



Ordinary Meeting of Council Minutes

**held on Tuesday 2 May 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."

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

- Andrew Day (Acting Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Officer)
- Chris Leivers (Director – Community Wellbeing)
- Bruce Phillips (Director – Planning and Place Making)
- Jane Waldock (Assistant Director – Planning and Place Making)
- Kim O'Connor (Acting Director – City Works and Assets)
- Fred Warner (Group Manager People, Culture and Community)
- Mel Nikou (Governance Officer)

Apology

- Cr Misha Coleman

Leave of absence

Cr Searle declared leave of absence for the meetings on 16 and 17 May 2017.

Cr Fristacky declared leave of absence for the meeting on 6 June 2017.

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Matters relating to legal advice; AND Matters prejudicial to Council and/or any person
- 4.4 Matters prejudicial to Council and/or any person
- 4.5 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 Bosler

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
 - (b) Matters relating to legal advice
 - (c) 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 Fristacky

Seconded: Councillor Chen Yi Mei

That the minutes of the Ordinary Council Meeting held on Tuesday 11 April 2017 be confirmed.

CARRIED

6. Petitions and joint letters

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13. Urgent business

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6. Petitions and joint letters

6.1 Dog on-lead hours at Alphington Park and Oval

Reference: D17/54521

A petition containing 103 signatures from residents of Alphington are requesting that Council reconsider the dog on-lead hours. Currently the on-lead hours are between 9.00am to 5.00pm and many dog owners would like the time at Alphington Park/Oval to start at 10.00am so that dog owners have the opportunity to walk their dogs after dropping off their children at Alphington Primary.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Bosler

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

CARRIED

7. Public question time

7.1 Mr Robert Radcliffe-Smith - Darling Gardens Masterplan re Toilet Block

Question:

We live on South Terrace and the toilet block is across the road from us and as well as being an eyesore, has been very unsafe for the children to use in the past. It is likely to remain unsafe after it is rebuilt and not moved further away from the street. We suggest that the toilet is rebuilt on the site of the Maternal and Child Health Care Centre so that it is further from households and the road and closer to the BBQs and more central to the other parts of the park. A toilet block on the Maternal and Child Health Care Centre site would also have the advantage of being able to utilise the plumbing and power already attached to the centre. Additionally, having the BBQ and picnic area nearby would deter other inappropriate use of the toilet block.

Response:

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

7.2 Ms Sophia Daws - Disabled Parking

Question:

My husband is ill and we put in a request with the doctors letter to keep the disabled parking, but it was mentioned that we have a drive-way so we don't need it, but the problem for my husband is that it is not wide enough for him to open the car door so he needs to be able to park in the street.

Response:

The Mayor advised that she would be happy to meet with the resident on site to discuss the issue.

Cr Jolly advised that the matter be reviewed and that Ward Councillors be informed via email on the outcome.

7.3 Mr Benjamin Sanders - Name a street after Peter Norman

Question:

Will you name a street after Peter Norman, the Australian track athlete who won the silver medal in the 200 metres at the 1968 Olympics in Mexico? He also supported the two American athletes Tommie Smith and John Carlos at the time when they accepted their medals and they joined in a Black Power salute, Peter Norman wore a badge on the podium in support of the Olympic Project for Human Rights.

Response:

The Mayor advised that Council has a street naming process that prioritises Wurundjeri names and then people from Yarra who are important, that doesn't mean that we wouldn't consider someone else. When a street needs to be named, the usual process would be to go through a public consultation process asking for suggestions, so when the matter is raised again you will be able to forward your suggestion.

The Group Manager Chief Executive Officer also advised that a report will be provided to Council in the next few meeting cycles.

7.4 Ms Catherine Mililli - Damage to Property

Question:

I would like an explanation as to how my current situation with Yarra sits in with the City of Yarra's Service Standards Charter?

It relates to my property that I purchased in 1998 and currently what I consider a victim of development. Five years ago the property behind me, 144-146 Johnston Street was developed, it's on a heritage overlay and in that development a new property which is land locked was built called 101 Sackville Street, that is to the rear of my property. In order for this development to happen services needed to be installed. Telstra cables were put in along the western boundary wall of my property, in January last year a storm water drain was installed, again on the western wall of my property and in July last year my western wall leaned outwards. I called the City of Yarra and a Building Compliance Notice was placed on my property. My insurance company was notified and after investigation it was found that the storm water drain that was installed, was not water tight. My claim was accepted and there has been a lot of investigation through Engineers and Suncorp. It was found that the

work that the City of Yarra performed caused the wall to become unstable /lean outwards. On all times that my builders and insurance company contacted Council about my wall, a reply was only received because I contacted the Minister Richard Wynne. The damage has now been extended to 3 rooms, which is the entire front of the property. Most of the house needs to be knocked down and I have to move out for 6 months while the house is being built. When I contacted Council about the problem they denied liability and put it all on me. If I wasn't insured I would be destitute.

