



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 21 March 2017 at 7.00pm  
Fitzroy 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.”*

## 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 Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

#### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Joanne Murdoch (Director - Advocacy and Engagement)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Mel Nikou (Governance Officer)

#### Apology

- Cr Misha Coleman

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

Nil

## 4. Confidential business reports

### Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Proposed developments

## 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 Searle

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; and
  - (b) proposed developments.
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 Searle

**Seconded:** Councillor Jolly

That the minutes of the Ordinary Council Meeting held on Tuesday 7 March 2017 be confirmed.

**CARRIED**

## 6. Petitions and joint letters

Nil

## 7. Public question time

Item		Page
7.1	Mr Miles Lewis - Gas and Fuel Site - Porter Shed	6
7.2	Mr Simon Ryan - Building Notices	6
7.3	Ms Louise Elliott - Council Resolution on 19 September 2016 re 115 Victoria Parade, Fitzroy	7
7.4	Ms Margaret O'Brien - My Questions re 7 March Council Meeting	7
7.5	Mr Brad Marsh - Hansen Report re Queens Parade Built Form Report	8
7.6	Mr Herschel Landes - Employee Costs and Long Term Financial Plan	8
7.7	Ms Carole Wilkinson, YCAN - Fossil Fuel Divestment Update	9
7.8	Mr Greg Spark - Edinburgh Gardens - Heritage Post Stumps	10
7.9	Ms Maree Hayhoe - Illegally Fenced Gate at rear of Queens Parade	10
7.10	Mr Enrico Cementon - Notice of Comply re King William Street	10
7.11	Ms Elizabeth Long - Website	11

## 8. General business

Item		Page	Res. Page
8.1	Land Tax Increases for Council Ratepayers	12	12

## 9. Delegates' reports

Item		Page	Res. Page
9.1	Bicycle Advisory Committee (BAG)	13	14

## 10. Questions without notice

Item		Page
10.1	Councillor Amanda Stone - Australia's E-Waste	14
10.2	Councillor Jackie Fristacky - Pedestrian/Cyclist Safety - Nicholson Street	14

## 11. Council business reports

<b>Item</b>	<b>Page</b>	<b>Res. Page</b>
11.1 Australian Catholic University Amendment to Approved Development Plan - 115 Victoria Parade and 28 - 42 Young Street, Fitzroy.	16	20
11.2 Council Submission on State Government Fast-track Amendment Affecting 35 Johnston Street and 50 Perry Street, Collingwood (Collingwood Arts Precinct)	22	22
11.3 Potential for Council to offer Environmental Upgrade Agreements (EUA's) - 2017 update	23	23
11.4 Business Advisory Group - appointment of business representatives	24	24
11.5 Yarra Libraries Local History Policy 2017	25	25
11.6 National Disability Insurance Scheme - Public Forum Options	26	26
11.7 Edinburgh Gardens WWI Memorial Future Options	28	28
11.8 Potential Processes for: (a) Community / Developer Engagement re Development Proposals and (b) Sourcing of Independent Heritage Advice	29	30

## 12. Notices of motion

<b>Item</b>	<b>Page</b>	<b>Res. Page</b>
12.1 Notice of Motion No 7 of 2017 Cr McEvoy re Bike Infrastructure Funding	32	32

## 13. Urgent business

Nil

## 6. Petitions and joint letters

Nil

## 7. Public question time

### 7.1 Mr Miles Lewis - Gas and Fuel Site - Porter Shed

Question:

I would like to ask the future of the GH porter building on the Council Depot in Queens Parade because I understand that Council is to vacate that land and a proposal to move the building. It would be much better to leave the building on the site and leave the State Government in charge of looking after it. It will be seriously damaged if it is going to be moved, it's the only example in the world of a building by GH Porter surviving.

Response:

*The Director City Works and Assets advised that it is recognised that the porter shed has heritage status and will be protected. Council is committee of management for that land but ultimately is Crown land and if development proceeds we will need to vacate the entire site, so development may occur on that site. We are looking at appropriate sites in public open spaces in Yarra for that shed to be relocated, should that situation eventuate and will be doing that in consultation with the community and Heritage Victoria.*

*The Director Planning and Place Making advised that there is a process that's been underway with Places Victoria, well Places Victoria's process, they are considering a master plan and relocation of that shed is a consideration, whether that stays on site is a moot point and there has been no decision at this point in time. Until a master plan is fully prepared and accepted by this Council, ultimately Places Victoria and the Minister, it is a moot point.*

### 7.2 Mr Simon Ryan - Building Notices

Question:

Would it be possible to add a planning application when a poster is put on a building, to have a visual representation of the proposed building as well? I think it would help a lot of people. I found it very difficult looking up the Council website assessing plans and having the time to go to Council.

Response:

*The Director Planning and Place Making advised it has been a matter that has been considered before, a couple of aspects; planning applications range from e.g. front fence to a heritage area to a major building. A significant building has many plans and trying to provide representation of that in a simplistic way is difficult, certainly Council will have all planning applications online where people can access. Council's website is also being improved to ease with navigation. I can understand some benefits but there are some logistics and disadvantages of it as well, but happy to consider it with the officers.*

7.3 Ms Louise Elliott - Council Resolution on 19 September 2016 re 115 Victoria Parade, Fitzroy

Question:

My question relates to the resolution on 115 Victoria Parade, Fitzroy that was tabled at the meeting on Monday 19 September 2017.

What happens next now that this work has been completed partly based on the information I was able to give them, plus copies of archival material such as early photos and other documents? Heritage Victoria welcomed it and informed it was likely they would receive another nomination commissioned by Council, saying it was useful to receive others written from different perspectives.

Will Council now authorise that this report be provided to Heritage Victoria as Yarra's submission?

