



Ordinary Meeting of Council Minutes

held on Tuesday 5 February 2019 at 7.00pm
Fitzroy Town Hall

***Corrected by resolution of Council on Tuesday 19 February 2019**

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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 Danae Bosler (Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager – Chief Executive's Office)
- Lucas Gosling (Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Diarmuid McAlary (Director - Corporate, Business and Finance)
- Bruce Phillips (Director - Planning and Place Making)
- Mel Nikou (Governance Officer)

Apologies

- Cr Misha Coleman (Deputy Mayor)
- Cr Stephen Jolly

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Matters prejudicial to Council and/or any person
- 4.3 Contractual matters

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

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) contractual matters; 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 Stone

Seconded: Councillor Chen Yi Mei

That the minutes of the Ordinary Council Meeting held on Tuesday 1 January 2019 be confirmed.

CARRIED

6. Petitions and joint letters

Item		Page	Res. Page
6.1	Review Parking Restrictions - Holtom Street East and northern end of McIlwraith Street	6	6

7. Public question time

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This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

7.1	Carol Pelham-Thorman - Planning Permit Amendments to Business	6
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8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

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11. Council business reports

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12. Notices of motion

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Review Parking Restrictions - Holtom Street East and northern end of McIlwraith Street

Reference: D19/15838

A joint letter was received that included the names of 26 Yarra residents that are requesting that Council consider reducing the parking limit from 4 hours to 1 hour Monday- Friday between 7 – 5pm for non-permit zones.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

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

CARRIED

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

7.1 Carol Pelham-Thorman - Planning Permit Amendments to Business

Question:

In regard to a neighbouring business that has sought amendments to their planning permit conditions;

1. I would like to know if there is an automatic or mandatory checking of a history of non-compliance of existing conditions of permits by the planning department, in assessing the amendment application?
2. My fear is a further erosion of amenity from a business that has not honoured the terms of the previous permit. Are these A. infringements and B. complaints that have registered with compliance taken into consideration when the application is being assessed?

Response:

The Director Planning and Place Making advised that a planning application is a statutory matter and a planning application does need to be assessed on its individual planning merit. If, for instance, the application was for a liquor licence and there were issues of non-compliance with patron numbers or noise, that input would probably come to the planners on referral from our compliance team, this would be the only exception.

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

10.1 Councillor Fristacky - Infrastructure Victoria-Parking Levy

Question:

Infrastructure Victoria had a recommendation about the extension of the parking levy and given the implications for City of Yarra, I wonder if there had been any pick up of the Infrastructure Victoria recommendation on the extension of the parking levy and what response there might be to that?

Response:

The CEO took the question on notice.

10.2 Councillor McEvoy - Bicycle Infrastructure

Question:

In relation the extension of the bicycle lane of Rathdowne Street to Princess Hill. I believe it is in the Bike Strategy to complete that link and understand that officers have been in a consultation process with local residents and traders, and that the design means the removal a couple of car parking spaces. What is the process and is it a decision that will come to Council or whether it is one that is made under delegation?

Response:

The Director Planning and Place Making advised that the link is in the Bicycle Strategy to provide some improved lanes through that intersection. Work is still in progress and the final decision will be authorised and made under delegation in conjunction with other Executive members as necessary in terms of line marking and civil works and then would sign off on those works if I found that it was appropriate.

10.3 Councillor Fristacky - Line Markings and Impacted Traders on Rathdowne Street

Question:

Line markings have already been delineated on both sides of Rathdowne Street from Newry Street towards Princes Street. If there isn't a decision made by next week what happens with the line marking delineation. Is it on hold or what is occurring?

There are concerns by the businesses along Rathdowne Street. What action would be undertaken to talk to one of the three businesses in particular, one that is most vulnerable and doesn't have the language skills?

I have tried to talk to them about what strategies that they might implement to deal with the engagement with cyclists such as offering coffee or something like that to enable them to reap the benefits.

What action will be taken from the Economic Development unit to talk to them about strategies that might help to eliminate any impacts of the loss of parking, they may also require an interpreter to assist?

Response:

The Director Planning and Place Making advised that:

- (a) North of Rathdowne there is resheeting of bitumen and markings as part of that, it has certainly been intended to try and coincide those works so there is efficiency, process and delivery. If that can't be done then we would need to do it as a subsequent matter but the intention at this stage is to try and achieve integration with those works and hopefully done in the next few weeks;*
- (b) I inspected the area last Friday, the bitumen at that stage hadn't been resheeted so it may have moved since then but happy to take that on notice and will inspect. The intention is to roll out the process with the resheeting as necessary to avoid any delays and in terms of the line marking that is the subject matter and in the Bicycle Strategy that will be held off until I make a determination after I receive more information; and*
- (c) would be happy to take up the matter with the Economic Development department to speak to impacted business. The Strategic Transport officers have also spoken with the business a couple of times, there may have been some language difficulties but understood that communications were quite reasonable, but will take up the matter and suggestion and engage with the business to give them some suggestions or recommendations.*