We have also received calls from the City of Yarra why we haven't repaired the wall and the reason we haven't is because each test the storm water drain has shown it is not water tight and we have had to find a way to repair around this leaking drain. The leaking drain has only been looked at by the City of Yarra by the person who installed it.

Response:

The Acting Chief Executive Officer firstly apologised for her experience and also advised that Kathy Duffy, the Risk, Audit and Procurement Manager had kept him up to date and also noted that the usual Municipal Building Supervisor was back from being away for a period of time and suggested that Kathy arrange a meeting as soon as possible with Ms Mililli.

7.5 Ms Dorothy James - Waste Service Charge

Question:

My Yarra Newsletter was delivered on Sunday afternoon and I now understand that you're giving another session. Four information sessions around the bin tax were missed by anyone living in my precinct. The newsletter is meant to come out in April/May and I got it on the last day of April, so that doesn't give people a fair chance to get any information about what is going on. As well as the bin tax being less visible/lack of transparency on the 'What's on in Yarra' webpage, there are eight items on there, four of those items, the residents in my area couldn't have attended even if they wanted to because they all finished in April. We got our bi-monthly newsletter on the last day of April. Why was our newsletters delivered so late, that we missed our opportunity to receive important information? The Mayor made a comment on the news that everyone was informed when clearly it was not the case.

Response:

The Mayor advised that at the time she made a comment, she was of the understanding that everyone had been informed. The Yarra Newsletter had been delivered that week as it had been the undertaking given by the contractors. When it was heard that some people hadn't received the newsletter, officers followed up with the contractors. Delivery had stopped due to the public holidays and rain and the contractors were asked to deliver the rest of the newsletters immediately. The contractors worked over the weekend and clearly why some residents had received the newsletter on the Sunday and why submission dates have been extended.

7.6 Mr Mark Waters - Richmond Recreation Centre

Question:

I wanted to note the wording in the Proposed Waste Service Charge, my neighbour thought it was going to be a shifting of that cost out of rates instead of a separate item because of the way it reads; 'new separate item', it wasn't very clear.

I am a member of the Richmond Recreation Centre. Two years ago some machines were bought for self-entry, those machines are not operating yet and we were notified that they would be operating by December 2016 and it is now May.

When will the machines be operating? I also wanted to note that the carpet in the gym tear your clothes. The carpet was changed with industrial carpet some years ago because the previous carpet wore too quickly. The lighting is industrial type lighting with no defuses and those of us with photosensitivity can be blinded if you like and the new surface by the pool which is an extremely coarse material should be tiles, as a young girl fell and grazed her knee. It feels like you should be walking around in steel capped boots with overalls and not speedos. It is defiantly a decline in the facility with these upgrades since its opening in 2002.

Response:

The Director Community Wellbeing took the question on notice and advised he would liaise with the resident and update Councillors.

8. General business

8.1 Darebin-Yarra Link - Access from South Alphington

Community Coalition for the Darebin to Yarra Link Trail

27th April 2017

Open letter to the Langridge Ward Councillors

Re: Farm Road Access to Darebin Yarra Link

Amanda Stone (Mayor), Australian Greens Party Amanda.Stone@yarracity.vic.gov.au
 Danae Bosler, Australian Labor Party Danae.Bosler@yarracity.vic.gov.au
 Stephen Jolly, Australian Socialist Party Stephen.Jolly@yarracity.vic.gov.au

Dear Amanda, Danae and Steve

The Community Coalition for the Darebin Yarra Link thanks each of you for agreeing to support the Farm Road access to the Darebin-Yarra Link during the 2016 Council Election campaign. We write today to confirm how you can assist us to make the Farm Road access a reality.

You will recall that the Darebin Yarra Link is about to be completed and that people in South Alphington will have no safe access to it. Access to the Link via Farm Road, through Latrobe Golf Club, was part of the original Parks Victoria planning application. Somewhere in VCAT negotiations Parks Victoria agreed with the Latrobe Golf Club to complete the Alphington connection separately. Specifically the parties agreed in principle to build an access path connecting Farm Road to the Link by going around the outside of a practice fairway.