Response:

*The Mayor thanked and congratulated Ms Elliott for the work she provided for both her own nomination and for also providing a vast amount of valuable material to Council for Council's own nomination that was endorsed earlier this evening.*

*The Director Planning and Place Making advised that the papers that Ms Elliott provided to Council will be provided to Heritage Victoria and in terms of Council's position, the administration will use every endeavour to support Council's request for nomination and in relation to representation, similarly we will provide the appropriate representation as necessary to seek to secure that nomination on Council's behalf.*

*The Mayor also thanked Ms Oman who put together Council's submission for heritage registration.*

7.4 Ms Margaret O'Brien - My Questions re 7 March Council Meeting

Question:

I note the minutes of the meeting on 7 March are on Council's website. Will Council please advise the date by which I will have the written reply to my questions asked at that meeting and when the managements reply will be in the Council minutes?

Only a partial response is on the website. I would like know when Mr Phillips will provide further details to the questions I raised?

Response:

*The Group Manager Chief Executive's Office advised that a response should be on Council's website. If the minutes are on the website so should the response.*

*The Mayor advised Ms O'Brien that a response will be provided within two weeks.*

7.5 Mr Brad Marsh - Hansen Report re Queens Parade Built Form Report

Question:

I refer to the reply that we all received from the director of planning addressing concerns about omissions in the Hansen report I raised at last Council meeting.

I would like to ask Council to consider moving a motion similar to this:

"That Council requests Hansen to review their Queens Road built form report and ensure that it:

- (a) includes a Yarra LPP Clause 22.02 calculation of heights and setbacks for all cross sections and particularly Coleman Street;
- (b) makes specific reference to LPP21.05-03 concerning maintaining the dominance of avenue trees including, and indicates how "dominance" is calculated;
- (c) removes references to planning applications that have not been approved;
- (d) includes references to the applications that have been approved in recent years in precinct 2B;
- (e) includes references to applications that have been rejected at VCAT such as; and
- (f) based on the above, reviews their recommended controls and makes any appropriate changes."

Response:

*The Mayor advised that it is difficult to answer on the spot but would take it on board and will discuss as a collective.*

7.6 Mr Herschel Landes - Employee Costs and Long Term Financial Plan

Question:

In relation to the Council Meeting on 21 February and the potential introductory of a separate waste service charge and environmental service charge as part of the annual rates income or as Councillor phrased, 'hitting the locals with a bin tax'. I note the 2010 Council saw this as aggressive and not in keeping with the equitable distribution of rate burden. I also refer to the Financial Statements tabled at that meeting for the 6 months ending 31 December 2016 and by comparison Council financial statements for 6 months ending 31 December 2015. These statements show that the Council employee costs have increased from \$37.3mil to \$40.6mil over the same respective 6 monthly period and a comparative 9% increase and given CPI is only grown 1.5% in twelve months and the seasonally adjusted waste price index 1.9%.

How does Council explain such a large comparative increase?

Could Council also advise rate payers how the long term financial strategies are progressing in its implementation in order to achieve the desire sustainable business model and perhaps deliver core services to rate payers and allow equitable distribution of the rate burden?

Response:

*The Director Corporate Business and Finance advised that in relation to employee costs, the employees costs go up based on the Enterprise Agreement. The current*

*Enterprise Agreement is running at 4% and in terms of increased costs, there are additional costs from an employee perspective in terms of banding increases etc. so that explains some of the discrepancies year on year and running at more than 1.9% so that would explain employee costs going up greater than CPI. In terms of a long term financial strategy, there have been a number of initiatives in that long term financial strategy that Council have endorsed and implemented, one of them as you highlighted which was the waste charge, this is something that has been proposed to Council in this particular budget as well as a number of other initiatives i.e. fleet reduction costs.*

7.7 Ms Carole Wilkinson, YCAN - Fossil Fuel Divestment Update

Question:

YCAN asked well over a year ago about divestment from fossil fuels and I would like to know how the divestment issue is going? I don't think there has been a report since the time it was last bought up.

On a follow-up question from September last year we asked if it was possible for Council to facilitate a lunch time information session for Council staff to ensure that their superannuation funds do not have exposure to fossil fuel investments and an undertaking that that meeting would be held. It is my understanding that it has not happened yet and wondering if there is a plan to make that happen?

Response:

*The Director Corporate Business and Finance advised:*

- (a) some external expertise has been sought in terms of providing us with some additional knowledge and support in terms of our development in this area and undertook to do some auditing on our existing contracts;*
- (b) most of our investments are related to short term investments with banks and we are working with our internal auditors to do that piece of audit;*
- (c) the other commitment we had was to build ethical investment and procurement into our procurement policies, so embedded into how we go about procuring because that is the major spend from Councils perspective;*
- (d) it will happen towards the end of the financial year, we have to renew that procurement policy annually so it will be built into that and part of that will be a report on how we are progressing with the ethical procurement and investment audit;*
- (e) we certainly acknowledge from a banking perspective that we have limited opportunities to move outside of the AAA and B rated banks, but nonetheless we are about to finalise the process in relation to the current loan borrowings and part of that process will be an analysis around the various banks ethical investment to help Council in terms of their decision making around it;*
- (f) the information session on superannuation with staff hasn't occurred, there is a session with Councils default superannuation scheme, Vision Super, so that is coming up; and*
- (g) there was an external forum that occurred six months ago that was promoted to staff internally to encourage them to consider attending that forum by Market Forces and have since had further contact with Market Forces, but to my knowledge have not hear back from them, so will follow that up.*

7.8 Mr Greg Spark - Edinburgh Gardens - Heritage Post Stumps

Question:

Around the rotunda there were two or three iron post stumps and about 2 years ago Council removed these posts hopefully to save storage back at its depot.

Where are these heritage iron post stumps?

When will we see them back in the garden in their original position?

