Council Committees Policy.

**CARRIED UNANIMOUSLY**

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**11.2 Amendment C243 - 433 Smith Street Fitzroy North (former Gas and Fuel site and Fitzroy depot)**

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Trim Record Number: D18/39332

Responsible Officer: Director Planning and Place Making

*Councillor Coleman left the meeting at 8:05pm*

*Councillor Coleman returned to the meeting at 8:28pm*

## **RECOMMENDATION**

1. That Council:

- (a) note this report on 433 Smith Street, Fitzroy North regarding Amendment C243 currently on exhibition;
- (b) resolve to make a submission to the Government Land Standing Advisory Committee on Amendment C243; and
- (c) supports the proposed Development Plan Overlay Schedule 16 for the site subject to addressing the following matters as contained in Attachment 1:
  - (i) provision of infrastructure to safely connect the site to public transport and cycle routes, neighbouring residential areas and activity centres;
  - (ii) provision of only left turn in and left turn out on Smith Street;
  - (iii) any proposals for Smith Street should be developed in consultation with the City of Yarra and other relevant agencies;
  - (iv) identification of the required pedestrian and cycling infrastructure to support the users of the site;
  - (v) the provision of one bicycle space per dwelling;
  - (vi) provision of a detailed traffic impact analysis and associated modelling and traffic reduction measures;
  - (vii) detailed changes to the text in the DPO16 as contained in Attachment 1 which includes:
    - a. additions to the General Requirements for the Development Plan;
    - b. alterations to the Construction Management Plan requirements;
    - c. objectives for the Design Guidelines;
    - d. alterations to the Heritage Assessment and Landscape and Public Realm Concept Plan provisions;
    - e. alterations to the Traffic Management Plan provisions to include detailed requirements for a Traffic Management Plan; and
    - f. detailed requirements for Environmentally Sustainable Design.

2. Further that Council:

- (a) support the application of the Mixed Use Zone to the former Gas and Fuel land and the Public Use Zone Schedule 2 (Education) to the depot site and the Environmental Audit Overlay to the entire site; and
- (b) authorise the Chief Executive Officer to instruct Council's legal team to advocate the necessary changes to the Draft Development Plan Overlay Schedule 16 and any other minor changes as appropriate.

3. That Council:

- (a) note that the Planning Scheme Amendment on exhibition also proposes the Minister for Planning to be the Responsible Authority for the overall site;
- (b) note its previous resolution of 5 April, 2016 stating that Council:  
*resolve in principle, to invite the Minister for Planning to be the Responsible Authority for the site subject to:*
  - (i) *the development and approval of the business case by the Department of Treasury and Finance to fully fund both the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium;*
  - (ii) *Council being satisfied with:*
    - a. *the intent of the draft masterplan as reflecting the key principles of the Council's adopted Urban Design Framework for the site and the adequacy of the heritage study and tree study.*
- (c) note that it has not yet received the business case for the construction of the six court indoor sports stadium, and at present, has some concerns with the proposed planning scheme provisions; and
- (d) that in this regard, maintains its position at the present time that Yarra City Council should remain the Responsible Authority until such time as it is satisfied with the Planning Scheme provisions inserted into the Yarra Planning Scheme and also has increased certainty regarding the full compliance of the proposal against the objectives and provisions of the Council adopted Fitzroy North Gasworks Precinct Urban Design Framework 2008.

Public Submissions

The following people addressed Council on the matter:

Mr Glen McCallum, Protect Fitzroy North; and

Ms Margaret Portelli, Fitzroy Residents Association.

**MOTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Jolly

1. That Council:

- (a) note this report on 433 Smith Street, Fitzroy North regarding Amendment C243 currently on exhibition;
- (b) resolve to make a submission to the Government Land Standing Advisory Committee on Amendment C243; and
- (c) supports the proposed Development Plan Overlay Schedule 16 for the site subject to addressing the following matters as contained in Attachment 1, together with additional items on affordable housing and heritage:
  - (i) provision of infrastructure to safely connect the site to public transport, and cycle routes, neighbouring residential areas and activity centres;
  - (ii) provision of only left turn in and left turn out on Smith Street;
  - (iii) proposals for the site's interface with Smith Street and any access points should to be developed in consultation with the City of Yarra and other relevant agencies;
  - (iv) identification of the required pedestrian and cycling infrastructure to support the users of the site;
  - (v) the provision of at least one bicycle space per dwelling;

