



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 30 October 2018 at 7.00pm  
Richmond Town Hall**

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

## 1. Statement of Recognition of Wurundjeri Land

*“Welcome to the City of Yarra.”*

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

### 1. A. Vale – Patricia O’Donnell

Patricia O’Donnell, Yarra resident, prominent business woman, philanthropist and activist, passed away two weeks ago.

The North Fitzroy Star was Patricia’s establishment and was well-known by Yarra residents. She was a well-known restaurateur and her talents included creating cultural environments in a range of settings in Yarra but also at the Mietta’s Queenscliff Hotel and finally the North Fitzroy Star. She was also an important part of the Abbotsford Convent campaign, one of the first board members for twelve years and later provided mentoring to the hospitality enterprises located there.

As a resident of Gertrude Street for over a decade and her practical support to a number of enterprises she was influential in the revitalisation of Gertrude Street, turning it from a quiet place to a destination that many people now go to.

Patricia also worked with Council and the West Fitzroy Working Group for three years to address some of the conflicts in open space and manage a range of expectations. She was a quiet achiever, extremely generous with her time, a donator to many causes, established many foundations, supported many businesses in Yarra and also a volunteer for Lifeline and the Neighbourhood Justice Centre.

### COUNCIL RESOLUTION

Moved: Councillor Stone

**Seconded:** Councillor McEvoy

That Council pay tribute and acknowledge Patricia O’Donnell’s contribution to Yarra and the community.

**CARRIED UNANIMOUSLY**

## **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)
- Ivan Gilbert (Group Manager – Chief Executive's Office)
- Lucas Gosling (Director - Community Wellbeing)
- Gracie Karabinis (Acting Group Manager – People, Culture and Community)
- Chris Leivers (Director – City Works and Assets)
- Margherita Barbante (Acting Director - Corporate, Business and Finance)
- Bruce Phillips (Director - Planning and Place Making)
- Mel Nikou (Governance Officer)

#### Apology

- Cr Misha Coleman (Deputy Mayor)

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

Councillor Chen Yi Mei declared a conflict of interest on item 11.1.

## **4. Confidential business reports**

### **Item**

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 The personal hardship of a resident or ratepayer
- 4.3 Personnel 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.

### **RECOMMENDATION**

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) the personal hardship of a resident or ratepayer; and
  - (c) personnel 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.

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

## **5. Confirmation of minutes**

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor McEvoy

That the minutes of the Ordinary Council Meeting held on Tuesday 16 October 2018 be confirmed.

**CARRIED UNANIMOUSLY**

## 6. Petitions and joint letters

Nil

## 7. Public question time

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## 8. General business

Nil

## 9. Delegates' reports

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## 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 Craig Braxton - Cost of travel to Germany by Councillor

Question:

How much did it cost Council to fly someone to Germany to get this Climate Change Flag done and why did they have to be flown there when you have skype and the internet?

Response:

*The Mayor advised that Mr Braxton was referring to the ICLEI Conference that one of the Councillors attended. It is an international conference that discusses ways local government is able to impact the issues related to climate. The cost is publically available.*

## 8. General business

Nil

## 9. Delegates' reports

### 9.1 Councillor Bosler - Australian Local Government Women's Association

<b>Appointed Councillors</b>	Cr Danae Bosler
<b>Date of Council Meeting</b>	30 October 2018
<b>Date of Report</b>	28 October 2018
<b>Report Author</b>	Cr Danae Bosler

### DELEGATES REPORT

The Australian Local Government Women's Association (ALGWA) Victorian Branch Conference was held in Ringwood on Saturday 27 and Sunday 28 October 2018, hosted by City of Maroondah at their public Realm Library and BizHub facilities.

The conference was attended by approximately 30 to 40 female councillors as well as officers of ALGWA and VLGA. Key topics of the 2-day conference included:

- Sexual harassment
- Online bullying and email intimidation
- Managing the work/life balance for councillors and council staff
- Defamation
- Managing difficult behaviour
- Ensuring health and safety of council staff (and councillors) from abusive and violent complainants, and
- Confidence and overcoming self-doubt.