Response:

*The Director Planning and Place Making took the questions on notice.*

7.9 Ms Maree Hayhoe - Illegally Fenced Gate at rear of Queens Parade

Question:

I would like to follow up on a comment Sarah Thomas made at the IDAC meeting last week. When I attended the meeting and made my submission I also mentioned the blue stone laneway at the rear of our property had been illegally fenced and gated and taking in part of the public ROW. Sarah mentioned at the IDAC meeting that she would be sending a team out to have a look at the padlocked gate.

I would like to know if anyone has been out to have a look at this and if not could the Council officers please follow-up on this issue?

Back in 2010, the owners of the clothing warehouse at 26 to 56 Queens Parade began painting the exterior of the building bright pink. I made a phone call to Council and explained that part of the façade being art deco was heritage listed and the Planning Enforcement Officer had the painting stopped. I was told a few days later. *'Oh well they've started now so they may as well finish. The art deco is only a small section which is subject to heritage overlay!* I was absolutely astounded by the response.

Can officers please also investigate this issue?

Response:

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

*The Director Planning and Place Making took the question on notice.*

*Councillor Jolly requested that Councillors be kept up to date on the matter.*

7.10 Mr Enrico Cementon - Notice of Comply re King William Street

Question:

In relation to a Notice to Comply that was issued relating to the removal of a gate across an easement on King William Street, Fitzroy and the removal of which all three property owners oppose on the basis that the gate provides significant security. The easement which the gate closes from King William Street is on my title, property I purchased in 2009 and the easement leads to a blind alley behind the two properties next door. The easement is to the benefit of those two households next door to our property and we all have keys to that gate to gain free access to that easement. If the gate is removed it would cause a major security problem and a threat to the three homes and families that live within the three properties.

Is Council aware of the dispute that has arisen between us three home owners and the Council officers?

Can we have a meeting on site with ward Councillors and officers to resolve the issue?

*Response:*

*The Director City Works and Assets advised that it is a public road that is on Council's Road Register, not an easement as Mr Cementon has described. Council's Local Laws officers have served an enforcement notice because it is illegal to block off access to a public road and the gate will need to be re-opened.*

*Councillor Jolly – If the laneway is a dead end and it is not used for any other purpose, how can it still be a road? When would it have been used as a road?*

*The Director City Works and Assets advised that as long as it is a road on Council's Road Register, by legal definition, it is a road. If there is an argument that it should no longer be a road and could be discontinued, that is certainly something that can be looked at, but my understanding is that it is a public road. If the property owners want to make a submission that the road should be discontinued and they wish to purchase the land that is something that can be considered.*

*The Mayor advised that a meeting with Ward Councillors can be arranged.*

#### 7.11 Ms Elizabeth Long - Website

*Question:*

In relation to Council's priorities of transport, you have a hierarchy, at the top you have walking, then bikes, public transport, shared car schemes and at the bottom private car ownership, however on the Council website, clearly reverses this priority because it is far easier to gain access to information on how to get a parking permit, then it is to gain access to information about active transport i.e. bike share schemes or car share schemes.

When Council redo the website can you please make it reflect the values and the hierarchy of transport that Yarra supposedly supports?

When trying to locate information about the car share schemes, I couldn't find it until I finally found it under bike share schemes, it was very difficult to find.

*Response:*

*The Director Advocacy and Engagement advised that Council's website is being updated and officers will be looking at the priority of all the information that is available on the website. One of the most used functions that people go to when accessing the website is information about parking, that doesn't mean that we can't provide that or have other links on information on sustainable transport etc. so we will try to do that as well.*

*Cr Bosler – Will there be any community consultation regarding the new website and is the process already in motion or will there be a test run website?*

*The Director Advocacy and Engagement advised that there has already been consultation with community focus groups on the new website and user testing will also be done.*

## 8. General business

### 8.1 Land Tax Increases for Council Ratepayers

#### BACKGROUND

1. Council resolved at its meeting on 8 February 2005, to assess the land tax burden on Yarra's local businesses and the need for the State Government to index land tax rates so that payments do not escalate to prohibitive levels. Post that assessment, Council further resolved on 12 April 2005, to:
  - (a) write to the Minister for Finance requesting an urgent review of land tax arrangements given the adverse impacts on local business; and
  - (b) pursue the need to review land tax through the MAV State Council, VLGA and Inner South Metropolitan Mayor's Forum.
2. Following the above representations, the State reviewed the aggregation, indexation, ascending scales of land tax and the assessment of land tax, including through the Retail Leases Act and alleviated the burden of land tax.
3. Council has received further representations on prohibitive increases in State property taxation through land tax, of 50-100% related to Council's revaluation of property in January 2017. This contrasts markedly with the State cap on Council rates at 2.5% for 2016/17 and 2% for 2017/18.
4. Advocacy is sought to the State through the MAV and other peak organisations on the burden of land tax since the State's 2005/06 review given implications for landlords, tenants and businesses with current land tax scales projected in the years ahead to exceed rentals. This has major implications for the mix of land use in activity centres, the availability of rental housing, and the relativity of State land tax increases with Council rates.

#### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

1. That Council resolves to:
  - (a) write to the Treasurer, and Minister for Finance requesting an urgent review of State land tax escalation with increases of 50-100% and the relativity with Council rates capped at 2.5% for 2015/16 and 2% for 2016/17;
  - (b) request the MAV to consider factors affecting the burden of land tax on ratepayers, how land tax rates have changed since the 2005/06 assessment by the State, are projected to rise with future valuations with implications for businesses, landlords and tenancies, and the relativities of State land tax with Council rates;
  - (c) request the MAV to seek information from Victorian Councils on land tax increases in their municipalities and the implications of escalating land tax on the viability of property available for local businesses, for lease to renters, the mix of land use in activity centres, and the relativity of State land tax increases with Council rate increases; and
  - (d) pursue the need to review land tax through resolution at the MAV State Council, VLGA, Inner South Metropolitan Mayor's Forum, and Inner Melbourne Action Plan councils.

