



Ordinary Meeting of Council Minutes

**held on Tuesday 31 October 2017 at 7.00pm
Richmond Town Hall**

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

1A. Announcement - Yarra Rainbow Flags

Yarra is a community that values diversity, inclusion and respect, and Council has publicly supported Marriage Equality since 2015. As such, we have stood by our LGBTIQ community throughout the Marriage Equality campaign and encouraged Australians to vote yes in the postal survey.

At the start of September we distributed rainbow flags to local businesses throughout Yarra to sign and pass on to others as a representation of their support for Marriage Equality. These flags have given community members a chance to connect with this issue and have passed from business to business, person to person, gathering signatures. They have become a physical representation of the overwhelmingly positive backing Marriage Equality has in Yarra.

It has been a wonderful way to lend support to our LGBTIQI community members who have suffered as a result of the debate surrounding this postal survey. With the postal survey on Marriage Equality reaching its conclusion, it is time to gather up these flags so that we can share them with the wider community.

We have seen these flags pass through dozens of businesses collecting hundreds of signatures and I am proud to accept them back now on behalf of Yarra Council.

Thank you to all those who have participated in this initiative, your enthusiasm and support mean so much.

These flags will now be displayed publicly throughout Yarra, so that visitors can witness the wonderful support our community has to offer to the LGBTIQ community.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Amanda Stone (Mayor)
- Cr Danae Bosler
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Stewart Martin (Acting Director - Corporate, Business and Finance)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Jane Waldock (Acting Director - Planning and Place making)
- Chris Leivers (Acting Director - City Works and Assets)
- Mel Nikou (Governance Officer)

Leave of absence

- Cr Mi-Lin Chen Yi Mei

Apology

- Cr Stephen Jolly

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

Councillor Stone declared a conflict of interest on item 11.2.

Councillor Nguyen declared a conflict of interest on item 11.1.

4. Confidential business reports

Item

- 4.1 Matters relating to legal advice
- 4.2 Matters relating to legal advice
- 4.3 Matters relating to legal advice
- 4.4 Matters prejudicial to Council and/or any person

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 McEvoy

Seconded: Councillor Coleman

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 relating to legal advice; and
 - (b) Matters prejudicial to Council and/or any person.
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 Nguyen

That the minutes of the Ordinary Council Meeting held on Tuesday 17 October 2017 be confirmed.

CARRIED

6. Petitions and joint letters

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7. Public question time

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8. General business

Nil

9. Delegates' reports

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13. Urgent business

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6. Petitions and joint letters

6.1 Speed Reduction Mechanisms in Taylor Street, North Fitzroy

Reference: D17/172886

A joint letter signed by 28 residents of Taylor Street, North Fitzroy are requesting that Council consider the installation of speed-reducing mechanisms due to the frequent access by drivers as a means to bypass traffic on Nicholson Street and are doing so in excess of the streets speed limit of 40km/h.

Residents are concerned that the high speed use of the street represents a serious risk of collision with a pedestrian given the streets population of families with young children and elderly residents.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

That the joint letter be received and referred to the appropriate officer for consideration.

CARRIED

6.2 Hoddle Street 24 hour Clearway Proposal

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor McEvoy

That the petition be received and referred to the appropriate officer for consideration.

CARRIED

7. Public question time

7.1 Ms Bella Vaness -

Question:

Ms Vaness asked a question in relation to the recent announcement by the State Government of its plans to introduce legislation to enable a two year trial of a Medically Supervised Injecting Facility in Richmond. Specifically, she asked where the centre was proposed to be located.

Response:

The Mayor provided a response and advised that the proposed location was the North Richmond Community Health Centre in Lennox Street North Richmond.

7.2 Ms Di Cummins - Station Street, North Carlton

Question:

Ms Cummings asked a question in relation to the proposed traffic diversion experiment involving a trial closure of Station St at the Princes St exit.

She stated that GTA Consultants engaged by Council concluded in their November, 2016 Traffic Impact Assessment “there is not an existing issue with regard to the level of traffic and speed on Station Street for access to Princes Street”. She further noted that the affected section of Station Street accommodates just 22 households and the report predicted increased traffic in adjoining streets, with the potential for more congestion on Canning and increased conflict with pedestrians and bicycles at that location. She asked why Council was considering this closure.

