



Ordinary Meeting of Council Minutes

**held on Tuesday 2 October 2018 at 7.04pm
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 Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

Council officers

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

Leave of absence

- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky

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
- 4.2 Matters relating to legal advice
- 4.3 Contractual matters

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 resolved on Tuesday 18 September to make the below resolution public.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

1. That Council:

- (a) resolves that it is Council's goal to bank with institutions that refuse to fund fossil fuel companies and projects;
- (b) receives a report from officers in the February 2019 meeting cycle on ways Council could jointly procure transactional banking services (with other Councils) without any fossil fuel connections, including but not limited to:
 - (i) forming a mutual bank or credit union with the purpose of providing enterprise level banking services to local government and other organisations which require tailored banking services; and
 - (ii) working with an existing authorised deposit taking institution (other than those which facilitate the funding of fossil fuel companies or projects) to develop their services and systems to such a level that would allow them to provide enterprise level banking services to local government and other organisations which require tailored banking services.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Nguyen

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) matters prejudicial to Council and/or any person;
 - (b) matters relating to legal advice; and
 - (c) contractual matters.
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 Jolly

Seconded: Councillor Stone

That the minutes of the Ordinary Council Meeting held on Tuesday 18 September 2018 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

Nil

7. Public question time

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7.1	Hugh Parry-Jones - Laneway off Easey Street, Collingwood	6
7.2	Blair Clohesy - Complaint	7

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11. Council business reports

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11.2	Yarra Community Infrastructure (possible revised layout) - The Village, Alphington	9	11
11.3	Report on Assemblies of Councillors	14	14

12. Notices of motion

Nil

13. Urgent business

Nil

6. Petitions and joint letters

Nil

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

7.1 Hugh Parry-Jones - Laneway off Easey Street, Collingwood

Question:

Is Council aware that this laneway which has been closed with a gate across it with a lock, a padlock available to all of the six residents that connect at the end of the laneway?

Is Council aware that this has provided security for these residents for over 25 years and the Yarra Health Centre?

The gate has now been removed without any consultation, and many people don't have bars on their windows due to having the locked gate.

Is Council aware that this gate has been removed?

Does the Council know that the only public who would be served by this public road are those six rate payers and that any member of the wider public who were found in the 30 meter laneway, would almost certainly be up to no good, as there has been plenty of evidence many years before the gate went up of public nuisance, vandalism, graffiti, burglary, drug use, drug related litter and even an unsolved double murder, none of which occurred when the gate went up?

Response:

The Mayor advised:

- (a) He was aware of the gate being removed as were Council officers;*
- (b) Council has a number of laneways across the municipality and the issue in terms of closure of laneways by way of closed fences, official closures through Council or whether it be used for alternative reasons is something that comes across Council a number of times;*
- (c) Laneways are a public asset and they don't always have the same utility, some may have further benefits for the wider community, others may have very limited benefit, and particularly when it comes to laneway closures and road closures and discontinuances and these need to be balanced; and*
- (d) Generally there are a number of issues that we need to consider when it comes to use and access to our laneways.*

The Group Manager Chief Executive's office advised:

- (a) that Council officers will bring a report to Council so Council can adopt a standard approach to certain categories of laneway, and that will be governed by some extent by the Road Management Act and other legislation where Council has an obligation under various legislations to keep roads open, but*

there is some leeway for Council to consider in special instances where laneways are not continuous; and

(b) that the gate can be returned and remain until Council decides on an outcome.

7.2 Blair Clohesy - Complaint

Question:

Mr Clohesy made a number of defamatory statements and disclosures of personal information of third parties. He believed the officers and Councillors he had dealt with were corrupt and advised that he had tried to meet and speak with the CEO over a nine year period with no success.

Response:

The Mayor advised that he would investigate the matter.