Georgie Ward from Macquarie Local Government Lawyers provided, as part of her session, a number of recent examples – court cases, prohibitions and personal intervention orders – of legal challenges in the local government environment regarding managing difficult behaviour.

Highlight session was presented by Dr Susan Rennie who discussed the intersection of gambling and pokies with girls and women's sport, and the implications for councils. It created much discussion as councillors shared their experiences from their own council's dealings with pokies and sport.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Stone

1. That Council note the Delegates' Report.

**CARRIED UNANIMOUSLY**

### 9.2 Councillor Fristacky - Public Transport and Sustainable Transport Advocacy

<b>Appointed Councillor</b>	Cr Jackie Fristacky
<b>Date of Council Meeting</b>	30 October 2018
<b>Date of Report</b>	29 October 2018
<b>Report Author</b>	Cr Jackie Fristacky

## **DELEGATES REPORT**

### **1. Metropolitan Transport Forum (MTF)**

The MTF Annual General Meeting, Wednesday 5 October 2018 at Melbourne City Council, approved MTF's Annual Report 2017/18. Key elements reported were:

- increased membership from 17 Councils in 2007 to 25 Councils, with 9 Associate Members including Metro Trains, Yarra Trams, Transdev, PTUA.
- Monthly MTF meetings: presentations by Gillian Miles, Transport for Victoria; Corey Hannett, Coordinator-General for Transport; CEO Metro Trains; CEO, Western Distributor Authority; Rail Futures; Grattan Institute; Buses, Bikes.
- MTF's targeted transport advocacy "Billions for Buses; and 15 transport pre-election forums across Melbourne through June to August 2018.

- Financial report presented by Cr Jackie Fristacky as MTF Treasurer, with a balanced budget, and subscriptions maintained at \$1,500 per Council p/annum.

Kerry Thompson, MAV's new CEO, was a welcome guest speaker at MTF's AGM.

## 2. Melbourne Metro 2 (MM2) campaign for rail station at Fitzroy

MM2 campaign was launched Sunday 28 October 2018, by Friends of the Earth, joined by the Mayor Cr Nguyen, Cr Fristacky, PTUA, and Yarra community members. MM2 rail tunnel links Newport, Fishermans Bend in the west, through the CBD to the MM1 at Carlton - Parkville, then east via Fitzroy to join Mernda rail line at Clifton Hill.



See [www.getonboard.org.au/buildmm2](http://www.getonboard.org.au/buildmm2)

A MM2 Fitzroy rail station on Alexandra Parade between Brunswick and Smith Streets would:

- Remedy the absence of east-west public transport along Alexandra Parade.
- Serve the new Fitzroy High School, indoor sports complex and mid-higher density development on the Alexandra Parade Gasometer site.
- Support the development of Alexandra Parade as a commercial mixed use boulevard and activity centre (further supported by a Doncaster Rail line continuing under Alexandra Parade and interchanging with MM2 Fitzroy).
- Provide a rail interchange with north/south trams on Brunswick/Smith Streets.
- Enable rail access to/from Fitzroy, Carlton, North Carlton from Mernda, the West and CBD.
- Support the potential for these major activity centres to develop as viable car free pedestrianised centres.
- Link Fitzroy directly by rail to the MM1 University rail station and research/hospital precinct.
- Enable speedy rail access to/from MM2 Fitzroy to Airport Rail via MM1 Carlton/Parkville to Sunshine, without first heading south to Southern Cross.

## 3. Rail Futures (RFI): *Melbourne Rail Plan 2019-2050: Moving People in a City of 8 Million*, launched 7 September 2018, by the ABC's Virginia Trioli.

