



Ordinary Meeting of Council Minutes

**held on Tuesday 11 April 2017 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 Amanda Stone (Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

Council officers

- Andrew Day (Acting Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Chris Leivers (Director - Community Wellbeing)
- Joanne Murdoch (Director - Advocacy and Engagement)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldo (Assistant Director - Planning and Place making)
- Steve McMurray (Acting Director - City Works and Assets)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)

Apology

- Cr Stephen Jolly

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

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Personnel matters; AND Industrial matters; AND 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 RESOLUTION

Moved: Councillor Fristacky

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) Matters prejudicial to Council and/or any person;
 - (b) Personnel matters;
 - (c) Industrial matters; and
 - (d) 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 Fristacky

Seconded: Councillor McEvoy

That the minutes of the Ordinary Council Meeting held on Tuesday 4 April 2017 be confirmed.

CARRIED

Councillor Nguyen arrived at 7.12pm.

6. Petitions and joint letters

Nil

7. Public question time

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13. Urgent business

Nil

6. Petitions and joint letters

Nil

7. Public question time

7.1 Mr Graham Aldridge - re Petition on 375 Bridge Road Development

Question:

In relation to the petition tabled at the council meeting last week with almost 600 signatories objecting to inappropriate developments like the one proposed at 375 Bridge Road. What is the City of Yarra Council going to do to prevent this 10 storey monstrosity from being built when it should not exceed 5 storeys according to current guidelines?

375 Bridge Road is located in a low rise streetscape section between Griffiths & Coppins Streets. Both sides of Bridge Road at this location fall within the Richmond Town Hall Precinct Heritage Overlay with many 2 storey Heritage listed properties.

With the Developer trying to establish a precedent for high risers in this sensitive low rise Precinct Heritage Overlay can you Madam Mayor call upon the Director of Planning and Place Making to apply heritage principles to prevent this inappropriate development?

Response:

The Mayor advised that in relation to individual planning applications once they are lodged they have to be assessed against the current planning scheme, Councillors do not do the assessment, officers make an assessment, but once it comes to Councillors for a final decision Councillors may make a different assessment. The current planning scheme has a guideline of 5 to 6 storeys maximum across the city. In some areas the Design Development Overlay specify different heights, but in Bridge Road the guideline is 5 to 6 storeys, but discretionary.

The Director Planning and Place Making advised that there is no height control in Bridge Road, and there is no Design Development Overlay, there is heritage overlay and planners will need to assess the matter in relation to all aspects of the planning scheme clauses including the heritage overlay. The interface with abutting properties and streetscape aspects will also be considered. The municipal strategic statement of the planning scheme refers to a strategic intent of 5 to 6 storeys generally, but that is not a control that is a guideline and the matter must be considered on its merits with all those aspects and that will occur. Planners will complete a report and that will be presented at the Internal Development Committee (IDAC).

The Mayor also advised in relation to heritage, the heritage streetscape of the eastern part of Bridge Road is important, however I cannot direct the Director Planning and Place Making to do anything, but is aware that his officers are required to observe the heritage clause 22.05 in assessing the planning application. When the report is presented to Councillors and they also look at it, they may make a slightly different decision or they may make the same one.

7.2 Ms Teresa Konopacki - Development at 130 Gibbs Street Abbotsford (PLN16/0236)

Question:

Does the Planning Department run on commission?

I received an email yesterday in response to my objection, there was an amendment and I did object to the amendment.

I live in Abbotsford and fell in love with the neighbourhood character, I was raised in York Street and consider myself a local.

Since objecting I have had the run-around from the counter, from officers that will not answer any of my questions or not direct me to specifics so that I could object.

What price is my sunlight? I am about to have an almost 3 meter brick wall, 80 centimetres from all my windows which are west facing. How is this possible?

I am now facing VCAT.

Response:

The Mayor advised the resident that the planning department does not receive a commission. The planning application has been approved under delegation by the planner and it is my understanding that your situation hasn't been taken into account. The planners have suggested that you can take your matter to VCAT. I will be happy to help you with the VCAT process and to meet with you tomorrow as well as the other Ward Councillors. Given a decision has been made and there is a process underway that is what we can do.

8. General business

8.1 Disposal of Drug Paraphernalia

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Chen Yi Mei

1. That having regard to the ongoing community concerns relating to health and safety issues arising from drug activity in the municipality, Council request an Officer's Report on:
 - (a) the services/processes Yarra City currently manages/uses for the disposal and cleaning of discarded drug paraphernalia; and
 - (b) suggestions and recommendations on potential avenues for Council to increase management and service levels in addressing the matter which could include such as increased street and laneway sweeping, installation of additional sharps disposal bins or other relevant programs.

CARRIED

9. Delegates' reports

9.1 Councillor Fristacky - Bargoonga Nganjin North Fitzroy Library

Councillor Fristacky reported the following:

As Ward Councillor, I wish to put on the record the extensive and effusive community appreciation passed onto Yarra Council for the outcome on Saturday 8 April 2017 for the opening the Bargoonya Nganjin North Fitzroy Library & Community Hub, located on a unique triangular site at 182 St Georges Road, North Fitzroy. This was a memorable occasion with fine speeches by the Mayor, CEO and local member, Richard Wynne MP.