**LAPSED**

## 9. Delegates' reports

### 9.1 Bicycle Advisory Committee (BAG)

Councillor Searle reported the following:

#### Background

The committee discussed:

1. User behaviour at the Fairfield Pipe Bridge
2. Bicycle theft in Yarra
3. Contra-flow bike lanes on one-way streets in Yarra
4. Big picture 'visionary' projects

Other information tabled for the committee:

1. Walmer Street/Main Yarra Trail connection
2. Update on design for Rushall Reserve shared path
3. Roadmap for planned projects for delivery
4. No helmet protest on 18<sup>th</sup> March 2017
5. Urban Forest Strategy consultation

#### Key issues

##### 1. Fairfield Pipe Bridge

Currently there are signs that require cyclists to dismount, which isn't enforced and no one adheres to. At other bridges Yarra has changed the rule and included signage so that cyclists should give way to pedestrians and conflict has dramatically reduced. Council is looking at changed signage, line-marking, decals or messaging and would appreciate any suggestion.

##### 2. Bicycle theft

Bicycle theft in Yarra has had a reasonable drop in the last quarter. Police to investigate if they can brand a buyer guide to provide at local bike shops to assist customers in choosing a good quality bicycle lock.

##### 3. Contra-flow bike lanes

Some members of BAC are advocating to allow contraflow cycling on all one-way streets in Yarra. BAC discussed the constraints and logistical challenges in implementing it including, resources required (manpower), impracticality on some streets (very narrow widths), potential to raised conflicts/angst with drivers and the relatively low priority compared to other projects in the bike strategy.

##### 4. Big picture 'visionary projects'

Members of BAC discussed some of the big picture projects that would be possible if budgetary constraints were less of an issue. There is a high level of passion amongst members of BAC and elsewhere in the community for more ambitious bicycle infrastructure projects. It was identified that Yarra has already constructed most of the 'easy win' projects to make cycling in Yarra easier and safer. Now the challenge is to secure funding to build the larger scale, more ambitious projects.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Fristacky

1. That Council note the Delegates' report.

**CARRIED**

## **10. Questions without notice**

### 10.1 Councillor Amanda Stone - Australia's E-Waste

Question:

In relation to a recent radio program about the destination of Australia's E-Waste ending up in tips in Africa and being sought by children despite guarantees it was being handled in Australia. I have been approached by a few concerned residents about this issue and I wonder what assurances we have about the destination of the E-Waste that Yarra collects despite the small volume it has?

*Response:*

*The Director City Works and Assets took the question on notice.*

### 10.2 Councillor Jackie Fristacky - Pedestrian/Cyclist Safety - Nicholson Street

Question:

My question relates to the single narrow cut through of around a half metre in the raised concrete yellow border along both sides of the tram tracks along Nicholson Street. This operates as a narrow pinch point for people crossing from Carlton Street, Carlton and the Carlton Gardens to Moor Street Fitzroy and vice versa.

A number of very scary incidents are frequently observed at this pinch point e.g. a parent with a pusher (seeking to access to or from Carlton Gardens) trying to get through the narrow space together with 1-2 cyclists in each direction all having to wait to get through with risks of trams bearing down on these vulnerable road users at the same time as vehicles passing at 60 km/h.

The high risk of potential accidents in this area that could cause very serious injuries has been raised with Council, VicRoads and Yarra Trams over several years.

When will this risk of the single narrow cut through be addressed by additional cut throughs so there is no need for multiple pedestrians and cyclists to queue at the narrow cut-through that can only take 1 person or bike at a time?

Would VicRoads prefer community themselves resorting to creating the much needed cut throughs to deal with the risks at this pinch-point?

I was reminded about this problem coming across the intersection en route to Council's meeting tonight.

*Response:*

*The Chief Executive Office advised that she would contact the CEO of VicRoads and the CEO of Yarra Trams and provide a response back to Councillors.*

## 11.1 Australian Catholic University Amendment to Approved Development Plan - 115 Victoria Parade and 28 - 42 Young Street, Fitzroy.

Trim Record Number: D17/11590

Responsible Officer: Director Planning and Place Making

[Help](#)

### RECOMMENDATION

1. That Council:

- (a) note the report of officers regarding the proposed amendment to the Development Plan for the Australian Catholic University;
- (b) advise the Victorian Civil and Administrative Tribunal that if Council were in a position to determine the application it would approve the amendment to the Development Plan for the Australian Catholic University at 115 Victoria Parade and 28 – 42 Young Street, Fitzroy subject to the following conditions:

Element	Conditions
Victoria Parade Building	<p><u>New Building</u></p> <ol style="list-style-type: none"> <li>1. Reduction in height of the proposed new building to have a maximum height of RL 92.</li> <li>2. Proposed setbacks of level 1 – 3 to be increased to mirror those of levels 4 – 5.</li> <li>3. Maintain the tripartite (podium, middle, top) composition of the building form as depicted in the DP.</li> <li>4. Revised façade detail to the central bridging element introducing clear glazing and amended stair treatment.</li> </ol> <p><u>Addition to Mary Glowery Building</u></p> <ol style="list-style-type: none"> <li>5. Setback of the addition to the Mary Glowery Building to Napier Street to be increased from 31.9m to a minimum of 42 metres.</li> <li>6. The addition to the Mary Glowery building to be set in from the existing external façade of the heritage building.</li> <li>7. Deletion of the external structural support columns.</li> </ol> <p><u>General</u></p> <ol style="list-style-type: none"> <li>8. Reduction in height and extent of the two plant areas to not be visible from the street and designed to be integrated into the building.</li> <li>9. Review of signage extent and presentation to be less intrusive to the heritage context.</li> </ol>
Young Street Building	<ol style="list-style-type: none"> <li>10. Retention of existing northern on boundary wall associated with the car park structure adjacent to 44 Young Street.</li> <li>11. Eastern wall of the Young Street Hub to either comply with the B17 ResCode height envelope or alternatively, be no higher than the existing conditions with any higher structure to be setback to limit off site amenity impacts.</li> <li>12. Reduction in height and extent of the plant area to not be visible from the street and designed to be integrated into the building.</li> </ol>

