



Ordinary Meeting of Council Minutes

**held on Tuesday 22 May 2018 at 7.00pm
Richmond Town Hall**

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 Daniel Nguyen (Mayor)
- Cr Danae Bosler
- 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 – Chief Executive’s Office)
- Adrian Murphy (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Jane Waldock (Acting Director - Planning and Place making)
- Mel Nikou (Governance Officer)

Apology

- Cr Misha Coleman (Deputy Mayor)

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

Nil

4. Confidential business reports

Nil

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Stone

That the minutes of the Ordinary Council Meeting held on Tuesday 8 May 2018 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

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12. Notices of motion

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Petition - Planting of Street Trees in Kimber Street, Richmond

Reference: D18/85751

A petition signed by 22 residents are requesting that Council consider planting street trees in Kimber Street Richmond in the next available planting cycle to provide amenity, enhance the street aesthetics and benefit the environment.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Chen Yi Mei

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

CARRIED UNANIMOUSLY

7. Public question time

7.1 Mr Maurice Sheehan - Live Streaming of Council Meetings

Question:

Recently I was in Sydney and the one of the things I saw in Sydney was the move by Waverly Council to live stream Council and Committee Meetings. It is a practice of a number of Councils that I am aware of in Sydney to do this and given the fact that tonight one of the items on the agenda is on Open Data Policy which is intended as I understand, to foster greater transparency, responsiveness and accountability to drive innovation and economic opportunities. Has this been considered as one of the items as I could not find it in the documentation?

Response:

The Mayor advised that it had been considered and just recently moved to recording of Council meetings and now available by podcast and audio. It is a trial and it is to be reviewed in terms of different mechanisms whether it be a visual live stream and/or audio live stream, but I will send that across to you.

8. General business

8.1 La Mama Theatre

Background

It was a sad shock to learn that in the early hours of Saturday 19th May La Mama theatre in Faraday Street, Carlton was destroyed by fire. La Mama is an integral part of the ecology of the arts sector in Melbourne and Australia and the Yarra community is a beneficiary of the role it plays to support independent writers, performers, musicians, designers and theatre-makers in Melbourne. The impact of this fire is keenly felt by members of Yarra's arts community and all those who have attended performances there over the past 50 years. Staff from Council's Arts and Culture team have reached out to offer practical and in-kind support to La Mama and the artists programmed to present work there over the coming months and are ready to respond to any requests that may come forward.

It is heartening to hear that La Mama is looking with optimism at the future, and true to the performing arts, ensuring that all programmed shows will go ahead.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

1. That as an ardent supporter of the arts, Yarra City Council:
 - (a) extends its concerns and solicitude to the arts community and La Mama team over the drastic loss by fire, of the iconic performing arts facility, La Mama theatre over the week-end; and
 - (b) express its solidarity with the arts community in their campaign to have the theatre restored.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Stone, Chen Yi Mei, McEvoy, Searle, Bosler and Nguyen

Against: Councillor Jolly

9. Delegates' reports

9.1 Friends of Bacau

Committee	Friends of Bacau
Appointed Councillors	Cr Amanda Stone, (Cr Danae Bosler substitute)
Date of Council Meeting	22 May 2018
Report Author	Cr Amanda Stone

Friends of Bacau held their Annual General Meeting on Wednesday 16 May.

Friends of Bacau was formed in 2010 as an incorporated association whose predecessor was a Committee of Yarra and Darebin Councils where a large number of former residents of Timor Leste had settled when they fled their home country. The aim of Friends of Bacau is to promote friendship links between the people of the two cities of Yarra and Darebin and the communities of Bacau Vila in Timor Leste.

Friends of Bacau provides support in various ways to the community of Bacau and engages in fundraising for this purpose. In the year 2017-2018, this support extended to women's empowerment programs, scholarship support (notably to train teachers), solar energy to remote households without power, election observing (there have been two elections in this period) and building community capacity.

Members of Friend of Bacau regularly make self-funded trips to Bacau to check on projects and provide hands on support to the community. Seven people represented the Australian Timor Friendship Network as election observers in July 2017.

Fundraising activities in Melbourne have continued via sales of coffee, film nights and a now annual Trivia Night. Friends of Bacau is also affiliated with and provides support to other networks including the Melbourne East Timor Activity Centre (also supported by Yarra Council), the Bacau Municipal Friendship Association and Australian East Timor Friendship Association.