- (vi) provision of a detailed traffic impact analysis and associated modelling and traffic reduction measures;
- (vii) detailed changes to the text in the DPO16 as contained in Attachment 1 which includes:
  - a. additions to the General Requirements for the Development Plan;
  - b. alterations to the Construction Management Plan requirements;
  - c. objectives for the Design Guidelines;
  - d. alterations to the Heritage Assessment and Landscape and Public Realm Concept Plan provisions;
  - e. alterations to the Traffic Management Plan provisions to include detailed requirements for a Traffic Management Plan; and
  - f. detailed requirements for Environmentally Sustainable Design.
- (viii) inclusion of an additional requirement under 'Development Plan Requirements' to read "Retention of the restored Porter Iron Store on site, with repurposed use integrated into development of the site in line with heritage conservation, successful examples of such incorporation, and risks to the building with its relocation to public open space;
- (ix) inclusion of an additional requirement under 'Development Plan Requirements' to read "provision of a minimum of 15% of dwellings as affordable housing for very low income and low income households as defined in the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act, 2017"

2. Further that Council:

- (a) support the application of the Mixed Use Zone to the former Gas and Fuel land and the Public Use Zone Schedule 2 (Education) to the depot site and the Environmental Audit Overlay to the entire site;
- (b) request the Government Land Standing Advisory Committee to consider the need to remedy the absence of east-west public transport along Alexandra Parade;
- (c) request the Government Land Standing Advisory Committee to consider the need for an improved ratio of open space to density including appropriately located deep tree planting for canopy shade;
- (d) authorise the Chief Executive Officer to instruct Council's legal team to advocate the necessary changes to the Draft Development Plan Overlay Schedule 16, other matters set out above, and any minor changes as appropriate.

3. That Council:

- (a) note that the Planning Scheme Amendment on exhibition also proposes the Minister for Planning to be the Responsible Authority for the overall site;
- (b) note its previous resolution of 5 April, 2016 stating that Council:  
*resolve in principle, to invite the Minister for Planning to be the Responsible Authority for the site subject to:*
  - (i) *the development and approval of the business case by the Department of Treasury and Finance to fully fund both the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium;*
  - (ii) *Council being satisfied with:*
    - a. *the intent of the draft masterplan as reflecting the key principles of the Council's adopted Urban Design Framework for the site and the adequacy of the heritage study and tree study.*

- (c) note that it has not yet received the business case for the construction of the six court indoor sports stadium, and at present, has some concerns with the proposed planning scheme provisions; and
- (d) that in this regard, maintains its position at the present time that Yarra City Council should remain the Responsible Authority until such time as it is satisfied with the Planning Scheme provisions inserted into the Yarra Planning Scheme and also has increased certainty regarding the full compliance of the proposal against the objectives and provisions of the Council adopted Fitzroy North Gasworks Precinct Urban Design Framework 2008.

## AMENDMENT

**Moved:** Councillor Stone

2. (c) *add at the end of that sentence.. accessible housing and how the proposal will be respectful of the surrounding heritage area; and*

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

## AMENDMENT

**Moved:** Councillor McEvoy

1. (c) (v) *add before the word bicycle .. two.*  
1. (c) (vii) f. *add before the word Environmentally .. excellence in.*

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

## COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Jolly

1. That Council:
- (a) note this report on 433 Smith Street, Fitzroy North regarding Amendment C243 currently on exhibition;
  - (b) resolve to make a submission to the Government Land Standing Advisory Committee on Amendment C243; and
  - (c) supports the proposed Development Plan Overlay Schedule 16 for the site subject to addressing the following matters as contained in Attachment 1, together with additional items on affordable housing and heritage:
    - (i) provision of infrastructure to safely connect the site to public transport, and cycle routes, neighbouring residential areas and activity centres;
    - (ii) provision of only left turn in and left turn out on Smith Street;
    - (iii) proposals for the site's interface with Smith Street and any access points should to be developed in consultation with the City of Yarra and other relevant agencies;
    - (iv) identification of the required pedestrian and cycling infrastructure to support the users of the site;
    - (v) the provision of at least two bicycle space per dwelling;
    - (vi) provision of a detailed traffic impact analysis and associated modelling and traffic reduction measures;