Cr Fristacky was MC for this launch, with President John Hearsch outlining key features of RFI's 30 year Rail Plan. This Plan would:

- Transform the current radial network into a multi-modal cross-city grid network of high frequency services.
- Untangle the Melbourne Underground Rail Loop following completion of the MM1 in 2024, to enable direct cross-city rail connections to significantly increase capacity across the rail network.
- Build MM2 by 2030 with a rail station at Fitzroy on Alexandra Parade.
- Enable express rail services from Gippsland and Pakenham on a separate rail corridor by building a new South East Fast Rail Line from Southern Cross, Caulfield, to also provide rail to Chadstone and Monash, then to Dandenong and Pakenham. To be built by 2035.
- Rationalise and extend the tram network to the CBD, cross town and links to rail interchanges, including tram extensions to Clifton Hill Station, and the Church Street Tram extended from Richmond to St Vincent's Plaza, Victoria Street through the northern CBD to Docklands.
- Develop new medium capacity (light rail) cross-suburban transit corridors.
- Rail connections to/between National Employment and Innovations Clusters.
- Extend electrified rail to outer growth areas.
- Redesign the bus network to complement rail and train.
- Promote Active Transport: walking, cycling, bike-rail-bike as economic, efficient, healthy, sustainable mode in cities with seamless door-to-door transport.

**RFI Executive Meeting, General Meeting/AGM Friday 26 October:**

- Re-elected Cr Fristacky (unanimously) to the RFI Executive Committee.
  - Evan Tattersall, CEO Rail Projects Victoria addressed the meeting on MM1 construction, airport rail, level crossing removals and other rail projects.
- 4. Active Transport – Walk to School** October 2018: Cr Fristacky attended the North Fitzroy Primary School Assembly on 29 October 2018 to present the Yarra Golden Boot Award to the class achieving the highest active transport rate. Class 3C of North Fitzroy Primary School achieved an astonishingly impressive 97% active transport mode share in walking, cycling or skating to school!
- 5. RMIT *Urban Futures Policy Briefs*** on 25 October 2018, launched by Jago Dodson and Billie Giles-Corti. These contain 9 critical policy briefs dealing with:
- Transport congestion
  - Active transport
  - Emerging Transport Technologies
  - Intelligent Management of Transport Infrastructure
  - Last Mile freight
  - Higher Density Living
  - Water, Health and Security
  - Liveability

- Nature Based Solutions for Urban Liveability

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor McEvoy

1. That the above delegate's report be noted.
2. That Council resolves to support Melbourne Metro 2 (MM2) as an advocacy priority.
3. That the impressive 97% active transport mode share by Class 3C North Fitzroy Primary School be referred to Yarra's communications team for consideration in highlighting this win of the Yarra Golden Boot Award in Yarra News, and that the Mayor also write congratulating the School and Class 3C on its active transport achievements.
4. That the RFI Melbourne Rail Plan and RMIT Urban Futures Critical Policy Briefs tabled, be referred to appropriate Council managers in transport and strategic planning for attention.

**CARRIED UNANIMOUSLY**

#### 9.3 Councillor Stone - Active Ageing Advisory Committee

<b>Appointed Councillors</b>	Cr Amanda Stone
<b>Date of Council Meeting</b>	30 October 2018
<b>Date of Report</b>	30 October 2018
<b>Report Author</b>	Cr Amanda Stone

### **DELEGATES REPORT**

The Active Ageing Advisory Group has been focused on the new Active and Healthy Ageing Strategy over the past 6 months, reviewing feedback from the public consultation and providing input to the final draft which was adopted by Council on 16<sup>th</sup> October.

A key focus for the group has been on the quality of public spaces being age-friendly to encourage active transport and participation in community life. Access to housing for older women in particular has been a concern, along with the quality of new aged care developments in Yarra. With at least 4 new developments for older residents underway and the renewal of 2 others in Yarra, there has been interest in how the planning process can influence good outcomes in this once in a lifetime opportunity.

The most recent AAAG meeting was held at Studio 1 in the former GTV 9 building in Bendigo St Richmond where Lendlease outlined their proposed aged care precinct. A robust discussion about the standards of aged care and residential facilities followed.

A presentation on the use of technology to support older residents socially and with everyday tasks was also provided.

The AAAG has also been following the roll-out of My Aged Care with Council still to determine its role in the future. A community panel has been established to provide independent community-based advice to Council on its role in the future provisions of services to older residents. This panel will meet 4 times in November and AAAG members will attend as observers.