A more detailed report of the year's activities is attached.

Yarra Council has supported Friends of Bacau throughout the past year with use of community facilities at no cost, sales of coffee at Access Yarra centres and proceeds from the sales of programmes at Carols by Candlelight.

A focus of discussion at the AGM was how to deepen engagement with the 2 councils, and how the Municipal Agreements signed by both councils with the government of Timor Leste can be brought closer to the work of the friendship group. These discussions will be ongoing.

COUNCIL RESOLUTION**Moved:** Councillor Stone**Seconded:** Councillor Bosler

1. That Council note the Delegates Report.

CARRIED UNANIMOUSLY

9.2 Inner North Local Learning and Employment Network

Committee	Inner North Local Learning and Employment Network
Date of Council Meeting	22 May 2018
Report Author	Cr Amanda Stone

The Annual General Meeting of the Inner North Local Learning and Employment network (INLLEN) was held on Thursday 17 May.

The INLLEN comprises a Committee of Management with representation from the 3 inner northern councils: Yarra, Darebin and Moreland.

The Annual Report can be found here: <http://inllen.org.au/about/annual-reports/> and contained highlights of the year including progress on the Youth Commitments from councils, Jobs for Youth Project, the Joining the Dots project, Structured Workplace Learning and Community Transition Support.

A feature of the AGM was a presentation on the Joining the Dots project which has come to its conclusion after 6 years. Funded initially by Yarra Council, this was a longitudinal action research project focusing on the transition from primary to secondary school between Years 5-9, and factors which enhanced this transition. The project was developed in response to concerns raised by Victoria Police, community organisations and schools that students were getting lost in this period. The project employed an experienced educational researcher and project officer and after a series of research-based activities and projects, has established a model for successful transition which can be replicated in any setting. An independent evaluation has endorsed the model.

Yarra has also been involved in the Inner North Youth Employment Taskforce and the Jobs for Youth project, aiming to increase the employability of young people and the preparedness of employers to take on young employees. Yarra has hosted Real Industry Job Interviews in the past few years as well as supported the Young Entrepreneurs programme. Jobs for Youth has expanded its engagement with schools, employers and young people by a third in the past 12 months. It has run 6 events involving 231 organisations, engaged 2315 young people and has secured workplace pledges of 92 work placements, 18 school based apprenticeships, and 10 mentors.

Jobs for Youth is now looking further afield for funding to enable it to continue its work.

Details of these and other projects can be found in the Annual Report.

COUNCIL RESOLUTION**Moved:** Councillor Stone**Seconded:** Councillor Bosler

1. That Council note the Delegates Report.

CARRIED UNANIMOUSLY

9.3 Municipal Association of Victoria (MAV)

Committee	Municipal Association of Victoria (MAV)
Appointed Councillors	Cr James Searle
Date of Council Meeting	22 May 2018
Report Author	Cr James Searle

Friday 22 May 2018 MAV State Council Meeting

State Council is the governing body of the MAV and is made up delegates from each of the 79 Councils. Many CEO's and officers also attend. Cr James Searle attended as the City of Yarra delegate.

Agenda

The agenda consisted of a report from the President and motions moved by member Councils. The President reported on the various submissions that MAV has made to State Government and lobbying political parties on MAV's "call to parties" in advance of this year's State Election. The President announced that the new MAV CEO would be starting in July.

Key motions carried

State Council carried Yarra's motions on cyclist safety, electric buses, infrastructure funding, recycling and a container deposit scheme. Unfortunately a Yarra amendment to exclude incineration from a motion on alternatives to landfill was not successful.

Other key motions carried included:

- A motion to write to the Prime Minister calling for the end of offshore refugee detention and that refugees and asylum seekers currently in detention be brought to Australia.
- A motion to advocate to State Government that basic police services should not be provided on a fee for service basis, following correspondence to the City of Port Phillip that police intended to charge a fee to Council in certain circumstances.
- A motion to advocate to State Government to allow Councils to set appropriate rates, rather than have rate capping.
- A motion to advocate to State Government to create a regulatory framework for dockless bike share programs.

