



Ordinary Meeting of Council Agenda

**to be held on Tuesday 13 August 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

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

Anticipated attendees:

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)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Personnel 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.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) Matters prejudicial to Council and/or any person; and
 - (b) Personnel matters.
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.

5. Confirmation of minutes

RECOMMENDATION

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

That the minutes of the Special Council Meeting held on Tuesday 30 July 2019 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Update on Yarra Riverbank, Alphington	8	14	Vijaya Vaidyanath – Chief Executive Officer
11.2	Consumption of Liquor in Public Places Local Law	15	19	Stewart Martin – Manager Compliance and Parking Services
11.3	Outcome of the Expression of Interest for 150-152 Hoddle Street Abbottsford	21	26	Michael Ballock- Executive Planner
11.4	Mayor's Park Tennis and Netball Centre Management Update	27	30	Sally Jones – Manager Recreation and Leisure Services
11.5	Visit to Baucau - Timor Leste and the Municipal Agreement	31	35	Aldo Malavisi – Community Partnerships Unit Manager
11.6	Appointment of Authorised Officers - Planning and Environment Act 1987	36	37	Ivan Gilbert – Group Manager Chief Executive's Office

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 12 of 2019 - Request for Report on Future of Burnley Cottage	38	39	James Searle - Councillor
12.2	Notice of Motion No.13 of 2019 - Support for Climate Emergency Strike	40	41	Stephen Jolly - Councillor

13. Urgent business

Nil

11.1 Update on Yarra Riverbank, Alphington

Reference: D19/139190

Authoriser: Director City Works and Assets

Purpose

1. To provide Council with an update to the report that was presented to Council on 30 July 2019 regarding the Yarra Riverbank at the Former AMCOR site in Alphington, specifically:
 - (a) that prior to a planning permit being granted to remove Tree 1, an assessment be conducted by Alluvium for an alternative solution that will enable preservation of the tree; and
 - (b) that officers approach Glenvill regarding the provision of alternative continuous access for the community along the river front.

Background

2. The former AMCOR site in Alphington is currently being re-developed. The site abuts Heidelberg Road and the Chandler Highway and extends to the Yarra River. There is a 30 metre strip of land along the river bank that is owned by the lead developer (Glenvill), and is highly valued by the community for the amenity it provides, and the access it provides to the river. The intent is that this strip of land will vest in a public authority in future to enable ongoing public access to the land.
3. The 16 hectare site has been systematically and progressively demolished by Glenvill in line with the staging of the development works. An environmental management plan has been put in place to manage stormwater run-off and infiltration that includes the construction of swale drains and open earth drains to intercept and direct stormwater runoff into sedimentation ponds.
4. In January of 2019, it was reported that a section of the river bank had slumped, causing a tree to fall into the river. This tree was subsequently removed.
5. In May 2019 a second section of river bank slumped with a second tree falling into the river, and two other trees being at risk due to being within the affected slump zone.
6. There has been considerable community interest in the AMCOR development, and most recently in relation to the slumping of the river bank, the loss of one mature tree and the potential loss of more mature trees in the slump area.
7. Council officers have engaged an independent consultancy Alluvium to investigate the cause of the river slumping and its impact on river bank trees. The investigations and subsequent reports will be staged.
8. The first report considered the stability of two trees within the bank slump zone and was presented to Council on the 30 July 2019 recommending that a planning permit would be required in order to remove Tree 1.
9. Alluvium submitted their first report on 29 July 2019. The report addressed the potential for imminent tree collapse at the subject site. Their recommendations, which were included in a report to Council on 30 July 2019 are as follows:
 - (a) Tree 1 is at imminent probability to collapse and should be removed, following application for a permit;
 - (b) Tree 2 appears to be outside the zone of existing tension cracks of the slump area. The report suggests that the tree not be removed but to be regularly monitored;
 - (c) Monitoring of the slump area to be undertaken weekly;
 - (d) Continue to restrict access to the subject site to maintain public safety;

- (e) If tree removal is undertaken, the stump and root plate must be retained to reduce damage to the bank and to provide ongoing soil stability; and
 - (f) With pedestrian controls in place, the tree collapse does not constitute an emergency. Therefore, the trees do not meet the Permit exemption conditions of immediate risk as required under the terms of the Victorian Planning Provisions – Significant Landscape Overlay (SLO 42.03-3) and Native Vegetation (VPP 52.17-7).
10. Council at its meeting on 30 July 2019 considered the recommendations of the Alluvium report and resolved to:
- (a) *note the contents of the report;*
 - (b) *note that the Alluvium report has been provided to Glenvill and Melbourne Water;*
 - (c) *note the contents of Alluvium's report of 29 July 2019 and instruct Officers to advise Glenvill that a planning permit will be required in order to remove Tree 1;*
 - (d) *request that prior to a planning permit being granted to remove Tree T1:*
 - (i) *an assessment be conducted by Alluvium for an alternative solution that will enable preservation of the tree; and*
 - (ii) *such assessment be presented to the next Council meeting;*
 - (e) *instructs Officers to ensure that weekly monitoring of the slump area and trees occurs to determine if conditions change and increase the likelihood of trees falling;*
 - (f) *notes that Officers will provide a further report to Council, based on expert advice, on the cause of the slumping of the river bank, and any remediation works that could be considered to prevent further deterioration of the river bank and/or further loss of trees in this area; and*
 - (g) *officers to approach Glenville regarding the provision of alternate continuous access for the community along the river front and report back to council on their response.*
11. An addendum to Alluvium's first report was received on Monday 12 August 2019 providing an assessment of all possible solutions to enable preservation of Tree 1. Please see **Attachment 1.**

Alluvium Report 12 August 2019

12. Alluvium have provided advice for the purpose of identifying management options for tree T1 as shown below.
13. **Option 1:**
- (a) Fall the tree and install as desirable instream habitat. Place tree in river as aquatic habitat and retain root ball for protection of the river bank;
 - (b) This option addresses the current safety issue presented by T1 and provides an opportunity to reopen the existing walking path to the community. It provides a certain outcome including the potential addition of large wood habitat in the river. The option is not confounded by other issues related to the ground stability and success is not dependent on other issues being resolved. This option is consistent with recommendations of arborists that have visited the site;
 - (c) The requirement to obtain a permit for native vegetation removal does not apply to emergency works to reduce immediate risk to property. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42-03.3 of the state planning provisions, creating an exemption for emergency works; and

- (d) Reopening of the walking path: While this option provides the opportunity for reopening of the walking path, significant further work will be required to provide safe public access. The extent of such work should be explored in subsequent investigations and reporting.

14. **Option 2:**

- (a) Retain the living tree with possible engineering interventions such as cable bracing, rock beaching, and reduction in the crown (lopping);
- (b) This option partially addresses the current safety issue presented by T1. This option provides a short-term benefit with the outcome of delivering a living tree that may persist for some years;
- (c) However, the longevity of the tree would remain uncertain. The retained tree will have a compromised health and a changed visual appearance. The tree will also pose an ongoing safety hazard. The compromised tree is likely to continue to shed limbs. This may restrict access in the future and will require ongoing monitoring and maintenance commitments; and
- (d) The success of this options is uncertain as is dependent upon the underlying ground stability issue being resolved. If the slump progresses the tree will fail regardless of the interventions applied.

