



Ordinary Meeting of Council Minutes

**held on Tuesday 14 May 2019 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.”

1. A. Announcement – Elected Nicholls Ward Councillor

Following the resignation of Cr Mike McEvoy, a recount of ballot papers from the 2016 Council election was conducted by the Victorian Electoral Commission at the Richmond Town Hall on Thursday 8 May. Following the recount, Cr Bridgid O’Brien was declared elected and was sworn in as a Councillor until November 2020.

The Chief Executive Officer administered the oath with Cr Bridgid O’Brien in accordance with the *Local Government Act* 1989, and repeated the swearing in process in the presence of Council and the gallery.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- 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)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Mary Osman (Acting Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

Councillor Stone declared a conflict of interest on item 11.1.

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters
- 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 Chen Yi Mei

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 Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 30 April 2019 be confirmed.

CARRIED

6. Petitions and joint letters

Nil

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.

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8. General business

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12. Notices of motion

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13. Urgent business

Nil

6. Petitions and joint letters

Nil

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 Ms Tanya McConvell - Housing

Question:

I would like to make a request for housing on behalf of my friend Sial Sharani, who is here sitting in the room. Sial has been living in this country for almost 20 years. He was released from immigration detention in 2005, got permanent residency in 2009 and became a citizen in 2013. For 10 years he has been fighting to get his family to safety with him in Australia.

While I understand the housing situation in Melbourne I am asking that they are given priority after all they have gone through. I am asking the Council to consider this as an emergency and give them a house to give them a home.

Can I also ask if the Mayor would be able to approach the housing minister Richard Wynne on Sial's behalf?

Response:

The Mayor advised that Public Housing is a state matter not a local Council matter but would be happy to take the matter up with the minister for Housing and write a letter. The Mayor has represented a number public housing tenants and will work with the Director Community Wellbeing to assist with providing and improve the housing situation.

8. General business

- 8.1 Councillor Jolly - Heritage significance of the former Sherrin factory building at 32-34 Wellington Street, Collingwood and heritage protection options

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Officers present a report to Council:
 - (a) advising research on the heritage significance of the former Sherrin factory building at 32 – 34 Wellington Street, Collingwood; and
 - (b) the potential of including the property within a heritage overlay as the site currently is not in a heritage overlay and can be demolished.

CARRIED UNANIMOUSLY

- 8.2 Councillor O'Brien - Potential for Council to conduct Self-defence courses at its Leisure Centres

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Fristacky

1. That:
 - (a) Officers present a report to Council outlining the potential for Council to conduct self-defence courses at its Leisure Centres or other suitable venue for:
 - (i) Women; and
 - (ii) LGBTQIA Community; and
 - (b) such report propose options for a flexible fee structure offering, a no-fee, low-fee and subsidised fee structure.

CARRIED UNANIMOUSLY

9. Delegates' reports

- 9.1 Councillor Fristacky - Victorian Transport Infrastructure Conference

Conference	Victorian Transport Infrastructure Conference
Date of Conference	Convention Centre, 1 - 2 May 2019
Date of Council Meeting	Tuesday 14 May 2019
Date of Report	Tuesday 14 May 2019
Report Author	Councillor Jackie Fristacky

DELEGATES REPORT

1. **CEOs and senior project/operations managers of key Victorian authorities** and other bodies covered key transport infrastructure projects and issues: Infrastructure Victoria, VicTrack, Major Transport Infrastructure Authority, Victorian Planning Authority, Major Road Projects Authority; West Gate Tunnel Authority; Port of Melbourne; Australian Rail Track Corporation (ARTC); and Transurban.
2. **Local Government speakers** spoke on infrastructure and planning challenges for Councils in Victoria: Cr Nicolas Frances-Gilley, Melbourne City Council; Kate Roffey, Director Major Projects, City of Wyndham; Martin Cutter, CEO City of Greater Geelong; Bernadette George, Strategic Planner, Mildura City Council; Cr Glenn Milne, Mildura City Council and Chair Rail Freight Alliance of Regional Councils.
3. **Non-Government speakers** included: Professor Graham Currie, Monash Public Transport Research Institute on Airport Rail; Professor Russell Thompson, University of Melbourne on freight transport efficiencies; Dr Crystal Legacy, University of Melbourne on the lack of integrated transport planning; Craig, Richards, Bicycle Network CEO; Tony Morton, PTUA; John Hearsch, Rail Futures on Melbourne Rail Planning; and Peter Kartsidimas, RACV.
4. Highlights from Conference presentations:
 - **Vicki Ward, Parliamentary Secretary for Public Transport Infrastructure** spoke in lieu of Minister for Transport Infrastructure Jacinta Allan. She discussed Victoria's major infrastructure projects: Metro 1; level crossing removals, airport rail, the suburban rail loop, rail extensions, duplication of the Hurstbridge line and upgrading cabling for Richmond Station, planning fast rail to Geelong and Ballarat as well as key road projects and upgrades. Referring to the Victorian 2019/20 budget being deferred to accommodate the Federal budget, delayed in light of the Federal election, she said she could guarantee that the Victoria 2019/20 budget would continue the transformation of Victorian public transport.
 - **Brendan Pauwels, Program Director Major Road Projects Authority** outlined implementation of Victoria's first application of continuous flow intersections (CFI) to improve the efficiency of traffic flow including buses along Hoddle Street, described as being Melbourne's busiest arterial road. CFI treatments on Hoddle Street and the Punt Road/Swan Street intersection were shown to have been successful in significantly reducing queuing, travel times, and accident risk at these intersections.
 - **Richard Lockett, Former Head of the European Railway Agency**, working as a Consultant for the Mildura City Council, gave a keynote address on decentralisation focusing on the Sunraysia region linked to Adelaide, Melbourne and Sydney. He emphasised the need to recognise 3 global trends: millennials not wanting to own a car; relocation to regional cities connected via the web and fast rail; and the imperative of freeing up road congestion by shifting to rail modes.

