



Ordinary Meeting of Council Minutes

**held on Tuesday 7 August 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 Misha Coleman (Deputy Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- 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)
- Rhys Thomas (Senior Governance Advisor)
- Mel Nikou (Governance Officer)

Apology

- Cr Stephen Jolly

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters; AND Matters relating to the security of Council property

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 McEvoy

Seconded: Councillor Chen Yi Mei

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) contractual matters; and
 - (b) matters relating to the security of Council property.
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 Fristacky

Seconded: Councillor Coleman

That the minutes of the Ordinary Council Meeting held on Tuesday 17 July 2018 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

Item		Page	Res. Page
6.1	Petition - Support for a pedestrian crossing at the Fenwick and Lygon Street intersection and gates at the entrances of Curtain Square	6	6

7. Public question time

Nil

8. General business

Item	Page	Res. Page
8.1 Place Activation	7	7
8.2 Status Resolution Support Services (SRSS) for People Seeking Asylum	7	8

9. Delegates' reports

Item	Page	Res. Page
9.1 Walmer Street Bridge	8	8
9.2 Northern Alliance for Greenhouse Action (NAGA)	9	10
9.3 MAV Councillor Development Weekend	11	19

10. Questions without notice

Item	Page
10.1 Cr Fristacky - Fleet Vehicle Budget	20
10.2 Cr Stone - VCAT Process	20
10.3 Cr Stone - Construction in Collingwood	21
10.4 Cr Fristacky - Construction and Bike Markings	21

11. Council business reports

Item		Page	Res. Page
11.1	Special Charge for Bridge Road Precinct - Hearing of Submissions	23	23
11.2	Car Share Policy	24	25
11.3	Status of Non-Rateable Properties	26	26
11.4	Valuation and Rating Data - Electronic Gaming Machine Venues	27	27
11.5	2017/18 Annual Plan Quarterly Progress Report - June 2018	31	31
11.6	Proposed 2018/19 Annual Plan	32	32
11.7	Report on Assemblies of Councillors	33	33

12. Notices of motion

Item		Page	Res. Page
12.1	Notice of Motion No 10 of 2018 - Publication of Councillors' Briefing Session Summaries	34	34

13. Urgent business

Nil

6. Petitions and joint letters

- 6.1 Petition - Support for a pedestrian crossing at the Fenwick and Lygon Street intersection and gates at the entrances of Curtain Square

Public Submission:

Katherine Wynn addressed Council on the matter.

Reference: D18/134106

A petition containing 33 signatures from Yarra residents are requesting that Council consider:

- (a) a pedestrian crossing at the intersection of Fenwick and Lygon Street as the two existing traffic lights (Lygon/Princes Street and Lygon/Richardson Street) are too far away from Fenwick Street; and
- (b) gates at the entrances of Curtain Square to remove the risk of a child running on the road and being hit by a car.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

That the petition be received and referred to the appropriate officer for consideration together with item (a) above being referred to VicRoads and Transport for Victoria regarding reducing the speed restrictions in Lygon Street from 60 km/h.

CARRIED UNANIMOUSLY

7. Public question time

Nil

8. General business

8.1 Place Activation

Background

The Victoria Street Streetscape Masterplan was adopted in 2015. As per this plan, works are being undertaken to improve the areas bounded by Lennox/Nicholson and Victoria Street, including: repaving of footpaths, new street crossing points, street furniture, bicycle parking, lighting, public art and street tree planting. The State Government installed 13 CCTV cameras affixed to 5 poles in this same area in late 2017. Lennox Street is closed to vehicles for the majority of the works and pedestrians and cyclist access is limited.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Bosler

1. That Council Officers provide advice to Councillors on options for “place activation” of the area bounded by Lennox/Nicholson and Victoria Street upon completion of the urban design works, considering:
 - (a) a range of activation options that may be suited to this space – for example, performance art, food and beverage, cultural tourism and community activities;
 - (b) identify which options are most feasibly delivered in either the short, medium or longer term;
 - (c) explore how the community – residential, business and visitor – could be engaged to help design and deliver the different options; and
 - (d) provide an indication of the resources required to deliver the options provided.

CARRIED UNANIMOUSLY

8.2 Status Resolution Support Services (SRSS) for People Seeking Asylum

Background

The Statement represents the agreed view of local government bodies across Victoria that formed a Mayoral Taskforce to discuss the proposed changes to the SRSS program for People Seeking Asylum.

Changes to the Federal Government’s SRSS program will cut income and case management support of many people seeking asylum and dramatically increase the demand for material aid resources at the local municipality level. This action will leave many people destitute and requests for places to live, money for clothes, food and medicine will escalate and create increased demands on existing services.

Council made a resolution (Item 5739) on 22/5/18 to write to the Federal Government expressing concern about changes to the provisions for many people seeking asylum. This resolution was actioned and a letter was sent on behalf of the Mayor to Prime Minister Turnbull.

A response was received (D18/113249) from the federal government which did not directly address concerns outlined by Council.

Cr Misha Coleman and a council officer attended the Mayoral Taskforce on 31 July 2018 to discuss the statement and develop strategies for moving forward to advocate for people seeking asylum.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That:
 - (a) Yarra City Council endorses the Joint Statement against changes to the Status Resolution Support Services (SRSS) for People Seeking Asylum; and
 - (b) Yarra City Council continues its involvement in advocating for people seeking asylum, and joins the Executive of the SRSS Mayoral Taskforce, along with Brimbank, Darebin, Greater Dandenong, and Moreland.

CARRIED UNANIMOUSLY

9. Delegates' reports

9.1 Walmer Street Bridge

Councillor Stone acknowledged the work of the community in both Yarra and Booroondara in organising a rally last Saturday to push for a fit-for-purpose bridge at Walmer Street across the Yarra.