15. **Option 3:**

- (a) Retain the dead standing tree with possible engineering operations such as cable bracing, rock beaching and reduction in the crown (lopping);
- (b) This option partially addresses the current safety issue presented by T1. The outcome of a standing stag on the site is uncertain. If this achieved it is likely to provide a 5-10-year ecological benefit to the riparian zone. Uncontrolled failure of the tree with further damage to the bank and adjacent vegetation is possible;
- (c) However, the tree will pose an ongoing hazard. This may restrict access in the future and will require ongoing monitoring and maintenance commitments; and
- (d) The success of this option is uncertain as it is dependent upon the underlying ground stability issue being resolved. If the slump progresses, the stag is more threatened and may fail.

16. The Alluvium report provides the following recommendations:

- (a) The success of Options 2 and 3 are uncertain. These options retain the tree at the current location in an altered state. However, they also retain a safety hazard on the site and will require ongoing maintenance input. Option 3 should be immediately dismissed as an unacceptable outcome as it provides limited benefits over Option 2;
- (b) Option 2 seeks to retain the current aesthetic and ecological attributes of the existing T1. However, the crown of the tree would need to be modified and would pose an ongoing public risk as the condition of the tree declines and sheds timber. The option does not provide a practical and feasible solution to the risks at the site and is not recommended;
- (c) Option 1 (Remove the tree and retain trunk for habitat and root ball for bank protection) provides a predictable outcome for the site and enables most short- and long-term objectives to be achieved. While the loss of the tree will have some impact on the character of the site, this is the only option that provides for the practical and feasible resolution to the risks posed by the severely compromised tree T1. Option 1 is the only feasible option that addresses the immediate risk of damage to property (riverbank);
- (d) Option 1 is recommended for implementation as a matter of urgency. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42.03-3 of the state planning provisions, creating an exemption for emergency works; and

- (e) While not essential for public safety, the option would also help to reduce risks to public safety. Until this option is enacted, site access control (walking and boating) must be in place to manage the site safety risks.
17. Glenvill position:
- (a) Glenvill provided a letter to the CEO on 8 August 2019 in relation to the Council Resolution of 30 July 2019;
 - (b) Glenvill state that the expert advice obtained from their arborists and geotechnical engineer indicates that the potential risks associated with the two trees should be mitigated by removing the trees as soon as practicable;
 - (c) Glenvill state that the exemption contained within the Significant Land Overlay (SLO) ought to be utilised to allow them to remove the two trees without obtaining a planning permit;
 - (d) Glenvill advise that they are currently considering their position in relation to Council's decision on 30 July 2019; and
 - (e) To date Glenvill have not applied for a planning permit to Council.
18. Council's Resolution of 30 July 2019 does not prevent Glenvill from apply for a permit to fell Tree 1, it states that prior to a permit being granted alternative solutions to the preservation of the trees are assessed and presented to the next Council meeting.

Glenvill response to request for alternative access for the community

19. Glenvill provided an email on 9 August 2019 regarding Council's request for provision of alternative continuous access for the community along the river front.
20. Glenvill has advised that alternative access is not possible, and has provided the following rationale:
- (a) Whilst we (Glenvill) understand pedestrian access in an east west movement along the Yarra River is an important link for the community, the land is currently in private ownership and the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed. Following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
 - (b) Whilst the riverfront matters are being addressed and prior to any further approvals in accordance with the Development Plan and Section 173 we (Glenvill) unfortunately don't believe there is a safe alternate access through the site for public use;
 - (c) At the lower level the topography near the tree and river edge slump edge is very steep and therefore an alternate path on the lower edge is not possible and at the upper edge of the riparian zone is a construction site, including heavy vehicle movements and therefore deemed unsafe for public access. The only safe path for pedestrians at present is via the public road network via Heidelberg Road and Chandler Highway, which we note has been reviewed for pedestrian safety around designated construction access points at Mills Blvd and Latrobe Ave; and
 - (d) Glenvill are open to reviewing this position in the future should site conditions change, including but not limited to removal of at-risk trees on the riverfront and completion of building works in the Park Precinct.

Recent site inspections by Council officers

21. Numerous site inspections have been carried out by Council officers, with the latest carried out on 12 August 2019 which indicate that the riverbank slumping appears to have accelerated over the recent days. Refer to Attachment 2 for photos of the slump site.

External Consultation

- 22. External consultants have been engaged by Council to provide independent advice on the trees and river bank slump.
- 23. Melbourne Water have been consulted and have advised that they support the management recommendations made by Alluvium in Section 5 of their report of 29 July 2019.
- 24. Melbourne Water have advised that they have organised a crew to clear up the litter trapped by the fallen tree in the river. They will also deploy buoys in the river to alert boat traffic of the fallen tree. This work is scheduled to occur this week (week beginning 12 August 2019).
- 25. The Environment Protection Agency (EPA) has also been engaged and have been provided a copy of the two Alluvium reports, as well as other background reports and material.

Internal Consultation (One Yarra)

- 26. Relevant internal units have been engaged as part of these matters.

Financial Implications

- 27. There has been a cost to Council to commission independent expert advice. There may be some ability to recover costs once the cause of the river bank slumping is determined.

Economic Implications

- 28. Not applicable

Sustainability Implications

- 29. There are potentially local sustainability implications.

Social Implications

- 30. Not applicable.

Human Rights Implications

- 31. Not applicable.

Communications with CALD Communities Implications

- 32. Not applicable.

Council Plan, Strategy and Policy Implications

- 33. Sustainability and bio-diversity outcomes are important to Council and the Community, and officers' efforts are to achieve the best outcomes possible.

Legal Implications

- 34. There may be legal implications should there be further river bank movement or if more trees fall.
- 35. There may also be legal implications once the cause of the river bank slumping is known.
- 36. Recent correspondence from Minter Ellison, acting on behalf of Glenvill and received on 9 August 2019 indicates that if the trees were to fail and to subsequently cause damage to persons, property, surrounding trees and/or to vegetation, Glenvill will hold Council liable for any costs, damages and liability associated with the tree failure and resultant damage.

Other Issues

- 37. A further report on the cause and potential mitigation options to address the river bank slumping is to be presented to Council separately at a later date.

38. The Table of Exemptions in clause 42-03.3 of the Yarra Planning Scheme states:

The requirement to obtain a permit does not apply to	
Emergency Works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> • in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or • <i>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</i> (emphasis added).

Options

39. This report presents three options considered by Alluvium for an alternative solution that will enable preservation of Tree 1, as per the Council Resolution of 30 July 2019:
- (a) **Option 1:** Fall the tree and install as desirable instream habitat. Place tree in river as aquatic habitat and retain root ball for protection of the river bank;
 - (b) **Option 2:** Retain the living tree with possible engineering interventions such as cable bracing, rock beaching, and reduction in the crown (lopping); and
 - (c) **Option 3:** Retain the dead standing tree with possible engineering operations such as cable bracing, rock beaching and reduction in the crown (lopping).

Conclusion

40. There has been significant slumping of the river bank at the Yarra Bend development site, and this appears to have worsened in recent days.
41. As part of its Resolution on 30 July 2019 Council resolved that prior to a planning permit being granted to remove Tree T1:
- (i) *an assessment be conducted by Alluvium for an alternative solution that will enable preservation of Tree 1; and*
 - (ii) *such assessment be presented to the next Council meeting; and*
 - (g) *officers approach Glenvill regarding the provision of alternate continuous access for the community along the river front and report back to Council on their response.*
42. The Alluvium Report dated 12 August 2019 (Attachment 1) presents Alluvium's expert advice on options to manage Tree 1, recommending that the tree be removed immediately utilising the exemption provisions within the Yarra Planning Scheme, which enables the removal of vegetation without a permit where it presents an immediate risk of personal injury or damage to property.
43. In relation to the provision of alternative continuous access for the community along the river front, Glenvill has advised they have not been able to identify a safe solution at this point in time to enable this.
44. A further report on the cause and potential mitigation options to address the river bank slumping is to be presented to Council separately at a later date.

