



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 16 August 2016 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."*

### 1A. Announcement

The Mayor acknowledged the recent assault that occurred to Jane Garrett, Labor State Member for Brunswick and a former Councillor and Mayor of Yarra, and passed on his best wishes to Jane on behalf of Council.

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- Cr Roberto Colanzi (Mayor)
- Cr Geoff Barbour
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

#### Council officers

- Ivan Gilbert (Acting Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Bruce Phillips (Director - Planning and Place Making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Mel Nikou (Governance Officer)

#### Apology

- Cr Stephen Jolly

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

Nil

## 4. Confidential business reports

Nil

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 2 August 2016 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Nil

## 7. Public question time

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## **12. Notices of motion**

Nil

## **13. Urgent business**

Nil

## 6. Petitions and joint letters

Nil

## 7. Public question time

### 7.1 Mr Richard Konarik - Stickers

Question:

Stickers/posters are being placed everywhere. In relation to a letter that I received dated 3 May 2016 from Council that stickers are a low priority and difficult to remove.

The reason I believe that this is difficult is that there are so many stickers that have been placed in Yarra and people keep adding more and more.

Are Council going to do something to remove the stickers and the people that put them up?

I have also provided Council with information on the people that have placed some of the stickers up. Will Council follow-up with them to remove the stickers?

On the days between Christmas and New Year's Day can Council speak to someone about not towing away cars during this period?

Response:

*The Director City Works and Assets advised that:*

- (a) he was not aware of the extend of the stickers being placed;*
- (b) Officers perform a daily clean and attempt to clean as much as possible within Council's resources;*
- (c) Officers will attempt to remove these stickers with available resources; and*
- (d) would investigate incorporating sticker removal as part of the Clean Up Australia Day.*

*The Director Corporate Business and Finance advised:*

- (a) he would liaise with the City Works and Assets department and refer the matter to the Compliance Manager to investigate; and*
- (b) with regard to the tow-away zones within Yarra, can look into our enforcement regime during the Christmas/ New Year's Day period, signage may need to be changed, however Council will still need to apply the law of enforcement when necessary.*

### 7.2 Mr James Steven - Mayfield Street Update

Question:

Can I please have an update on the rezoning of Mayfield Street?

Response:

*The Manager City Strategy advised that:*

- (a) Council approved the amendment for Mayfield Street and the authorisation was conditional upon undertaking further research;*
- (b) there have been discussions with the Ministers advisor and department officers to try and clarify the extend of strategic work that is required in order to achieve*

*authorisation;*

- (c) a scope of work was provided to the department two weeks ago seeking their agreement to the scope of works in order to ensure it satisfied them and the authorisation conditions;*
- (d) today I have received advice from the Ministers department that they agree with the scope of work;*
- (e) we will engage with consultants to undertake the work and anticipate that will occur over the next month or two and depending on the availability of the consultants; and*
- (f) the following stages will be:*
  - a. preparation of the strategic works is the first stage of the amendment;*
  - b. followed by taking it out for exhibition;*
  - c. if there are submissions to the amendment then a planning panel will be involved and then approval after that; and*
  - d. would estimate a resolution in the middle of next year.*

### 7.3 Mr Maurice Sheehan - Building Heights in Yarra

Question:

Firstly thank you to Council for the Richmond Library day, an excellent event.

Last night the local member Mr Richard Wynne made an announcement with regards to the size of apartments or units that are being built in Victoria and was in the view that he didn't see the requirement to put any limitations on the size of apartments.

What is City of Yarra's position in relation to the apartment blocks that are going up in Yarra?

I noticed in Yarra's Newsletter the upcoming Council Elections. When will we know which Councillors' will continue?

Response:

*The Director Planning and Place Making advised that the Minister had made some announcements but took the question on notice.*

*In relation to the process, Council submitted to that process and put some points of view forward and will provide a summary to Councillors via an email over the next few days.*

*Cr Fristacky also noted that City of Yarra has articulated the issue about minimum sizing for apartments, approved motions to go the Municipal Association Victoria (MAV) State Conference asking that MAV advocate on behalf of Council to the State Government for minimum sized apartments and a whole range of items for the protection of amenity of apartments. New South Wales has a minimum size and we have alerted the State of that fact.*

*Cr Stone also noted that in Yarra's submission that some of the requirements have been met i.e. minimum ceiling heights, natural light and ventilation but other things such as minimum apartment sizes have not.*

*The Acting Chief Executive Officer advised that the Victorian Electoral Commission is taking over more of the conduct of Council Elections across the state and we are*

*about to put on Yarra's website the calendar of dates of when nominations will be called.*

#### 7.4 Mr Herschel Landes - Citizens Park / Parking Rates

Question:

I would like to thank Justin Hanrahan, Manager Open Space and Recreation and Yarra staff for their recent hard work to improve the pitch surface at Citizens Park.