<p>Cars and Vehicular Access</p>	<ol style="list-style-type: none"> <li>13. Redesign to either raise the car park and bike lane and or convert area to a 'priority crossing' with a give way sign.</li> <li>14. Inclusion of a sight triangle for the exit lane from the car park.</li> <li>15. Deletion of proposed use of 'concrete semi-mountable kerb and replacement with Council's bluestone semi-mountable kerb.</li> <li>16. Swept path diagrams for car existing critical spades on the east side of Napier Street due to the island and separator.</li> <li>17. Additional flared island at the northern side of the car park entrance.</li> <li>18. Continuation of linemarking or a raised median island to the south of the car park entrance.</li> <li>19. Additional one-way arrows within the traffic lane.</li> <li>20. Installation of a 'No Through Road' sign at Victoria Parade.</li> <li>21. Dynamic parking vacancy indicator sign facing Victoria Parade.</li> <li>22. Swept paths to show that vehicles can't enter/exit the car park access via the northern section of Napier Street.</li> <li>23. A road safety audit and compliance with all its recommendations.</li> <li>24. A minimum of 12 disabled car parking spaces accessible by staff and students.</li> <li>25. A car parking study to inform the number of car parking spaces required on site with the aim of further reducing numbers.</li> <li>26. Retention of the original 'Batemans Patent Melbourne Waterworks grate' in Napier Street.</li> </ol>
<p>Sustainable Transport</p>	<ol style="list-style-type: none"> <li>27. A minimum of 80 new bike spaces to be provided with the DP area.</li> <li>28. Details and location of the new Melbourne Bike Share facility along Victoria Parade or Napier Street within the University frontage.</li> <li>29. A Green Travel Plan for the University examining implementation of more sustainable transport measures.</li> </ol>
<p>Landscaping</p>	<ol style="list-style-type: none"> <li>30. Additional information regarding lighting of the Hub landscape areas to ensure pedestrian safety while controlling light spill to adjoining residential areas.</li> </ol>
<p>Use</p>	<ol style="list-style-type: none"> <li>31. Accurate information applicable only to the DP area regarding increased student and staff numbers reflecting the existing figures being 2,125 full time students and 180 staff.</li> </ol>
<p>Other</p>	<ol style="list-style-type: none"> <li>32. Any other changes as a consequence of the above.</li> </ol>

Public Submissions

The following people addressed Council on the matter:

Ms Louise Elliott;

Mr Phillip Campbell of South Fitzroy Defence Association;

Ms Suzanne Curry;

Dr John Ballard of Australian Catholic University;

Ms Anna Barkley, Planner for ACU;

Mr Nathan Patten;

Mr Miles Lewis;

Mr Leigh Guthrie; and

Professor Cosmos Smyrnios.

**MOTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Jolly

1. That Council:

- (a) note the report of officers regarding the proposed amendment to the Development Plan for the Australian Catholic University;
- (b) advise the Victorian Civil and Administrative Tribunal that if Council were in a position to determine the application it would approve the amendment to the Development Plan for the Australian Catholic University at 115 Victoria Parade and 28 – 42 Young Street, Fitzroy subject to the following conditions:

Element	Conditions
Victoria Parade Building	<p><u>New Building</u></p> <ol style="list-style-type: none"> <li>1. Reduction in height of the proposed new building to have a maximum height of RL <u>86.5</u>.</li> <li>2. Proposed setbacks of level 1 – 3 to be increased to mirror those of levels 4 – 5.</li> <li>3. Maintain the tripartite (podium, middle, top) composition of the building form as depicted in the DP.</li> <li>4. Revised façade detail to the central bridging element introducing clear glazing and amended stair treatment.</li> </ol> <p><u>Addition to Mary Glowery Building</u></p> <ol style="list-style-type: none"> <li>5. Setback of the addition to the Mary Glowery Building to Napier Street to be increased from 31.9m to a minimum of 42 metres.</li> <li>6. The addition to the Mary Glowery building to be set in from the existing external façade of the heritage building.</li> <li>7. Deletion of the external structural support columns.</li> </ol> <p><u>General</u></p> <ol style="list-style-type: none"> <li>8. Reduction in height and extent of the two plant areas to not be visible from the street and designed to be integrated into the building.</li> </ol>

	9. <u>No signage (lit or otherwise) to be visible from residential areas (including Young Street, Little Victoria, Napier Street, George Street, Little George Street and Gore Street.</u>
Young Street Building	10. Retention of existing northern on boundary wall associated with the car park structure adjacent to 44 Young Street.  11. Eastern wall of the Young Street Hub to either comply with the B17 ResCode height envelope or alternatively, be no higher than the existing conditions with any higher structure to be setback to limit off site amenity impacts.  12. Reduction in height and extent of the plant area to not be visible from the street and designed to be integrated into the building.
Cars and Vehicular Access	13. <u>A maximum of 50 car parking space located within a basement level utilising access and egress from the existing Victoria Parade crossover.</u>  14. <u>A minimum of 12 disabled car parking spaces accessible by staff and students.</u>
Sustainable Transport	15. A minimum of 80 new bike spaces to be provided with the DP area.  16. <u>Retention of the Melbourne Bike Share facility in its current location.</u>  17. A Green Travel Plan for the University examining implementation of more sustainable transport measures.
Landscaping	18. Additional information regarding lighting of the Hub landscape areas to ensure pedestrian safety while controlling light spill to adjoining residential areas.
Use	19. Accurate information applicable only to the DP area regarding increased student and staff numbers reflecting the existing figures being 2,125 full time students and 180 staff.
Other	20. Any other changes as a consequence of the above.