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11.1 Victoria Street Precinct update and place activation opportunities

Trim Record Number: D18/162286

Responsible Officer: Unit Manager Social Policy and Research

RECOMMENDATION

1. That Council:
 - (a) notes the update provided on activities relating to public health, economic development, urban design, traffic management, cleaning and amenity, and information and communications relating to the Victoria Street Precinct;
 - (b) notes the opportunities for place activation that have been identified in this report and that progressing any of these (or other) opportunities will require a systematic assessment of costs, benefits, risks and impacts;
 - (c) notes and considers a new initiative bid as part of the 2019/20 budget for a new grant stream for place activation and community capacity building in the Victoria Street precinct;
 - (d) notes and considers a new initiative bid as part of the 2019/20 budget for ongoing promotion of the Victoria Street precinct through economic development and tourism opportunities and through the Rediscover Victoria Street campaign; and
 - (e) authorises officers to consult with identified stakeholders from local businesses, community and other groups to obtain their opinion on opportunities for place activation at the intersections of Victoria and Lennox Streets and the Victoria Street precinct more broadly and establish the level of engagement.

Councillor Jolly left the meeting at 7.34pm.

Councillor Jolly returned to the meeting at 7.37pm.

COUNCIL RESOLUTION**Moved:** Councillor Nguyen**Seconded:** Councillor Jolly

1. That Council:
 - (a) notes the update provided on activities relating to public health, economic development, urban design, traffic management, cleaning and amenity, and information and communications relating to the Victoria Street Precinct;
 - (b) notes the opportunities for place activation that have been identified in this report and that progressing any of these (or other) opportunities will require a systematic assessment of costs, benefits, risks and impacts;
 - (c) notes and considers a new initiative bid as part of the 2019/20 budget for a new grant stream for place activation and community capacity building in the Victoria Street precinct;
 - (d) notes and considers a new initiative bid as part of the 2019/20 budget for ongoing promotion of the Victoria Street precinct through economic development and tourism opportunities and through the Rediscover Victoria Street campaign; and
 - (e) authorises officers to consult with identified stakeholders from local businesses, community and other groups to obtain their opinion on opportunities for place activation at the intersections of Victoria and Lennox Streets and the Victoria Street precinct more broadly and establish the level of engagement.

CARRIED UNANIMOUSLY

11.2 Yarra Community Infrastructure (possible revised layout) - The Village, Alphington

Trim Record Number: D18/162525

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council
 - (a) note the further officer report regarding the proposed Alphington Village development and the layout of community facilities as shown in the plans submitted with the town planning application (referred to as Proposal 1);
 - (b) note that Planning Permission PLN17/0703 dated 5 June, 2018, via various conditions, requires resolution of the community facilities layout;
 - (c) note the report of officers providing an outline of the Alpha Nominees '*possible revised layout*' for rearranged community facilities at the proposed Alphington Village development (referred to as Proposal 2);
 - (d) note the preliminary assessment by officers of this '*possible revised layout*' presented by Alpha Nominees regarding these rearranged community facilities;
 - (e) note that Alpha Nominees are seeking some indication from the Council as to whether, or not, Council sees betterment in the *possible revised layout*, compared to the layout provided in the town planning application, but acknowledging that any revised plans would need to be fully and formally assessed and determined by the Council via the necessary statutory planning processes, and
 - (f) note the officer comments and those provided by the Community Reference Group members.
2. That Council also note the difference in layout, configuration and area of the components that would, in the *possible revised layout* (Proposal 2), be vested in Yarra City Council as compared to the Council resolution of 2 December, 2018 (Proposal 1).
3. That Council, having noted Proposal 2 (being a *possible revised layout*) provide a preliminary comment that:
 - (a) the indoor multi-purpose court is considered beneficial compared to the open court area;
 - (b) the general configuration of the possible revised layout is broadly supportable but with the following specific allocations/modifications:
 - (i) the community space would need to be a minimum of 300 m² gross floor area (fitted out) with associated facilities including accessible storage distinct from the court storage to enable a nett space of appropriate dimensions of not less than 230 m²;
 - (ii) users of the community space to have access to toilets (not the toilets for the courts) without having to enter the 'warm shell' floor space;
 - (iii) the multi-purpose court needs to have a separate public entrance from the entrance to the community space, so that both could be operated independent of each other;
 - (iv) the areas abutting the multi-purpose court (community space, amenities and school entry) be provided with suitably acoustic treatment as part of the build to ensure they can operate without disturbance and be protected from noise from the court area;