In a previous statement made by Council to the community and the press on 30 May, that parking rates in Yarra were better than neighbouring Council's for on-street parking.

When is the City of Yarra finally going to act and commit to a Parking Strategy that will stimulate the local economy, generate diversified retail activity along Bridge Road and provide the necessary amenity for this precinct?

Response:

*The Director Corporate Business and Finance advised that:*

- (a) Council has an existing Parking Strategy that comes to the end at the end of this year, part of that is obviously the introduction of parking technology;*
- (b) one of the things that Council agreed to as part of the budget process was to go through a process of a variable parking trial in Bridge Road;*
- (c) we have commenced the process of scoping that, we have spoken with the traders association and we will be pursuing that in the next few months;*
- (d) Council has acknowledged that the current parking pricing system that we have isn't a modern one and have committed to looking at trying to bring in a modern parking system;*
- (e) Certainly some of the other factors that have been raised by Mr Landes, quite clearly studies across a range of different retail areas are showing the large increase of rental costs in strips like Bridge Road, a major factor, we know this from studies; and*
- (f) a recent study that was done in the City of Stonnington along Chapel Street that demonstrated that there are a range of different complex factors than just to refer a \$4.00 price of parking is a little simplistic.*

*Cr Gaylard put the question to Mr Landes if he knew the specific reasons why the business he had mentioned closing down, left Bridge Road.*

*Mr Landes advised that there were a number of reasons why the business had closed down, but parking and access to parking was one of the reasons.*

*Cr Stone put the question to Mr Landes, he had mentioned the business leaving due to access to parking however he also mentioned that there were empty parking bays on Bridge Road and wanted Mr Landes to clarify if it was parking availability or the price of parking that was the issue for that particular business.*

*Mr Landes advised that situation was complex but one of the reasons was the leakage of business out of the area which is driven by the high cost of parking on Bridge Road. Mr Landes also advised that businesses also have the issue of long term parking for their employees.*



7.5 Ms Susan Zeitz - Recording of Council Meetings/ Planning Application PLN16/0078

Question:

It is my understanding the recording of Council meetings is only retained until the minutes of the meeting are approved.

Will Council given the recent controversy that continues to surround the Friends of Rushall Reserve and other actions that may be taken, indicate that on this occasion the audio of that meeting be retained at least until the matter is finally resolved?

Queens Parade Given that the precinct is meant to be limited for heritage purposes, will Council now move to have that aspect of the residential code amended so that it complies with the rest of the area? (312-318 Queens Parade, Fitzroy North - PLN16/0078)

Response:

*The Acting Chief Executive Officer advised that the audio is normally destroyed, in this instance we have had a formal Freedom of Information request regarding the Rushall item and instructed officers that the recording be retained for the purpose of addressing the formal FOI request under the Freedom of Information Act.*

*The Director Planning and Place Making advised that he was not familiar with the planning application and took the question on notice.*

7.6 Mr Michael Glynatsis - Laneway Closure

Question:

Can Council please provide an update on the laneway closure on Brunswick Street, between 13 and 15?

I recently received a letter from Council regarding the special building overlay area concerning about 1400 properties in the flood affected area of North Fitzroy. I have a property in the area. Can someone advise what this is about?

Response:

*The Acting Chief Executive officer took the question on notice, but advised to email Mr Glynatsis and Councillors with an update.*

*The Director Planning and Place Making advised that:*

- (a) Melbourne Water have done further research into their flooding criteria and made certain assessments that the overland flooding is more extensive than what is showing in the planning scheme overlay;*
- (b) Melbourne Water have requested that the City of Yarra exhibit a Planning Scheme Amendment to change that overlay so that it accurately shows in their view where the overland flooding could occur;*
- (c) a planning scheme amendment process is underway at the moment and people have been notified and are welcome to submit; and*
- (d) the amendment is due to go on exhibition sometime in October.*

## 7.7 Mr Martin Hanna - Compliance Issue

### Question:

For the last two years I have been operating as a workshop at 29 Budd Street Collingwood. I have had a private function in the past and have been told by a Council officer because of that function we need to change our change of use to a place of assembly.

What we do is classified as workshopping and any event that is held on our premises is a private event, no money exchanges hands, it is a private event and it is my title.