2. That Council strongly encourage the Australian Catholic University to produce a Development Plan for their entire landholding in Fitzroy to assist with orderly planning of the campus.

## AMENDMENT

**Moved:** Councillor Bosler

1. (b) note the Heritage application process underway for the Mary Glowery Building and recognises the significant heritage of the building;

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

**AMENDMENT****Moved:** Councillor McEvoy14. A minimum of ~~42~~ 24 disabled car parking spaces accessible by staff and students.15. A minimum of 160 ~~80~~ new bike spaces to be provided with the DP area.

*The mover and seconder accepted the amendment in point 15 and it was incorporated into the substantive motion, however did not accept the amendment in point 14.*

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

1. That Council:

- (a) note the report of officers regarding the proposed amendment to the Development Plan for the Australian Catholic University;
- (b) note the Heritage application process underway for the Mary Glowery Building and recognises the significant heritage of the building; and
- (c) advise the Victorian Civil and Administrative Tribunal that if Council were in a position to determine the application it would approve the amendment to the Development Plan for the Australian Catholic University at 115 Victoria Parade and 28 – 42 Young Street, Fitzroy subject to the following conditions:

Element	Conditions
Victoria Parade Building	<p><u>New Building</u></p> <ol style="list-style-type: none"> <li>1. Reduction in height of the proposed new building to have a maximum height of RL <u>86.5</u>.</li> <li>2. Proposed setbacks of level 1 – 3 to be increased to mirror those of levels 4 – 5.</li> <li>3. Maintain the tripartite (podium, middle, top) composition of the building form as depicted in the DP.</li> <li>4. Revised façade detail to the central bridging element introducing clear glazing and amended stair treatment.</li> </ol> <p><u>Addition to Mary Glowery Building</u></p> <ol style="list-style-type: none"> <li>5. Setback of the addition to the Mary Glowery Building to Napier Street to be increased from 31.9m to a minimum of 42 metres.</li> <li>6. The addition to the Mary Glowery building to be set in from the existing external façade of the heritage building.</li> <li>7. Deletion of the external structural support columns.</li> </ol> <p><u>General</u></p> <ol style="list-style-type: none"> <li>8. Reduction in height and extent of the two plant areas to not be visible from the street and designed to be integrated into the building.</li> <li>9. <u>No signage (lit or otherwise) to be visible from residential areas (including Young Street, Little Victoria, Napier Street, George Street, Little George Street and Gore Street.</u></li> </ol>

Young Street Building	<p>10. Retention of existing northern on boundary wall associated with the car park structure adjacent to 44 Young Street.</p> <p>11. Eastern wall of the Young Street Hub to either comply with the B17 ResCode height envelope or alternatively, be no higher than the existing conditions with any higher structure to be setback to limit off site amenity impacts.</p> <p>12. Reduction in height and extent of the plant area to not be visible from the street and designed to be integrated into the building.</p>
Cars and Vehicular Access	<p>13. <u>A maximum of 50 car parking space located within a basement level utilising access and egress from the existing Victoria Parade crossover.</u></p> <p>14. A minimum of 12 disabled car parking spaces accessible by staff and students.</p>
Sustainable Transport	<p>15. A minimum of <u>160</u> new bike spaces to be provided with the DP area.</p> <p>16. <u>Retention of the Melbourne Bike Share facility in its current location.</u></p> <p>17. A Green Travel Plan for the University examining implementation of more sustainable transport measures.</p>
Landscaping	<p>18. Additional information regarding lighting of the Hub landscape areas to ensure pedestrian safety while controlling light spill to adjoining residential areas.</p>
Use	<p>19. Accurate information applicable only to the DP area regarding increased student and staff numbers reflecting the existing figures being 2,125 full time students and 180 staff.</p>
Other	<p>20. Any other changes as a consequence of the above.</p>

2. That Council strongly encourage the Australian Catholic University to produce a Development Plan for their entire landholding in Fitzroy to assist with orderly planning of the campus.

**CARRIED**

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**11.2 Council Submission on State Government Fast-track Amendment Affecting 35 Johnston Street and 50 Perry Street, Collingwood (Collingwood Arts Precinct)**

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Trim Record Number: D17/23997

Responsible Officer: Manager City Strategy

[Help](#)

**RECOMMENDATION**

1. That:
  - (a) Council notes the officer's report summarising the proposed state government amendment to rezone the subject land at 35 Johnston Street and 50 Perry Street, Collingwood; and
  - (b) Council endorse the submission to GSLAC which supports the proposed amendment subject to the changes outlined in Attachment 2;
  - (c) Officers engage legal representation and experts to attend the Advisory Committee hearing which is scheduled for the 10 and 11 April; and
  - (d) the report of the Advisory Committee is released publicly.

**COUNCIL RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Bosler

1. That:
  - (a) Council notes the officer's report summarising the proposed state government amendment to rezone the subject land at 35 Johnston Street and 50 Perry Street, Collingwood; and
  - (b) Council endorse the submission to GSLAC which supports the proposed amendment subject to the changes outlined in Attachment 2;
  - (c) Officers engage legal representation and experts to attend the Advisory Committee hearing which is scheduled for the 10 and 11 April; and
  - (d) the report of the Advisory Committee is released publicly.

**CARRIED UNANIMOUSLY**

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**11.3 Potential for Council to offer Environmental Upgrade Agreements (EUA's) - 2017 update**

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Trim Record Number: D17/25380

Responsible Officer: Assistant Director Planning and Place Making

[Help](#)

**RECOMMENDATION**

1. That Council note the officer report in relation to Environmental Upgrade Agreements.
2. That Council do not pursue the commencement of Environmental Upgrade Agreements in the City of Yarra at this time, but reconsider if any Yarra businesses indicate an interest in the process in the future.

**COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor Bosler

1. That the item be deferred to the next Councillors Briefing for further discussion.

**CARRIED**

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**11.4 Business Advisory Group - appointment of business representatives**

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Trim Record Number: D17/22567  
Responsible Officer: Manager City Strategy

[Help](#)

**RECOMMENDATION**

1. That Council note the report of officers in relation to the Business Advisory Group.
2. The Council, having considered the nominations received for the four business representative positions on the BAG, appoint the following applicants to the BAG:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
3. That the successful and non-successful nominees be advised in writing of the outcome of their nomination.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

1. That Council note the report of officers in relation to the Business Advisory Group.
2. The Council, having considered the nominations received for the four business representative positions on the BAG, appoint the following applicants to the BAG:
  - (a) Trang Du;
  - (b) Joe Esposito;
  - (c) Mark Ryan; and
  - (d) Jessica Kerr.
3. That the successful and non-successful nominees be advised in writing of the outcome of their nomination.

**CARRIED UNANIMOUSLY**

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## 11.5 Yarra Libraries Local History Policy 2017

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Trim Record Number: D16/183215

Responsible Officer: Director Community Wellbeing

[Help](#)

### RECOMMENDATION

1. That Council adopt the attached Yarra Libraries Local History Policy 2017.

### COUNCIL RESOLUTION

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Fristacky

1. That Council adopt the attached Yarra Libraries Local History Policy 2017.

**CARRIED UNANIMOUSLY**

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## 11.6 National Disability Insurance Scheme - Public Forum Options

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Trim Record Number: D17/28936

Responsible Officer: Director Community Wellbeing

[Help](#)

### RECOMMENDATION

1. That Council provides in-principle support to the Yarra Disability Advisory Committee's proposal to hold a public forum to discuss the implementation of the National Disability Insurance Scheme, with a focus on the experience of people with disability, carers and families.
2. That Council notes that Officers recommend Option 4 (that Council advocates for other funded agencies such as DHHS, BSL, NDIA and VDAC to facilitate the forum), in collaboration with North East Metropolitan Area (NEMA) councils, as the preferred way forward.
3. That Officers write to DAC's and councils in the NEMA, and key stakeholders including DHHS, BSL, NDIA and VDAC to seek their formal response to Councils request for them to assist in facilitating a regional public forum, including their willingness to perform the facilitation role, provide resources, and their interest in participating in the planning and delivery of a forum.
4. That, subject to the response received from NEMA councils and key stakeholders outlined above, the Chief Executive Officer is authorised to determine Council's level of participation, if any, in planning for and holding a regional public forum.

### COUNCIL RESOLUTION

**Moved:** Councillor Nguyen

**Seconded:** Councillor Chen Yi Mei

1. That Council provides in-principle support to the Yarra Disability Advisory Committee's proposal to hold a public forum to discuss the implementation of the National Disability Insurance Scheme, with a focus on the experience of people with disability, carers and families.
2. That Council notes that Officers recommend Option 4 (that Council advocates for other funded agencies such as DHHS, BSL, NDIA and VDAC to facilitate the forum), in collaboration with North East Metropolitan Area (NEMA) councils, as the preferred way forward.
3. That Officers write to DAC's and councils in the NEMA, and key stakeholders including DHHS, BSL, NDIA and VDAC to seek their formal response to Councils request for them to assist in facilitating a regional public forum, including their willingness to perform the facilitation role, provide resources, and their interest in participating in the planning and delivery of a forum.
4. That, subject to the response received from NEMA councils and key stakeholders outlined above, the Chief Executive Officer is authorised to determine Council's level of participation, if any, in planning for and holding a regional public forum.

**CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Fristacky

**Seconded:** Councillor McEvoy

That the meeting be extended by 20 minutes.

**CARRIED**

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## 11.7 Edinburgh Gardens WWI Memorial Future Options

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Trim Record Number: D17/25220

Responsible Officer: Director Community Wellbeing

[Help](#)

### RECOMMENDATION

1. That:
  - (a) Council allocate the remaining 2016/17 budget of \$44,882 towards landscaping works and ornamentation restorations related to the Edinburgh Gardens WWI Memorial and to work closely with local history groups to commission an interpretive project to improve public awareness of the Memorial;
  - (b) Officers commence work into nominating the Edinburgh Gardens WWI Memorial for inclusion into the Victorian Heritage Register; and
  - (c) Officers continue to investigate funding options to enable future works.

### Public Submission

*Mr Greg Spark addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

1. That:
  - (a) Council allocate the remaining 2016/17 budget of \$44,882 towards landscaping works and ornamentation restorations related to the Edinburgh Gardens WWI Memorial and to work closely with local history groups to commission an interpretive project to improve public awareness of the Memorial;
  - (b) Officers commence work into nominating the Edinburgh Gardens WWI Memorial for inclusion into the Victorian Heritage Register; and
  - (c) Officers continue to investigate funding options to enable future works.

**CARRIED UNANIMOUSLY**

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**11.8 Potential Processes for: (a) Community / Developer Engagement re Development Proposals and (b) Sourcing of Independent Heritage Advice**

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Trim Record Number: D17/4667

Responsible Officer: Group Manager Chief Executive's Office

[Help](#)

**RECOMMENDATION**

1. That Council:
  - (a) note the report;
  - (b) note the previous resolution (22 November 2016) to refer the matter of engaging an independent Heritage Advisor to budget for consideration;
  - (c) note that if the position is funded in the 2017/18 budget, the duties and responsibilities would align with the Position Description as per **Attachment 1** hereto and would:
    - (i) undertake a re-write and expansion of information material provided at the Council's Planning Offices in a manner to specifically highlight practice guidelines and the importance of respecting and retaining appropriate heritage infrastructure and buildings in any development processes in order to better assist developers and residents alike; and
    - (ii) undertake to implement the suggested process to encourage more consultation and engagement between developers and community at the earliest possible stage of the planning process; and
  - (d) note that if a Heritage Advisor (suggested title to be "Heritage Coordinator") was to be appointed, the position will be positioned in the Chief Executive Officer's Division and report to the Group Manager – Chief Executive's Office so as to be independent from the Planning Branch; and
  - (e) now refer the report and **Attachment 1** for consideration in conjunction with its budget deliberations.