The rally was well attended including Councillors Jackie Fristacky, Danae Bosler, Stephen Jolly and Amanda Stone and a number of State politicians. At the rally there was a commitment by the current government for \$200k funding for scoping for a new bridge and a kind of commitment to it being included in next year's budget. It is a much better position than things were at the start of the process, and mostly due to community groups and the collaboration between Yarra and Booroondara Council's.

The announcement by the local minister was made public at the State Election Transport Forum that was held at the Richmond Town Hall last Thursday.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council note the Delegates Report.

CARRIED UNANIMOUSLY

9.2 Northern Alliance for Greenhouse Action (NAGA)

Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	7/8/18
Date of Report	7/8/18
Report Author	Cr Amanda Stone

The Northern Alliance for Greenhouse Action Executive has continued to meet quarterly this year with much work going on with working groups in between. This report is on the second quarter.

Projects Update

NAGA has been working on three primary projects during this quarter.

1. Local Electricity Trading Feasibility project

Consultant, F&G Advisory has delivered a final version of the *Local Electricity Trading* feasibility study to assess the potential to share energy amongst different council properties. The study found that local electricity trading was feasible in two scenarios: one large generation site delivering power to multiple medium scale consumption sites and one large generation site delivering power to multiple large-scale consumption sites.

The report is available on our website (<http://www.naga.org.au/local-energy-trading-feasibility-study.html>). The consultants also developed a tool that would allow councils to input their own data and understand the feasibility of LET for them. The calculations are based on a number of assumptions, but the tool would be useful for councils to negotiate with their retailer on LET and understand under conditions and cost offer LET would be financially feasible for them.

2. Low Emissions Fleet Assessment

NAGA completed delivery of a *Low Emissions Fleet Assessment* for five member councils: Nillumbik, Manningham, Darebin, Moreland and Yarra. The Shire of Nillumbik is the lead council for this project, and each of the participating councils has received a tailor-made business case for transitioning council fleets to low emissions vehicles.

3. Regional Solar Savers

NAGA is also working with four other greenhouse alliances to deliver a regional Solar Savers program. The project is funded through the Victorian Government's New Energy Jobs Fund to work with 22 councils to install solar on low-income households through two alternative financing models, council rates and a bank finance partnership.

As of July 2018:

- 210 completed installations (52 rates loan, 158 bank loan).
- 2,964 total enquiries. 6% response rate to council promotion letter.
- 2,217 eligible (75%) i.e. meet \$100 net benefit threshold, own home, receive rates rebate and not owner of existing solar system.

- From phase 1 and 2, 19% of eligible households were converted to an installation. Using this conversion rate, we have approx. 244 installations in the pipeline from the current round of promotion for phase 3 to date.
- 20 councils have promoted Solar Savers to date. Brimbank currently commencing promotion as the last phase 3 council. Phase 4 - East Gippsland, Glen Eira and Monash remaining (approx. 330 more installations).
- Of those households only offered the bank loan, 75% choose to self-fund (i.e. not take out the bank loan). This highlights that financial barrier is not necessarily the biggest hurdle in the way of pensioners installing solar.

Advocacy Update

- NAGA has been working with other members of the One Million Homes Alliance to push for mandatory minimum energy efficiency standards ahead of the upcoming state election.
- NAGA is also working on a state election platform to be finalised shortly.

Research Update

NAGA has managed two groups of RMIT Masters Students on the following research:

- Preparing case studies of how mandatory minimum energy efficiency standards were introduced into policy in the UK and New Zealand; and
- Mapping the effects of social norming upon rooftop solar PV uptake in Melbourne.

Both groups of students have completed their reports which are now being edited. Final reports will be during September.

Networking

Together with the other Victorian greenhouse alliances, NAGA delivered the 2018 Victorian Greenhouse Alliances Conference on Friday 20 July at the Darebin Arts and Entertainment Centre.

The conference attracted almost 300 attendees from local governments, state government, academia and consultants across Victoria.

Councillors Stone and McEvoy will provide a separate report on the Conference.

NAGA's next planned workshop for councils will focus on the introduction of residential environmental upgrade agreements through the revised Local Government Act. The workshop is due to be held before the end of 2018, dependent upon passage of the legislation.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Coleman

1. That Council note this Delegates Report.

CARRIED UNANIMOUSLY

9.3 MAV Councillor Development Weekend

Date of Council Meeting	7 August 2018
Date of Report	7 August 2018
Report Author	Cr Misha Coleman, Deputy Mayor

The Municipal Association of Victoria Councillor Development Weekend was held on 27-29 July 2018 and attracted Councillors from across Victoria.

Described as the principal training, development and networking event for all Victorian councillors, the weekend explored prominent local government issues and future challenges facing the sector. The theme of the conference this year was “Learning from each other”.

As well as hearing from the government and opposition, the conference included a number of presentations and workshops on a diverse range of subjects including:

- Management of the CEO
- Councillor teamwork
- Liveability and place making
- Councillor leadership journeys
- The war on waste

One highlight of the conference was a workshop about state planning reform, facilitated by the MAV’s own Sophie Segafreddo. The workshop responded to the challenge facing local government in responding to state and federal legislation and policies, as well as market forces. As the State continues to make significant investment in the planning system, councils need to understand and implement these amendments at the local level. The workshop examined some of the benefits and challenges of the planning reforms and what they mean for councils, communities and resources in the short and long-term.

This workshop examined eight State Policy Impact Assessment Sheets, which are tabled tonight for Councillors’ information.