- **Campbell Rose**, VicTrack CEO spoke on redevelopments around rail stations - including working with the State to include social and affordable housing.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

1. That this report on the Victorian Transport Infrastructure Conference held 1-2 May be noted.
2. That the Major Road Projects Authority be requested to present to Council on evaluation of implementation of the Hoddle Street Streamlining Project and the State's first continuous flow intersections (CFI) on Hoddle Street and Punt Road/Swan Street.
3. That it be noted the City of Yarra first suggested application of CFI on Hoddle Street as a cost effective alternative to the East West Link flyover for Hoddle Street.

CARRIED

10. Questions without notice

10.1 Councillor Searle - Communication with residents

Question:

In relation to how we communicate with residents that contact us. I noticed that when residents emails us, we don't email them back, we send them a letter back instead if we have their address on file. In a couple of cases I have seen that this has resulted the issue being escalated because the post does take some time to get to them. I was wondering if this is a policy that we have of replying with a different method of communication and if we can get some clarity on what is meant to happen?

Response:

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

10.2 Councillor Stone - Streamlining Hoddle Street Project

Question:

There have been numerous reports and officers would be aware by residents the consequences of the 'P-turns' , which people are very reluctant to use and extremely long wait times that people have for those, leading to increase rat running in local streets in Abbotsford and Collingwood.

Are we leaving the evaluation of the local impacts of these P-turns to VicRoads or will we be doing some evaluation ourselves?

Response:

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

The Chief Executive Officer advised that she had met with the Chief Executive Officer, Allen Garner and Senior Manager, Brendan Pauwels of Major Road Projects last week who are in charge of the Streamlining Hoddle Street Project. A presentation will be arranged as soon as possible with Major Road Projects. We have also picked up on a few issues, but it will be good if we can get that presentation and be able to ask them questions. We will raise the matter with them and come back with an evaluation in the next 3 to 4 weeks.

10.3 Councillor Fristacky - Melbourne City Council Draft Transport Strategy

Question:

On Tuesday 7 May, I attended the MCC Future Melbourne (Transport) Committee meeting at the Melbourne Town Hall which endorsed the Council's draft Transport Strategy 2030 for public consultation.

The draft Strategy can be accessed via the MCC website:

<https://participate.melbourne.vic.gov.au/transportstrategy>

The draft Strategy outlines the MCC's transport vision and policy directions for the next ten years to 2030 and adaption of the City's streets to support the movement of people and goods more sustainable. Key elements of the draft strategy are:

- (a) Supporting efficient and sustainable transport with greater focus on healthier modes - walking, cycling and public transport, identified as the dominant means of city access (70%), with private vehicle trips declining;
- (b) With 90% of city trips being by walking using 75% of road space, the Strategy seeks to deal with pedestrian congestion and safety by widening footpaths, improved traffic light cycles, reducing parking, reducing vehicle speeds to 30 km/h; and protection against hostile vehicle attacks;
- (c) Delivering more protected cycle lanes increasing these from 6km to more than 50kms by 2030 (e.g. Wellington, Royal Parade's, St Kilda Road, Flinders, Exhibition, Elizabeth, Bourke including through the mall);
- (d) Conversion of one way "little" streets such as Little Collins and Little Bourke, for improved pedestrian movement and for cyclists to travel east west counter flow;
- (e) Review whether cyclists should be able to turn left into a bike lane when intersection lights turn red;
- (f) Trial a protected intersection for bike riders in the city and if successful, extend such intersections;
- (g) Improving the city for people including disability access, and protect against potential negative technology impacts, such as increasing numbers of autonomous motor vehicles;
- (h) Reduce vehicles travelling through the central City, currently 43% of traffic with improved sustainable transport options and by-pass routes;
- (i) Remove non-essential vehicle trips from the City's streets to free up valuable road space, improve amenity, reduce noise and emissions, and access by emergency vehicles and on-road public transport;
- (j) Conversion of: road space to greening and WSUD projects; the Melbourne train network to renewable power; and buses from diesel to hybrid or electric power.