- (v) the community space and the proposed school entry be separated with an acoustically treated operable wall so that a larger space could be created and used via an agreed joint use agreement with the abutting occupier;
- (vi) the wall between the community space and the multi-purpose court be designed with an acoustically treated operable wall to enable viewing of the court when required and screened when not required or desired by users of the space;
- (vii) that the orientation of the kitchen/kiosk serve the intended purpose of supporting the community space and the multipurpose court and be able to be used without disruption to the warm shell floor space;
- (viii) that the proposed play area of the school (at level 2) above the multi-purpose court, be designed to be able to contain sufficient depth of soil for some treed landscaping to enable a pleasant area;
- (ix) that the area allocated for the school to have necessary provision for toilets as required by the Victoria School Building Authority and that these toilets are not allocated in the areas allocated to be vested in Council;
- (x) that the multi-purpose court allocation have sufficient area for male and female change rooms (including showers) and sufficient storage for chairs, high ball game associated equipment and related materials. This storage should be distinct from the storage for the community space;
- (xi) that the other floorspace allocated for future community space (or as determined by the Council in the future), be provided:
 - as a warm shell of either... 1,400m2 gross..., or, ...not less than 1,000 m2 gross... (Council to determine), but including sufficient area, dimensions and logistics so that it could be fitted out with a kitchenette, separate male and female toilet and facilities appropriate for future community facility spaces; and
 - with a separate entrance from a public place and not relying on access through the 300 m2 community space.
- (xii) that the forecourt terrace area have no skylights or café area to maintain full flexibility, functionality and public amenity; and
- (xiii) that the school play area be to the satisfaction of the Victorian School Building Authority.

4. That Alpha Nominees be advised that:

- (a) the above resolution is based on the submission of schematic plans only, and the comments provided in this resolution are preliminary comments only to a formal statutory planning process regarding the community facility components that would be vested in Yarra City Council, and
- (b) that a formal Council decision would be required based on the submission of necessary town planning plans, and other required documentation, that also show any other consequential changes to the plans determined by Council in June 2018.

5. That Alpha Nominees be advised that any formal proposed changes to the community facilities (and other consequential changes) will require a completed town planning submission which can be processed in accordance with the statutory planning processes and further, that the decision of that planning process will be determined by the full Council.

6. That Council reaffirm that the multi-purpose court facility would be required to vest in the Yarra City Council and that the space is primarily for community usage (whether programed or not) and any usage of the space by the education facility must be negotiated via a Joint Use Agreement.

7. That Alpha Nominees and the members of the Community Reference Group be advised of the Council resolution.

8. That the Victorian School Building Authority be provided a copy of this report and the Council resolution.

Public Submissions

The following people addressed Council on the matter:

John Lincoln, Alpha Partners; and

Jeff Katz, Alphington Paper Mill Action Group (APMAG) and South Alphington and Fairfield Civic Association (SAFCA)

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council
 - (a) note the further officer report regarding the proposed Alphington Village development and the layout of community facilities as shown in the plans submitted with the town planning application (referred to as Proposal 1);
 - (b) note that Planning Permission PLN17/0703 dated 5 June, 2018, via various conditions, requires resolution of the community facilities layout;
 - (c) note the report of officers providing an outline of the Alpha Nominees '*possible revised layout*' for rearranged community facilities at the proposed Alphington Village development (referred to as Proposal 2);
 - (d) note the preliminary assessment by officers of this '*possible revised layout*' presented by Alpha Nominees regarding these rearranged community facilities;
 - (e) note that Alpha Nominees are seeking some indication from the Council as to whether, or not, Council sees betterment in the *possible revised layout*, compared to the layout provided in the town planning application, but acknowledging that any revised plans would need to be fully and formally assessed and determined by the Council via the necessary statutory planning processes, and
 - (f) note the officer comments and those provided by the Community Reference Group members.
2. That Council also note the difference in layout, configuration and area of the components that would, in the *possible revised layout* (Proposal 2), be vested in Yarra City Council as compared to the Council resolution of 2 December, 2018 (Proposal 1).
3. That Council, having noted Proposal 2 (being a *possible revised layout*) provide a preliminary comment that:
 - (a) the indoor multi-purpose court is considered beneficial compared to the open court area;
 - (b) the general configuration of the possible revised layout is broadly supportable but with the following specific allocations/modifications:
 - (i) the community space would need to be a minimum of 300 m2 gross floor area (fitted out) with associated facilities including accessible storage distinct from the court storage to enable a nett space of appropriate dimensions of not less than 230 m2;
 - (ii) users of the community space to have access to gender neutral toilets/change rooms (not the toilets for the courts) without having to enter the 'warm shell' floor space;
 - (iii) the multi-purpose court needs to have a separate public entrance from the entrance to the community space, so that both could be operated independent of each other;