State Policy Impact Assessment Sheet

Topic	Affordable Housing
Objective/ Driver	Increase the provision of affordable housing for existing vulnerable communities and the growing population.
Mechanism	Amendment to the Planning & Environment Act 1987 (P&E Act) to introduce a new objective “ to facilitate the provision of affordable housing in Victoria ”. Legislative changes clarify that Responsible Authorities can enter into an agreement with landowners and others under Section 173 of the P&E Act for the provision of affordable housing as part of a development.

	A definition of "Affordable housing" has been included in the P&E Act.
Background material/ collateral	Homes for Victorians: Affordability, access and choice (March 2017) and Plan Melbourne 2017-2050 (March 2017) recognise the critical need to increase the supply of affordable housing. DELWP has an affordable housing web site containing the reference material including an example 173 agreement .
Degree of change	Significant shift in State policy and implementation tools. At the local level, the individual council's current position in relation to housing policy, access to affordable housing providers and managers etc. will influence their ability to capitalize on the change.
Impact	
Immediate	Pressure to achieve provision of affordable housing in developments Direct resources to understanding provisions and negotiate with developers, housing associations, community.
Medium term	Development & adoption of local affordable housing policy. 1-5yr process from start to amended scheme Formal agreement reached with housing associations 1yr Potential to establish Council as owner/manager of affordable housing provided through contributions.
Long term	Affordable housing provided to community. Development industry familiar with policy and design projects accordingly.
Resourcing	Resource intensive if pursued. Development of policy and association mechanisms; officers, specialist advice, broad consultation, negotiation with State Govt, planning scheme amendment.
Support	Recent grant funding announced to assist Councils in developing housing strategies, policies, feasibility studies etc. Up to \$200,000 each for 15 Councils. Pilot projects on surplus government land: Inclusionary Housing Pilot four (or six) sites in Boronia, Broadmeadows, Noble Park, Parkville, Reservoir and Wodonga Affordable Housing Symposium to be hosted by DELWP Tuesday 14 August 2018

Topic	Infrastructure Contributions Plans
Objective/ Driver	To create a developer contribution system based on standard levies that are pre-set for particular development settings and land uses, in order to fund the provision of essential infrastructure that will support new or growing communities. A key component of the system is the preparation of an ICP which must be incorporated

	<p>into the planning scheme.</p> <p>The latest change allows a contribution of land.</p>
Mechanism	<p>Originally introduced in October 2016</p> <p>Planning and Environment Amendment (Public Land Contributions) Act 2018</p>
Background material/ collateral	<p>Web page:</p> <p>Infrastructure contributions reform</p> <p>Ministerial Direction dictates form and content of the Plan and reporting requirements</p> <p>VC146 amends the VPP to introduce the ICP Overlay.</p>
Degree of change	<p>The ICP system applies to <i>metropolitan greenfield growth areas</i> – the first of three identified development settings to have the new system applied, with regional growth areas and strategic development areas to be added later.</p> <p>Council with existing Development Contributions Plan or GAIC will be familiar with the system. Other Councils will consider it a more significant change.</p>
Impact	
Immediate	<p>Availability of a new system designed for ease of use in Greenfield Growth Areas.</p> <p>Improved funding mechanism to address increased need for community infrastructure.</p>
Medium term	<p>Availability of the standard levy system to growth areas across the State and other yet-to-be-defined strategic development areas.</p>
Long term	<p>Improved funding model</p>
Resourcing	<p>Initially, resources required to establish system, incorporate into planning scheme amendment</p> <p>Ongoing reporting requirements</p>
Support	<p>Advice available through DELWP and VPA.</p>

Topic	Planning Referrals
Objective/ Driver	<p>Separate review processes resulting in changes in referrals</p>
Mechanism	<p>Ministerial actions and VPP changes via Ministerial amendments</p>
Background material/ collateral	<p>Victoria Planning Authority Act 2017 Ministerial Direction No. 18 - VPA referrals.pdf</p> <p>Environment Protection Act review 2018</p> <p>Internal transport portfolio project</p>
Degree of change	<p>Relatively minor in terms of process.</p> <p>Unknown degree of change in influence</p>

Impact	
Immediate	Referral of proposed planning scheme amendments may be required to be referred to the VPA for comment, which, if received, must be considered by Council.
Medium term	Potential changes to referrals either for amendments or planning permits
Long term	Appropriate expert advice is received to improve Council decision making.
Resourcing	Management of potential referral system change.
Support	Unknown

Topic	Small Business Regulation Review Program “Better Approvals Retail”
Objective/ Driver	Reduce red tape and streamline approvals processes as much as possible to support the creation of jobs and reduce the cost of doing business. <ol style="list-style-type: none"> 1. Retail sector 2. Visitor economy 3. Construction industry <p>Vision <i>“A vibrant small business retail sector where it is easy for small businesses to start up, operate and grow.”</i></p>
Mechanism	Liaison and system review. Funded assistance. New VicSmart category. New LG performance measure about new business approval times. Amendment VC142 introduced some changes
Background material/ collateral	Co-design process led by Small Business Victoria Consultation/survey phase Retail Sector Action Statement
Degree of change	Reform areas: <ol style="list-style-type: none"> 1. Access to information – mainly State Gov’t 2. Approval processes – State & local 3. Food safety – State & local 4. Retail leases - State <p>Partly determined by individual councils in terms of systems and service Pilot projects at Bendigo, Maribyrnong, Kingston, Latrobe Reviewed system from a customer viewpoint, introducing change in processes. Planning scheme changes relatively minor</p>
Impact	
Immediate	Limited at this stage. Councils able to make internal system changes as they see fit. Minor changes VC142
Medium term	Anticipate further regulatory change resulting in internal changes to systems and reporting. Review human and other resources for processing and reporting.