Why is Council constantly hindering us to changing our use?

### Response:

*The Director Corporate Business and Finance took the question on notice, but advised that he meet with the Manager Compliance and Parking Services to discuss the matter.*

## 8. General business

### 8.1 Councillor Stone - Abbotsford Convent

#### Background

Not without contention, Maggie has navigated the minefield of establishing the convent as a much sought after location for passive recreation, education and the arts, ensuring its financial sustainability and that it remains publicly accessible to everyone.

She has been tireless in her endeavours to obtain funding to complete the project as envisioned by the community many years ago, despite the state government condition that it would provide no further funding.

She has seen visitor numbers grow to over a million each year, the development of a thriving arts and education presence and secured federal funding to complete the refurbishment of the Sacred Heart building. She has also ensured that the convent is well placed to obtain heritage listing on the national register. These are all elements of the vision which was at the forefront of the community's vision when fighting for an alternative future for the convent other than a private gated residential development. She has also established the Abbotsford Convent as one of the key destinations in Yarra and as a model for adaptive reuse of a large scale heritage building complex for public use.

She was named Yarra's inaugural Inspirational Woman of the Year for good reason and her leadership and colourful presence will be missed.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That Council acknowledge Maggie Maguire who is coming to the end of her tenure as CEO of the Abbotsford Convent after 10 years.

That Council thank Maggie for her extended leadership and stewardship of one of Yarra's most loved institutions and wish her the best with her future endeavours.

**CARRIED UNANIMOUSLY**

8.2 Councillor Gaylard - Amendment to C185 - 462-482 Swan Street, Richmond

**COUNCIL RESOLUTION**

**Moved:** Councillor Gaylard

**Seconded:** Councillor Coleman

1. That Officers urgently seek an updated heritage assessment on the properties 462-482 Swan St, currently on exhibition as part of Amendment C185.
2. That in the event the heritage assessment supports heritage protection, officers immediately apply for interim heritage controls, or if not considered appropriate for protection, a report be provided to Council on why interim heritage controls have not been sought.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Barbour, Colanzi, Coleman, Fristacky, Gaylard, Huggins and Stone

**Against:** Nil

**Abstained:** Councillor Vlahogiannis

**9. Delegates' reports**

9.1 Councillor Stone - Disability Advisory Committee (DAC)

Councillor Stone reported the following:

**Decision on funding for NDIS Aboriginal Sector Readiness Position**

**Background**

Balit Narrum is a disability-specific network of Aboriginal-managed agencies that has the primary responsibility of promoting understanding of disability in the northern region. It is co-chaired by Esme Bamblett (CEO of the Aborigines Advancement League - AAL), and Dale Fulford of Department of Health and Human Services – DHHS). A number of mainstream organisations such as City of Yarra and other councils are invited members of Balit Narrum. Balit Narrum means 'strong spirit' in Wurundjeri language.

With roll-out of the NDIS in the North East Melbourne Area (NEMA) this year, it has become obvious to members of Balit Narrum that funding bodies have not allocated sufficient funds for the employment of Aboriginal-dedicated officers to help the community and agencies to get ready for the NDIS.

There is a great deal of work to be done to ensure that Aboriginal community members can become familiar with disability resources in general, and become comfortable with applying for them. On top of this, the NDIS is an entirely new system that needs to be explained in a culturally-sensitive way in order to take account of the significant barriers to Aboriginal access to disability resources. Further evidence of the unmet need is provided in the Productivity Commission Report on

Disability Support and Care (2011) which has noted that the incidence of disability is at least twice as great as that in the non-Aboriginal community. Balit Narrum has identified a need for three to four positions.

Despite the significant financial resources that have been allocated for community and sector-NDIS readiness work (more than \$10million) in NEMA), only one Aboriginal-dedicated position has been funded so far. Previous indications from funding bodies that funding for more positions will be supported have not eventuated in resources being allocated, and the response of potential funders such as the NDSV (National Disability Services Victoria – a peak body of disability service providers), has been that this position is final.

VACCHO, peak body for Victorian Aboriginal Community Controlled Health Organisations, has recently received some funding for one position, but this is dedicated to their state-wide membership. It also needs to span assistance to their member agencies for system reform work both in the disability and the Aged Care reforms area. AAL, the only Aboriginal disability registered provider with the NDIS, cannot be a member of VACCHO because they are not funded as a health service. Although VACCHO has confirmed that non-members are welcome to participate in NDIS transition seminars/workshops that are being offered to its members later this year, it would not have the resources to provide intensive support to NEMA agencies working with Aboriginal community members with disability.

