



Ordinary Meeting of Council Minutes

held on Tuesday 8 October 2019 at 7.03pm
Richmond Town Hall

****Corrected by resolution at the Council Meeting on Tuesday 22 October 2019**

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1. Statement of Recognition of Wurundjeri Woi-wurrung Land

“Welcome to the City of Yarra.”

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- 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)
- Graham Davis (Acting Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Apology

- Cr Daniel Nguyen

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

Nil

4. Confidential business reports

Item

- 4.1 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.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Chen Yi Mei

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 personnel matters; and
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 Stone

That the minutes of the Ordinary Council Meeting held on Tuesday 24 September 2019 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

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

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6. Petitions and joint letters

6.1 Petition - Support for the Fitzroy Swimming Pool

Reference: D19/180638

A petition containing 86 signatures from residents and members are unhappy with the way the Fitzroy swimming squad and its coaches have been treated and request that Council's Leisure Centre hirers, supports, retains and supplies high quality coaches appropriate to the needs of the squad and retains a sufficient number of quality relief coaches to ensure continuity when coaches are absent.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That Council note the petition from the Fitzroy Swimming Squad and that the petition be referred to the Chief Executive Officer to examine and endeavour to resolve the Fitzroy Swimming Squads concerns raised.

CARRIED UNANIMOUSLY

6.2 Petition to Yarra Council on Homelessness

Reference: D19/183132

A petition containing 561 signatures from residents calling on Council to act on homelessness.

The extent of homelessness has increased in the City of Yarra, in Richmond and recently extending to Swan Street and Bridge Road. Concerned citizens are asking Yarra Council to do all in its power to deal with the growing crisis in homelessness. For example, Council could provide more accessible information on services and crisis accommodation and join with government and non-government organisations to refurbish unused buildings to provide accommodation for the homeless.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Chen Yi Mei

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

CARRIED UNANIMOUSLY

7. Public question time

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

7.1 Brad Reynolds - Fitzroy Leisure Centre

Questions:

The questions below also relate to the petition that Cr Jackie Fristacky tabled earlier.

Question 1: Can a formal process of customer collaboration/feedback be implemented when formulating exercise / training programmes in order to improve and strengthen the Yarra Leisure Swimming Programme?

I am seeking that Council undertake a review of feedback policies and management practices, so that feedback is addressed in a professional and mature manner to ensure improved service delivery, which is in everyone's best interests.

Question 2: What is the City of Yarra going to do to repair and rebuild the relationships with the members of the Yarra Leisure swimming squads, at Fitzroy, in particular? We see that the squad coaches have a valued and critical role in this. We look forward to restoring a happy and cooperative relationship that supports the swimming activity enjoyed by many and encourages others to join.

Response:

The Mayor apologised for the disruption and also acknowledged Ms Draper who had contacted her on the matter and other residents that had contacted different Ward Councillors'. As the matter also relates to the petition tabled earlier, the questions will be taken on notice by the Chief Executive Officer as it has been referred to her to be answered and addressed.

The Acting Director City Works and Assets also noted the petition tabled and the questions raised and as the Acting Director responsible for the service would be disappointed if residents were not enjoying the service. There has been some discussion and communication with participants about some the issues with service delivery over the last couple of months and we are committed to continue the discussion to work out how we can make it more than a transactional relationship and a mutually beneficial one.

8. Delegates' reports

8.1 Councillor Fristacky - Fitzroy Residents Association 50th Anniversary and Memorial to Professor David Yencken

Report	Fitzroy Resident's Association 50th Anniversary and Memorial to Professor David Yencken, both held 3 October 2019
Date of Council Meeting	8 October 2019
Date of Report	8 October 2019
Report Author	Cr Jackie Fristacky

DELEGATES REPORT

I seek to record the 50th anniversary of the Fitzroy Residents Association (FRA), celebrated at Yarra's Fitzroy Town Hall Reading Room last week on 3 October 2019. Speakers included FRA leaders, anecdotes by Mario of the famed Mario's Café on Brunswick St, and former MP and Federal Minister, Brian Howe and others.