Finally a highlight of Seniors Week recently was a panel convened by Yarra's U3A on Ageism, presenting research and programmes aimed at understanding and combatting ageism. The U3A partnered with the University of Melbourne in research on this subject and has partnered again on future research into the importance of friendship in ageing.

The forum was attended by people of all ages and U3A is to be congratulated for being so proactive in raising importance issues for a generally invisible sector of our population.

AAAG members have also had input into our Volunteer Strategy, participated in forums on Elder Abuse (in multiple languages), attended the Leaps and Bounds Music festival event for older residents at the Corner Hotel, and supported the Coming Back Out Ball for older GLBTIQ residents.

The AAAG is a diverse and engaged group which provides excellent input to Council on our role in serving the interests of residents over 50 and those who care for them.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

1. That Council note the Delegates' Report.

**CARRIED UNANIMOUSLY**

#### 9.4 Councillor Stone - Friends of Baucau

<b>Appointed Councillors</b>	Cr Amanda Stone
<b>Date of Council Meeting</b>	30 October 2018
<b>Date of Report</b>	30 October 2018
<b>Report Author</b>	Cr Amanda Stone

### **DELEGATES REPORT**

Friends of Baucau has continued its monthly meetings and fundraising efforts to provide support to the community of Baucau in Timor Leste.

With the new election held in May, a number of members once more made the trip to act as observers and a government was finally formed in June.

Friends of Baucau continues to provide material and in-kind support for women's empowerment, scholarship support, election observing, solar energy to the most remote households and building community capacity.

A recent focus has been on the development of Permaculture in villages and schools through the assistance of Ego Lemos who visited Melbourne earlier this year and is actively facilitating permaculture programs in Baucau.

A field trip to Baucau next week will engage with schools on permaculture and assist with establishing this method of growing food in a sustainable way for villages.

A film fundraising event in September raised nearly \$3000 to support women's empowerment programs and a Barefoot Bowls fundraiser next week will raise funds for permaculture projects.

Friends of Baucau has continued its advocacy on various issues including human rights in Timor Leste. It has recently expressed concern about the charges against Witness K and his solicitor Bernard Collaery for whistle blowing on the Australian government bugging of the Timor Leste cabinet in 2004. These concerns are shared by human rights activists.

Friends of Baucau in collaboration with the Neighbourhood House Network in Yarra and Darebin is facilitating a trip to Baucau in 2019 take a delegation from Yarra and Darebin to meet with women's networks. The purpose of the tour will be to begin an exchange between people working in Neighbourhood Houses in Yarra and Darebin and people involved in strengthening neighbourhood/community centres in Baucau. Friends of Baucau already have connections with a number of Women's groups in Baucau and with and through them hope to facilitate links with women/ and leaders in villages who are doing community development activities in their respective communities. There is much to be learnt on both sides and an opportunity to establish a multi-year exchange between Northern Neighbourhood House Network here and the local initiatives in Baucau. There is an opportunity for a Yarra officer to participate in this exchange. The program also picks up on the fact that Yarra and Darebin established and ran the first Neighbourhood House in Baucau in the early years of Friends of Baucau.

The Local Government Timor Leste Network, facilitated by the Victorian government has also continued to meet quarterly and has recently focused on clarifying the roles of councils in relation to the Municipal Agreements. A document will shortly be provided which will help Yarra and other councils progress their relationship with the newly formed local government in Baucau, Timor Leste.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

1. That Council note the Delegates' Report.

**CARRIED UNANIMOUSLY**

#### 9.5 Councillor Fristacky - Refugee Legal 30th Anniversary Celebration

Councillor Fristacky and Coleman attended the 30<sup>th</sup> Anniversary Celebration of Refugee Legal. For an organisation that has been defending the rights of asylum seekers, refugees and migrants for 30 years is a significant achievement.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Bosler

1. That:

- (a) Council note the attendance of Councillor Fristacky and Coleman at the celebration; and
- (b) the Mayor write to Refugee Legal, Executive Director David Manne congratulating them on their achievements over 30 years.