RECOMMENDATION

1. That Council:

- (a) notes the advice from Glenvill that the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed;
- (b) notes that Glenvill are open to reviewing this position in the future should site conditions change;
- (c) notes that following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
- (d) notes the assessment on Tree 1 and the options presented by Alluvium to preserve the tree;
- (e) notes that due to further slumping of the river bank, the likelihood that the tree will fall in the coming days or weeks, and the immediate risk to the property (river bank) should the tree fall, the advice from Alluvium is that Tree 1 should now be removed without the need for a planning permit;
- (f) endorse the removal of the tree, retaining the root ball for bank protection, and in conjunction with Melbourne Water, locate the trunk in the river to act as instream habitat;
- (g) instruct officers to liaise with Glenvill and Melbourne Water to inform them of this resolution and to work with them to give it effect as soon as practicable; and
- (h) note the options provided within the report by Alluvium to stabilise the riverbank, and further note that Alluvium will provide a future report on both the cause and the options to address further river bank slumping as part of a future report.

CONTACT OFFICER: Dennis Cheng
TITLE: Manager Traffic and Civil Engineering
TEL: 9205 5712

Attachments

- [1⇒](#) Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019
- [2⇒](#) Attachment 2 - Site Inspection 12 August 2019

11.2 Consumption of Liquor in Public Places Local Law

Executive Summary

Purpose

To endorse the proposed *Consumption of Liquor in Public Places Local Law 2009 (Local Law)*, statement of changes, Community Impact Statement and Human Rights Compatibility Statement and authorise the making available of the documents to the general public for the purposes of consultation in accordance with the requirements of sections 119(2) and 223(1) (a) of the *Local Government Act 1989 (Act)*.

Key Issues

Whether any further and final amendments are required to be made to the proposed Local Law following the preliminary public consultation process, prior to publication of a final draft as part of the formal consultation process. To consider the adoption of the proposed Local Law which will enable control of anti-social behaviour and to declare areas or times to be 'alcohol free' depending on events, for example New Year's Eve.

Financial Implications

None perceived.

PROPOSAL

The current Local Law is due to sunset on 19 October 2019. The proposed Local Law has been drafted and preliminary public and internal consultation has been undertaken.

- A notice was published advising members of the public of the proposed Local Law.
- A copy of the proposed Local Law and statement of changes was also available to the public.
- Surveys were conducted and completed in-person and online.
- Written feedback has been compiled.

It is now proposed that Council consider the feedback received and thereafter determine whether any amendments are required to be made. If no further amendments are required, Council may resolve to endorse the proposed Local Law, publish a notice in the Government Gazette and a public notice advising of the availability of the proposed Local Law for viewing and calling for submissions, and make the relevant documents available for viewing.

11.2 Consumption of Liquor in Public Places Local Law

Reference: D19/130944

Authoriser: Director Corporate, Business and Finance

Purpose

1. To endorse the proposed Consumption of Liquor in Public Places Local Law 2009 (Local Law), statement of changes, Community Impact Statement and Human Rights Compatibility Statement and authorise the making available of the documents to the general public for the purposes of consultation in accordance with the requirements of the Local Government Act 1989 (Act).

Background

2. The Local Law is due to sunset on 19 October 2019. In preparation, a review of the Local Law was conducted and a proposed Local Law was drafted by solicitors on behalf of Council. A Councillor's briefing report was also presented 27 May 2019.
3. The proposed Local Law seeks to strike the balance between the use and enjoyment of the municipality's public places and the safety and amenity factors which relate to, and result from, public liquor consumption.
4. Changes were made which were directed primarily at reducing the repetition of the Local Law, improving the readability of the document and ensuring that the Local Law was enforceable. The major substantive amendment was the power of an authorised officer to give a direction. The current Local Law affords an authorised officer the power to give a direction to a person he or she *observes* to have contravened or be contravening a clause of the Local Law. The proposed Local Law amends the element of observation to one of *reasonable belief*, that is, an authorised officer may give a direction to a person he or she *reasonably believes* to have contravened or to be contravening a particular clause (see Attachment 2).
5. Section 119 of the *Local Government Act 1989 (Act)* requires that, prior to making a new local law, Council must allow any person affected by the proposed local law to make a submission relating to the proposed local law. This section relevantly provides:
 - (2) The Council must give a notice in the Government Gazette and a public notice

Stating:-

 - (a) the purpose and general purport of the proposed law; and
 - (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
 - (2A) The Council must ensure that –
 - (a) a copy of the proposed local law; and
 - (b) an explanatory document setting out prescribed details in relation to the local law

–

is available for inspection, at, and obtainable from, the Council office during ordinary business hours.
6. Section 223 of the Act requires Council to provide persons with the opportunity to be heard and requires Council to consider all submissions made, whether oral or written, in making the local law.

External Consultation

7. A preliminary external consultation period was undertaken, running from early June to 4 July 2019. Notices were published advertising the intention to amend the Local Law, along with copies of the proposed Local Law, a statement of changes, and a current list of 'prescribed areas.'
8. Members of the general public, Victoria Police, Victorian Commission for Gambling and Liquor Regulation, and community groups were invited to complete an online or hard-copy survey or provide feedback in-person at a pop-up session.
9. 241 online responses and 8 hard-copy surveys responses were received and 30 discussions were had at pop-up sessions.
10. 30% of responses showed high levels of support for the proposed Local Law, 37% of those surveyed were moderately supportive, and 33% were not supportive, demonstrating a relatively even spread of views.
11. Those who were highly- supportive agreed that the regulation of the consumption of liquor by the Council was required and beneficial, that the use of prescribed areas takes a well-balanced approach which allows for the community to enjoy its parks and reserves and contributes to the 'vibrant' and 'lively' atmosphere.
12. Those who were moderately supportive expressed concerns with the issue of anti-social behaviour rather than the consumption of liquor itself, the times stipulated as 'day-time hours', particularly in summer, and the coverage of 'prescribed places.'
13. Those who were not supportive stated that the proposed local law was too restrictive and that consumption of liquor should be permitted in all public places. Concerns were also expressed in relation to an authorise officer's 'reasonable belief' as opposed to the actual observation of consumption or possession, with some believing that this may be 'misused' against marginalised and vulnerable members of the community.
14. A summary of the survey responses can be found in Attachment 5.
15. The publication and 223 submission period (28 days) is proposed to run during September 2019.

Internal Consultation (One Yarra)

16. All City of Yarra managers and advisory groups were invited to provide feedback via an online submission portal.
17. Senior officers within the Compliance & Parking Services department also offered to attend individual department meetings to discuss any aspects of, or concerns regarding the proposed Local Law.

Financial Implications

18. None perceived.

Economic Implications

19. None perceived.

Sustainability Implications

20. None perceived.

Social Implications

21. Feedback from the public and aboriginal communities reveals concerns that the Local Law is being, and will be, used to target aboriginal and other vulnerable persons such as those experiencing homelessness. It is noted that authorised officers and police officers understand that the Local Law is to be used as an education tool, to address anti-social behaviour and is supported by the enforcement mechanisms within it.