My question on the MCC Draft Transport Strategy, is in light of its vital importance for and impacts on the City of Yarra, can officers prepare a submission on the draft Strategy, noting that submissions are due by 19 June 2019?

A second question is: could the CEO raise at an Inner Melbourne Action Plan (IMAP) meeting, the potential for IMAP Councils to consider a joint Transport Strategy 2030?

Response:

The Chief Executive Officer advised she will raise the first part of the question with Council's transport officers to present to Councillors at a convenient Councillors Briefing and in relation to raising the matter with IMAP, the Mayor and I will be attending IMAP so we will raise the matter, although the IMAP committee is still working towards finishing what is already on the agenda and not likely to take on another issue at the moment because the committee is taking on a lot of leadership on connectivity.

10.4 Councillor Coleman - Bicycle Infrastructure Budget

Question:

What is the total amount of funding allocated in the draft 2019/20 budget for bicycle related infrastructure, including the Wellington Street separated lane and the pilot separated lane for Elizabeth Street?

On our website it relates to \$900k and I would like to know what is in that \$900k and specifically if the pilot separated lane is in that?

Response:

The Director Corporate, Business and Finance advised that there is \$900k in the budget and that we have just received a \$1.5m grant for the Wellington Street Bicycle Lane, but will come back to Councillors with further details.

11.1 C220 - Johnston Street Local Area Plan - Adoption

Trim Record Number: D19/70529
Responsible Officer: Manager City Strategy

Councillor Stone left the meeting at 7.36pm due to a conflict of interest.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report regarding the Panel Report in relation to Amendment C220 regarding Johnston Street, Collingwood
 - (b) considers the report and recommendations of the Planning Panel and adopts Amendment C220 to the Yarra Planning Scheme with changes (pursuant to Section 29 (1) of the Planning and Environment Act 1987) in accordance with this report and those outlined in Attachments 1 and 3;
 - (c) submits the adopted Amendment C220 to the Minister for Planning for approval, in accordance with Section 31 (1) of the Planning and Environment Act 1987;
 - (d) notes the reasons for varying from the Panel Report as outlined in the report; and
 - (e) advises all submitters of Council's decision in relation to Amendment C220.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Bosler

1. That Council:
 - (a) notes the officer report regarding the Panel Report in relation to Amendment C220 regarding Johnston Street, Collingwood
 - (b) considers the report and recommendations of the Planning Panel and adopts Amendment C220 to the Yarra Planning Scheme with changes (pursuant to Section 29 (1) of the Planning and Environment Act 1987) in accordance with this report and those outlined in Attachments 1 and 3;
 - (c) submits the adopted Amendment C220 to the Minister for Planning for approval, in accordance with Section 31 (1) of the Planning and Environment Act 1987;
 - (d) notes the reasons for varying from the Panel Report as outlined in the report; and
 - (e) advises all submitters of Council's decision in relation to Amendment C220.

CARRIED

Councillor Searle suggested an amendment at the end of 1. (b), "with an additional change to the new sub-precinct encompassing the Aheron Investments land to the reduce the preferred overall height from 34m to 28m (as originally exhibited)". The amendment was not accepted by the mover. The amendment was withdrawn.

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Jolly, Stone, Chen Yi Mei, O'Brien, Bosler and Nguyen

Against: Councillor Searle

Councillor Stone returned to the meeting at 8.05pm

11.2 Proposed discontinuance and sale of the road abutting 359 & 361 Pigdon Street, Princes Hill.

Trim Record Number: D19/49409

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves, that having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owners at 361 Pigdon Street, Princes Hill (**Owner 1**) and 359 Pigdon Street, Princes Hill (**Owner 2**), for no less than the market value (plus GST), as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Owner 1 and Owner 2;
 - (e) directs that Owner 1 and Owner 2 observe the conditions and easement requirements imposed by City West Water; and
 - (f) directs that, Owner 1 and Owner 2 be required to consolidate the titles to lot 1 and lot 2 to their respective titles by no later than 6 months after the date of transfer of the discontinued Road.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council , acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves, that having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owners at 361 Pigdon Street, Princes Hill (**Owner 1**) and 359 Pigdon Street, Princes Hill (**Owner 2**), for no less than the market value (plus GST), as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Owner 1 and Owner 2;
 - (e) directs that Owner 1 and Owner 2 observe the conditions and easement requirements imposed by City West Water; and
 - (f) directs that, Owner 1 and Owner 2 be required to consolidate the titles to lot 1 and lot 2 to their respective titles by no later than 6 months after the date of transfer of the discontinued Road.