Brian Howe, in particular, gave an account of the saving of Yarra's Fitzroy terraces in the 1960s-1970s and also work done on alternative in-fill and low rise public housing in the Brookes Crescent area of North Fitzroy.

Also available at the FRA 50th celebration covering this theme, was the book *Trendyville: The Battle for Australia's Inner Cities* (written by Renate Howe, with David Nichols & Graeme Davison - Monash UP 2014). This text also has accounts of the story behind saving Fitzroy Terraces, and how members of the University of Melbourne Faculty of Architecture, George Tibbits and Miles Lewis enlisted architecture students to assist with research on resident displacement, housing survival and urban renewal. Some of those students ended up in later years working as planners for the City of Fitzroy - involved in designing in-fill housing replacing demolished terraces which had not been able to be saved.

Trendyville describes the Commission approach as reflecting "*an outdated 'cultural prejudice' against terrace housing as a viable form of dwelling unit.*" The book is a great reminder of combined, student, academic, Council and community action with the FRA and Carlton Association challenging the destructive urban renewal program of the Housing Commission.

Next Wednesday evening on 16 October at the ACU, the FRA will release its annual report card on Protect our Past, Plan for our Future, with speakers from the National Trust and Yarra's own David Walmsley.

Apart from the FRA 50th celebration on October 3rd, that date also saw another event linked to planning and heritage. This was a memorial at the University of Melbourne to honour Professor David Yencken for his 50-year contribution to the Australian environment, heritage and the arts. This contribution included multiple roles: consolidation of the Planning and Environment Act: inaugural Chair of the Australian Committee of ICOMOS; President of the Australian Conservation Foundation; contribution to the development of a register of Aboriginal and historic places; his role as a mentor; and many, many significant more achievements in urban design, heritage, the environment and the arts.

COUNCIL RESOLUTION**Moved:** Councillor Fristacky**Seconded:** Councillor Stone

That this Delegate's report on both these events be noted and that the Mayor be authorised to write to congratulate the Fitzroy Resident's Association on its 50th Anniversary.

CARRIED UNANIMOUSLY

8.2 Councillor Stone - Friends of Baucau

Committee	Friends of Baucau
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	7 October 2019
Date of Report	3 October 2019
Report Author	Cr Amanda Stone

DELEGATES REPORT

Friends of Baucau continues to meet monthly with a current focus on following up on the successful trip to Bacau in April, in conjunction with the northern Neighbourhood House Network. This trip has been reported on by Yarra's Manager of Community Partnerships, Aldo Malavisi.

News about Baucau

That trip formed constructive relationships between a number of neighbourhood houses in the Cities of Yarra and Darebin with women's groups in the Baucau District. It developed an understanding of mutual interests and potential for collaboration. The formation of Women's Association for Development in Baucau provides an entity which the Neighbourhood House Network and Friends of Baucau can work with.

The Alphington Community Centre Coordinator has joined the Friends of Baucau committee following this trip and has initiated a number of collaborative ventures, including funds raised through the Alphington Country Women's Association to support the Uma Pas Women's Safe House and Refuge Services which supports families affected by domestic violence across the whole Municipality of Baucau.

Fundraising

Friends of Baucau has recently applied for a DFAT Friendship Grant to further this work with the Women's Association for Development in Baucau. The outcome of this application will be known in February.

Following the very successful Trivia Night in August, a Barefoot Bowls Evening will be held at Fitzroy Bowls Club on 19th October to raise funds for permaculture programs which are part of the national school curriculum in Timor Leste. (Friends of Baucau has previously funded the participation of a number of young people in camps run by Permatil, the provider of training in permaculture in TL).

Coffee sales continue to provide a steady source of funds, including at

Access Yarra locations.