- A motion to lower the cash withdrawal limit from EFTPOS facilities in gambling venues from \$500 to \$200 in a 24-hour period.
- A motion to advocate to State Government for the new Local Government Act to specifically include sexual harassment and sexual misconduct in the definition of serious misconduct and strengthen the sanctions available for serious misconduct.
- A motion tasking MAV with developing a marketing and advertising campaign to showcase the work of local government across Victoria.

A motion put by Darebin City Council to call for Vision Super to divest from Woolworths (being the biggest poker machine operator in Australia) was lost.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That Council note the Delegates Report.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Stone - Request by Refugee Council Australia

Question:

Council received a request by Refugee Council Australia this week to write to the Federal Government expressing concerns about changes to the provisions for many people who are refugees and asylum seekers, a particular allowance they have and if it is removed many of them will be effectively without any kind of income. They contacted us as a refugee welcome zone which we have been since 2002. I want to confirm whether we are able to write a letter without formally requesting it because we are a refugee welcome zone. Can an officer provide a response?

Response:

The Group Manager Chief Executive's Office advised that Council has a policy that includes advocating for all matters relating to the refugee issues and believe the current resolution policy covers the major writing on behalf of Council in this instance.

The Mayor advised he would be happy to write to the Federal Government.

11.1 Amendment C225 - 351 Church Street Richmond - considering submissions

Trim Record Number: D18/53997

Responsible Officer: Senior Coordinator Strategic Planning

RECOMMENDATION

1. That Council:
 - (a) notes the officer report assessing the exhibited amendment C225 – 351 Church Street, Richmond and the submissions lodged in response;
 - (b) consider all submissions to Amendment C225, in accordance with section 22 of the *Planning and Environment Act 1987*;
 - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;
 - (d) request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C225 and all submissions received; and
 - (e) advise all submitters of this decision.

Public Submissions

The following people addressed Council on the matter:

Ms Michele Lewis, CEO of MECWA; and

Ms Erin Scurry, Urbis Consultant.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor McEvoy

1. That Council:
 - (a) notes the officer report assessing the exhibited amendment C225 – 351 Church Street, Richmond and the submissions lodged in response;
 - (b) consider all submissions to Amendment C225, in accordance with section 22 of the *Planning and Environment Act 1987*;
 - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;
 - (d) request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C225 and all submissions received; and
 - (e) advise all submitters of this decision.

CARRIED UNANIMOUSLY

11.2 Open Data Policy

Trim Record Number: D18/55784

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That:

- (a) Council adopt the City of Yarra Open Data Policy in **Attachment 1** of this report.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Bosler

1. That:

- (a) Council adopt the City of Yarra Open Data Policy in **Attachment 1** of this report.

CARRIED UNANIMOUSLY

11.3 Proposed Discontinuance of Road adjacent to 506-510 Church Street, Cremorne

Trim Record Number: D18/74520

Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 506-510 Church Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to the report (Road);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age and The Weekly Times newspapers and Council's social media;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value; and
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

COUNCIL MOTION**Moved:** Councillor Searle**Seconded:** Councillor Stone

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 506-510 Church Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to the report (Road);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age and The Weekly Times newspapers and Council's social media;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value; and
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

AMENDMENT**Moved:** Councillor FristackyAdd at the end of 1. (b) .. together with a notice on the land itself;*The amendment was accepted by the mover and seconder and incorporated into the motion below.*

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 506-510 Church Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to the report (Road);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age and The Weekly Times newspapers and Council's social media, together with a notice on the land itself;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value; and
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CARRIED UNANIMOUSLY

11.4 Supplementary Report on Assemblies of Councillors

Trim Record Number: D18/79686

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council formally note and record the Supplementary Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That Council formally note and record the Supplementary Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 6 of 2018 - Submission re Planning Application 701 Park Street Brunswick

Trim Record Number: D18/83726

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Christine Christian addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

1. That Council Officers provide advice to Councillors on grounds for a submission to Moreland City Council objecting to the proposed development at 701 Park Street, Brunswick (Planning application number MPS/2016/985), noting the grounds for objection may include, but not limited to:
 - (a) overshadowing of public open space;
 - (b) traffic impacts related to parking levels and location of vehicle access onto local streets;
 - (c) heights in excess of those in DDO18;
 - (d) impact on neighbouring heritage areas; and
2. That officers lodge a submission on behalf of Council on the grounds identified.

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 7:55pm.

Confirmed Tuesday 5 June 2018

Mayor