If the Darebin Yarra Link is built without access via Farm Road, pedestrian and cyclist activity will be funnelled across the narrow footpath beside Heidelberg Road Bridge above Darebin creek. This bridge is already the subject of numerous community complaints as it is dangerously narrow and leaves pedestrians and cyclists unprotected against fast moving vehicles only centimetres away.

Community Coalition for the Darebin to Yarra Link Trail

One of the original intentions of the Darebin Yarra Link was to provide safe north-south and east-west access to and from South Alphington. In particular this will enable school children to commute to school along safe shared pathways and avoid the unsafe Heidelberg Road footpaths. Both Alphington Primary School and Kew High School are part of our community coalition and support and advocate the provision of access to the Darebin Yarra Link via Farm Road.

We therefore seek the tangible support of Yarra City Council to enable the Farm Road access to be built. The commitment of Council resources to the Farm Road access project, in addition to State Government resources, will be critical to its success. As our Mayor and local Ward Councillors we ask that you support the following four motions to Yarra City Council:

1. That no Yarra City Council funds will be spent on the Darebin Yarra Link until and unless the Farm Road access is built (as Yarra residents will have no safe access to the Link).
2. That Yarra City Council will provide all necessary planning support and resources to enable the Farm Road access to be built.
3. That Yarra City Council commits to paying 50% of the Farm Road access total build costs.
4. That having committed to the above, Yarra City Council advocates for the completion of the Farm Road access with the Department of Transport and Victorian State Government.

We would be interested to meet with you to discuss this further at your convenience. For further information please visit the [Darebin Yarra Link Facebook page](#).

If you have any queries, please do not hesitate to contact James Thyer on 0408 177 482.

Yours sincerely,

Community Coalition for the Darebin Yarra Link

www.darebinyarralink.org
www.facebook.com/build.darebin.yarra.link

Public Submission

Mr John Thyer of the Community Coalition for the Darebin to Yarra Link addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council note the formal request from the Community Coalition for the Darebin-Yarra Link advocating for access to the link, currently in Stage 2 of construction, from Farm Road South Alphington.
2. That Council also note the importance of this link for pedestrians and cyclists to access schools, employment and community facilities on either side of the Yarra River.
3. That Council note the reported willingness of the Latrobe Golf Club to now make access available via the golf course land.
4. That a report be provided to Council in the May cycle of meetings on actions Council can take to facilitate community access to the Darebin-Yarra Link from Farm Road Alphington.

CARRIED UNANIMOUSLY

9. Delegates' reports

9.1 Councillor McEvoy - Bicycle Advisory Committee (BAC)

Councillor McEvoy reported the following:

The BAC discussed the following items:

- (a) Culture change discussion and workshop;
- (b) Chandler/Heidelberg Road intersection – The committee heard that Council has been advocating for improvements to the design of the intersection with VicRoads but they are constrained by various issues such as carriageway widths, traffic capacity, project timelines, etc. BAC resolved to ask Council to arrange a delegation to meet the roads minister with the purpose to stress the inappropriateness of the design of the Heidelberg and Grange road planned intersection with regards to the safety of people walking and cycling and propose that VicRoads adopt protected intersections to meet the current expectations of the community; and
- (c) Draft Council Plan 2017-21 and 2017/18 Budget – BAC resolved to prepare a formal budget and Council Plan submission.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

That Council note the Delegates' report.

CARRIED

9.2 Councillor McEvoy - Yarra Environment Advisory Committee (YEAC)

Councillor McEvoy reported the following:

YEAC reviewed the draft Council Plan and Draft Budget and provided initial feedback to inform the committee's official submission to Council.

Initial feedback was positive regarding the plan's positive approach to environmental sustainability. The committee was especially impressed with the focus on organic waste recycling. Many suggestions were made for ways to strengthen the plan's focus and response to climate change and to make strategic indicators more measurable. Details of this feedback will be presented to Council as part of a formal submission.

The committee was also updated on the process for the establishment of the Waste and Recycling Working Group.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Chen Yi Mei

That Council note the Delegates' report.

CARRIED

9.3 Councillor McEvoy - Rushall Reserve Stakeholder Roundtable

Councillor McEvoy reported the following:

On Tuesday 18 April, a facilitated roundtable meeting was held for representatives from each of the following groups to receive input on the proposed design and implementation of the Rushall Reserve path.