Other Issues

- The 20th anniversary of the 1999 referendum, which saw Timor Leste gain its independence, has seen a number of celebratory events, including the launch at Northcote Town Hall this week of a book by Darebin resident and writer Pat Walsh who was an official Australian observer of the historic 1999 referendum. In his book, The Day Hope and History Rhymed in East Timor, he recounts “the excitement of the day when, after 500 years of colonialism and struggle, hope and history finally rhymed in East Timor.”
- Many of the Timor Leste Friendship groups have expressed concern about the ongoing prosecution of Witness K and his lawyer Bernard Collaery in relation to the exposure of an Australian bugging operation of Timor Leste offices during negotiations over oil and gas reserves in the Timor Sea.
- These concerns have been raised repeatedly by Friends of Baucau Committee members also. Some background is included in an attached media article. Witness K has recently agreed to plead guilty in an apparent desire to end the drawn out process. Bernard Collaery will defend the charges. Friendship Groups have expressed concern about the human rights implications of this case and a number have encouraged citizens to contact both government MPs and opposition MPs to urge them to discontinue the legal action. The Attorney General has the ability to cease the legal action. Opposition MPs are being urged to express opposition to the action. A Notice of Motion proposing a Council position on this matter is included in the agenda for this Council Meeting.

Local Government Timor-Leste Network Meeting

This network is convened by the state Department of Environment, Land, Water and Planning (DELWP) and meets approximately 3-4 times a year.

At this week’s meeting, an update was provided on the delayed process of decentralisation in Timor Leste, with the first municipal elections still planned for 2021. Updates from other councils and friendship groups on recent trips to Timor Leste revealed some frustration with the slow pace and inability to action the municipal agreements that many councils have signed with municipal districts in TL. How to maintain the connection and momentum will be the subject of the next meeting.

Yarra seems to be the only council to dedicate resources to advancing the Municipal Agreement specifically, Darebin having recently followed suit.

Friendship groups and local governments are engaged in similar projects with their respective partner districts, many focusing on permaculture training and development. Friends of Lospalmos in Mornington recruited staff and equipment locally to take to Timor Leste recently and run a week of eye clinics.

This group also discussed the Witness K/Bernard Collaery case. Mornington Shire Council passed a resolution in August calling for the cessation of the prosecution against both.

Council’s support through the provision of meeting venues, sales of coffee and providing resources to further the Municipal Agreement has been expressed by Friends of Baucau and conveyed here in this report.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

That Council note the Delegates' Report.

CARRIED UNANIMOUSLY

9. General Business

9.1 Councillor Bosler - Polytrade Recycling

BACKGROUND

Councillors should refer to the Age article of 6 October 2019 for background information, which alleged wage theft of an estimated \$1 million from workers, predominantly from migrant backgrounds. It also alleges unsafe workplaces at their recycling centre sites.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Searle

1. That Council:
 - (a) notes a recent media report alleging wage theft at Polytrade, the service provider to Yarra for kerbside recycling processing;
 - (b) notes our commitment to safe workplaces and fair pay, including those of our contractors;
 - (c) resolves to write to Polytrade expressing our deep concern and seeking a meeting with the Polytrade CEO and/or senior executive to address this matter;
 - (d) notes that there are only three companies processing municipal recycling in Victoria and that one of them is currently being liquidated;
 - (e) notes that waste management is a shared responsibility with the state government and that the state government has over \$400 million in landfill levy funds in its sustainability fund, much of which remains unspent;
 - (f) advocates for state government to establish a publicly-owned recycling processor; and
 - (g) receives a report from officers within three months on the viability and options for establishing, or advocating for, a publicly-owned recycling provider, or similar in partnership with other councils, as a possible solution to ongoing challenges in the waste and recycling sector.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Coleman - Petition re LAPM North Fitzroy

Question:

In relation to the petition received at the last Council meeting on the Local Area Place Making Study for North Fitzroy, Precinct Three. What is the allocation of budget and the items that are projected to be implemented from that study in the 2019-20 budget?