- (vii) detailed changes to the text in the DPO16 as contained in Attachment 1 which includes:
    - a. additions to the General Requirements for the Development Plan;
    - b. alterations to the Construction Management Plan requirements;
    - c. objectives for the Design Guidelines;
    - d. alterations to the Heritage Assessment and Landscape and Public Realm Concept Plan provisions;
    - e. alterations to the Traffic Management Plan provisions to include detailed requirements for a Traffic Management Plan; and
    - f. detailed requirements for excellence in Environmentally Sustainable Design.
  - (viii) inclusion of an additional requirement under 'Development Plan Requirements' to read "Retention of the restored Porter Iron Store on site, with repurposed use integrated into development of the site in line with heritage conservation, successful examples of such incorporation, and risks to the building with its relocation to public open space; and
  - (ix) inclusion of an additional requirement under 'Development Plan Requirements' to read "provision of a minimum of 15% of dwellings as affordable housing for very low income and low income households as defined in the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act, 2017".
2. Further that Council:
- (a) support the application of the Mixed Use Zone to the former Gas and Fuel land and the Public Use Zone Schedule 2 (Education) to the depot site and the Environmental Audit Overlay to the entire site;
  - (b) request the Government Land Standing Advisory Committee to consider the need to remedy the absence of east-west public transport along Alexandra Parade;
  - (c) request the Government Land Standing Advisory Committee to also consider the need for an improved ratio of open space to density including appropriately located deep tree planting for canopy shade, accessible housing and how the proposal will be respectful of the surrounding heritage area; and
  - (d) authorise the Chief Executive Officer to instruct Council's legal team to advocate the necessary changes to the Draft Development Plan Overlay Schedule 16,other matters set out above, and any minor changes as appropriate.
3. That Council:
- (a) note that the Planning Scheme Amendment on exhibition also proposes the Minister for Planning to be the Responsible Authority for the overall site;
  - (b) note its previous resolution of 5 April, 2016 stating that Council:

*resolve in principle, to invite the Minister for Planning to be the Responsible Authority for the site subject to:*

    - (i) *the development and approval of the business case by the Department of Treasury and Finance to fully fund both the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium;*
    - (ii) *Council being satisfied with:*
      - a. *the intent of the draft masterplan as reflecting the key principles of the Council's adopted Urban Design Framework for the site and the adequacy of the heritage study and tree study.*

- (c) note that it has not yet received the business case for the construction of the six court indoor sports stadium, and at present, has some concerns with the proposed planning scheme provisions; and
- (d) that in this regard, maintains its position at the present time that Yarra City Council should remain the Responsible Authority until such time as it is satisfied with the Planning Scheme provisions inserted into the Yarra Planning Scheme and also has increased certainty regarding the full compliance of the proposal against the objectives and provisions of the Council adopted Fitzroy North Gasworks Precinct Urban Design Framework 2008.

**CARRIED UNANIMOUSLY**

## 11.3 2017/18 Mid-Year Report

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Trim Record Number: D18/43688

Responsible Officer: Director Corporate, Business and Finance

*Councillor Nguyen left the meeting at 9:42pm.*

*Councillor Coleman assumed the chair in the Mayors absence.*

*Councillor Nguyen returned to the meeting at 9:44pm.*

### RECOMMENDATION

1. That Council note the 2017/18 Mid-Year Report.
2. That the achievement date of financial targets identified in the 2017/18 Budget Resolution be amended from 30 June 2020 to 30 June 2021, in line with the term of the *Council Plan 2017-21*.
3. That Council endorse the following changes to the 2018/19 Annual Plan:
  - (a) 1.08 Develop Yarra Homelessness Strategy:
    - (i) Milestone *Discuss and investigate other local government Homelessness Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders, and Complete Draft Homelessness Strategy* refer to development of the 2018/19 Annual Plan;
  - (b) 2.01 Develop a Volunteer Strategy:
    - (i) Milestone *Investigate other local government Volunteer Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders and Complete Draft Volunteer Strategy* refer to development of the 2018/19 Annual Plan;
  - (c) 2.02 Develop Human Rights Charter:
    - (i) Milestone *Discuss and investigate other local government Human Rights Charters* move start date from September 2017 to December 2017;
    - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018;
    - (iii) Milestones *Complete consultation with stakeholders and Complete Draft Human Rights Charter* refer to development of the 2018/19 Annual Plan;
  - (d) 2.06 Develop LGBTIQ Strategy:
    - (i) Milestone *Discuss and investigate other local government LGBTIQ Strategies* move start date from September 2017 to December 2017;
    - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018; and
    - (iii) Milestones *Complete consultation with stakeholders and Complete Draft LGBTIQ Strategy* refer to development of the 2018/19 Annual Plan.