Public Submissions

*The following people addressed Council on the matter:*

*Ms Margaret O'Brien;*

*Ms Margaret Portelli, Fitzroy Residents Association;*

*Mr Greg Spark; and*

*Mr Miles Lewis.*

**MOTION**

**Moved:** Councillor Fristacky

That Council:

- (a) note the report;
- (b) note the previous resolution (22 November 2016) to refer the matter of engaging an independent Heritage Advisor to budget for consideration;
- (c) note that if the position is funded in the 2017/18 budget, the duties and responsibilities would align with the Position Description as per **Attachment 1** hereto and would:

- (i) undertake a re-write and expansion of information material provided at the Council's Planning Offices in a manner to specifically highlight practice guidelines and the importance of respecting and retaining appropriate heritage infrastructure and buildings in any development processes in order to better assist developers and residents alike; and
  - (ii) undertake to implement the suggested process to encourage more consultation and engagement between developers and community at the earliest possible stage of the planning process; and
- (d) note that if a Heritage Advisor (suggested title to be "Heritage Coordinator") was to be appointed, the position will be positioned in the Chief Executive Officer's Division and report to the Group Manager – Chief Executive's Office so as to be independent from the Planning Branch; and
- (e) now refer the report and **Attachment 1** for consideration in conjunction with its budget deliberations;
- (f) in providing information to applicants and those considering development, in the interests of ongoing neighbourly relations and better design outcomes, include advice encouraging talking to neighbours and/or neighbouring property owners at the pre-application stage or early stage in the development to discuss the impacts of proposals including such as; neighbouring solar panels, overshadowing, overlooking, privacy and other amenity impacts to engage in ideas on how these can with design modifications, be addressed or minimised; and
- (g) propose that fact/information sheets be modified to enhance background information to highlight the importance of heritage in planning, inclusive of key explanations and examples of positive versus negative outcomes, to be available at Council's planning counter as well as on Council's web-site with input by the Heritage Advisory Committee on the proposed modifications.

LAPSED

## COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Searle

1. That Council:
- (a) note the report;
  - (b) note the previous resolution (22 November 2016) to refer the matter of engaging an independent Heritage Advisor to budget for consideration;
  - (c) note that if the position is funded in the 2017/18 budget, the duties and responsibilities would align with the Position Description as per **Attachment 1** hereto and would:
    - (i) undertake a re-write and expansion of information material provided at the Council's Planning Offices in a manner to specifically highlight practice guidelines and the importance of respecting and retaining appropriate heritage infrastructure and buildings in any development processes in order to better assist developers and residents alike; and
    - (ii) undertake to implement the suggested process to encourage more consultation and engagement between developers and community at the earliest possible stage of the planning process; and
  - (d) note that if a Heritage Advisor (suggested title to be "Heritage Coordinator") was to be appointed, the position will be positioned in the Chief Executive Officer's Division and report to the Group Manager – Chief Executive's Office so as to be independent from the Planning Branch; and

- (e) now refer the report and **Attachment 1** for consideration in conjunction with its budget deliberations.

**LOST**

**CALL FOR A DIVISION**

**For:** Councillors Fristacky, Stone and Searle

**Against:** Councillors Chen Yi Mei, Bosler and Nguyen

**Abstained:** Councillor McEvoy

**LOST**

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Chen Yi Mei

That the meeting be extended by 15 minutes.

**CARRIED**

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**12.1 Notice of Motion No 7 of 2017 Cr McEvoy re Bike Infrastructure Funding**

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Trim Record Number: D17/32263

Responsible Officer: Group Manager Chief Executive's Office

[Help](#)

Public Submissions

*The following people addressed Council on the matter:*

*Ms Elizabeth Long;*

*Ms Kerry Echberg of YCAN;*

*Mr Marcus Coghlan;*

*Mr Troy Parsons; and*

*Ms Chris Star, Yarra Bicycle Users Group.*

**COUNCIL RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Fristacky

1. That Council:

- (a) applaud the Victorian Government's announcement on 13 October 2016 to support growing rates of cycling and walking in Victoria with the launch of Active Transport Victoria (ATV), and specifically, the prioritisation of infrastructure to keep cyclists and pedestrians safe through the \$100million Safe Cyclists and Pedestrians Fund;
- (b) note the commitment of the newly established ATV to "work with local Councils and communities to better coordinate the planning of infrastructure and ensure projects are built where they are needed most and delivered on time";
- (c) note that the growing number of cyclists and pedestrians in Yarra contributes to population health improvements, a more efficient transport network with less congestion, and a reduction in carbon emissions, but that without an investment in infrastructure that separates cyclists and pedestrians from motor traffic there is an increased risk of injury and casualties to the most vulnerable road-users;
- (d) note the significant work in Yarra over many years to develop leading bike strategy and infrastructure, along with policies to encourage an increase in walking in Yarra and link with neighbouring councils;
- (e) highlight Yarra's Bike Strategy adopted in 2009 and the City of Yarra Bike Strategy 2016 Refresh that list over 25 projects to the value of approximately \$20 million in priority order;
- (f) request that the Mayor and Chief Executive Officer urgently seek a meeting with the Minister for Transport to ascertain what funding will be available from the promised Safe Cyclists and Pedestrian Fund to support projects ready to proceed in the 2017/18 Financial Year; and
- (g) note the significant community support for active transport infrastructure in Yarra and the submissions made at tonight's meeting advocating for a larger annual investment of funds for active transport in the state.

**CARRIED UNANIMOUSLY**

*Councillor Jolly left the meeting at 9.37pm*

**Conclusion**

The meeting concluded at 11.37pm.

Confirmed Tuesday 4 April 2017

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Mayor