22. Concerns were also expressed in relation to the restriction of persons who wish to consume liquor in public places as part of social engagement. The proposed Local Law makes no changes to the coverage of the areas in which liquor is able to be consumed. This is dealt with by declarations of Council of 'prescribed areas' and 'festivals' pursuant to a power under the Local Law (which remains unchanged).
23. A comprehensive discussion of the social implications of the proposed Local Law are addressed in the Community Impact Statement.

Human Rights Implications

24. The proposed Local Law has been drafted in accordance with the *Charter of Human Rights and Responsibilities Act 2006*. A complete discussion of the human rights implications are contained in the Human Rights Compatibility Statement (see Attachment 4).

Communications with CALD Communities Implications

25. On 2 May 2019 officers consulted with the Yarra Aboriginal Advisory Group at their regular meeting. In addition, the Community Partnership Unit arranged for 'in-person' meetings with Aboriginal community members, including the group that refers to themselves as 'Parkies', Aboriginal organisations and the Yarra Aboriginal Support Network. The Mayor also spoke on 3KND about the proposed Local Law.
26. Concerns were also raised that the Local Law was being, or would be, used to target Aboriginal persons. The Aboriginal Advisory Group was advised in response that the Local Law is administered with a view to educate first and that enforcement by Police officers and Council authorised officer followed educational action if, and when, necessary.

Council Plan, Strategy and Policy Implications

27. The implementation of the proposed Local Law seeks to assist in achieving the following strategic objectives of the Council Plan 2017-2021:

A Healthy Yarra

- 1.4 ' Assist to reduce the harms from alcohol and drugs on individuals and the community in partnership with state agencies and key service providers.

Legal Implications

28. The legal requirements for the making of a new local law are as set out above.

Other Issues

29. No other issues perceived.

Options

30. Having considered the preliminary feedback and if Council considers further amendments to the proposed Local Law are required after the section 223 process, it may specify and determine that such amendments are to be made. The revised proposed Local Law will then return to Council for endorsement.
31. If Council does not consider any amendments to be required, Council may resolve to endorse the proposed Local Law.
32. Council must then publish a notice in the Government Gazette and a separate public notice stating the purpose and general support of the proposed Local Law, that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office, and that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law.
33. Council must ensure that a copy of the proposed Local law and any explanatory documents are available for inspection at, and able to be obtained from, Council's offices.
34. Any person who wishes to make a submission must be provided with the opportunity to do so.

35. If a person makes a request to be heard in-person, he or she must be given the opportunity to make oral submissions at a Council meeting or a meeting of the committee determined by Council. Council must fix a time and location for this meeting and provide the person(s) with reasonable notice.
36. Council must take all submissions into consideration in determining whether to make the proposed Local Law and notify, in writing, each person who made a submission of Council's decision and the reasons for the decision.

Conclusion

37. A proposed Local Law, statement of changes, Community Impact Statement, and Human Rights Compatibility Statement have been drafted for endorsement and publication for the purposes of public consultation (see attachments).
38. It is proposed that the proposed Local Law and associated documents be published and a broad public consultation period (28 days) be undertaken during September in which it will invite submissions from all stakeholders.
39. Following this consultation period, submissions will be composed and a further report of submissions and proposed Local Law will be drafted for Council's consideration. In the event the proposed Local Law is not adopted by 19 October 2019, Council will not be in a position to put in any restrictions relating to the consumption of alcohol during any event, including any ban on New Year's Eve.

RECOMMENDATION

1. That Council considers whether, in light of the preliminary feedback, amendments to the proposed Local Law are required.
2. If it is considered that amendments are required, that Council specify such amendments and determine that a revised version be drafted.
3. If it is considered that no amendments are required, that Council endorse the proposed Local Law for publication for the purposes of inviting submissions from stakeholders and that Council resolve to undertake the following:
 - (a) publish a notice in the Government Gazette and a separate public notice stating:
 - (i) the purpose and general purport of the proposed Local Law;
 - (ii) that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office; and
 - (iii) that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law;
 - (b) ensure that a copy of the proposed Local Law and any explanatory documents are available for inspection at, and able to be obtained from Council's offices;
 - (c) provide any person who wishes to make a submission with the opportunity to do so;
 - (d) provide any person who makes a request to be heard in-person the opportunity to make oral submissions at a Council meeting or a meeting of a committee determined by Council; and
 - (e) fix a time and location for this meeting and provide the person(s) with reasonable notice of the meeting.

CONTACT OFFICER: Steve Alexander
TITLE: Coordinator, Civic Compliance
TEL: 9205 5166

Attachments

- 1⇒ Draft- Consumption of Liquor in Public Places Local Law
- 2⇒ Statement of Changes
- 3⇒ Human Rights Compatibility
- 4⇒ Community Impact Statement
- 5⇒ Summary of Responses from Public Survey

11.3 Outcome of the Expression of Interest for 150-152 Hoddle Street Abbotsford

Executive Summary

Purpose

The purpose of this report is to update Council on the outcome of the call for Expressions of Interest to use the building at 150-152 Hoddle Street Abbotsford, known as the Soldiers and Sailors Memorial Hall for uses that provide support services and assistance to returned services veterans.

Key Issues

No submissions were received in response to the release of the Expression of Interest.

Financial Implications

The building requires ongoing maintenance and restorative works. However there are no major works proposed for the building and consequently no immediate financial implications.

PROPOSAL

That Council note this report and note the Council 2019/20 budget resolution that provides funding for a feasibility study for social/affordable housing within the Collingwood Town Hall precinct.

11.3 Outcome of the Expression of Interest for 150-152 Hoddle Street Abbotsford

Reference: D19/126286
 Authoriser: Director City Works and Assets

Purpose

1. The purpose of this report is to update Council on the outcome of the call for Expressions of Interest to use the building at 150-152 Hoddle Street Abbotsford, known as the Soldiers and Sailors Memorial Hall for uses that provide support services and assistance to returned services veterans.

Background

2. On 16 October 2018, Council resolved:

That in the matter of the “Soldiers and Sailors” Building at 150 - 152 Hoddle Street, Collingwood (also known as the Soldiers Memorial Hall - RSL), Council:

- (a) *note recent representations made by members of the Tramways and East Melbourne RSL;*
- (b) *note Council’s now adopted Property Strategy and the associated Property Assessment Framework, which is to formally guide the process of reviewing all properties, over a period; and*
- (c) *request officers to bring forward a comprehensive report to the first Council meeting in November:*
 - (i) *detailing the history of the ownership and occupancy of that property;*
 - (ii) *noting that Council has received a number of representations/suggestions concerning the future possible uses of the site, including but not limited to, affordable housing, RSL activities, Arts, Cultural and Social hubs;*
 - (iii) *referencing Council’s Property Strategy and noting the Property Assessment Framework requires Officers to report back to Council outlining the range of potential opportunities for the future management of Council properties and to also include options for Council consideration re future potential development and use of such properties; and*
 - (iv) *detailing the statutory requirements on the Council should it proceed with any future arrangements concerning development, occupancy and/or use of Council properties.*

3. A report was presented to the meeting on 13 November 2018 and Council resolved:

That:

- (a) *Council note the report in respect of the building at 150-152 Hoddle St, Abbotsford;*
- (b) *Council acknowledge the keen community interest in this site and note the previous 2013 expression of interest process;*
- (c) *Council seeks a narrow scope Expressions of Interest (EOI) responses for uses that provide support services and assistance to returned services veterans and noting that the EOI proposal should respond fully to the following requirements:*
 - (i) *provide satisfactory evidence of a financial capacity to undertake and complete the identified works and restoration and a demonstrated capacity to undertake and supervise the works;*

- (ii) *undertake all necessary preliminary assessments of the building to restore the integrity of the building and make it fit for purpose, including that the outcome of this step would produce a scope of works costed by a Quantity Surveyor and a conservation management plan to be agreed by Council;*
 - (iii) *have Council approval of the final design;*
 - (iv) *include an assessment of the requirements to upgrade all services to the building;*
 - (v) *have prior approval by Council of the tender to undertake the works;*
 - (vi) *have clearly identified inspection and hold points during the construction of the building to ensure the restoration is undertaken to Council's satisfaction;*
 - (vii) *demand completion of the restoration within a specified time frame;*
 - (viii) *provide for the ongoing maintenance of the building;*
 - (ix) *be consistent with the directions of the Collingwood Town Hall Urban Design Framework;*
 - (x) *include the restoration and preservation of the Honour Roll contained inside 150 Hoddle Street; and*
 - (xi) *include a forward plan to provide for community access and use of the building in the future.*
 - (d) *As a first step in this process, Officers report back to Council with a draft Expression of Interest brief (and proposed criteria) and a proposed time frame for conducting the Expression of Interest, as well as information relating to:*
 - (i) *any zoning, heritage or cultural obligations/constraints; and*
 - (ii) *structural constraints on the restoration of the building.*
4. On 5 March 2019, Council received a further report with a draft Expression of Interest. Council resolved:
- 1. *That:*
 - (a) *Council note the officer's report with respect to the Expression of Interest for the restoration and use of the building at 150-152 Hoddle Street, Abbotsford;*
 - (b) *Endorse the attached draft Expression of Interest and call for responses to the document;*
 - (c) *Receive a further report on the responses to the Expression of Interest; and*
 - (d) *The attached structural engineering advice and planning controls review be attached to the Expression of Interest.*

Expression of Interest

5. The adopted Expression of Interest (EOI) required that respondents address the following matters:
- (a) details of the organisation's capacity and experience in the provision of services to returned service men and women;
 - (b) provision of satisfactory evidence of the financial capacity to undertake and complete the works and restoration and a demonstrated capacity to undertake and supervise the works to completion;
 - (c) provision of a detailed plan to:
 - (i) undertake all necessary preliminary assessments of the building to restore the integrity of the building and make it fit for purpose;

- (ii) establish a procurement process consistent with Council's Occupational Health and Safety policies and social and environmental procurement policies;
 - (iii) produce a scope of works costed by a Quantity Surveyor and a conservation management plan to be agreed by Council and Council approval of the final design;
 - (iv) include an assessment of the requirements to upgrade all services to the building; and
 - (v) have prior approval by Council of the tender and principal contractors to undertake the works;
- (d) Proposed inspection and hold points during the planning and construction works to ensure the restoration is undertaken to Council's satisfaction including completion of the restoration within a specified time frame to be agreed with Council;
 - (e) provision for the ongoing maintenance of the building;
 - (f) a reconciliation, to Council's satisfaction, of the proposal against directions of the Collingwood Town Hall Urban Design Framework including;
 - (i) delivering on UDF principles;
 - (ii) opportunities for the refurbished facility to contribute to the precinct; and
 - (iii) how the reinstatement and use of the building will contribute to the Collingwood Town Hall precinct;
 - (g) a plan for the restoration and preservation of the Honour Roll contained inside 150-152 Hoddle Street; and
 - (h) a plan to provide for community access and use of the building in the future.
6. Officers developed draft criteria for the consideration of these matters as part of the review and assessment of any responses to the EOI.
 7. The draft EOI and the assessment criteria were peer reviewed by consultants with expertise in this area.
 8. The EOI was published in 'The Age' on 20 April 2019 and invited responses by 17 May 2019.
 9. On 15 May Council received a request from RSL Victoria to extend the time for submissions to the EOI until 11 June.
 10. On 17 May 2019 the Evaluation Committee met and agreed to extend the date for submissions to Friday 14 June 2019. All parties that had downloaded the EOI were advised of the extension of time on 17 June 2019 and the EOI documents were altered to include the revised submission date.
 11. On June 4, 2019, Luke Gilholme, Head of Strategic Projects, RSL Victoria advised by email, that the State Executive on 29 May 2019, resolved not to be a respondent to the Yarra City Council EOI for the Collingwood site and to formally withdraw from the process.
 12. The EOI formally closed on 14 June 2019. No submissions to the EOI were received.

External Consultation

13. No external consultation with the broader community has occurred specifically in relation to this report or its recommendations. However, public notification of the EOI occurred when the documents were released.

Internal Consultation (One Yarra)

14. The relevant internal departments have been consulted in preparation of this paper.

Financial Implications

15. The approach adopted for the EOI was that the restoration of the building and its use should be at no direct cost to Council.

Economic Implications

16. The Property Strategy formalises assessment and evaluation principles, thus ensuring due consideration of economic implications.

Sustainability Implications

17. Council has the ability to influence the sustainability of any development of this site, and where practical, sustainability criteria were included in the criteria for the EOI.

Social Implications

18. Council has the ability to control the community outcomes for this site and the precinct. There is an opportunity to meet community needs through the provision of spaces and/or services on this site.

Human Rights Implications

19. There are no human rights implications.

Communications with CALD Communities Implications

20. At this stage there are no communication with CALD community implications.

Council Plan, Strategy and Policy Implications

21. Council's adopted Property Strategy provides a framework for the assessment of these properties. This EOI has adhered to this Strategy.

Legal Implications

22. At this stage there are no legal implications.

Options

23. The absence of a response provides Council with the opportunity to reconsider its position with respect to the use and development of the Memorial Hall.

Conclusion

24. The Memorial Hall has remained unused and in a state of deterioration for a number of years; this EOI was an attempt to attract investment into the site, and to meet community needs.
25. The narrow scope EOI process was developed in response to a request by the RSL to use the building.
26. The Memorial Hall will require considerable investment to return it to a state suitable for occupation, and to meet community needs, whatever the focus.
27. Council resolved in June 2019 to fund a feasibility study to explore options for social and affordable housing in the Collingwood Town Hall precinct. The Memorial Hall site may be considered within the scope of this study.
28. Any use and redevelopment of the Memorial Hall building and site should now be considered in the context of the social and affordable housing feasibility study, and in the context of the Collingwood Town Hall Urban Design Framework and any potential development on the land owned by Council in Vere Street.

RECOMMENDATION

1. That Council:
 - (a) note the officer's report on the outcome of the call for Expressions of Interest for the restoration and use of the building at 150-152 Hoddle Street Abbotsford;
 - (b) note the Council budget resolution for a feasibility study for social and affordable housing in the Collingwood Town Hall precinct; and
 - (c) note that a separate report will be presented to Council on the outcome of the social and affordable housing feasibility study funded to occur in 2019/20.

CONTACT OFFICER: Michael Ballock
TITLE: Executive Planner Strategic Projects
TEL: 9205 5669

Attachments

There are no attachments for this report.