The history of the library dates back to 1970's when after community representations, a North Fitzroy Library was established in rented premises on St Georges Road near Holden Street.

The community however, continued to advocate for a permanent home for their library in lieu of a small rented shopfront.

- A working party on the Inner Circle Railway Linear Park Reserve resulted in the 1987 Pullen Report recommending that the heritage Fire Station on St Georges Road on the edge of Linear Park be offered to Council for the North Fitzroy library.
- \$100,000 was set aside by the Yarra Commissioners in 1994 for purchase of a library site; it was insufficient to buy the Fire Station which was sold in 1994 by the State for private residential development.
- After restoration of elected Councillors in 1995, the North Fitzroy Library in 1997 after 20 years near Holden Street, moved to more central rented premises on St Georges Road, south of Michael Street. It operated there for the next 20 years until April 2017.
- The Library Friends in the 1990's continued to press for a permanent home. I was their representative in a Regional Library Community Advisory Committee which advocated to Council and the then Yarra-Melbourne Regional Library Board (dissolved 2006) for permanent premises.
- In 2003, a North Fitzroy Library Steering Committee was created following a Council resolution to find a permanent home for the library and to examine the triangular site at 186 St Georges Road. This site was the subject of a 24 hour car wash application, refused in 2003 by Council and Council's refusal upheld at VCAT. The community were instrumental in the successful submissions at VCAT.
- Report by Consultant John Liddle in 2003, recommended that Yarra consolidate its libraries and close 2 of its 5 libraries including North Fitzroy. This was despite data that showed North Fitzroy library to be one of Yarra's best performing libraries in terms of loans and visitations, despite its cramped space in a small rented shop front.
- With ongoing strong advocacy, Council examined a range of sites on St Georges Road but was unable to purchase a suitable site in a rising property market.
- Council finally resolved in 2009 to pursue acquisition of the triangular site at 182-186 St Georges Road to house the North Fitzroy Library Hub with this process not resolved until 2011.

- A Community Design Reference Group advised Council on design issues for the library hub.
- The lengthy design process recognising the aspirations and vision of the community has produced an outstanding building.

The result is an ecstatic community, thrilled that after multiple resolutions through Fitzroy and Yarra Councils and multiple sites examined for over 30 years, they have a dazzling building in a perfect location in the heart of North Fitzroy Village, which will serve the community for centuries to come.

The North Fitzroy Library is a huge credit to the community and Council responding to the community with long standing and stalwart advocates; - **Anne Horigan Dixon, Marilyn Dawson and Gabrielle Murphy**. It is particularly thrilling for me having represented the Friends of the Library from the 1990s for improved library services as a community representative and as a Councillor since March 2002, advocating for the triangular site as the perfect location in the heart of the Village for a community facility.

Near 4,000 people went through the Hub at its opening on Saturday, when visitation to the Library would normally be around 400. Visitors included former Yarra Councillors, the Mayor of Bayside and officers from several other Councils. Excited parents and kids particularly relished in the magnificent building and facilities.

Well done community and Yarra!

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

That Council note the Delegates' report.

CARRIED

10. Questions without notice

10.1 Councillor Coleman - Digital Transmission of Council Meetings

Question:

What are the digital transmission plans for Council meetings, in terms of timing and the type and scope of transmission?

Response:

The Group Manager Chief Executive's Officer noted the \$3,000 in the budget. Subject to the budget being approved, the task of enabling the transmission to take place is not that great. An officer will be needed from the Governance office to separate the recordings, so that it is not one long recording. If the public want to listen to the meeting at a later stage they can click on say item 11.1 or 11.3, like podcasting on radio. The intention would be to broadcast live with a podcast on the web.

11.1 Community Grants 2017/18 Initiation Report

Trim Record Number: D17/35689

Responsible Officer: Community Partnerships Unit Manager

[Help](#)

RECOMMENDATION

1. That Council endorse the:
 - (a) allocation of \$858,500 to the Annual Grants Program 2018 pending 2017/18 budget approval;
 - (b) allocation of \$65,000 to Small Project Grants 2017/18 pending 2017/18 budget approval;
 - (c) allocation of \$25,000 to Room To Create Responsive Grants 2017/18 pending 2017/18 budget approval;
 - (d) guidelines for Annual Grants 2018;
 - (e) guidelines for Small Project Grants 2017/18; and
 - (a) guidelines for Room To Create Responsive Grants 2017/18.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Chen Yi Mei

1. That Council endorse the:
 - (a) allocation of \$858,500 to the Annual Grants Program 2018 pending 2017/18 budget approval;
 - (b) allocation of \$65,000 to Small Project Grants 2017/18 pending 2017/18 budget approval;
 - (c) allocation of \$25,000 to Room To Create Responsive Grants 2017/18 pending 2017/18 budget approval;
 - (d) guidelines for Annual Grants 2018;
 - (e) guidelines for Small Project Grants 2017/18; and
 - (a) guidelines for Room To Create Responsive Grants 2017/18.