Long term	Improved application processing resulting in efficiencies for Council and improved customer service.
Resourcing	Removal of staff from operational responsibilities to participate in review process. Electronic system changes. Production of collateral for customers. Potential need for additional/different resources, e.g. Business concierge.
Support	Rolling program of assistance to Councils from SBV

Topic	Small Business Regulation Review Program “Better Approvals Visitor Economy”
Objective/ Driver	Reduce red tape and streamline approvals processes as much as possible to support the visitor economy; attraction of visitors, support small business. Visitor Economy reform objectives: <ul style="list-style-type: none"> • make it easier to get permits when organising an event or festival • improve the application process for tourist road signs • reward tour operators with a good compliance history • reduce regulation for small visitor accommodation owners
Mechanism	Assistance via Small Business Victoria personnel. Provision of information and systems navigation. Potentially regulatory change but unclear at this stage.
Background material/ collateral	Research and strategic document: Economic value of tourism State Visitor Economy Strategy.pdf Website: Small Business Review - visitor economy Visitor Economy Action Statement.pdf Focus areas: <ul style="list-style-type: none"> • Visitor service providers (including tour operators) • Wine and agritourism • Small events and festivals • Small accommodation providers • Barriers to establishing innovative new ventures
Degree of change	Assistance in navigating current processes and improvement program; Web based portals, consolidated processes. Potential change to Public Health and Wellbeing Act 2009 regarding registration of small scale accommodation to align with planning regulations (B&Bs)
Impact	
Immediate	Limited. Opportunities for Councils to improve processes in conjunction with SBV.
Medium term	Improvements to State and local systems and processes to assist business customers.

	Regulatory changes requiring review of Council systems, VicSmart, registration of food and accommodation businesses. Potential change in required level of service and fees generated.
Long term	Improved systems and streamlining for business approvals and regulation
Resourcing	Staff needed to participate and deliver any system changes and respond to any regulatory amendments.
Support	Unknown

Topic	Planning Rules Reform Phase 1
Objective/ Driver	<p>Smart Planning Program</p> <p>“The package addresses issues that have long frustrated users of the planning system, and will deliver improvements to the planning system and includes:</p> <ul style="list-style-type: none"> • removal of redundant or excessive provisions and permit requirements for low impact matters • clarification of unclear provisions and removal or relocation of some administrative requirements to reduce the complexity of planning schemes • updated planning provisions to reflect the contemporary needs of businesses • use of contemporary land use terms and removing out-of-date references, to ensure schemes are current” <p>Amendment items were identified through previous consultation and reviews, tribunal decisions and other local government, industry and community input.</p>
Mechanism	Planning scheme amendment VC142 gazetted Jan 2018
Background material/ collateral	<ul style="list-style-type: none"> • A summary of the amendment changes is available to help Victorians understand the areas of the Victoria Planning Provisions that will be affected • View the detailed provision changes at VC142 • Read the Advisory Note, which explains the amendment in more detail • Rules reform website link
Degree of change	Administratively significant. Policy change limited but reduces permit triggers for some minor matters. E.g. Art Gallery no longer needs a permit in mixed use and commercial zones.
Impact	
Immediate	<p>Altered permit triggers Affects current applications Changes references</p> <ul style="list-style-type: none"> • Internal processes & electronic systems changes • Information updates; web pages, forms, info sheets, templates • Info sharing/training

Medium term	Limited impact; some streamlining
Long term	As above
Resourcing	Administration and process review; planners, clerks, IT Training Fees & workload reduced with reduced triggers.
Support	Advice; primarily web based.

Topic	Planning Rules Reform Phase 2
Objective/ Driver	<p>Smart Planning Program Integrated Planning Policy Framework</p> <p>The Smart Planning program seeks to deliver long term, transformative change to the planning system, to make it more responsive to the needs of Victorians. The proposals are one part of this program and will lay the foundations for further transformation. They represent the first substantial changes to the VPP structure since it was introduced in 1997.</p> <p>Amendment VC148 will:</p> <ul style="list-style-type: none"> • introduce a new integrated Planning Policy Framework (PPF) and enable the future introduction of a Municipal Planning Strategy for each planning scheme • restructure the VPP into a more accessible format and integrate VicSmart. It is the biggest change to the VPP since its creation in 1990 • improve the structure and operation of specific zones, overlays and particular provisions (e.g. Heritage Overlay and new Specific Controls Overlay) • reduce red tape for business through removing outdated provisions and reducing permit requirements.
Mechanism	Planning scheme amendment VC148 expected to be gazetted Tuesday 31 July 2018
Background material/ collateral	<p>DELWP web site on Rules reform https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/smart-planning-program/rules Includes video presentation.</p>
Degree of change	<p>Second phase and more substantial than Phase 1 of reforms.</p> <p>Administratively significant; complete review and rearrangement of State, regional and local policy framework. There will be no change to LPPF (Clauses 20,21 & 22) until the local policy content is translated into the PPF. Incorporates VicSmart into the body of the scheme. (No Clause 90)</p> <p>Primarily policy neutral or reflecting current community expectations for control over development.</p>

Impact	
Immediate	<ul style="list-style-type: none"> • State policies renumbered, altering references. Some consolidated, some deleted and some newly introduced • Requirement for Council's to rearrange local policies in line with new framework – programmed approach in partnership with DELWP over next 18 months.
Medium term	Identification of policy gaps/misalignment will require policy review and new policy development work by Councils.
Long term	Reduced repetition and better alignment in policy positions at State and local level. Identification of differences in policy and recognition of policy hierarchy.
Resourcing	<p>Initial response is estimated to take two weeks full time including statutory and strategic planners and consultation with others who have an interest in local policies e.g. environment/engineering. This is based on two pilot projects at Ballarat and Manningham which had senior specialist assistance and has not been tested in a BAU operating environment. The actual roll out process has not been finalised.</p> <p>Resource intensive new policy development program may be needed following integration into new framework.</p> <p>Continued increase in VicSmart applications results in reduced assessment requirement and reduced fees. Councils need to consider managing this stream of applications.</p>
Support	<p>We are advised that DELWP will work closely with Councils on the future integration of local content. Further details are expected soon.</p> <p>No information regarding grant or support programs if new policies required – usual programs expected to remain available.</p> <p>Budget media release: With more people choosing to live and work and visit Victoria, \$9.7 million has been allocated to process more planning permits, and \$3.5 million will help councils do faster subdivision approvals.</p> <p>No information available on this.</p>