Balit Narrum is engaged in a campaign for the allocation of adequate resources to enable community to engage in the new system. As a member of Balit Narrum, Council can add its voice to the campaign for adequate resourcing. Advocacy support from City of Yarra has been endorsed by Balit Narrum, by AAL and by VACCHO.

#### **DAC support**

At its meeting on 9 August, Council's Disability Advisory Committee expressed its support for Council to take a role in the Balit Narrum campaign for adequate resourcing and suggested that Minister .

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

1. That Council writes to the funding bodies (DHHS, NDSV, and NDIA) in support of Balit Narrum's request for reconsideration of the need for additional funding for Aboriginal-dedicated positions to support Aboriginal agency sector-readiness for participation in the NDIS.
2. That a copy of this letter be forwarded to the Hon Martin Foley, State Minister for Housing, Disability and Ageing and the members of Balit Narrum.

**CARRIED UNANIMOUSLY**

## 9.2 Councillor Stone - Disability Advisory Committee (DAC)

### **Victorian Parliament Inquiry into Ride Sourcing Services**

#### **Background**

The Victoria Parliament has initiated an inquiry into Ride Sourcing Services and invited submissions from interested parties. Members of Council's Disability Advisory Committee (DAC) were particularly interested in Item 5 of the Terms of Reference – Access for People with Disabilities.

There were tight timelines for responding to the Inquiry (submissions closed on Monday 8 August 2016) and Officers have undertaken internal consultations and worked with the DAC to develop a submission. In preparing a response, Officers also drew upon the work of Alex Holland, a disability advocacy group representative, who also provided a response to the Inquiry.

The content of Yarra's submission focussed on:

#### **Key Concerns**

- Introduction of ride sourcing services such as Uber may reduce the availability of wheelchair accessible point-to-point transportation, arising from market pressures.
- People with disability who use wheelchairs or scooters for mobility, are not able to use ride sourcing or car share services as there is neither consideration nor incentive for these services to provide accessible vehicles for point-to-point transportation.
- People with disability who could use the ride sourcing service via UberAssist (i.e. if they can transfer from fold-up wheelchairs), are not assisted with fare payment through the MPTP (Multi-Purpose Taxi Program).
- In addition, they are at risk of exposure to harm due to drivers' lack of education in disability awareness.
- The rights of people with disability are currently undermined by the failure of ride sourcing services to provide access to their services to people who use wheelchairs or scooters.

#### **Issues**

In regard to the key issues arising from ride sourcing and car sharing services, the submission addresses the following points. The submission provides evidence related to each issue for consideration.

1. The business model of ride sourcing and car sharing services does not cater for the transportation requirements of wheelchair and scooter users as well as people with other types of disability (including sensory or intellectual disability) due to:
  - Differential approaches to fare setting;
  - Lower safety standards and training requirements;
  - Drivers with limited knowledge and understanding of needs of people with disability; and
  - Lack of motivation within the market model for operators to provide accessible vehicles.

2. The Multi-Purpose Taxi Program (MPTP) introduced by the Victorian government 33 years ago, effectively assists eligible people with disability with travel affordability by various measures, including
  - subsidising 50% taxi fares capped at \$60 per trip;
  - exempting capping for people who use wheelchairs or scooters;
  - awarding a 'Lift fee' of \$16 per trip to MPTP drivers who pick up passengers who use wheelchairs or scooters;
  - lowering cost of WAT licences per year by \$4,000 less than conventional taxi licences.

Ride sourcing is excluded from MPTP incentives. Without any incentives, their business model is unlikely to accommodate accessibility provisions.

3. As indicated by the Taxi Services Commission, about 20,000 Victorians rely on Wheel Chair Accessible Taxi's as their only means of point-to-point transportation. Each year, 750,000 WAT trips are taken by people with disability. There are 170,000 members state-wide participating in MPTP and about 28,000 of these members use wheelchairs or scooters.

Therefore, a further reduction in the number of WATs and an increase in response times would lead to barriers to transportation. Effective and timely transportation is essential in enabling people with disability, their families, and carers, to participate and contribute to the community and share the benefits of social and economic inclusion.