11.4 Mayor's Park Tennis and Netball Centre Management Update

Reference: D19/133713

Authoriser: Director City Works and Assets

Purpose

1. To provide Council with a report on the Mayors Park Tennis and Netball Centre (MPTNC) management structure, including, proposed fee structure and the arrangements to continue coaching and social programs.
2. To seek Council endorsement of the proposed management and fees structure for a two year trial period.

Background

3. As Council is assuming the management of the MPTNC in August 2019, the following report is presented for Council's determination.

External Consultation

4. Consultation has occurred primarily with the Clifton Hill Tennis Club, TIS as the incumbent Manager, and Tennis Victoria as the governing body for Tennis.
5. There has been significant correspondence with club members and facility users following the Council decision to undertake direct management of the Mayors Park Netball and Tennis Centre.
6. The focus of consultation with the respective key stakeholders is outlined below.
7. Clifton Hill Tennis Club (CHTC):
 - (a) Management structure:
 - (i) Council Officers continue to meet regularly with the CHTC committee to consult on changes; and
 - (ii) CHTC members met with Council Officers and representatives from Tennis Victoria at MPTNC on Sunday 4 August 2019 to discuss the management decision and the impact on members;
 - (b) Fees and charges:
 - (i) Regular discussion with CHTC committee on the fee structure; and
 - (ii) Draft proposal presented to members at CHTC meeting and feedback provided in follow up meetings with Council Officers.
8. Tennis Victoria, governing body for tennis:
 - (a) Fees and charges:
 - (i) Tennis Victoria provided a draft fees and charges proposal which was used as a resource in establishing fees for CHTC.
 - (b) Coaching structure and appointment:
 - (i) Coaching position draft was provided as a reference; and
 - (ii) Assisted in promoting the Expression of Interest for the coaching position at MPTNC;
 - (c) CHTC relations:

- (i) Tennis Victoria representatives were present at a CHTC members gathering on Sunday 4 August 2019 to discuss the management changes and provide support for Officers; and
 - (d) Booking system installation.
- 9. Tennis Information Services (TIS) has been consulted in relation to current management requirements.

Internal Consultation (One Yarra)

- 10. Consultation with Yarra Leisure Officers has occurred in relation to:
 - (a) Creating a page on the Yarra Leisure website which directs users to the Book a Court system;
 - (b) Yarra Leisure staff assisting as 'Hosts' at MPTNC during the management transition, explaining the new booking system and easing any potential frustration during a period of change; and
 - (c) Yarra Leisure Officer to take over booking management of MPTNC once the new management structure is established. This is to be confirmed at a later date.
- 11. Procurement team has assisted with an Expression of Interest for Head Tennis Coach and advertising this through their tender application program.
- 12. Building Maintenance were consulted regarding:
 - (a) Book a Court hardware installation at MPTNC; and
 - (b) Ongoing maintenance requirements at the venue.
- 13. Information Services were contacted relating to the Book a Court hardware installation.

Financial Implications

- 14. The new management model would have a number of financial implications for stakeholders:
 - (a) Netball provider (currently CitySide Sports):
 - (i) Fees will be paid to Council based on the endorsed commercial rate for netball court hire, rather than being paid directly to TIS as per the former management model.
 - (b) Clifton Hill Tennis Club:
 - (i) Officers have proposed a set annual fee of \$12,000 for court access based on the current fees and charges;
 - (ii) Previously CHTC members were charged a fee for the use of lights, however it is proposed that this be removed. Lighting will be automated with the new booking system and can be used as required based on light sensor readings;
 - (iii) CHTC agrees to take on additional responsibilities and costs associated with cleaning of the pavilion at MPTNC (previously undertaken by TIS);
 - (iv) CHTC agrees to oversee maintenance of tennis nets/poles and replacement of this equipment (previously undertaken by TIS) as required;
 - (v) CHTC agrees to take over facilitating key community programs;
 - (c) Tennis Coaching provider:
 - (i) The appointed Head Tennis Coach will pay a nominated fee to Council for court access to provide tennis coaching services; and
 - (ii) This fee will be agreed upon through an Expression of Interest process and assessed against the services offered.
 - (d) Casual court hire fees:

- (i) Council will receive income from casual court hire through the Book a Court online booking system; and
- (ii) Fees for casual court hire are \$30.10 per hour in peak time and \$23.20 in off-peak. These fees are endorsed in the 2019/20 Council budget.

Economic Implications

15. There are no economic implications.

Sustainability Implications

16. Council Officers will explore the option of switching the court lighting to LED lights once the management transition is complete.

Social Implications

17. There are no social implications. Programs and court access will continue under the new management model.

Human Rights Implications

18. There are no human rights implications.

Communications with CALD Communities Implications

19. There have been no explicit communications with CALD communities.

Council Plan, Strategy and Policy Implications

20. Officers have sought to deliver on key objectives from;

Yarra's Council Plan 2017 – 2021: *Strategies 1.6. Promote a gender equitable, safe and respectful community; and*

Yarra's Gender Equity Strategy 2016 – 2021: *Policies and Processes 11. Gender issues are considered in all policy, planning and service delivery.*

These will be achieved through two key actions:

- (a) Create Key Performance Indicator's (KPI's) in Council's contract with CHTC which address the diversity of the CHTC committee and membership base; and
- (b) The contract with the successful Tennis Head Coach will ensure programs cater for all of the community with a gender diverse coaching group.

21. Officers will investigate delivering key objectives from;

- (a) Yarra's Council Plan 2017 – 2021: *Strategies 3.3. Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.*

This will be achieved by:

- (i) Planning for the installation of LED sports lighting at the facility to reduce energy use and reduce Council's carbon footprint.

Legal Implications

22. The primary legal implications relate to insurance for MPTNC facility users:

- (a) CHTC are required to insure all members of the tennis club;
- (b) The netball service provider is required to insure all netball players;
- (c) The appointed Tennis Coach will be responsible for insuring everyone using their services; and
- (d) Council Officers are consulting with Tennis Victoria regarding insurance cover for casual visitors.

Other Issues

23. Officers will work with the CHTC, its members, the appointed Coach and Tennis Victoria to transition to a new management structure.
24. An Expression of Interest process is underway to confirm the Coach post 22 August 2019. At the time of publishing this report, the process had not yet concluded; Officers are currently in the process of reviewing responses.
25. CHTC have committed to continuing to run valued social programs from the facility, including Monday social tennis and Wednesday and Friday ladies sessions. Officers will continue to work with the CHTC and relevant stakeholders such as Tennis Victoria to inform the offering of social programs.
26. No other issues are canvassed in this report.

Options

27. Officers propose Council endorse the proposed fees and charges to CHTC and terms of the contract for a two year trial period.
28. No other options are canvassed within the report.

Conclusion

29. Council Officers will establish contracts with all stakeholders in preparation for taking over management of MPTNC on 22 August 2019. These contracts and the terms of management will be reviewed throughout the two year trial period with the intention of determining the ideal structure for MPTNC and the Yarra community.

RECOMMENDATION

1. That:
 - (a) Council endorses the proposed management and fees structure, as outlined in this report.

CONTACT OFFICER: Trent Carpenter
TITLE: Sports Development Officer
TEL: 9205 5735

Attachments

There are no attachments for this report.

11.5 Visit to Baucau - Timor Leste and the Municipal Agreement

Reference: D19/124817

Authoriser: Group Manager People, Culture and Community

Purpose

1. To report to Council on the recent visit to Baucau - Timor Leste and seek endorsement of its recommendations.

Background

2. There is a historic bond between the people of Timor Leste and the Australian people. The first Timorese to flee their home during the violent occupation settled in Yarra and regard Yarra as their home. This historic bond to the East Timorese in Yarra was extended to those living in Baucau.