### Public Submissions

The following people addressed Council on the matter:

Mr Paul Jackson;

M Herschel Landes; and

Mr Brad Marsh.

### **MOTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council note the 2017/18 Mid-Year Report.
2. That the achievement date of financial targets identified in the 2017/18 Budget Resolution be amended from 30 June 2020 to 30 June 2021, in line with the term of the *Council Plan 2017-21*.
3. That Council endorse the following changes to the 2017/18 Annual Plan:
  - (a) 1.08 Develop Yarra Homelessness Strategy:
    - (i) Milestone *Discuss and investigate other local government Homelessness Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders, and Complete Draft Homelessness Strategy* refer to development of the 2018/19 Annual Plan;
  - (b) 2.01 Develop a Volunteer Strategy:
    - (i) Milestone *Investigate other local government Volunteer Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders and Complete Draft Volunteer Strategy* refer to development of the 2018/19 Annual Plan;
  - (c) 2.02 Develop Human Rights Charter:
    - (i) Milestone *Discuss and investigate other local government Human Rights Charters* move start date from September 2017 to December 2017;
    - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018;
    - (iii) Milestones *Complete consultation with stakeholders and Complete Draft Human Rights Charter* refer to development of the 2018/19 Annual Plan;
  - (d) 2.06 Develop LGBTIQ Strategy:
    - (i) Milestone *Discuss and investigate other local government LGBTIQ Strategies* move start date from September 2017 to December 2017;
    - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018; and
    - (iii) Milestones *Complete consultation with stakeholders and Complete Draft LGBTIQ Strategy* refer to development of the 2018/19 Annual Plan.

Councillor McEvoy suggested the below amendment which was not accepted by the mover.

Councillor McEvoy formally moved the amendment.

## AMENDMENT

**Moved:** Councillor McEvoy

**Seconded:** Councillor Searle

2. That the achievement date of financial targets identified in the 2017/18 Budget Resolution be amended from 30 June 2020 to 30 June 2021, in line with the term of the *Council Plan 2017-21* and that the liquidity ratio targets be replaced by a requirement to exceed VAGO's low risk liquidity targets for Local Government.

**LOST**

## CALL FOR A DIVISION

**For:** Councillors Stone, McEvoy and Searle

**Against:** Councillors Coleman, Fristacky, Jolly, Chen Yi Mei and Nguyen

*The original motion was then put and carried as below.*

## COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council note the 2017/18 Mid-Year Report.
2. That the achievement date of financial targets identified in the 2017/18 Budget Resolution be amended from 30 June 2020 to 30 June 2021, in line with the term of the *Council Plan 2017-21*.
3. That Council endorse the following changes to the 2017/18 Annual Plan:
  - (a) 1.08 Develop Yarra Homelessness Strategy:
    - (i) Milestone *Discuss and investigate other local government Homelessness Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders, and Complete Draft Homelessness Strategy* refer to development of the 2018/19 Annual Plan;
  - (b) 2.01 Develop a Volunteer Strategy:
    - (i) Milestone *Investigate other local government Volunteer Strategies* move start date from September 2017 to June 2018;
    - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders and Complete Draft Volunteer Strategy* refer to development of the 2018/19 Annual Plan;
  - (c) 2.02 Develop Human Rights Charter:
    - (i) Milestone *Discuss and investigate other local government Human Rights Charters* move start date from September 2017 to December 2017;
    - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018;
    - (iii) Milestones *Complete consultation with stakeholders and Complete Draft Human Rights Charter* refer to development of the 2018/19 Annual Plan;

- (d) 2.06 Develop LGBTIQ Strategy:
- (i) Milestone *Discuss and investigate other local government LGBTIQ Strategies* move start date from September 2017 to December 2017;
  - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018; and
  - (iii) Milestones *Complete consultation with stakeholders* and *Complete Draft LGBTIQ Strategy* refer to development of the 2018/19 Annual Plan.