**CARRIED UNANIMOUSLY**

### **10. Questions without notice**

#### 10.1 Councillor Searle - Telstra Digital Advertising

Question:

Council passed a resolution on the 18 September 2018 in relation to the electronic billboards being proposed by Telstra in various places around Melbourne.

Council has received some planning applications for those billboards and would like any updates on the various correspondence that was sent by Council to Telstra to Ministers and government departments opposing these billboards?

*Response:*

*The Mayor advised not receiving any correspondence.*

*The Director Planning and Place Making also advised he had not received any correspondence to date, but would follow up. I understand that the carrier have sought legal advice that they don't need any approvals, so that is being looked at and we may also seek legal advice.*

#### 10.2 Councillor Jolly - Arrest of Australian-Egyptian Citizen in Cairo

Question:

In relation to the case of the Australian/Egyptian Citizen, Hazem Hamouda who travelled to Egypt and was arrested in Cairo for raising questions on social media about the Egyptian government in terms of its anti-democratic projection. The Australian Embassy have been working hard to support Mr Hamouda in a very challenging system in Cairo.

Can I ask if the Mayor would consider writing to the Egyptian Consulate in Australia and also the Federal Minister for Foreign Affairs seeking a status update on the situation and report back to Councillors?

*Response:*

*The Mayor advised that he would be happy to liaise with those bodies and advocate on behalf of the relevant authorities and report back to Councillors.*

### 10.3 Councillor Fristacky - Procurement Policy

#### Question:

As Council's delegate to the Metropolitan Local Government Waste Forum, I attended an excellent Panel discussion on Waste Management, organised by the VLGA on Thursday 25 October 2018. This covered sustainable procurement. The new CEO of Sustainability Victoria, as did other speakers at the Forum, highlighted the need for government leadership to maximise opportunities for sustainable procurement through the reuse of recycled products from waste materials to support the development of a circular economy in as many fields as possible.

Although this is a focus of Yarra's procurement policy, can a briefing be provided to Councillors on the extent to which Council managers are incorporating application of recycled products and resource recovery procurement objectives in Council contracts? Information is sought at such briefing on how sustainable procurement is required for contracts advertised and awarded as regards:

- **waste management:** requiring recycling of all possible products;
- **road and pavement construction:** using crushed concrete, crumbed rubber, glass and plastics in roadmaking;
- **construction, repairs and maintenance:** using recycled products and recycling of products replaced to minimise waste to landfill, including glass waste being crushed to use for other purposes;
- **playground equipment and outdoor furniture:** using composite plastics from plastic bags and other plastics as per several recent Council resolutions;
- **parks and gardens maintenance:** re-use of organics and other materials;
- **food services:** requiring storage in reusable containers, local sourcing and composting of food waste for reuse of organics derived both from food preparation and meals, and extraction of activated carbon from compost.

#### Response:

*The Director City Works and Assets advised that we would provide a briefing to Councillors.*

### 10.4 Councillor Fristacky - Vacancies on Rathdowne Village

#### Question:

I know that there are vacancies across Yarra but there are seven or eight vacancies in a very small village. Can officers from Economic Development provide information on the factors that may be contributing to the decline of rentals there and is it cost issues or is it land tax or is it lack of customers?

#### Response:

*The Director Planning and Place Making advised that he would provide Councillors with that information.*

### 10.5 Councillor McEvoy - Works on Scotchmer Street, North Fitzroy

#### Question:

There has been some works on Scotchmer Street, North Fitzroy that I believe were gas works. The road has been repaired but the gardens beds are piles of soil with weeds growing out of them. Is it the responsibility of Council to make it look more presentable?

*Response:*

*The Director City Works and Assets advised that he wasn't aware of it but would be seeking that the utility company restore it and would follow up with them.*

#### 10.6 Councillor Stone - Announcement of Six Netball Courts at Yarra Bend Park

Question:

There was a recent announcement by the Minister for Sport on a six court netball facility at Yarra Bend Park.

Is the Director aware of the announcement and there was also a similar announcement two years ago in 2016 and am wondering if it is the same facility being re-announced or if it is new courts and a new facility?