Response:

The Mayor provided a response and advised that Council had made a decision only to proceed with community consultation and had not made a decision as to whether a closure would proceed. A decision would be made only after the Council had the opportunity to hear from the community.

8. General business

Nil

9. Delegates' reports

9.1 Councillor Searle - MAV State Council

Committee	Municipal Association of Victoria (MAV)
Appointed Councillors	James Searle
Date of Council Meeting	31 October 2017
Date of Report	20 October 2017
Report Author	Cr James Searle

State Council is the governing body of the MAV and is made up delegates from each of the 79 Councils. Many CEO's and officers also attend. Cr James Searle attended as the City of Yarra delegate.

Agenda

The agenda consisted of reports from the President and the CEO and motions moved by member Councils.

Key motions carried

State Council carried Yarra's motion to advocate for a Supervised Injecting Facility in Richmond, and at the time of writing this report a trial has just been announced.

Other key motions carried included:

- A motion to asking the Federal Government to reverse its decision to strip citizenship granting powers from Yarra and Darebin;
- A motion advocating for a ban on single use plastic bags (which since the meeting has been announced by the State Government);
- A motion supporting land use planning decisions that facilitate implementation of renewable energy technology;
- A motion calling for an integrated transport plan for Victoria;
- A motion asking the State Government to reconsider its intention to centralise property valuations;
- A motion establishing that marriage equality is a human rights issue (MAV has previously endorsed marriage equality);

A motion put by another Council to reaffirm January 26th as Australian's national day was withdrawn by that Council before being put to a vote.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That Council note the Delegates' Report.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Fristacky - Reducing Speed Limits on Local Roads

Question:

Cr Fristacky drew Council's attention to a motion passed by the Municipal Association of Victoria State Council regarding the reduction of speed limits and sought advice as to Council's process for reducing speed limits. She also asked for advice on why VicRoads approval is required when it would appear that the regulation requiring approval is now obsolete.

Response:

The Acting Director Planning and Place Making took the question on notice, but advised that Council's current process is to always seek approval from VicRoads.

10.2 Councillor Searle - Gas Works Renewal

Question:

Cr Searle referred to a recent incident where a contractor left materials on Council land in Richmond for an extended period and asked what control does Council have to manage contractors conducting works for gas companies or other utilities on Council land.

Response:

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

11.1 Proposed Extension of Clearways: Hoddle Street

Trim Record Number: D17/158959

Responsible Officer: Assistant Director Planning and Place Making

Councillor Nguyen left the meeting due to a conflict of interest at 7.40pm.

Councillor Coleman left the meeting at 7.40pm

Councillor Coleman returned to the meeting at 7.42pm.

RECOMMENDATION

1. That Council notes the officer report on the proposal by VicRoads to introduce 24/7 Clearways along Hoddle Street/Punt Road between the Eastern Freeway and the Yarra River, and also at Swan Street between Punt Road and Lennox Street.
2. That Council note the analysis of officers based on the information provided by VicRoads.
3. That Council notes that, it is the officers' opinion that at this point in time, there is insufficient information to make an informed judgement.
4. That Council advise VicRoads that it does not provide in principle support for the proposal at this time.
5. That Council endorses the draft submission to be sent to the VicRoads project team by 5th November with a copy also going to:
 - (a) Hon Luke Donnellan, Minister for Roads;
 - (b) The Hon Jacinta Allan MP (Minister for Public Transport, Minister for Employment);
 - (c) The Hon Marlene Kairouz MP (Minister for Local Government);
 - (d) The Hon Richard Wynne MP (Minister for Planning, member for Richmond); and
 - (e) Mr John Merritt (CEO, VicRoads).
6. That Council authorise the CEO to finalise the submission.