Response:

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

10.2 Councillor Fristacky - Porter Shed

Question:

Could Councillors receive advice on when it is relocated and what measures will be taken to monitor its location to ensure it remains protected rather than receive any adverse treatment being in such an isolated space?

Response:

The Director Planning and Place Making advised that it hasn't been relocated to Fairfield Park at this point, it has been removed from the site in Smith Street and it's been renovated and restored and that's gone well and it will then be relocated to Fairfield Park. It is subject to a heritage permit, the restoration and relocation, and conditions around that, but I will keep Councillors informed.

10.3 Councillor Fristacky - Parking Spaces in Multi-Unit Developments

Question:

I previously asked a question about information on the utilisation of parking spaces in multi-unit developments in Yarra and a response was provided saying that the analysis suggested is not practical and the reasons referred to the difficulty of accessing sites that endeavours to ascertain information would be resource intensive and would not necessarily produce statistically valid evidence.

I would be happy to approach contacts at Educational Institutions to assist in such research. Can contact details be provided for a dozen or so body corporate's in multi-unit developments that could be approached to assist and gather information through external research?

Response:

The Director Planning and Place Making advised that a response was provided on board books and have indicated that the researchers when they were contacted late last year indicated that it was problematic as getting access to owners corporation properties and if only samples were done not statistically valid as it depends on the occupancy rate of that particular building at that particular time and don't believe that it is a project worth pursuing.

The Chief Executive Officer advised taking the question on notice as it would be like handing over what we know about private information about body corporates to students that we have not vetted is a problematic issue.

10.4 Councillor O'Brien - Yarra Riverbank Report

Question:

When can Council expect the next report by Alluvium on the riverbank regarding the Glenvill development in Alphington? I had a look on the weekend and we have lost approximately 3 metres of riverbank, and appears the setback will be 27 metres at this stage, so we need the report as soon as possible.

Response:

The Director Planning and Place Making advised that senior officers and I had a meeting with Alluvium and Glenvill last week and a site wide drainage strategy is being prepared by Glenvill and we are hoping to have that submitted by the end of this week. Filling in of slump holes further and some other slump holes that were identified is to occur and the soil is largely being taken from other parts of the site. We also spoke about the census and monitoring of the riverbank and my understanding is that there is no erosion of the riverbank, slumping but no erosion, happy to stand corrected but that is my understanding and advice. The report on access through the site is something we are aiming to present on 22 October, if not the 12 November. The Alluvium report will be done once the site wide strategy is lodged, so hopefully that will be this week and it could be presented on 22 October.

11.1 Draft Consumption of Liquor in Public Place Local Law

Reference: D19/158710
Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council:
 - (a) note the submissions received in response to the proposed Consumption of Liquor in Public Places Local Law 2019;
 - (b) adopt the Consumption of Liquor in Public Places Local Law at **Attachment 1** for the reasons set out at clause 2 of that Local Law;
 - (c) pursuant to Part 4, clause 16 of the Consumption of Liquor in Public Places Local Law, declare:
 - (i) those areas of the municipal district listed at **Attachment 3** to be Prescribed Areas for the purposes of that Part 4; and
 - (ii) this declaration to apply from 9.00 am to 8.59 pm;
 - (d) Notwithstanding part (c) of this resolution, the areas listed at Attachment 3 are not declared as Prescribed Areas after 9am on 31 December, and before 9am on 1 January in each year.
 - (e) endorse the Memorandum of Understanding (Protocol) at **Attachment 6**;
 - (f) requests Officers conduct an evaluation of the Local Law within 12 months of the Law being adopted by Council. Then continue to conduct evaluations on an ongoing two yearly basis;
 - (g) requests Officers to investigate options of conducting regular meetings with the Aboriginal and Torres Strait Islander community and Victoria Police to discuss the operation of the Local Law;
 - (h) give notice in the Government Gazette and public notice specifying:
 - (i) the title of the Local Law;
 - (ii) the purpose and general purport of the General Local Law; and
 - (iii) that a copy of the Consumption of Liquor in Public Places Local Law may be inspected at the Council offices;
 - (i) thank all the submitters for their contribution and notify them of the decision; and
 - (j) send a copy of the Consumption of Liquor in Public Places Local Law to the Minister for Local Government.