*Response:*

*The Director City Works and Assets advised that the courts are to be funded by the State Government, it is not on Council land but our recreation team have been engaged in conversation. The scale of the project would be the reconstruction of sports grounds there; netball courts and the pavilions that belong to Parks Victoria. In relation to the announcements being the same, not aware they are and don't have the full background on what was proposed in 2016.*

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## 11.1 Annual Grants 2019 Recommendations Report

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Trim Record Number: D18/172018

Responsible Officer: Community Partnerships Unit Manager

*Councillor Chen Yi Mei left the meeting due to a conflict of interest at 7.39pm*

### RECOMMENDATION

1. That Council:
  - (a) endorse the Annual Grants 2019 Community Grants Panels recommendations as listed in Attachment 1 to award 139 grants totalling \$868,793; and
  - (b) thank all members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor McEvoy

1. That Council:
  - (a) endorse the Annual Grants 2019 Community Grants Panels recommendations as listed in Attachment 1 to award 139 grants totalling \$868,793; and
  - (b) thank all members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

**CARRIED UNANIMOUSLY**

*Councillor Chen Yi Mei returned to the meeting at 7.46pm*

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## 11.2 Update of Policy Guidance Note: Affordable Housing in Significant Developments

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Trim Record Number: D18/177621

Responsible Officer: Director Community Wellbeing

### RECOMMENDATION

1. That Council:
  - (a) notes the information provided within this report concerning the changes to the *Planning and Environment Act 1987* to facilitate the provision of affordable housing; and
  - (b) endorses the updated Policy Guidance Note: Affordable Housing at Significant Redevelopments.

### COUNCIL RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) notes the information provided within this report concerning the changes to the *Planning and Environment Act 1987* to facilitate the provision of affordable housing; and
  - (b) endorses the updated Policy Guidance Note: Affordable Housing at Significant Redevelopments, subject to ensuring the reference to a figure for social housing is to include “at least 10 percent”; and
  - (c) prioritise rental housing in any negotiations.

**CARRIED UNANIMOUSLY**

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### 11.3 The Yarra Development Contributions Plan Amendment C238 - consideration of submissions

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Trim Record Number: D18/173681

Responsible Officer: Director Planning and Place Making

#### RECOMMENDATION

1. That Council:
  - (a) note the Officer Report regarding exhibition of Amendment C238 relating to the City of Yarra Development Contributions Plan; and
  - (b) note all the submissions received and officer's comments as summarised in Attachment 2.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C238:
  - (a) to note and consider submissions to Amendment C238, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 2 to this report;
  - (b) that the GTV 9 site at 22 Bendigo Street Richmond is exempt from the DCP on the basis of the existing section 173 Agreement;
  - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions, including any late submissions, to an independent panel appointed by the Minister for Planning;
  - (d) to request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C238 and all submissions received;
  - (e) to notify submitters of the Council resolution; and
  - (f) that officers write to owners of the GTV 9 site at 22 Bendigo Street, Richmond and advise that under the exemption provisions of the Development Contributions Plan Overlay, the land is exempt from the DCP.

#### REVISED OFFICER RECOMMENDATION

1. That Council:
  - (a) note the Officer Report regarding exhibition of Amendment C238 relating to the City of Yarra Development Contributions Plan; and
  - (b) note all the submissions received and officer's comments as summarised in Attachment 2.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C238:
  - (a) to note and consider submissions to Amendment C238, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 2 to this report;
  - (b) that the GTV 9 site at 22 Bendigo Street Richmond is exempt from the DCP on the basis of the existing section 173 Agreement;
  - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions, including any late submissions, to an independent panel appointed by the Minister for Planning;

- (d) to request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C238 and all submissions received;
- (e) to notify submitters of the Council resolution;
- (f) that officers write to owners of the GTV 9 site at 22 Bendigo Street, Richmond and advise that under the exemption provisions of the Development Contributions Plan Overlay, the land is exempt from the DCP; and
- (g) that the wording of the exemptions in section 8 of the Yarra Development Contributions Plan Report - 30 July 2018 be replaced with the exemptions wording in Clause 4.0 of the Development Contributions Plan Overlay Schedule 1.