Public Submissions

The following people addressed Council on the matter:

Mr Paul Kuufman of 100 Hoddle Street;

Mr Brendan Jupp;

Mr Paul Van-nes;

Ms Brigette Cameron - 196 Hoddle Street;

Ms Danika Skapetis - 80-86 Hoddle Street; and

Mr Graham Slattery.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

1. That Council notes the officer report on the proposal by VicRoads to introduce 24/7 Clearways along Hoddle Street/Punt Road between the Eastern Freeway and the Yarra River, and also at Swan Street between Punt Road and Lennox Street.
2. That Council note the analysis of officers based on the information provided by VicRoads.
3. That Council notes that, it is the officers' opinion that at this point in time, there is insufficient information to make an informed judgement.
4. That Council advise VicRoads that it does not provide in principle support for the proposal at this time.
5. That Council endorses the draft submission to be sent to the VicRoads project team by 5th November with a copy also going to:
 - (a) Hon Luke Donnellan, Minister for Roads;
 - (b) The Hon Jacinta Allan MP (Minister for Public Transport, Minister for Employment);
 - (c) The Hon Marlene Kairouz MP (Minister for Local Government);
 - (d) The Hon Richard Wynne MP (Minister for Planning, member for Richmond); and
 - (e) Mr John Merritt (CEO, VicRoads).
6. That Council authorise the CEO to finalise the submission, including reference to the 588 petitioners and matters raised by both Councillors and submitters at the Council meeting held on 31 October 2017.
7. That Council further:
 - (a) notes that a key function of the Streamlining Hoddle Street project is to channel vehicles on and off the Eastern Freeway;
 - (b) notes that a recent proposal by Transdev for a Bus Rapid Transit (BRT) project to move passengers along the eastern freeway corridor quickly has been rejected;
 - (c) note the requirement for integrated transport planning under the Transport Integration Act, and the need for comprehensive planning to alleviate pressures on the Eastern Corridor, Alexandra Parade and Hoddle Street;
 - (d) authorises the Mayor to write to the Ministers for Roads and Public Transport to ask what the state government plans are for increasing mass transit along the Eastern Freeway Corridor to Doncaster and beyond; and
 - (e) Authorise the CEO to seek a meeting with the Minister for Public Transport and Roads along with business representatives and residents to articulate the fine-grained issues.

CARRIED UNANIMOUSLY

11.2 Amendment C220 - Johnston Street Rezoning and DDO Proposal (Revised Amendment for Exhibition)

Trim Record Number: D17/92609

Responsible Officer: Senior Coordinator Strategic Planning

Councillor Stone left the meeting due to a conflict of interest.

Councillor Coleman assumed the Chair.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report on the Johnston Street Activity Centre;
 - (b) note the earlier conditional authorisation by the Minister for Planning as a prerequisite condition of any public exhibition of a proposed Planning Scheme Amendment in relation to Johnston Street;
 - (c) note the additional urban design and heritage analysis undertaken by officers outlined in the report to address these requirements of the Minister for Planning;
 - (d) note the strategic intent of the Amendment in seeking to manage growth and development pressures in Johnston Street broadly consistent with the adopted Local Area Plan (December 2015);
 - (e) endorses the revised Amendment C220 comprising a revised Design Development Overlay (DDO15) and the replacement of the proposed Clause 22.18 with a new Clause 21.11-1; and
 - (f) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the revised Design and Development Overlay Schedule 15 on an interim basis.
2. That Council, having considered the report and the requirements of the Minister for Planning's conditional authorisation and the further work of officers, now authorise officers to exhibit the revised Amendment C220 in accordance with Section 19 of the *Planning and Environment Act 1987* in the following manner:
 - (a) public exhibition of the proposed amendment for a minimum of four weeks in accordance with the requirements of the *Planning and Environment Act 1987*;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;
 - (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
 - (e) consideration of community submissions with a report provided to Council; and
 - (f) hearing community submissions and consideration of any recommended changes at a Council meeting.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor McEvoy