Topic	Storm Water Management
Objective/ Driver	<p>State commitment to improving storm water management for greener environments and healthier waterways.</p> <p><i>“a dedicated advisory committee to improve storm water management, to create more liveable cities and healthier waterways and improve Victoria’s environment.”</i></p> <p><i>“Victoria is growing fast, with storm water runoff predicted to increase by almost 50 per cent by 2051. Given this strong growth, our towns and cities need to become more ‘water sensitive’, to protect the environment and improve quality of life for current and</i></p>

	<i>future generations.”</i>
Mechanism	Improving Stormwater Management Ministerial Advisory Committee to review current processes and requirements. Potential Ministerial general planning scheme amendment.
Background material/ collateral	Advisory Committee established with terms of reference web page . Issues Paper June 2018 Copies of submission are also on the web page.
Degree of change	Uncertain at this stage – likely to be changes to VPP via a Ministerial amendment Final report and recommendations due August 2018
Impact	
Immediate	Participation in consultation
Medium term	Consider changes in planning scheme requirements Review internal systems/referrals
Long term	Improvement in stormwater management
Resourcing	Planning and technical staff required to review issue paper and any arising proposals.
Support	Unknown
Particular issue	Relationship with other water associated projects: Changes related to planning controls in flooding and inundation overlays. Review of State Environmental Planning Policy (SEPP) Waters Best Practice Environmental Management Review EPA project

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That Council note this Delegates Report.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Cr Fristacky - Fleet Vehicle Budget

Question:

When the budget was recently adopted it included funds to purchase new fleet vehicles. Have we purchased any new fleet vehicles yet and if so are they petrol powered or black?

Response:

The Director City Works and Assets advised that no black vehicles have been purchased and took the remaining question on notice.

10.2 Cr Stone - VCAT Process

Question:

In relation to a case that is currently at VCAT in a confidential process in relation to a development by Caydon on the corner of Chandler Highway and Heidelberg Road, it's part of a development plan as Councillors would know and Councillors would also be aware that members of the local community are very concerned about the confidential process and are concerned that Council might make a decision that's not in accordance to the development plan.

What guidelines/parameters are planners using during discussions at the confidential VCAT conference? I am assuming it would be the current development plan and I'd like to confirm that and that planners would not be strained from that?

Response:

The Director Planning and Place Making advised the following:

- (a) there is an appeal at the tribunal, that's there as a failure appeal;*
- (b) the tribunal have caused that particular matter to go into a compulsory conference process, which is an order of the tribunal and that is underway;*
- (c) there has been two or three compulsory conference sessions, there was one last Friday and another this Friday and a full hearing set for the October 1, for three days if that's where it is required or needing to go;*
- (d) Councils advocates need to be representing the Council; there are processes, there are questions and answers those sort of matters;*
- (e) this particular application will come back to Council for an opinion and that will need to go to a confidential session because of the confidentiality of the without prejudice conversations of what a compulsory conference is about;*
- (f) the matter will be scheduled for the Confidential session of Council on 21 August and that will be an officer report outlining the proposal and amended plans that have been put forward by the applicant;*
- (g) the approved development plan is the baseline, the proponent has the opportunity to put in amended plans to the tribunal, those conversations occur, the baseline would be the approved development plan and that plan talks about the preferred maximum heights; and*
- (h) Council in the process of seeking a planning scheme amendment some four or five years ago sort mandatory maximum heights and that was not provided by the minister, it became preferred.*

10.3 Cr Stone - Construction in Collingwood

Question:

There are a number of construction sites in Collingwood, three currently on Landridge Street and Wellington Street at the moment. It is extremely difficult to get through there as a pedestrian or on a bike. Is there anything Council can do to manage the impacts on many developments in one place at the same time for residents and people passing through?

Response:

The Director City Works and Assets advised the following:

- (a) it is something we seek to manage but there is a limitation in terms of our abilities to manage that in the sense of the sites seek and receive a planning permit,*
- (b) they have as part of that permit and two years to commence development and so there is a time constraint under which they need to meet that to maintain their permit;*
- (c) we do seek from those developments sites that they get an approved Construction Management Plan and that is a plan that we seek to control access to the road or occupation of the road, occupation of footpath, traffic management and construction methodology and we do that to have as much control as possible;*
- (d) we don't have the ability to not enable a permit so what we do in these circumstances is seek to engage with the various builders to see if we can work with them to coordinate;*
- (e) there are times when they will share traffic management companies for example or it may be where both sides of the road or footpath needs to be closed, they will coordinate that so it's not happening at the same time.*
- (f) we also do rely on the good will of the construction companies in those instances, we often get that but not always; and*
- (g) we also have officers that actively inspect and enforce those permits so where construction companies are not compliant with those permit we will certainly enforce and fine them or take them to court if that is a necessary action to make sure can maintain the amenity.*

10.4 Cr Fristacky - Construction and Bike Markings

Question:

A resident has referred that when works occur by construction or utilities that damage is caused to bicycle lanes/markings and that this has appeared across Yarra.