Friends of Baucau

3. A friendship relationship between the District of Baucau, City of Darebin and City of Yarra began in May 2000. As a result, Yarra City Council and Darebin City Council entered into a joint project which saw the Friends of Baucau (FoB) become a program of both Councils that participated in a community support network with the District of Baucau in East Timor. This arrangement included regular visits by community representatives to Baucau to exchange information and support community development programs, especially as the system of local government was gradually being established.
4. In 2004 FoB supported the Baucau District government and played a pivotal role in building and operating Baucau Buka Hateni - a neighbourhood House that serviced the local community for six years with financial support from Yarra and Darebin Councils until it was handed over to local groups in 2010.
5. In November 2005, FoB facilitated a formal Memorandum of Understanding between Yarra and Darebin Councils and the district of Baucau to encourage 'the transfer of knowledge, skills and resources as appropriate.'
6. The relationship between the two Councils and FoB matured in 2014 when FoB became an independent community organisation with formal connections to both Councils.

Municipal/District Cooperation Agreement

7. Council in 2014 resolved to sign a Municipal/District Cooperation Agreement between Yarra City Council and the Timor Leste, District of Baucau. Similar Agreements were signed by a number of Victorian Councils at the time concerning their respective "sister" Districts. The Agreement program was developed following negotiations between the Victorian Government (Local Government Victoria) and the Timor-Leste Government as part of a program to further develop its governmental structures and programs as part of the decentralisation of powers to the Districts and Municipalities. Refer to the Municipal/District Cooperation Agreement - **Attachment 1**.
8. In short, Yarra Council has signed a Municipal Agreement, brokered by the Victorian Government, to support Baucau and have thus made a commitment to be part of the process of decentralisation.
9. The Agreement program is also supported by a network of community groups across Victoria, one of which is the Friends of Baucau being a Yarra/Darebin based organisation, which provides ongoing support to a range of community organisations in Timor-Leste.

10. In addition to the above, from time to time Yarra in conjunction with Local Government Victoria and the Friends of Baucau, hosts representatives from each of the District of Baucau and the Timor – Leste Government for short periods (1 to 2 weeks) to offer training, advice and practical experiences in each of the structuring and the delivery of local government and community services (e.g. planning, waste management, governance and community services).
11. Our commitment to the Agreement was cemented with the Dili Declaration made on the 18th August 2016 at the 5th Conference on Administrative De-concentration and Decentralization and Local Government held in Dili, Timor Leste. This declaration acknowledges the historic bonds between the Timorese and the Australian people and supports the development of relationships between Australia and Timor Leste for the improvement of the population's quality of life. Refer to the Dili Declaration - **Attachment 2**.

Other commitments to East Timorese

12. Another way that demonstrates the historic bond between Yarra and the East Timorese was when the City of Yarra and Yarra community established the **East Timor Asylum Seeker Task Force** in August 2002 in support of the East Timorese asylum seeker community. This task force ran several high profile advocacy campaigns – ‘*Let Them Stay*’ and ‘*Common Sense for East Timorese*’, as well as co-ordinating practical (material & financial) and social support.
13. Further to this the Melbourne East Timorese Activity Centre (METAC) which acts as a gathering point for anything East Timorese in Melbourne meets in Richmond each month under the auspice of Belgium Avenue Neighbourhood House and has done so since 2001.

2019 Visit to Baucau –Timor Leste

14. Timor Leste is one of the world's youngest nations and needs support to develop and consolidate its democratic processes. The formation of local government will be a logistical and administrative challenge though in the words of the Dili Declaration ‘it will strengthen national cohesion and consolidate democracy and a democratic state based on the rule of law.’ Victorian Councils, especially those with an existing relationship with a district through a Friendship Group, are well placed to provide practical support in this process.
15. Friends of Baucau in partnership with the North-East Neighbourhood House Network and the Baucau Women's Network in Timor Leste had organised a 10 day visit to Timor Leste. Representatives from Darebin and Yarra Neighbourhood Houses and Darebin and Yarra Councils went to Timor Leste 28 April - 10 May 2019 with a particular emphasis on meeting with and identifying appropriate support mechanisms especially for Women's Networks in Baucau and establishing connections with Neighbourhood Houses in Darebin and Yarra.
16. The delegation was part of a broader asset based community development project that seeks to establish a new medium-term relationship of friendship, exchange, learning, support and resource sharing.
17. Council in February 2019 approved the participation of Mr. Aldo Malavisi, Community Partnerships Unit Manager, in the visit to Timor Leste to seek ways to further advance the municipal agreement whilst supporting the work of FoB and the Neighbourhood Houses in strengthening relationships with the women's groups in Bacuau.
18. The members that participated in the visit were Chris Dureau – Convenor Friends of Baucau, Ursula Harrison – Friends of Baucau, Cr. Kim le Cerf – City of Darebin, Chris Lombardo – The Bridge, Gina Wittingslow – Jika Jika Community Centre, Leanne Coughlin – Alphington Community Centre, Colleen Duggan – Span Community House, Angie Davidson – Reservoir Neighbourhood House and Aldo Malavisi – City of Yarra.
19. The Office of Local Government Victoria assisted in the organisation of the visit by establishing appropriate connections with relevant Government officials.
20. A report to Council on the visit to Timor Leste – Baucau with recommendations has been prepared. Refer to **Attachment 3**.

External Consultation

21. Ongoing communication is occurring with officers of Local Government Victoria, Friends of Baucau, the North-East Neighbourhood House Network, organisers of METAC and the Yarra Neighbourhood House Network.

Internal Consultation (One Yarra)

22. In specific regards to the proposed recommendations consultation has occurred with relevant areas of council: Communications and media; and selling of the East Timorese coffee. All areas have been consulted on the recommendations and are supportive of them.

Financial Implications

23. Council had made provision within the 2018/19 budget to support the ongoing arrangements under the Municipal/District Cooperation Agreement. The total cost for this visit was \$3,579, comprising: air travel \$1,362; accommodation, transport, translator and selected meals \$1,750; and vaccinations, insurance and incidentals \$467.

Economic Implications

24. Not relevant to this report.

Sustainability Implications

25. Not relevant to this report.

Social Implications

26. Local residents are involved in FoB and METAC which provide avenues for the local community to contribute and participate in asset based community development projects. This builds up the skills and understanding of Yarra residents which has wider benefits for the municipality leading to a more inclusive and just community.
27. The local East Timorese are also supported and empowered to contribute to Yarra by being included in events and projects either run by themselves or by FoB.

Human Rights Implications

28. Council is a strong supporter of human rights and equal opportunity. A key principle underpinning the way in which Council engages in and through the Agreement program and how it supports FoB is one of mutual respect.

Communications with CALD Communities Implications

29. In going forward in implementing the Municipal Agreement it is necessary to ensure that any material is translated into the relevant language to ensure information is accessible and understood. The official languages of Timor Leste are, Portuguese and Tetum.

Council Plan, Strategy and Policy Implications

30. Not relevant to this report.

Legal Implications

31. There are no legal implications to this report.

Other Issues

32. None applicable.

Options

33. None applicable.

Conclusion

34. The recent visit to Timor Leste has provided an opportunity for Council to clarify its various commitments to the Municipal Agreement, the Friends of Baucau and the Melbourne East Timorese Activity Centre. The recommendations from the attached report of the visit will continue Council's commitment to Baucau municipality and its people.