*Councillor Bosler left the meeting at 8.06pm*

*Councillor Bosler returned to the meeting at 8.09pm*

Public Submission

*Neil Coy, Epworth addressed Council on the matter.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Chen Yi Mei

1. That Council:
  - (a) note the Officer Report regarding exhibition of Amendment C238 relating to the City of Yarra Development Contributions Plan; and
  - (b) note all the submissions received and officer's comments as summarised in Attachment 2.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C238:
  - (a) to note and consider submissions to Amendment C238, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 2 to this report;
  - (b) that the GTV 9 site at 22 Bendigo Street Richmond is exempt from the DCP on the basis of the existing section 173 Agreement;
  - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions, including any late submissions, to an independent panel appointed by the Minister for Planning;
  - (d) to request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C238 and all submissions received;
  - (e) to notify submitters of the Council resolution;
  - (f) that officers write to owners of the GTV 9 site at 22 Bendigo Street, Richmond and advise that under the exemption provisions of the Development Contributions Plan Overlay, the land is exempt from the DCP; and
  - (g) that the wording of the exemptions in section 8 of the Yarra Development Contributions Plan Report - 30 July 2018 be replaced with the exemptions wording in Clause 4.0 of the Development Contributions Plan Overlay Schedule 1.

**CARRIED UNANIMOUSLY**

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**11.4 Fair Work Ombudsman Audits of Business Compliance with National Awards**

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Trim Record Number: D18/178704

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATIONS**

1. That Council:
  - (a) notes the outcomes of a Fair Work Ombudsman audit of precincts including one in Yarra identifying levels of non-compliance; and
  - (b) endorse the proposed strategies to provide information to the local business community and workers alike, on how to access information on obligations / entitlements and the services and resources available from the Fair Work Ombudsmen.

**COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Bosler

1. That Council:
  - (a) notes the outcomes of a Fair Work Ombudsman audit of precincts including one in Yarra identifying levels of non-compliance;
  - (b) endorse the proposed strategies to provide information to the local business community and workers alike, on how to access information on obligations / entitlements and the services and resources available from the Fair Work Ombudsmen, JobWatch, Fitzroy Legal Service, Young Worker's Centre and relevant unions; and
  - (c) requests officers to
    - (i) maintain regular communication with the Fair Work Ombudsman;
    - (ii) report to Council on any further FWO audits or follow up activity within Yarra; and
    - (iii) consult with the Business Advisory Group on ways to improve compliance with workplace laws and reports to Council on any recommendations which may arise.

**CARRIED UNANIMOUSLY**

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**11.5 Production and display of banners at the town halls for a climate emergency message**

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Trim Record Number: D18/183940

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATION**

1. That Council:
  - (a) note the report;
  - (b) approve the placement of a new 'Climate Emergency' banner at Richmond Town Hall from the current budget and using the new Flagtrax hanging system; and
  - (c) refer the matter of replacement of the existing material banners at Fitzroy and Collingwood Town Halls as part of the new initiatives budget process.

*Councillor Chen Yi Mei left the meeting at 8.35pm*

*Councillor Bosler returned to the meeting at 8.38pm*

Public Submission

*Kerry Echberg, YCAN addressed Council on the matter.*

**COUNCIL RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Stone

1. That Council:
  - (a) note the report;
  - (b) approve the placement of a new 'Climate Emergency' banner at Richmond Town Hall from the current budget, using the new Flagtrax hanging system and with wording to be determined by Council officers after consultation with the City of Darebin and members of Yarra Environment Advisory Committee;
  - (c) refer the matter of replacement of the existing material banners at Fitzroy and Collingwood Town Halls to the mid-year budget review process; and
  - (d) officers provide advice to Council in November on renaming the Community Greenhouse Action Plan a "Climate Emergency Plan" with associated changes to the content of the plan.

**CARRIED**

**CALL FOR A DIVISION**

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

**Against:** Councillor Nguyen

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

**Conclusion**

The meeting concluded at 9.43pm.

Confirmed Tuesday 13 November 2018

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Mayor