1. Children's playgroup / Share Rushall Reserve
2. Save Rushall Reserve
3. Yarra Bicycle Advisory Committee
4. Old Colonists Residents (Rushall Park)
5. Yarra Disability Advisory Committee
6. Protectors of Public Land

Participants reflected on the process to-date and discussed ways to capitalise on the benefits of the path and mitigate concerns. It was a very constructive meeting and Councillors received lots of positive feedback from participants. Thank you to Council officers for organising the meeting and to the community members for their input.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

That Council note the Delegates' report.

CARRIED

10. Questions without notice

10.1 Councillor Fristacky - Bargoonga Nganjin North Fitzroy Library - Books

Question:

The library has been an outstanding success and the positive results due to the major increase in visitations and residents borrowing books, in many cases 10 or more, due to the successful way the library books have been displayed. The only problem, shelves are being depleted, as residents have raised the issue. What response can Council have to expand the range of books available? I am aware that some of the books have come in from the other libraries but can a response be provided from the administration on the collection management?

Response:

The Director Community Wellbeing advised that the library has been a great success and has been pleased with the response. Additional stock has been purchased and officers will manage the collection as best as possible and provide a report on how it will be managed. If Council wanted to purchase more books that would be possible however officers will work towards the best way to manage the current collection. Library Services receives an annual budget allocation for the purchase of Library resources. The 2017-18 draft Budget has approximately \$600k for all library resources including books, magazines, LOTE resources and e-books.

10.2 Councillor Chen Yi Mei - Update on Lennox Street and CCTV re Government Funding

Question:

In relation to the State Government funding of approximately \$200k that they committed to revitalise Lennox Street and the funding that was announced for the CCTV. Can you please provide an update?

Response:

The Director Planning and Place Making advised although being successful with the funding, it was subject to the Council budget allocation. In terms of the CCTV, he wasn't aware of any formal notification from the State Government, but would confirm.

10.3 Councillor McEvoy - Newsletter on Proposed Waste Charge

Question:

I received a newsletter in my letter box this week titled 'Socialist Councillor, Stephen Jolly'. It declared his opposition to the proposed waste service charge and provided some information that I wanted to check tonight. Where it says, "*The proposed waste service charge will be added as a separate billing item alongside council rates and will start at \$220 for households*". Is that correct?

The brochure also mentioned that Yarra has 40% more corporate management staff than Port Phillip Council, 51% more than Boroondara and 64% more than Stonnington. Is that correct?

Response:

The Acting Chief Executive Officer took the question on notice however did advise that information is still being collected to ensure the figures provided are clear. Information will be circulated to Councillors relating to the overhead costs and comparisons with neighbouring Councils.

10.4 Councillor Jolly - Waste Service Charge

Question:

If the Waste Service Charge was not passed or agreed to in June at the Council meeting when we vote on the budget, can you please explain to the Councillors the impact that would have on the budget process and how the Council officers should suggest dealing with that, and would that for example lead to a slash and burn of services, would it be dealt through changing the loan repayments or what would be the implication of this Council not proceeding with the Waste Service Charge?

Response:

The Acting Chief Executive Officer advised that at present the intent of the Waste Service Charge component is to utilise that predominately towards debt and at this point in time, a matter for Council to make a decision on. In terms of the 2017-18 Budget, money has not been allocated to services or capital works programs so it wouldn't require a change in the 2017-18 year, it would impact in future years on services, service levels, the capital works program and long term financial sustainability.

11.1 Proposed Discontinuance of the Road Abutting 13-15 Brunswick Street, Fitzroy - Consideration of Submissions

Trim Record Number: D17/35308

Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice and having heard those people who requested to be heard in support of their submission in accordance with section 223 of the *Local Government Act 1989 (Act)*, regarding Council's proposal to discontinue and sell the road shown as lots 1 and 2 on the title plan contained in *Attachment 1* to this report (**Road**), being part of the land contained in Conveyance Book B No. 280, acting under clause 3 of Schedule 10 of the Act:
 - (a) resolves, having followed all the required statutory procedures pursuant to section 207A and 223 of the Act pursuant to its power under Schedule 10 clause 3 of the Act, to discontinue the Road and sell the land from the Road, for the following reasons:
 - (i) it considers that the Road is not reasonably required for public use;
 - (ii) the discontinuance and sale of the Road would decrease the risk of crime; and
 - (iii) Council is satisfied with the purchase price of the sale of the Road; and
 - (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, lot 1 on the title plan be sold to the owner of 13 Brunswick Street, Fitzroy and lot 2 on the title plan be sold to the owner of 15 Brunswick Street, Fitzroy and that the roads be sold for no less than the market value as determined by the Act;
 - (d) directs that the CEO sign any transfer of the Roads and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent sale to the Adjoining Owners; and
 - (e) directs that the adjoining owners and all persons who have made a submission be advised of Council's decision.