CARRIED UNANIMOUSLY

11.3 2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)

Trim Record Number: D19/56297

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council:
 - (a) notes the 2018/19 March Report incorporating Financial and Annual Plan progress reports; and
 - (b) endorse the amendment of the 2018/19 Annual Plan milestones relating to the following Actions:
 - (i) Action 3.04: Trial Food and Green Organics Waste service.
Replace current milestones for Quarters 3 and 4 with:
Q3 Develop plan for delivery of holistic waste system trial in selected areas;
and
Q4 Commence holistic waste system trial in selected areas.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That Council:
 - (a) notes the 2018/19 March Report incorporating Financial and Annual Plan progress reports; and
 - (b) endorse the amendment of the 2018/19 Annual Plan milestones relating to the following Actions:
 - (i) Action 3.04: Trial Food and Green Organics Waste service.
Replace current milestones for Quarters 3 and 4 with:
Q3 Develop plan for delivery of holistic waste system trial in selected areas;
and
Q4 Commence holistic waste system trial in selected areas.

CARRIED UNANIMOUSLY

Councillor Coleman left the meeting at 8.25pm

Councillor Coleman returned to the meeting at 8.29pm

11.4 Appointment of Councillor to Council Committees

Trim Record Number: D19/75070

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council appoint Cr Bridgid O'Brien to the following committees for the remainder of the 2018/2019 Council year:
 - (a) the Internal Development Approvals Committee; and
 - (b) the Performance Review Subcommittee.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Bosler

1. That Council appoint Cr Bridgid O'Brien to the following committees for the remainder of the 2018/2019 Council year:
 - (a) the Internal Development Approvals Committee; and
 - (b) the Performance Review Subcommittee.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No. 7 of 2019 - Ongoing Support for the MSIF in North Richmond

Trim Record Number: D19/75248

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. 1. That Yarra City Council:
 - (a) states its continued, ongoing support for the MSIF in North Richmond and notes that since the facility opening in 2018:
 - (i) there have been no overdose deaths reported at the centre;
 - (ii) demand often exceeds available space indicating large unmet need for the service; and
 - (iii) despite early successes of the centre, its overall effectiveness will be assessed over a two year trial period;
 - (b) also acknowledges:
 - (i) the ongoing reported incidences of public dealing and injecting with some reports that it has increased;
 - (ii) the ongoing street based dealing and small scale local crime with minimal visible police enforcement action being taken;
 - (iii) the amenity impacts of people gathering in and around North Richmond and Abbotsford – increasingly from outside Yarra and which are significant on local residents and businesses, ongoing and largely experienced as negative;
 - (iv) that there is no clear forum for residents and businesses to share these experiences and observations or to receive information about actions being taken to address them;
 - (v) the role of Council in maintaining a safe and clean public space and the increased investment of resources required to provide this; and
 - (vi) the primary role of the State Government in addressing the behavioural, health and legal issues surrounding the MSIF;
 - (c) now call on the State Government to establish an independently chaired Taskforce, comprising representatives from local residents, businesses, Yarra City Council, Yarra Drug and Health Forum, Department of Health and Human Services, Victoria Police, the MSIF and the office of the Member for Richmond, to provide a forum for local concerns to be raised, information to be shared and where possible solutions formulated;
 - (d) propose that the Issues this Taskforce considers should include:
 - (i) the measurable changes in community amenity since the opening of the MSIF;
 - (ii) possible reasons for these changes;
 - (iii) the extent and nature of the impact on local residents and businesses;
 - (iv) the viability of a shopfront drop-in service in Victoria Street to support residents and local businesses, gather and provide information, and report back to the taskforce, as proposed by Residents for Victoria Street Drug Solutions;

- (v) an efficient means of residents and businesses reporting their observations of illegal behaviour; and
- (vi) other measures to address these issues as suggested by community members through various other forums; and
- (e) request that the Taskforce should:
 - (i) report regularly to the community on the issues being raised and approaches to addressing them; and
 - (ii) continue until the community representatives consider it is no longer needed.

CARRIED UNANIMOUSLY

Councillor Fristacky suggested an amendment to include “and local businesses” in (d) (iv), it was accepted by the mover and incorporated into the above motion.

Councillor Jolly left the meeting at 8.40pm

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

Conclusion

The meeting concluded at 8.47pm.

Confirmed Tuesday 28 May 2019

Mayor