### **Submission Recommendations**

The submission recommends that the Inquiry should:

1. Ensure that regulation of the ride sourcing and car share service industry upholds the rights of people with disability in accessing the services on an equal basis with other passengers.
2. Mandate a percentage of wheelchair accessible vehicles as a condition of allowing the legal operation of car sharing and ride sourcing in the market.
3. Implement standards for ride sourcing wheelchair accessible transport, including safety requirements and the ability to accommodate large wheelchairs and scooters.
4. Implement training to ensure safe and adequate assistance of passengers with disability, as a compulsory requirement for licencing of ride sourcing drivers.
5. Ensure ride sourcing apps are made accessible; and that they collect and disseminate relevant information about wheelchair and scooter trips, and response times; and that when a wheelchair booking is made, the nearest WAT (Wheelchair Accessible Taxi) is required to pick up the person, regardless of distance that is to be travelled.
6. Provide all the current MPTP (Multi-Purpose Taxi Program) incentives, requirements and subsidies to accredited ride sourcing service operators, drivers and to eligible passengers.

7. Extend the MPTP subsidy to passengers of accredited ride sourcing operators, ensuring that passengers do not pay more due to the different pricing model of ride sourcing services.

### **Conclusion**

In conclusion, the submission posits that all levels of government and the community, including the business community, must comply with the relevant legislation and take responsibility for breaking patterns of disadvantage, and creating an inclusive society that enables people with disability to participate as equal citizens. Therefore, ride sourcing services and car sharing schemes should be required to implement measures that meet specific requirements of passengers with disability.

The DAC has endorsed the submission and a copy is attached as Appendix 1.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Stone

That Council note the Submission developed in conjunction with the Disability Advisory Committee, lodged 8 August 2016 to the Victorian Parliament Inquiry into Ride Sourcing Services.

**CARRIED UNANIMOUSLY**

#### 9.3 Councillor Vlahogiannis - Aboriginal Advisory Group (AAG)

Councillor Vlahogiannis reported the following:

#### **Meeting held on 11 August 2016, Fitzroy Town Hall, 11.00am – 1.00pm**

The following are the key matters discussed at the meeting:

1. Members of the AAG shared thoughts on the proposed referendum on the constitutional recognition of Aboriginal and Torres Strait Islander people. This was planned for next year but seems to have been pushed back to allow more consultation to occur. Meetings of the Victorian Traditional Owners group has stated their opposition to constitutional recognition and are seeking a treaty instead.
2. The AAG discussed and was supportive of the campaign by Balit Narrum for resources to assist the local Aboriginal community with the transition to NDIS and supports the DAC request to Council on this matter.
3. The AAG discussed the 50 year anniversary of the 1967 Referendum and the 20 year anniversary of the Bringing Them Home Report and agreed that Council write to the State and Federal Ministers responsible for Aboriginal Affairs (with copies to the local State and Federal members) to enquire whether they have any plans for 2017 to mark these anniversaries.

4. The AAG also discussed another significant anniversary, namely, that of the Wave Hill "Walk Off" (see attachment for background information). On this day in 1975 at Daguragu, Prime Minister Whitlam transferred leasehold title to the Gurindji, symbolically handing soil to Vincent Lingiari.
5. The Aboriginal Advisory Group (AAG) has established a Stolen Generations Marker Steering Group as a temporary sub-group of the AAG. The meeting approved the Terms of Reference for the Steering Group. The AAG also agreed that Council's letter in relation to the above-mentioned anniversaries also mention Yarra City Council's current plans to create a Stolen Generations Marker by the end of 2017.

### **The Wave Hill 'walk-off'**

Wave Hill Station is located approximately 600 kilometres south of Darwin in the Northern Territory. Vestey's, a British pastoral company which ran the cattle station, employed local Aboriginal people, mostly Gurindji. Working and living conditions for Aboriginal people were very poor. The wages of Aboriginal workers generally were controlled and not equal to those paid to non-Aboriginal employees.

An attempt to introduce equal wages for Aboriginal workers was made in 1965, but in March 1966 the Conciliation and Arbitration Commission decided to delay until 1968 the payment of award wages to male Aboriginal workers in the cattle industry.

In August 1966, Vincent Lingiari, a Gurindji spokesman, led a walk-off of 200 Aboriginal stockmen, house servants, and their families from Wave Hill as a protest against the work and pay conditions. The strike was part of a widespread campaign begun by workers on Brunette Downs Station and supported by non-Indigenous people, including unionists and the author Frank Hardy.

The protesters camped at Wattie Creek (Daguragu) and sought the return of some of their traditional lands to develop a cattle station. They petitioned the Governor-General in 1967, and leaders toured Australia to raise awareness about their cause. In 1972, Prime Minister Whitlam announced that funds would be made available for the purchase of properties that were not on reserves, and Lord Vestey offered to surrender 90 square kilometres to the Gurindji people.