Public Submissions

The following people addressed Council on the matter:

Ms Eugenia Glynatsis;

Mr Michael Glynatsis;

Mr Phillip Phillipou;

Mr Martin Brenan;

Mr Greg Hocking;

Mr Peter Dobson;

Dr Audi Widjaja;

Ms Louise Elliott;

Mr Peter Dwyer;

Mr Stuart Stapely;

Dr Anh Tran;

Mr Laurence Abou Kharter; and

Ms Beverly Knight.

Councillor Nguyen arrived at 8.04pm.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Bosler

1. That Council, having considered all submissions received in response to the public notice and having heard those people who requested to be heard in support of their submission in accordance with section 223 of the *Local Government Act 1989 (Act)*, regarding Council's proposal to discontinue and sell the road shown as lots 1 and 2 on the title plan contained in *Attachment 1* to this report (**Road**), being part of the land contained in Conveyance Book B No. 280, now:
 - (a) resolves not to discontinue the Road as it considers that the road is reasonably required for public use;
 - (b) directs that the matter be referred to Council's Compliance and Governance Branches to deal with the occupation of Council's road; and
 - (c) directs that the adjoining owners and all persons who have made a submission be advised of Council's decision.

CARRIED

Councillors McEvoy, Nguyen and Stone abstained

CALL FOR A DIVISION

For: Councillors Fristacky, Jolly, Chen Yi Mei, Searle and Bosler

Against: Nil

Abstained: Councillors Stone, McEvoy and Nguyen

11.2 Road Management Plan

Trim Record Number: D17/45674

Responsible Officer: Director - City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) adopts the proposed amended Draft Road Management Plan as presented in Attachment 1 for the purposes of public exhibition;
 - (b) a notice of the adoption of Yarra's proposed amended Road Management Plan be published in the Government Gazette and a local daily newspaper stating the following as required by section 54 of the Road Management Act 2004:
 - (i) the purpose and general significance of the proposed amended Road Management Plan;
 - (ii) that a copy of the proposed amended Road Management Plan to be inspected or obtained at the Richmond Town Hall and on Council's public website; and
 - (iii) that any person who is aggrieved by the proposed amended Road Management Plan may make a submission to the Yarra City Council within a period of 28 days after the day on which notice is given; and
 - (c) notes the budget implications as detailed in the Report; and
 - (d) receives a further report during June 2017 to consider adopting the final Road Management Plan.

COUNCIL RESOLUTION**Moved:** Councillor Fristacky**Seconded:** Councillor Chen Yi Mei

1. That Council:
 - (a) adopts the proposed amended Draft Road Management Plan as presented in Attachment 1 for the purposes of public exhibition;
 - (b) a notice of the adoption of Yarra's proposed amended Road Management Plan be published in the Government Gazette and a local daily newspaper stating the following as required by section 54 of the Road Management Act 2004:
 - (i) the purpose and general significance of the proposed amended Road Management Plan;
 - (ii) that a copy of the proposed amended Road Management Plan to be inspected or obtained at the Richmond Town Hall and on Council's public website; and
 - (iii) that any person who is aggrieved by the proposed amended Road Management Plan may make a submission to the Yarra City Council within a period of 28 days after the day on which notice is given; and
 - (c) notes the budget implications as detailed in the Report; and
 - (d) receives a further report during June 2017 to consider adopting the final Road Management Plan.