1. That Council:
 - (a) notes the officer report on the Johnston Street Activity Centre;
 - (b) note the earlier conditional authorisation by the Minister for Planning as a prerequisite condition of any public exhibition of a proposed Planning Scheme Amendment in relation to Johnston Street;
 - (c) note the additional urban design and heritage analysis undertaken by officers outlined in the report to address these requirements of the Minister for Planning;
 - (d) note the strategic intent of the Amendment in seeking to manage growth and development pressures in Johnston Street broadly consistent with the adopted Local Area Plan (December 2015);
 - (e) endorses the revised Amendment C220 comprising a revised Design Development Overlay (DDO15) and the replacement of the proposed Clause 22.18 with a new Clause 21.11-1; and
 - (f) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the revised Design and Development Overlay Schedule 15 on an interim basis.
2. That Council, having considered the report and the requirements of the Minister for Planning's conditional authorisation and the further work of officers, now authorise officers to exhibit the revised Amendment C220 in accordance with Section 19 of the *Planning and Environment Act 1987* in the following manner:
 - (a) public exhibition of the proposed amendment for a minimum of four weeks in accordance with the requirements of the *Planning and Environment Act 1987*;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;
 - (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
 - (e) consideration of community submissions with a report provided to Council; and
 - (f) hearing community submissions and consideration of any recommended changes at a Council meeting.

CARRIED UNANIMOUSLY

Councillor Stone returned to the meeting at 8.53pm

11.3 Draft Public Toilet Strategy

Trim Record Number: D17/163769

Responsible Officer: Senior Coordinator Design and Place Making

RECOMMENDATION

1. That Council note:
 - (a) the officer report on the proposed Public Toilet Strategy;
 - (b) the proposed Public Toilet Strategy as shown in Attachment 1; and
 - (c) the proposed Public Toilet Strategy has six themes which provide a basis for the provision of new toilets in locations where they are lacking, including design criteria relating to safety, accessibility and management aspects, and also criteria in relation to the replacement and refurbishment of existing public toilets.
2. That Council, having regard to the proposed strategy as a high level guidance document, determine to adopt the strategy in the context that future proposed locations would involve public consultation processes and further Council determinations based on the six themes of the strategy and the design guidance provisions.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council note:
 - (a) the officer report on the proposed Public Toilet Strategy;
 - (b) the proposed Public Toilet Strategy as shown in Attachment 1; and
 - (c) the proposed Public Toilet Strategy has six themes which provide a basis for the provision of new toilets in locations where they are lacking, including design criteria relating to safety, accessibility and management aspects, and also criteria in relation to the replacement and refurbishment of existing public toilets.
2. That Council, having regard to the proposed strategy as a high level guidance document, determine to adopt the strategy in the context that future proposed locations would involve public consultation processes and further Council determinations based on the six themes of the strategy and the design guidance provisions.
3. That Council refer the consideration of new and upgraded toilets as per the Public Toilet Strategy to the budget each year.

CARRIED

11.4 Disability Advisory Committee Terms of Reference

Trim Record Number: D17/157764

Responsible Officer: Acting Director Community Wellbeing

RECOMMENDATION

1. That Council endorse the attached revised Terms of Reference.

Public Submission

Ms Mary Rispoli, Community Representative of DAC addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Nguyen

1. That Council endorse the attached revised Terms of Reference.

CARRIED UNANIMOUSLY

11.5 Submission to the Standing Committee on Legal and Social Issues Inquiry into the Public Housing Renewal Program

Trim Record Number: D17/161656

Responsible Officer: Acting Director Community Wellbeing

RECOMMENDATION

1. That:
 - (a) Council endorse the attached submission and letter to the Inquiry into Public Housing, and note that the deadline for submissions to be received is 3 November 2017.

Public Submission

Ms Fiona Ross, Friends of Public Housing Victoria (written submission was provided)

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor McEvoy

1. That Council:
 - (a) endorse the attached submission and letter to the Inquiry into Public Housing, and note that the deadline for submissions to be received is 3 November 2017, subject to removing paragraph 3 on page 2 and adding:
 - (i) Council appreciates the vital role the community housing sector plays in providing a range of affordable housing, catering to households from low through to moderate incomes; however, Council recognises that public housing, owned and managed by government, is a critical safety net for the most vulnerable members of our community. The transfer of public housing tenancies is troubling and Council maintains serious reservation about the incremental erosion of the principle of public housing as government responsibility; and
 - (ii) that where the terms social and community housing needs to be replaced with term public housing as per the terms of reference that officers use their discretion on to make these changes.

CARRIED UNANIMOUSLY

11.6 Quarterly Financial Report - September 2017

Trim Record Number: D17/168254
Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council approves and adopts the quarterly financial report for the period ending 30 September 2017, in accordance with sections 137 & 138 of the *Local Government Act 1989*.