11.1 Merri Creek Primary School request to use Council land

Trim Record Number: D19/5025

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report following representations by the Merri Creek Primary School and the circumstances of the school's request and its need for additional safe play space during the 12 month period of building construction;
 - (b) note the alternative open space in Bundara Reserve available in close proximity to the local community;
 - (c) having considered the circumstances, agree to the request by the Merri Creek Primary School for a lease of Ottery Reserve from February 2019 to end February 2020, including allocating responsibility to the school for any works necessary to support its use of and for the management of the reserve at its sole cost;
 - (d) authorise the Chief Executive Officer to prepare and execute a lease with the Merri Creek Primary School and the Department of Education and Training for a term of 12 months commencing in February 2019 and expiring end February 2020; and
 - (e) determine the lease for this period be at a rent of \$416 (plus GST) per annum, including any other terms and conditions as may be required by Council, providing for Merri Creek Primary School and the Department of Education and Training becoming sole responsibility for all works to Ottery Reserve to enable it to be used by the Merri Creek Primary School as open space for its purposes and to reinstate Ottery Reserve to a public park to Council's requirements at the end of the term of the lease, solely at the school's cost.

Public Submissions

The following people addressed Council on the matter:

Toni McSweeney, School Council President of Merri Creek Primary School;

Zoe Holtzer, Student of Merri Creek Primary School;

Ashwyn Hopgood, Student of Merri Creek Primary School; and

Kerri Gibson, Principal of Merri Creek Primary School.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Nguyen

1. That Council;
 - (a) note the officer report following representations by the Merri Creek Primary School and the circumstances of the school's request and its need for additional safe play space during the 12 month period of building construction;
 - (b) have regard to both, the high level of demand for open space within the City of Yarra and the special circumstances of the School during the construction of school extensions;
 - (c) note the potential alternative open space in Bundara Reserve available in close proximity to the local community;
 - (d) having considered the circumstances referenced above, determine to offer the School a lease comprising:
 - (i) exclusive use of the said Ottery Reserve for school purposes, between the hours of 8.00 a.m. and 6.00 p.m. on school days (including week-end days by agreement, if an official school event is being held);
 - (ii) the period, to commence upon the signing of the lease documents and to conclude at the end of the 2019 academic year;
 - (iii) the school accepting full responsibility for any works necessary to support its use of and for the management of the Reserve at its sole cost, during the period of the lease;
 - (e) authorise the Chief Executive Officer to prepare and execute a lease with the Merri Creek Primary School and the Department of Education and Training for the period of and including the conditions as determined by Council; and
 - (f) determine the lease for this period be at a rent of \$416 (plus GST) per annum, including any other terms and conditions as may be required by Council, providing for Merri Creek Primary School and the Department of Education and Training being responsible for all works required to Ottery Reserve to enable it to be used by the Merri Creek Primary School as open space for its purposes and also to the reinstatement of Ottery Reserve to a public park, to Council's requirements, at the end of the term of the lease, solely at the school's cost.
2. That the Mayor write to the Minister of Education and the CEO of the Victorian School Building Authority advising them of Council's decision, outlining the preciousness of open space in Yarra, the usual requirement for community consultation when considering its use and Council's concern that provisions for outdoor play space were not made in the VSBA's planning for the works at Merri Creek Primary School.

CARRIED UNANIMOUSLY

11.2 East Timor - Baucau Community Network Exchange

Trim Record Number: D19/7287

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) note the report;
 - (b) approve the participation by Mr Malavisi in the visit to Timor-Leste as arranged by Local Government Victoria; and
 - (c) request a report back to Council on the outcome of the visit.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor McEvoy

1. That Council:
 - (a) note the report;
 - (b) approve the participation by Mr Malavisi in the visit to Timor-Leste as arranged by Local Government Victoria; and
 - (c) request a report back to Council on the outcome of the visit.

CARRIED UNANIMOUSLY

11.3 Place Naming Policy

Trim Record Number: D19/13003

Responsible Officer: Group Manager Chief Executive's Office

ITEM WAS WITHDRAWN

12.1 Notice of Motion No. 1 of 2019 - Flying of the ICAN Flag at a Town Hall

Trim Record Number: D19/12700

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Stone

1. That Council:
 - (a) note a request from the International Campaign to Abolish Nuclear Weapons (ICAN) seeking Council's support to flying of the **ICAN Flag** on August 6th each year being the anniversary of the Hiroshima bombing in 1945;
 - (b) also note its resolution of 18 December 2018, congratulating ICAN on its contribution toward global nuclear disarmament and endorsing the ICAN Cities Appeal;
 - (c) approve the request to fly the ICAN Flag; and accordingly; and
 - (d) amend the Community Flag Schedule in the Civic Flag Policy to include the flying of the ICAN flag at a Town Hall on 6 August each year.

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 8.18pm.

Confirmed Tuesday 19 February 2019

Mayor