What sort of enforcement is there to ensure that those markings are reinstated and repainted because it doesn't appear to have been done and whose responsibility is it within Council to ensure that it is done?

Response:

The Director City Works and Assets advised the following:

- (a) The responsibility is the function of the construction management plan team; they access those sites;*

- (b) *we take a bond from developers and they pay an asset protection bond so this provides us with the ability to then to require them to do the works, or in some cases, it doesn't suit us for them to do the works because we might be proposing re-sheeting or other works, so we may take a contribution in kind; and*
- (c) *bicycle lines/markings should be reinstated, if there is situation where you believe this hasn't occurred then we would advise officers to investigate.*

11.1 Special Charge for Bridge Road Precinct - Hearing of Submissions

Trim Record Number: D18/106620

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the further report of officer's regarding the proposed Special Charge for the Bridge Road precinct;
 - (b) note all the written submissions received through the consultation phase;
 - (c) receive the submissions from persons who have requested to be heard by the Council in respect to the proposed Special Charge; and
 - (d) note that a further report will be considered by Council on 21 August, 2018, to formally consider all submissions.

Public Submissions

The following people addressed Council on the matter:

Herschel Landes President Bridge Road Mainstreet Inc; and

Nellie Dicks, Bridge Road Mainstreet Inc.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Searle

1. That Council:
 - (a) note the further report of officer's regarding the proposed Special Charge for the Bridge Road precinct;
 - (b) note all the written submissions received through the consultation phase;
 - (c) receive the submissions from persons who have requested to be heard by the Council in respect to the proposed Special Charge; and
 - (d) note that a further report will be considered by Council on 21 August, 2018, to formally consider all submissions.

CARRIED UNANIMOUSLY

11.2 Car Share Policy

Trim Record Number: D18/105988

Responsible Officer: Assistant Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the current demand and supply of car share schemes in the municipality;
 - (b) note the draft Car Share Policy as shown in Attachment 1; and
 - (c) resolve to adopt the attached Car Share Policy 2018-2023.

Public Submission

Justin Passaportis, General Manager – Victoria & South Australia of GoGet addressed Council on the matter.

MOTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

1. That Council:
 - (a) note the officer report on the current demand and supply of car share schemes in the municipality;
 - (b) note the draft Car Share Policy as shown in Attachment 1; and
 - (c) resolve to refer the attached Car Share Policy 2018-2023 for a four week public consultation, with the following changes:
 - (i) replace Table 1 with new Table 1 below:

Year	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
New On-Street created per annum		<u>22</u>	<u>22</u>	<u>22</u>	<u>20</u>	<u>20</u>
New Off-street created per annum		<u>12</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
Total Number of Car Share Vehicles in Service	152	<u>186</u>	<u>218</u>	<u>250</u>	<u>280</u>	<u>310</u>
 - (ii) in paragraph 7.5 add the words “when permits are renewed” at the end of the sentence;
 - (iii) in paragraph 9.2(i) amend “metred” to “metered”;
 - (iv) in paragraph 9.2(vi) add after “unless other options are not available” the words “or a ground floor business has explicitly requested a car share space be installed directly in front of their business”;
 - (v) in paragraph 11.1 replace “support” with “would prefer”;
 - (vi) in paragraph 11.2 replace “is supportive of CSP” with “would prefer CSPs” and add “and people with disabilities” to the end of the sentence;
 - (vii) in paragraph 13.1 amend 12 months to “3 years”;
 - (viii) in paragraph 13.4 add a new dot point: “Letters of support”;
 - (ix) in Attachment 1, correct the error with the paragraph numbering;

- (x) amend Attachment 2, clause 2.1 to reflect clause 7.5 of the policy (as amended above); and
 - (xi) in Attachment 2, Clause 2.3.2 (i) after the words: “Maintaining or cleaning car share vehicles” add “except for windscreen cleaning or dry wipe down”.
2. That submitters, Yarra advisory committee members, car share organisations, and listed Yarra community groups with an interest in sustainable transport be advised of 1(c) above with a copy of the proposed policy (as amended) attached, together with advice on the process for presenting submissions on the draft policy to Council.

LOST**CALL FOR A DIVISION**

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

COUNCIL RESOLUTION

Moved: Councillor Bosler **Seconded:** Councillor Fristacky

1. That Council:
 - (a) note the officer report on the current demand and supply of car share schemes in the municipality;
 - (b) note the draft Car Share Policy as shown in Attachment 1; and
 - (c) resolves to put the draft policy out for community consultation for a period of 4 weeks.
2. That submitters, Yarra advisory committee members, car share organisations, and listed Yarra community groups with an interest in sustainable transport be advised of as above with a copy of the proposed policy attached, together with advice on the process for presenting submissions on the draft policy to Council.
3. That in consultation on the proposed policy, this alternative Table 1 be presented (in addition to the table included in the draft shown in attachment 1) to enable feedback on both options:

Year	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
New On-Street created per annum		<u>22</u>	<u>22</u>	<u>11</u>	<u>10</u>	<u>20</u>
New Off-street created per annum		<u>8</u>	<u>8</u>	<u>10</u>	<u>10</u>	<u>10</u>
Total Number of Car Share Vehicles in Service	152	<u>182</u>	<u>212</u>	<u>233</u>	<u>253</u>	<u>273</u>

CARRIED**CALL FOR A DIVISION**

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

11.3 Status of Non-Rateable Properties

Trim Record Number: D18/120695

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council note this report.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

1. That Council note this report.

CARRIED UNANIMOUSLY

11.4 Valuation and Rating Data - Electronic Gaming Machine Venues

Trim Record Number: D18/118582

Responsible Officer: Group Manager Chief Executive's Office

The Mayor left the meeting due to a conflict of interest at 10.08pm.