CARRIED

11.3 Green Waste Service Update

Trim Record Number: D17/49475

Responsible Officer: Director - City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) continues to provide residents with the option to purchase from Council one 120L or 240L for green waste collection purposes only (**Option A** of table 3);
 - (b) continues to monitor the uptake and usage of the Yarra City Council branded mobile garbage bins for green waste;
 - (c) determines not to provide the option for residents to drop-off green waste at multiple sites;
 - (d) assesses the potential to provide interested residents with an opportunity to drop-off green waste at the Roseneath Street Clifton Hill Depot via a trial on three specific weekend periods between October 2017 and February 2018) (**Option C** of table 3); and
 - (e) receives a further report on the outcomes of the green waste drop-off trial at the Roseneath Street Clifton Hill Depot in March/April 2018.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

1. That Council:
 - (a) continues to provide residents with the option to purchase from Council one 120L or 240L for green waste collection purposes only (**Option A** of table 3);
 - (b) continues to monitor the uptake and usage of the Yarra City Council branded mobile garbage bins for green waste; and
 - (c) determines not to provide the option for residents to drop-off green waste at multiple sites.

CARRIED

12.1 Notice of Motion No.9 of 2017 - Marriage Equality

Trim Record Number: D17/51324

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Mr Benjamin Sanders addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That Council:
 - (a) note the Council resolution of October 20, 2015 supporting marriage equality;
 - (b) re-affirms its public support for marriage equality regardless of sexual orientation or gender identity;
 - (c) write to all Federal Members of Parliament urging them to amend the Commonwealth Marriage Act in the Federal Parliament;
 - (d) write to the Commonwealth Human Rights and Equal Opportunity Commission advising them of Council's support; and
 - (e) resolves that once the community flag poles are installed at each Town Hall, to fly the Rainbow Flag on each of them permanently until such time as marriage equality becomes law in Australia (except when the flag poles are required for flying other flags in accordance with the Civic Flags Policy).

CARRIED UNANIMOUSLY

12.2 Notice of Motion No.10 of 2017 - Safe Schools Program

Trim Record Number: D17/51328

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

1. That Council:

- (a) note its dismay at the NSW State Government's recent decision to remove the Safe Schools program from schools in NSW;
- (b) urge the Victorian State Government to continue its support of the program;
- (c) pledge to become a "supporter organisation" for the Safe Schools Coalition Australia by endorsing the following pledge:

"We believe that schools should provide a safe and inclusive environment for all students, so that they can learn, grow, and reach their full potential – free from bullying and discrimination. We pledge to stand up against homophobia and transphobia whenever we see or hear it. We are proud to support Safe Schools Coalition Australia and its work to create positive change for same sex attracted, intersex and gender diverse students, school staff and families.": and

- (d) advise the Safe Schools Coalition Australia accordingly.

CARRIED UNANIMOUSLY

12.3 Notice of Motion No.11 of 2017 - Termination of the Associate Degree in Urban Horticulture, Burnley Campus

Trim Record Number: D17/51830

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Ms Jessica Peeler addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Searle

1. That Council:

- (a) note advice that the University of Melbourne has given notice to its students on 16 March 2017 of its intention to terminate the Associate Degree in Urban Horticulture (ADUH), the only degree of its kind at the university, and the only undergraduate qualification offered at Burnley campus. The Burnley campus, located in the Melba Ward of the City of Yarra, is considered to be a world-leading horticultural institution with its direct access to established and crucial infrastructure such as the gardens and its extensive field station facilities designed for best practice in horticultural education;
- (b) advocate to the University of Melbourne to consider:
 - (i) the retention of both the undergraduate and postgraduate course including and implement measures to improve the viability of the degree by taking the following step:
 - a. Implementing effective marketing with targeted advertising to increase student intake;
 - b. improving student services at Burnley campus, including provision of counselling, legal aid, financial aid, and decentralised access to STOP 1 appointments;
 - c. providing pathways to higher education within the University of Melbourne; and
 - d. allowing students to study full time or part time; and
 - (ii) in the event that the University of Melbourne confirms termination of the course:
 - a. to delay the termination of the ADUH until a viable alternative undergraduate degree, or stream within a Bachelor degree, is offered;
 - b. to continue the teach-out until an appropriate alternative undergraduate course or stream is made available for enrolment at Burnley;
 - c. to offer all ADUH subjects for the entire four year teach-out period to ensure that all current and deferred students have the opportunity to complete the subjects described in the University of Melbourne handbook upon their enrolment;
 - d. to maintain the current employment conditions for teaching staff for the entire teach-out period, and also that they are engaged in the development and teaching of any new horticultural education at the university;
 - e. that if the ADUH is replaced, all stakeholders are brought to the table to formulate a horticulture stream within a Bachelor degree, or a new undergraduate horticulture degree, to be taught exclusively at Burnley; and

- f. that any teach-out plan for the ADUH be made in consultation with staff and students, and that students are given transparent information regarding the availability of subjects for the teach-out period”.