- (iv) the areas abutting the multi-purpose court (community space, amenities and school entry) be provided with suitably acoustic treatment as part of the build to ensure they can operate without disturbance and be protected from noise from the court area;
- (v) the community space and the proposed school entry be separated with an acoustically treated operable wall so that a larger space could be created and used via an agreed joint use agreement with the abutting occupier;
- (vi) the wall between the community space and the multi-purpose court be designed with an acoustically treated operable wall to enable viewing of the court when required and screened when not required or desired by users of the space;
- (vii) that the orientation of the kitchen/kiosk serve the intended purpose of supporting the community space and the multipurpose court and be able to be used without disruption to the warm shell floor space;
- (viii) that the proposed play area of the school (at level 2) above the multi-purpose court, be designed to be able to contain sufficient depth of soil for some treed landscaping to enable a pleasant area;
- (ix) that the area allocated for the school to have necessary provision for toilets as required by the Victoria School Building Authority and that these toilets are not allocated in the areas allocated to be vested in Council;
- (x) that the multi-purpose court allocation have sufficient area for the inclusion of gender neutral toilets/change rooms (including showers) and sufficient storage to accommodate the increased range of uses that this facility will now experience, including chairs, high ball game associated equipment and related materials. This storage should be distinct from the storage for the community space;
- (xi) that the multi-purpose court allocation have sufficient area for male and female change rooms (including showers) and sufficient storage for chairs, high ball game associated equipment and related materials. This storage should be distinct from the storage for the community space;
- (xii) that the other floorspace allocated for future community space (or as determined by the Council in the future), be provided:
 - as a warm shell of either not less than 1,000 m2 gross, but including sufficient area, dimensions and logistics so that it could be fitted out with a kitchenette, separate male and female toilet and facilities appropriate for future community facility spaces; and
 - with a separate entrance from a public place and not relying on access through the 300 m2 community space.
- (xiii) that the forecourt terrace area have no skylights or café area to maintain full flexibility, functionality and public amenity; and
- (xiv) that the school play area be to the satisfaction of the Victorian School Building Authority.

4. That Alpha Nominees be advised that:

- (a) the above resolution is based on the submission of schematic plans only, and the comments provided in this resolution are preliminary comments only to a formal statutory planning process regarding the community facility components that would be vested in Yarra City Council, and
- (b) that a formal Council decision would be required based on the submission of necessary town planning plans, and other required documentation, that also show any other consequential changes to the plans determined by Council in June 2018.

5. That Alpha Nominees be advised that any formal proposed changes to the community facilities (and other consequential changes) will require a completed town planning submission which can be processed in accordance with the statutory planning processes and further, that the decision of that planning process will be determined by the full Council.
6. That Council reaffirm that the multi-purpose court facility would be required to vest in the Yarra City Council and that the space is primarily for community usage (whether programed or not) and any usage of the space by the education facility must be negotiated via a Joint Use Agreement.
7. That Alpha Nominees and the members of the Community Reference Group be advised of the Council resolution.
8. That the Victorian School Building Authority be provided a copy of this report and the Council resolution.

CARRIED UNANIMOUSLY

11.3 Report on Assemblies of Councillors

Trim Record Number: D18/159683

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 Bosler

Seconded: Councillor Stone

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

CARRIED UNANIMOUSLY

Councillor Jolly left the meeting at 8.15pm

Councillor Jolly returned at 8.18pm

Conclusion

The meeting concluded at 8.27pm.

Confirmed Tuesday 16 October 2018

Mayor