35. That Council endorse the recommendations as listed in the Report to Yarra City Council on the recent visit to Timor Leste (**Attachment 3**):
- (a) Strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) Improving promotion and marketing of the FoB coffee which is sold at Council cashiers;
 - (ii) Supporting the Yarra Neighbourhood Houses to partner with FoB because the neighbourhood house asset based community development model is at the forefront of community development practise internationally and neighbourhood houses have unique skills to share in relation to making the grant/aid systems work/deliver for grassroots communities;
 - (iii) Supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau because at the community level many issues are shared and there is value in building and strengthening a network for mutual learning and professional development; and
 - (iv) Promoting the work of FoB through Council's communications channels.
 - (b) Support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) Support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) Continue to promote Community Grants for community development projects based in Yarra;
 - (c) Action the Municipal Agreement between Baucau and Yarra by:
 - (i) Assigning a Council officer to drive the municipal Agreement;
 - (ii) Building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - Beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - Sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) Investigating the possibility of an officer exchange;
 - (iv) Exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) Continue participation in the Local Government Timor-Leste Partnership Network.

RECOMMENDATION

1. That Council:
 - (a) note the Baucau – Timor Leste Visit 2019 Report;
 - (b) endorse the full recommendations from the report as listed below;
 - (c) strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) improving promotion and marketing of the Friends of Baucau coffee which is sold at Council cashiers;
 - (ii) supporting the Yarra Neighbourhood Houses to partner with Friends of Baucau;
 - (iii) supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau; and
 - (iv) promoting the work of FoB through Council's communications channels.
 - (d) support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) continue to promote Community Grants for community development projects based in Yarra;
 - (e) action the Municipal Agreement between Baucau and Yarra by:
 - (i) assigning a Council officer to drive the municipal Agreement;
 - (ii) building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) investigating the possibility of an officer exchange;
 - (iv) exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) continue participation in the Local Government Timor-Leste Partnership Network.

CONTACT OFFICER: Aldo Malavisi
TITLE: Community Partnerships Unit Manager
TEL: 9205 5036

Attachments

- 1 ➡ Yarra Baucau Municipal/District Cooperation Agreement
- 2 ➡ Dili Declaration 2016
- 3 ➡ Baucau - Timor Leste Visit 2019 Report

11.6 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D19/136030

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. In order to undertake the duties of office, the below named staff member should be appointed as an Authorised Officer pursuant to the above referred legislation.
3. This authorisation cannot be made by the Chief Executive Officer under delegation, and must be made by resolution of Council.

Consultation

4. Not applicable.

Financial Implications

5. There are no direct financial implications arising from the appointment of an authorised officer.

Economic Implications

6. This report has no economic implications.

Sustainability Implications

7. This report has no sustainability implications.

Social Implications

8. This report has no direct social implications.

Human Rights Implications

9. This report has no Human Rights implications.

Communications with CALD Communities Implications

10. Not applicable.

Council Plan, Strategy and Policy Implications

11. This report is an example of this Council's positive action, in demonstrating its commitment to its legislative obligations.

Legal Implications

12. Appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

Other Issues

13. Not applicable.

Options

14. Not applicable.

Conclusion

15. That Council formally appoint the officers listed below as Authorised Officers pursuant to Section 147 (4) of the *Planning and Environment Act* 1987 and Section 232 of the *Local Government Act* 1989. The Instruments of Appointment and Authorisation document will be signed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. That Council formally appoints:
 - (a) Ian Banks
as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act* 1987 and Section 232 of the *Local Government Act* 1989.
2. That Council directs that the Instrument of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.

12.1 Notice of Motion No. 12 of 2019 - Request for Report on Future of Burnley Cottage

Reference: D19/135873

Authoriser: Group Manager Chief Executive's Office

I, Councillor James Searle, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 August 2019:

"That in relation to the building in Burnley Park, known as Burnley Cottage:

(a) Council note:

- (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;*
- (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;*
- (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;*
- (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and*
- (v) that there has been no formal consideration of the future of the building since 2017;*

(b) Council receive a report in the October meeting cycle which includes:

- (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;*
- (ii) an update on the 2019/2020 budgeted capital works;*
- (iii) an estimate of the cost of works required to the building to both:*
 - a. restrict further deterioration of the structure; and*
 - b. bring it up to the minimum standard required for use;*
- (iv) funding sources which could be used to support the necessary works to the building; and*
- (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration."*

RECOMMENDATION

1. That in relation to the building in Burnley Park, known as Burnley Cottage:
 - (a) Council note:
 - (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;
 - (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;
 - (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;
 - (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and
 - (v) that there has been no formal consideration of the future of the building since 2017;
 - (b) Council receive a report in the October meeting cycle which includes:
 - (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;
 - (ii) an update on the 2019/2020 budgeted capital works;
 - (iii) an estimate of the cost of works required to the building to both:
 - a. restrict further deterioration of the structure; and
 - b. bring it up to the minimum standard required for use;
 - (iv) funding sources which could be used to support the necessary works to the building; and
 - (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration.

Attachments

There are no attachments for this report.

12.2 Notice of Motion No.13 of 2019 - Support for Climate Emergency Strike

Reference: D19/137667

Authoriser: Group Manager Chief Executive's Office

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 August 2019:

"That Council:

- (a) having regard to its strong support for our environment and in particular, its acknowledgment of a Climate Emergency facing the world and the need for prompt attention thereto and:
 - (i) noting its range of policies now in place to address the impacts of climate change through the implementation of a progressively expanding range of community works and programs in Yarra to protect our environment and reduce waste; and*
 - (ii) noting the need for other levels of government to acknowledge, plan for and implement actions which address the climate emergency;**
- (b) note the Melbourne School Strike 4 Climate which is programmed for 20 September;*
- (c) note the IMARC (International Mining And Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 – 31 October 2019 and the 3 day protest which will take place against the Conference; and*
- (d) note its support for each of the Melbourne School Strike 4 Climate and the IMARC Protest and that we support Yarra residents who choose to support these two important events."*

Background

- Reference the Melbourne School Strike 4 Climate which:
 - seeks commitment to our national demands:
<https://www.schoolstrike4climate.com/about>.
 - seeks help us make September 20 the biggest mobilisation that ever was.
- Reference the IMARC Conference
https://imarcmelbourne.com/?utm_source=google&utm_medium=cpc&utm_campaign=tagdigital&gclid=EAlaIqobChMIpfPNn7Lw4wIV2IRwCh261AeWEAAYASAAEgKA2PD_BwE

RECOMMENDATION

1. That Council:

- (a) having regard to its strong support for our environment and in particular, its acknowledgment of a Climate Emergency facing the world and the need for prompt attention thereto and:
 - (i) noting its range of policies now in place to address the impacts of climate change through the implementation of a progressively expanding range of community works and programs in Yarra to protect our environment and reduce waste; and
 - (ii) noting the need for other levels of government to acknowledge, plan for and implement actions which address the climate emergency;
- (b) note the Melbourne School Strike 4 Climate which is programmed for 20 September;
- (c) note the IMARC (International Mining And Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 – 31 October 2019 and the 3 day protest which will take place against the Conference; and
- (d) note its support for each of the Melbourne School Strike 4 Climate and the IMARC Protest and that we support Yarra residents who choose to support these two important events.

Attachments

There are no attachments for this report.