CARRIED UNANIMOUSLY

13.1 Ryan's Reserve

COUNCIL RESOLUTION**Moved:** Councillor Searle**Seconded:** Councillor Nguyen

1. That Council:

- (a) note its resolutions of 20 September 2016 and 22 November 2016 opposing the re-zoning of Ryan's Reserve;
- (b) in light of the major demand and health needs for sporting/netball facilities, condemns the recent re-zoning of Ryan's Reserve by the Planning Minister Richard Wynne from Public Parks & Recreation (which allows use of the land for netball facilities) to Commercial 1;
- (c) re-affirms its position in opposition to the development of the land for housing;
- (d) write to the Minister for Planning requesting reversal of that rezoning; and
- (e) receive a report at a future Councillor's Briefing on actions Council can take to support and facilitate the community campaign to keep Ryan's Reserve as a community sporting facility.

CARRIED**BACKGROUND**

Resolution of 22 November 2016 (incorporating resolution of 20 September 2016).

Moved: Councillor Coleman**Seconded:** Councillor Searle

1. That Council:

- (a) *note its representations made to the recently concluded hearings by the State's Standing Advisory Committee, in relation to the State Government's proposal to rezone 510 Swan Street, Richmond (Ryan's Reserve);*
- (b) *reiterate its unanimous position in its resolution of 20 September:*
"That Council:
 - (a) *notes the officer report in relation to the proposed rezoning of 510 Swan Street Richmond (known as Ryan's Reserve) as part of the State Government program to deliver the Richmond Secondary School project;*
 - (b) *notes the process being undertaken by the State Government in relation to their zoning proposal of 510 Swan Street, Richmond;*
 - (c) *notes the fivefold increase in female participation in social netball in the City of Yarra during the period 2006-2015, being the largest increase in (male and female) participation compared to any other sport in the municipality during this period;*
 - (d) *notes the very high and increasing demand for the netball facilities at Ryan's Reserve including 975 players per week from Richmond Netball Association and 960 players per week from City side Sports in addition to other groups;*
 - (e) *notes the strong opposition of the local community and the netball community within and beyond the City of Yarra, as evidenced by: (i) the written submissions sent to Councillors and officers; the verbal submissions made to Council at its meeting on 20 September 2016; and (iii) the petitions to be presented to the State Government, which have to date been signed by in excess of 600 people;*

- (f) *considers that the provision of netball courts at the new secondary school in Richmond that are intended to be available for community use at restricted times(outside school hours and only if not used for school purposes) is not an equivalent substitute for the loss of the four netball courts at Ryan's Reserve that are dedicated full-time to community use;*
- (g) *given the demand for netball facilities, welcomes the installation of netball courts at the new secondary school in Richmond (to be made available to non-school users outside of school hours when not used by the school) in addition to, but not in substitution for, the netball facilities at Ryan's Reserve;*
- (h) *notes that extensive community consultation was undertaken for the Swan Street Structure Plan and that such consultation was premised on Ryan's Reserve remaining as is;*
- (i) *notes the increasing importance of Ryan's Reserve as a recreational and open space facility as development along Swan Street and the local vicinity is set to increase in density;*
- (j) *urges the State Government:*
 - (i) *to retain and enhance Ryan's Reserve for the existing recreational*
 - (ii) *purposes, notably, netball; and*
 - (iii) *to utilise one of the several other vacant government land sites in Yarra for Office of Housing purposes in lieu of Ryan's Reserve, which is an essential community recreational facility serving an expanding inner city population; and authorises the Mayor to write to the Premier, Minister for Sport & Recreation, Minister for Housing, Minister for Education, Minister for Planning and local State Member, advocating this position;*
- (k) *opposes the re-zoning of Ryan's Reserve (510 Swan Street, Richmond) and requests officers to prepare a submission to the Government Land Standing Advisory Committee to this effect; and*
- (l) *authorises the CEO to arrange for representation at the hearings of the Government Land Standing Advisory Committee to advocate the Council position."*
- (c) *now authorise the CEO to negotiate with the landowner, the Department of Health & Human Services, for Council's continuous and long term use, as a lessee, of the land at Ryan's Reserve for sport and recreation purposes for the public benefit.*

CARRIED

Conclusion

The meeting concluded at 10.33pm.

Confirmed Tuesday 16 May 2017

Mayor