CARRIED UNANIMOUSLY

11.2 Yarra Council Finance Committee

Trim Record Number: D17/41111

Responsible Officer: Director Corporate, Business and Finance

[Help](#)

RECOMMENDATION

1. That Council endorse the Terms of Reference for a Yarra Council Finance Committee.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor McEvoy

1. That Council endorse the Terms of Reference for a Yarra Council Finance Committee.
 - (a) with the amendment of clause 4. Membership, under Councillors: delete, "A minimum of the Mayor and one Councillor from each Ward", and include, The Mayor and any interested Councillors."; and
 - (b) include under clause 5, Quorum, "A quorum will be the Mayor, one Councillor and at least one Executive officer."

CARRIED

11.3 Proposed Motions for MAV State Council - May 2017

Trim Record Number: D17/39938

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 13 May 2016:
 - (i) Fairer federal infrastructure funding to Victorians;
 - (ii) State Land Tax increases; and
 - (iii) Container Deposit Scheme; and
 - (b) support the following motion submitted by Banyule City Council:
 - (i) Influence NDIS funding arrangements to support community building in local government.

MOTION

Moved: Councillor Fristacky

Seconded Councillor Coleman

1. That Council:
 - (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 13 May 2016:
 - (i) Fairer federal infrastructure funding to Victorians;
 - (ii) State Land Tax increases; and
 - (iii) Container Deposit Scheme, with the amendment of motion clause (b), write to the Premier, relevant Minister and all Members of Parliament;
 - (b) support the following motion submitted by Banyule City Council:
 - (i) Influence NDIS funding arrangements to support community building in local government.

AMENDMENT

Moved: Councillor Stone

- (c) support the motion submitted by Bayside City Council seeking a review and strengthening of the MAV Committee Structure, included as per attachment 5.

The amendment was accepted by the mover and seconder.

AMENDMENT

Moved: Councillor Bosler

That (a) (ii) State Land Tax Increases be removed.

The mover did not accept the amendment.

AMENDMENT

Moved: Councillor Bosler

Seconded Councillor Searle

1. That Council:

- (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 13 May 2017:
 - (i) Fairer federal infrastructure funding to Victorians;
 - (ii) Container Deposit Scheme, with the amendment of motion clause (b), write to the Premier, relevant Minister and all Members of Parliament;
- (b) support the following motion submitted by Banyule City Council:
 - (i) influence NDIS funding arrangements to support community building in local government; and
- (c) support the motion submitted by Bayside City Council seeking a review and strengthening of the MAV Committee Structure, included as per attachment 5.

The amendment was carried. It became the substantive motion as indicated below.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Searle

1. That Council:

- (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 13 May 2017:
 - (i) Fairer federal infrastructure funding to Victorians;
 - (ii) Container Deposit Scheme, with the amendment of motion clause (b), write to the Premier, relevant Minister and all Members of Parliament;
- (b) support the following motion submitted by Banyule City Council:
 - (i) influence NDIS funding arrangements to support community building in local government; and
- (c) support the motion submitted by Bayside City Council seeking a review and strengthening of the MAV Committee Structure, included as per attachment 5.

CARRIED

Councillor Coleman abstained

12.1 Notice of Motion No 8 of 2107 Cr Stone re Support for Fitzroy Legal Service Facing Funding Cuts

Trim Record Number: D17/42004

Responsible Officer: Group Manager Chief Executive's Office

[Help](#)

MOTION

Moved: Councillor Stone

Seconded: Councillor Searle

1. That Yarra Council:

- (a) acknowledge the vital work performed by Fitzroy Legal Service (FLS), its staff and many volunteers in our community;
- (b) note the impending Commonwealth funding cuts to community legal services including FLS and the detrimental impact these will have on the ability of FLS to provide its free evening legal service; and
- (c) write to all Federal Victorian Senators, asking them to raise this matter with the Prime Minister and Attorney General and urge them to support maintenance of funding to these vital services.

AMENDMENT

Moved: Councillor Chen Yi Mei

- (a) acknowledge the vital work performed by Fitzroy Legal Service (FLS), its staff and many volunteers in our community, including Refugee Legal, Aboriginal Family Violence Prevention and Legal Service and Law and Advocacy Centre for Women;
- (b) note the impending Commonwealth funding cuts to community legal services including FLS and the detrimental impact these will have on the ability of Community Legal Services to provide their legal services; and

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

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Searle

1. That Yarra Council:

- (b) acknowledge the vital work performed by Fitzroy Legal Service (FLS), its staff and many volunteers in our community, including Refugee Legal, Aboriginal Family Violence Prevention and Legal Service and Law and Advocacy Centre for Women;
- (b) note the impending Commonwealth funding cuts to community legal services including FLS and the detrimental impact these will have on the ability of Community Legal Services to provide their legal services; and
- (c) write to all Federal Victorian Senators, asking them to raise this matter with the Prime Minister and Attorney General and urge them to support maintenance of funding to these vital services.

CARRIED

CALL FOR A DIVISION

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

Against: Councillor Nguyen

Conclusion

The meeting concluded at 8.18pm.

Confirmed Tuesday 2 May 2017

Mayor