**CARRIED**

**CALL FOR A DIVISION**

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

**Against:** Councillor Searle

## 11.4 Endorsement of Motions for ALGA National General Assembly

Trim Record Number: D18/48698

Responsible Officer: Group Manager Chief Executive's Office

### **RECOMMENDATION**

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 17 - 20 June 2018: .....

**OR**

1. That Council determine not to submit a motion to the Australian Local Government Association (ALGA) National General Assembly to be held on 17 - 20 June 2018.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Jolly

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 17 - 20 June 2018:
  - (a) infrastructure funding (as below):

<b>Motion</b>
<ol style="list-style-type: none"> <li>1) <u>That ALGA, in line with previous ALGA resolutions over successive years, continue raising with the Commonwealth through COAG and all other relevant forums:</u> <ol style="list-style-type: none"> <li>a) <u>the need for re-alignment of federal funding arrangements so that the three levels of Government in Australia have a more efficient match between their public responsibilities and their finances;</u></li> <li>b) <u>the need for the Commonwealth to urgently address the rapidly growing infrastructure gap in the States, particularly as regards rail transport in and between capital and regional cities – with significant funding being immediately provided to metropolitan public transport which will free up road space for cars and freight;</u></li> <li>c) <u>the need for equitable infrastructure funding to States to reduce major discrepancies between the Australian States, e.g. Victoria's infrastructure funding has been reduced to 8-9% of federal infrastructure funding notwithstanding its population being 25% of the nation which produces 22% of the Australian GDP.</u></li> </ol> </li> <li>2) <u>That ALGA therefore seeks:</u> <ol style="list-style-type: none"> <li>a) <u>A commitment to a "new agreement of principles" funding discussion across all three levels of government so it is clear who does what based from which taxation stream.</u></li> <li>b) <u>\$ for \$ Commonwealth infrastructure investment in rail : projects (in both metropolitan and regional cities especially; and</u></li> <li>c) <u>Better communication of the Commonwealth's infrastructure funding distribution formula.</u></li> </ol> </li> </ol>

2. That the Chief Executive Officer submits these motions to the ALGA Secretariat by 30 March 2018.

**CARRIED UNANIMOUSLY**

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## 12.1 Notice of Motion No 3 of 2018 - Review Fees for Community Garden Spaces.

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Trim Record Number: D18/48684

Responsible Officer: Group Manager Chief Executive's Office

### MOTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Nguyen

1. That Council:

- (a) note the agreement that was the basis for current planter box owner's in Yarra (**refer Attachment 1**);
- (b) note that there are currently no applications pending (*because there have not been any community information programs on the subject pending a determination on the fees*);
- (c) introduce a concession rate of \$27.50 per annum per agreement; and
- (d) waive the new fee for those with existing agreements, as per the documentation previously provided by Council to residents.

*Councillor Searle suggested the below amendment which was not accepted by the mover.*

*Councillor Searle formally moved the amendment.*

### AMENDMENT

**Moved:** Councillor Searle

**Seconded:** Councillor Chen Yi Mei

- (d). waive the new fee for 2017/2018 for those with existing agreements, as per the documentation previously provided by Council to residents and refer consideration of any future fee to the budget process.

**LOST**

### CALL FOR A DIVISION

**For:** Councillors Stone, Chen Yi Mei, McEvoy and Searle

**Against:** Councillors Coleman, Fristacky, Jolly and Nguyen (Mayor used casting vote)

*The original motion was then put and carried as below.*

### COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Nguyen

1. That Council:

- (a) note the agreement that was the basis for current planter box owner's in Yarra (**refer Attachment 1**);
- (b) note that there are currently no applications pending (*because there have not been any community information programs on the subject pending a determination on the fees*);
- (c) introduce a concession rate of \$27.50 per annum per agreement; and
- (d) waive the new fee for those with existing agreements, as per the documentation previously provided by Council to residents.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Chen Yi Mei, McEvoy and Nguyen  
**Against:** Councillors Jolly and Searle  
**Abstained:** Councillor Stone

**Conclusion**

The meeting concluded at 10.37pm.

Confirmed Tuesday 10 April 2018

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Mayor