Daguragu was acquired by the Aboriginal Land Fund Commission and, on 16 August 1975 at Daguragu, Prime Minister Whitlam transferred leasehold title to the Gurindji, symbolically handing soil to Vincent Lingiari.

The Gurindji campaign was an important influence on the events leading to passing the *Aboriginal Land Rights Act (Northern Territory) 1976*.

The Central Land Council applied on behalf of the Gurindji under the *Aboriginal Land Rights (Northern Territory) Act 1976* for traditional land comprising the Daguragu pastoral lease and some adjacent un-alienated Crown land. In 1981 the Aboriginal Land Commissioner recommended that the land claim should be granted. The claim relating to the South West Corner was granted in 1985.



## **COUNCIL RESOLUTION**

**Moved:** Councillor Vlahogiannis

**Seconded:** Councillor Colanzi

1. That the Mayor, on behalf of Council:
  - (a) write to the State and Federal Ministers responsible for Aboriginal Affairs (with copies to the local State and Federal members) to enquire whether they have any plans for 2017 to mark the 50 year anniversary of the 1967 Referendum and the 20 year anniversary of the Bringing Them Home Report; and
  - (b) that correspondence referred to in paragraph a of this motion also mention Yarra City Council's current plans to create a Stolen Generations Marker by the end of 2017.

**CARRIED UNANIMOUSLY**

## **10. Questions without notice**

### 10.1 Councillor Fristacky - Yarra News re Council Elections

Question:

What action can be taken by Council to advise Yarra residents of the 4pm 26 August deadline for residents and others to enrol in time to be able to cast a vote in the Municipal Council Election on 22 October, as this was not in the August/September Yarra Newsletter?

Response:

*The Acting Chief Executive Officer advised the VEC have forwarded this week all the details about the dates for the coming Election and Yarra's Communication department have been requested to place that on the website and through our various social media outlets. The VEC will also be publicising in Daily press and the local newspaper that circulates in Yarra.*

### 10.2 Councillor Fristacky - Housing Density

Question:

Given increasing density in housing and population in Yarra, can Councillors be given advice on current housing density in Yarra in terms of:

- dwellings per hectare (a) in Yarra compared with (b) middle suburbs, and (c) Melbourne average;
- persons per hectare (a) in Yarra compared with (b) middle suburbs and (c) Melbourne average; and
- changes in the above over a 10 year historical time frame.

Response:

*The Director Planning and Place Making advised that he would seek officers to find that material and advise Councillors.*

10.3 Councillor Gaylard - Market Stall Permit re Linear Park

Question:

Council has installed signs on the Park Street Linear Park that says that Market Stalls and selling of goods on park is not permitted without a permit and you can call a number for a permit enquiry. Apparently a compliance officer had called the woman and said that almost certainly it's unlikely that any approval will be given for a profit market stall.

I have to agree with the woman that the sign implies that Market Stalls are permitted with a permit. Can I clarify the status of stalls in Linear Park that stalls are not allowed should the signage be altered?

*Response:*

*The Director Corporate, Business and Finance took the question on notice.*

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## 11.1 Outcome of Community Engagement Process for 433 Smith Street North Fitzroy (former Gas & Fuel site)

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Trim Record Number: D16/85368

Responsible Officer: Director - City Works and Assets

[Help](#)

### RECOMMENDATION

1. That Council:
  - (a) notes the officer report providing updates regarding Places Victoria processes in respect to 433 Smith Street, Fitzroy;
  - (b) notes the outcomes of the Phase 1a consultation by Places Victoria as part of the development of the draft master plan for the site;
  - (c) notes the Heritage report and Tree Assessment Report provided by Places Victoria;
  - (d) notes that Places Victoria and Council officers will commence discussions with Heritage Victoria regarding the process to relocate the Porter Shed and also whether the Gas Store building is included in the Heritage Overlay; and
  - (e) notes the changes in the timelines for consideration of the draft masterplan and community consultation.
2. That Council receives an update report on the progress of the draft masterplan and consultative panel input in December 2016.

### COUNCIL RESOLUTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Coleman

1. That Council:
  - (a) notes the officer report providing updates regarding Places Victoria processes in respect to 433 Smith Street, Fitzroy;
  - (b) notes the outcomes of the Phase 1a consultation by Places Victoria as part of the development of the draft master plan for the site;
  - (c) notes the Heritage report and Tree Assessment Report provided by Places Victoria;
  - (d) notes that Places Victoria and Council officers will commence discussions with Heritage Victoria regarding the process to relocate the Porter Shed and also whether the Gas Store building is included in the Heritage Overlay;
  - (e) notes the changes in the timelines for consideration of the draft masterplan and community consultation; and
  - (f) notes the community feedback with regards to sustainable designs and green open space, and therefore requests officers to enter into discussion with the relevant authorities, to advocate that the redevelopment of the site meets a minimum 6 star ESD rating, as per Councils policies for its own new building stock.
2. That Council receives an update report on the progress of the draft masterplan and consultative panel input in December 2016.