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Nguyen

1. That Council approves and adopts the quarterly financial report for the period ending 30 September 2017, in accordance with sections 137 & 138 of the *Local Government Act 1989*.
2. That the action items in 3. C and number 18, in the budget resolution table have the following words added: *present to Council as part of the mid term review.*

CARRIED

12.1 Notice of Motion No. 21 of 2017 - Acacia Child Care Centre Wall Mural, Fitzroy

Trim Record Number: D17/169120

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Director of Acacia Child Care Centre, Ms Dilruba Deniz addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council references the Acacia Childcare Centre Wall Mural on Napier Street, Fitzroy and in particular, notes that while Fitzroy is home to many great pieces of street art:
 - (a) this artwork featuring animals, colours and shapes as well as its subtle features, touches on the multicultural fabric of Fitzroy, demonstrating both the great sensitivity as well as careful composition applied by local artists - Lucy Parkinson and Gonzalo Varela of Magic Lantern Studios;
 - (b) that the work comes together as an harmonious whole whilst offering so many elements, is remarkable;
 - (i) is frequently an interesting conversation point for visitors, passers-by and tourists alike, adding to the attractions that make this historical precinct vibrant and community-active; and
 - (ii) the mural is both a constant subject of photographers and engagement by local children; and
 - (c) it acknowledges that most neighbours in the immediate vicinity have commented or agreed that not only is it a pleasing and vast improvement on what was there before, but also agree that it is much nicer to look at out of their living and bedroom windows.
2. That Council extend appreciation and acknowledgement to the artists for their great work in adding to the community feel of this section of historical Fitzroy.
3. That the Yarra News do a story including a photo about this mural.

CARRIED UNANIMOUSLY

13.1 Amendment to Council's Civic Flag Policy

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Coleman

1. That Council:

- (a) note the request from the Head of the Melbourne Office of the Federal Republic of West Papua Department of Foreign Affairs, Immigration and Trade, Melbourne requesting Council to fly Morning Star flag on the anniversary of what was to be West Papua's Independence Day, according to the Dutch decolonisation plan;
- (b) authorise the request to fly the West Papua flag as part of a community event on 1st December each year; and
- (c) approve an amendment to the Community Flag Schedule in the Civic Flag Policy by inclusion in the following table:

Flag	When	Where	Conditions
Morning Star flag	1 st December each year	Collingwood, Fitzroy and Richmond Town Halls	None.

CARRIED UNANIMOUSLY

Background:

The Melbourne West Papua community acknowledge the enduring support that City of Yarra has provided to them, both as individuals and as a community.

The community now seek Council's support in the Flag raising campaign to highlight world-wide, the continuing injustices perpetrated against our people in West Papua.

The *Morning Star* flag is a symbol of freedom and flying it is an act of acknowledgement and recognition of the hardship of the West Papuan people who have endured 56 years of human rights abuses and environmental destruction under Indonesian rule.

December 1st 1961 was to be West Papua's Independence Day according to the Dutch decolonisation plan, but international actors such as Indonesia, the USA and the United Nations intervened and stopped this from taking place through signing the New Agreement without the consultation or involvement of the West Papuan people. It was on this day however that the West Papuan *Morning Star* flag was raised and it therefore continues to be an important day for West Papuans all over the world in their continuing struggle for independence.

Each year West Papuans and their supporters raise flags in solidarity to show that they are still seeking independence and remember what could have been 56 years ago. Instead West Papuans continue to be shot and killed for raising the *Morning Star* as it is deemed an act of treason by the Indonesian government and punished severely.

So we ask City of Yarra to publicly acknowledge the struggle of the West Papuan people by raising the *Morning Star* flag in solidarity with them on Friday, 1st December 2017. With this act of recognition and respect, City of Yarra, along with other Councils, and with individual Parliamentarians, both in Federal Parliament and around the world, will add to the growing voice of concern at the human rights injustices committed on a daily basis and the lack of sovereignty for West Papua.

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

Conclusion

The meeting concluded at 9.58pm.

Confirmed Tuesday 21 November 2017

Mayor