The Deputy Mayor assumed the Chair.

RECOMMENDATION

1. That Council note this report.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council:

- (a) notes the combined CIV and site value of the eight poker machine venues in Yarra is \$69.65 million, that gross poker machine losses suffered by the community at these venues in 2017/2018 were \$31.076 million and that these venues are expected to pay just \$89,563.81 in general rates to City of Yarra in 2018/2019;
- (b) publishes the individual site value, capital improved value and net annual value valuations of the eight venues in the Confidential minutes of this meeting in order to contribute public data to a wider discussion in the local government sector examining whether poker machine venues are appropriately valued in an environment of rising gambler losses after changes to State legislation in November 2017; and
- (c) further notes the recent data from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Local Government Electronic Gaming Machine Statistics showing increased gambling losses from July 2017 to June 2018 by players in the eight pokies venues in Yarra, including a 15% increase to June 2018:
 - (i) \$2,460,994 losses in the month of June 2017;
 - (ii) \$2,828,259 losses in the month of June 2018; and
 - (iii) \$31,076,310 total losses for the financial year 2017/2018.

2. That having joined other Councils in the Alliance for Gambling Reform (AGR) and a rally of AGR members/supporters at Parliament House on 14 July 2018, publicly launching the AGR Election Platform (attached) for reforms such as \$1 bets, machine redesign and reduced trading hours, that would significantly reduce rising levels of gambling harm in the Victorian community, Council:

- (a) expresses its concern that the VCGLR data across Victoria shows the biggest annual increase in gambling losses in a decade and the second highest losses of all time;
- (b) authorise the Mayor to write to the Premier, the Minister for Consumer Affairs, Gaming and Liquor Regulation, the Leader of the Opposition, the Shadow Minister for Liquor and Gaming Regulation and the Leader of the Victorian Greens, expressing the above concerns and urging acceptance of the AGR Election Platform reforms; and
- (c) authorise the Mayor to also write to the eight venues in Yarra requesting that they adopt the measures set out in the AGR Election Platform.

THE POKIES PLAY YOU



ALLIANCE FOR
GAMBLING REFORM

2018 VICTORIAN ELECTION POLICY SUMMARY

Policy Options

FEWER POKER MACHINES

The Victorian Government has invited existing poker machine operators to allow for a licence to operate those machines from 2022 till 2042. Where venue operators do not re-apply to retain their existing machines, those entitlements should be retired from circulation and not made available to other operators. We welcome the decision by venues such as Geelong and Melbourne AFL Clubs to surrender their poker machines, but if these entitlements are simply taken up by another operator then gambling harm may not be reduced.

We applaud the New Zealand model for poker machine licensing in which Councils determine a policy to reduce gambling harm. They are empowered to reduce machine numbers by not allowing licenses to be transferred, and requiring licenses to be retired when a venue closes.

The model used in New Zealand allows local government to determine the issuing of a gaming licence for a new venue or for more machines in an existing venue consistent with the local government's own policy on gambling.

\$1 MAXIMUM BETS

The AGR strongly supports a \$1 bet limit per button push on EGMs. It has the support of Coles, who own EGM venues.

The 1999 Productivity Commission report pointed to bet limits on EGMs as a possible measure to reduce problem gambling.

A 2006 study by the South Australian Department for Families and Communities found that at risk gamblers were far more likely to increase their bet size to chase losses than recreational gamblers. In 2010 the Productivity Commission estimated that only 12% of recreational gamblers bet at \$1 or more a button push, compared to 50% of problem gamblers.

REDUCE OPERATING HOURS

Reducing venue operating hours to 10 am to midnight for gaming areas. In 2010, the Productivity Commission recommended that gaming machines in hotels and clubs (not casinos) should be shut down for 6 hours between 2 am and 8 am, at a minimum. South Australia, for example, has a mandatory 6 hour break.

MACHINE DESIGN

The State Government should use the machine approval process to remove designs from machines that contribute to gambling harm, such as (1) losses disguised as wins (2) linked jackpots and (3) free spins.

This ban could be applied immediately to any new machine approvals and be a condition of new license purchases.

BAN POLITICAL DONATIONS

To avoid corruption, ban political gifts and donations by poker machine owners, operators and peak bodies to local and state politicians and parties.

At the state level these bans on political influence are long overdue. In the case of Local Government they become more necessary as more decision making is moved to the local level.

MAINTAIN THE 50 / 50 POKIE CLUB AND PUB SPLIT

In 2016 -2017 Victorian gambling clubs took \$904 million while gambling pubs took \$1705 million. Pubs market and manage their poker machines to extract almost twice as much money per machine, because they have a clear profit motive to do so.

In any revision of government policy, the 50 / 50 split needs to remain in place, even if clubs are not using all of their entitlements.

POKER MACHINES ARE PLAYING US ALLJoin the Alliance for Gambling Reform at www.pokiesplayyou.org.au**THE POKIES
PLAY YOU****REDUCE GAMBLING HARM CAUSED BY OPERATORS****■ DAILY EFTPOS CASHOUT LIMIT SHOULD BE \$200**

People with a problem gambling risk or a moderate risk of harmful gambling report accessing EFTPOS significantly more times when gambling than non-problem gamblers. The Victorian Government should deliver on the intended effect when it removed ATMs from venues, and reduce daily EFTPOS cash withdrawals to \$200. The Alliance feels that there is little practical distinction between EFTPOS and ATM for people at risk of gambling harm.

The reduction of EFTPOS withdrawals in venues is likely to have little impact on people who are not engaged in high risk gambling behaviour. Over the last few years the widespread use of paywave means that for patrons paying for all other services in the venue, the same card used to withdraw cash can be used to make payments with far less effort and inconvenience than using it to withdraw cash and then pay for food and drinks.