**CARRIED UNANIMOUSLY**

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## 11.2 Bicycle Strategy Refresh

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Trim Record Number: D16/96064

Responsible Officer: Assistant Director Planning and Place Making

[Help](#)

*Councillor Huggins left the meeting at 8.49pm*

*Councillor Huggins returned to the meeting at 8.53pm*

*Councillor Coleman left the meeting at 8.54pm*

*Councillor Coleman returned to the meeting at 9.01pm*

### RECOMMENDATION

1. That Council:
  - (a) notes the officer report on updating the Council Cycling strategy;
  - (b) endorses the attached Yarra Bicycle Strategy Refresh – 2016 as the high level strategy for bicycle projects over the next ten years;
  - (c) notes that proposed bike infrastructure proposals will be subject to Council approval as part of the annual budget adoption process; and
  - (d) notes that officers will continue to advocate for and seek external funding for all projects where opportunities arise.

### MOTION

**Moved:** Councillor Gaylard

**Seconded:** Councillor Fristacky

1. That Council notes:
  - (a) the officer report on updating the Yarra Bicycle Strategy 2010-2015;
  - (b) that although the Bicycle Advisory Committee has been invited to comment on the outcomes of the workshop held to discuss the priorities of the Yarra Bicycle Strategy Refresh 2016, no other external community consultation has taken place;
  - (c) that budget limitations and staffing resources have resulted in a refresh of the Yarra Bicycle Strategy rather than the development of a new Bike Strategy;
  - (d) the decrease in bike funding by Yarra Council, partly due to rate capping by the State Government; and
  - (e) that officers will continue to advocate for and seek external funding for all projects where opportunities arise.
2. That Council:
  - (a) endorses the attached Yarra Bicycle Strategy Refresh- 2016 as a high level strategy for bicycle projects subject to amendment of Attachment 1 as follows:
    - (i) Item 5.1 - continue to provide bike corals in appropriate locations where there is community support and where agreed as part of planning applications;
    - (ii) Item 5.2 – ensure that consideration of requirements to provide bike parking as part of new developments, reflects Yarra’s policies and priorities in the planning scheme rewrite, including:
      - a. increased minimum bike parking standards: enhanced end of trip facilities, and

- b. e-bike charging in new commercial and public dwellings;
- (iii) Item 5.3 – monitor the demand for bike parking facilities in Yarra particularly for preschools, educational facilities and along shopping strips and activity centres;
- (iv) that the Bicycle Advisory Committee be consulted in the planning scheme rewrite process; and
- (v) correction of typographical errors through the document; and
- (b) refers funding for a new Bicycle Strategy to be considered in the 2017/2018 Budget.

*Councillor Vlahogiannis formally moved to incorporate the amendment into the motion.*

## **AMENDMENT**

**Moved:** Councillor Vlahogiannis

acknowledges and agrees that each individual project identified in the Yarra Bicycle Strategy Refresh 2016:

- (i) by virtue alone of its inclusion in the Strategy is not automatically approved for implementation;
- (ii) will be subject to validation to ensure that at the relevant time it continues to represent an appropriate response given any changes in the circumstances (including changes to the location and any new approaches to bicycle infrastructure available at the time); and
- (iii) will be subject to usual community consultation.

*The amendment was not accepted by the mover and seconder.*

## **COUNCIL RESOLUTION**

**Moved:** Councillor Gaylard

**Seconded:** Councillor Fristacky

1. That Council notes:
  - (a) the officer report on updating the Yarra Bicycle Strategy 2010-2015;
  - (b) that although the Bicycle Advisory Committee has been invited to comment on the outcomes of the workshop held to discuss the priorities of the Yarra Bicycle Strategy Refresh 2016, no other external community consultation has taken place;
  - (c) that budget limitations and staffing resources have resulted in a refresh of the Yarra Bicycle Strategy rather than the development of a new Bike Strategy;
  - (d) the decrease in bike funding by Yarra Council, partly due to rate capping by the State Government; and
  - (e) that officers will continue to advocate for and seek external funding for all projects where opportunities arise.
2. That Council:
  - (a) endorses the attached Yarra Bicycle Strategy Refresh- 2016 as a high level strategy for bicycle projects subject to amendment of Attachment 1 as follows:
    - (i) Item 5.1 - continue to provide bike corals in appropriate locations where there is community support and where agreed as part of planning applications;
    - (ii) Item 5.2 – ensure that consideration of requirements to provide bike parking as part of new developments, reflects Yarra’s policies and priorities in the planning scheme rewrite, including:

- a. increased minimum bike parking standards: enhanced end of trip facilities, and
- b. e-bike charging in new commercial and public dwellings;
- (iii) Item 5.3 – monitor the demand for bike parking facilities in Yarra particularly for preschools, educational facilities and along shopping strips and activity centres;
- (iv) that the Bicycle Advisory Committee be consulted in the planning scheme rewrite process; and
- (v) correction of typographical errors through the document; and
- (b) refers funding for a new Bicycle Strategy to be considered in the 2017/2018 Budget.

**CARRIED**

### **CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Gaylard, Huggins and Stone

**Against:** Councillor Barbour

**Abstained:** Councillors Colanzi and Vlahogiannis

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## 11.3 Yarra Gambling Policy 2016

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Trim Record Number: D16/110995

Responsible Officer: Coordinator Social Policy and Research

[Help](#)

### RECOMMENDATION

1. That Council:
  - (a) note the report and the attached draft Gambling Policy 2016;
  - (b) approve the draft Gambling Policy 2016 for public exhibition and consultation, with submissions open until Friday 16 September; and
  - (c) note the final policy will be returned to Council to consider adoption in November.

### COUNCIL RESOLUTION

**Moved:** Councillor Vlahogiannis

**Seconded:** Councillor Stone

1. That Council:
  - (a) note the report and the attached draft Gambling Policy 2016;
  - (b) approve the draft Gambling Policy 2016 for public exhibition and consultation, with submissions open until Friday 16 September; and
  - (c) note the final policy will be returned to Council to consider adoption in November.

**CARRIED UNANIMOUSLY**

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**11.4 Quarterly Finance Report as at 30 June 2016**

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Trim Record Number: D16/109843

Responsible Officer: Director Corporate, Business and Finance

[Help](#)

*Councillor Coleman left the meeting at 9.43pm*

**RECOMMENDATION**

1. That Council:
  - (a) notes the Yarra City Council preliminary financial report for the period ending 30 June 2016 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*; and
  - (b) approves the revised forecasts contained therein.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Vlahogiannis

1. That Council:
  - (a) notes the Yarra City Council preliminary financial report for the period ending 30 June 2016 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*; and
  - (b) approves the revised forecasts contained therein.

**CARRIED UNANIMOUSLY**



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**11.5 Proposed Motions for MAV State Council - September 2016**


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Trim Record Number: D16/111687

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATION**

1. That Council endorse the following motions for submission to the Municipal Association of Victoria State Council, 9 September 2016:
  - (a) Affordable Housing Statement;
  - (b) Coordination of Regional Structures;
  - (c) Fairer federal infrastructure funding to Victorians;
  - (d) Review of the Municipal Association Act 1907; and
  - (e) State Land Tax.

**REVISED OFFICER RECOMMENDATION**

1. That Council:
  - (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 9 September 2016:
    - (i) Affordable Housing Statement;
    - (ii) Coordination of Regional Structures;
    - (iii) Fairer federal infrastructure funding to Victorians;
    - (iv) Review of the Municipal Association Act 1907; and
    - (v) State Land Tax; and
  - (b) support the following the motion submitted by the City of Glen Eira on behalf of the Inner South Metropolitan Mayors' Forum (ISMFF) to the Municipal Association of Victoria State Council, 9 September 2016:
    - (i) Positive Public Relations Campaign.

**COUNCIL RESOLUTION**

**Moved:** Councillor Vlahogiannis

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) endorse the following motions for submission to the Municipal Association of Victoria State Council, 9 September 2016:
    - (i) Affordable Housing Statement;
    - (ii) Coordination of Regional Structures;
    - (iii) Fairer federal infrastructure funding to Victorians;
    - (iv) Review of the Municipal Association Act 1907; and
    - (v) State Land Tax; and
  - (b) support the following the motion submitted by the City of Glen Eira on behalf of the Inner South Metropolitan Mayors' Forum (ISMFF) to the Municipal Association of Victoria State Council, 9 September 2016:
    - (i) Positive Public Relations Campaign.

**CARRIED UNANIMOUSLY**

**Conclusion**

The meeting concluded at 9.59pm.

Confirmed Tuesday 6 September 2016

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Mayor