■ DIRECT THE VCGLR TO TAKE INTO ACCOUNT ALL GAMBLING HARM

The Government must direct the VCGLR to take into account recent research on gambling harm in its determinations on poker machine applications. Recent research has found that gambling harm occurs in more ways than previously understood and that the majority of health harm is caused to people previously categorised as 'low' or 'moderate' risk.

■ FAMILY VIOLENCE

There is an established link between harm from gambling and family violence. Recent Australian research indicates that people who have significant problems with their gambling are more likely than people without gambling problems to be victims and perpetrators of family violence and over half of people with gambling problems report perpetrating physical violence against their children. Research indicates that family violence is three times more likely to occur in families in which there is significant harm from gambling than in families in which there is no gambling-related harm.

■ MANDATORY STAFF INTERVENTION

The Alliance believes that it should be a separate obligation for venue operators to ensure their staff offer appropriate assistance to people showing signs of being harmed by gambling, not merely when the person is showing distress.

As there is a clear profit motive for venues to allow people to keep gambling, even when they are showing signs of harmful behaviour or problematic behaviour, a sanction is needed to motivate the venue to act in the best interest of the people gambling in the venue.

The review of the removal of ATMs from Victorian EGM venues noted that "venue based data showed that staff were observing patrons making multiple withdrawals through EFTPOS but in general were not using this information to inform identification of possible problem gamblers." Recent allegations from whistleblowers working in poker machine venues reveal that operators demand staff target people to lose more money without any consideration of the harm that will result to that person and their family.

■ CREATE A DUTY-OF-CARE FOR VENUE OPERATORS

In the view of the Alliance all gambling providers owe a duty to their customers to do all they reasonably can to reduce any harm that may arise from the product they are selling. This is a duty that should apply universally to all businesses. However, in the view of the Alliance, the gambling industry fails to fulfil this 'duty of care' to their customers. Instead many in the gambling industry seek to do the minimum they can get away with in terms of consumer protection measures.

The current ability of gambling businesses to avoid a duty of care to their customers serves as a barrier to those businesses undertaking meaningful measures to reduce problem gambling and other harms caused by gambling activities. It fosters a culture of doing the minimum that governments will let the industry get away with.

The existing Mandatory Code for gambling providers should be strengthened by requiring gambling businesses to take all reasonable steps to observe identifiable signs of problem gambling and to intervene appropriately when such signs are detected. There should be harsh penalties for gambling businesses that engage in 'egregious' conduct, knowingly or recklessly exploiting people with gambling problems.

CARRIED UNANIMOUSLY

The Mayor returned to the meeting at 10.16pm

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky **Seconded:** Councillor Bosler

That the meeting resume in confidential session.

CARRIED

11.5 2017/18 Annual Plan Quarterly Progress Report - June 2018

Trim Record Number: D18/129398

Responsible Officer: Manager Corporate Planning and Performance

RECOMMENDATION

1. That Council note the end-of-year result as reported in the 2017/18 Annual Plan Quarterly Progress Report - June 2018.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council note the end-of-year result as reported in the 2017/18 Annual Plan Quarterly Progress Report - June 2018.

CARRIED UNANIMOUSLY

11.6 Proposed 2018/19 Annual Plan

Trim Record Number: D18/129618

Responsible Officer: Manager Corporate Planning and Performance

RECOMMENDATION

1. That Council endorse the proposed 2018/19 Annual Plan as presented and authorises officers to make minor administrative changes or clarifications if required.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Coleman

1. That Council:

- (a) endorse the proposed 2018/19 Annual Plan subject to the inclusions below:

A new milestone action under 3.02 - December - "public report to Council with a prioritized list of building energy efficiency projects on council buildings".

A new 3.08 to read 'Integrate climate adaptation principles and environmental and sustainability policies and strategies'.

Council Plan Initiative:

Embed adaptation sustainability across Council decision making processes.

Council has several environmental and sustainability policies. It has also developed a Climate Adaptation Guidance Tool and Training that can inform Council operations.

These strategies and tools will be further embedded within the organisation.

Branch: CEO's Office

Quarterly Milestones:

September - develop a plan for how the organisation intends to embed the use of the Climate Adaptation Guidance Tool and Training in their operations in 2018/19 and beyond, and a plan for how strategies and policies to be developed in 2018/19 will integrate with environmental and sustainability policies and strategies.

December - receive reports from the organisation (particularly from relevant branches) outlining; the ways they have engaged the Climate Adaptation Guidance Tool and Training to-date, all strategies developed in 17/18 and how they integrated environmental and sustainability policies and strategies.

June - receive a further status report from the organisation; and

- (b) authorises officers to make minor administrative changes or clarifications if required.

CARRIED UNANIMOUSLY

11.7 Report on Assemblies of Councillors

Trim Record Number: D18/128708

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

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

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

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

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 10 of 2018 - Publication of Councillors' Briefing Session Summaries

Trim Record Number: D18/126367

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Chen Yi Mei

1. That in the matter of Councillors' Briefing Sessions, Council:

- (a) determine to publish on Council's website, a summary of the matters included in the agenda listing the subject of items discussed at such Briefings, as per the example being **Attachment 1** hereto;
- (b) note that:
 - (i) items of a confidential nature, as defined in the Local Government Act 1989 (i.e. legal, contractual, personnel, industrial, property development, security, prejudicial, etc.), shall be listed as "Confidential Matter", together with the applicable clause from the Act; and
 - (ii) such Councillors' Briefing summaries will be uploaded to the website within three working days of each Councillors' Briefing.

CARRIED UNANIMOUSLY

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

Conclusion

The meeting concluded at 10.36pm.

Confirmed Tuesday 21 August 2018

Mayor