Public Submissions

The following people addressed Council on the matter:

Ted Chessels;

Joseph Sunter;

Darren Lovett;

David Nolte;

Jack Charles; and

Inspector Ann Rudd, Victoria Police.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Stone

1. That Council:

- (a) note the submissions received in response to the proposed Consumption of Liquor in Public Places Local Law 2019;
- (b) notes that approximately half the submissions were supportive of the proposed Local Law with the remainder not supportive;
- (c) notes that the existing Local Law will cease to operate on 19 October 2019 (11 days from this meeting) and without a Local Law in place Council will not have the ability to restrict consumption of liquor in public places on New Year's Eve, January 26th, at festivals and around sporting events;
- (d) notes the lack of evidence of enforcement of the existing Local Law since 2013;
- (e) notes the "Geographies of exclusion: street drinking, gentrification and contests over public space" study into the effects of public drinking Local Laws in Yarra, Darebin and Maribyrnong by the Centre for Alcohol Policy Research at La Trobe University which suggests that the geographical exclusion of street drinkers that has occurred as a result of these laws warrants the consideration of a more socially responsible strategy than the current legislative approach.
- (f) adopt the Consumption of Liquor in Public Places Local Law at **Attachment 1** with a sunset date of 19 October 2021 for the reasons set out at clause 2 of that Local Law as an interim until that date;
- (g) pursuant to Part 4, clause 16 of the Consumption of Liquor in Public Places Local Law, declare:
 - (i) those areas of the municipal district listed at **Attachment 3** to be Prescribed Areas for the purposes of that Part 4; and
 - (ii) this declaration to apply from 9.00 am to 8.59 pm.
- (h) Notwithstanding part (c) of this resolution, the areas listed at **Attachment 3** are not declared as Prescribed Areas after 9am on 31 December, and before 9am on 1 January in each year;
- (i) To adopt the Memorandum of Understanding (Protocol) at **Attachment 6** in principle until consultation in part (f) has been complete, the officer report in part (h) has been presented to Council, with an amended Local Law and Protocol, if any, endorsed by Council;
- (j) requests the Community Partnerships Branch continue ongoing consultation regarding the Local Law and Protocol with the Aboriginal and Torres Strait Islander community and other relevant Aboriginal community service stakeholders;
- (k) at the end of the consultation, officers report back to Council presenting the outcomes of the consultation giving consideration to:
 - (i) Coroner English's findings in relation to the inquiry into the death of Ms Tanya Day;
 - (ii) any report of the State Government's Expert Reference Group on the decriminalisation of public drunkenness and the development of an alternative, health-based response;
 - (iii) the "Geographies of exclusion: street drinking, gentrification and contests over public space" study into the effects of public drinking Local Laws in Yarra, Darebin and Maribyrnong by the Centre for Alcohol Policy Research; and

- (iv) any other available data on the implementation of similar local laws in similar municipalities including Melbourne, Darebin and Boroondara which have consumption of liquor allowed by default in the municipality with prescribed dry zones;
- (v) for Council's further determination on the future of the Local Law and the Protocol;
- (l) requests Officers as a part of the ongoing consultation investigate options of conducting regular meetings with the Aboriginal and Torres Strait Islander community, relevant Council Officers and Victoria Police to discuss the operation of the Local Law;
- (m) give notice in the Government Gazette and public notice specifying:
 - (i) the title of the Local Law;
 - (ii) the purpose and general purport of the General Local Law; and
 - (iii) that a copy of the Consumption of Liquor in Public Places Local Law may be inspected at the Council offices; and
- (n) thank all the submitters for their contribution and notify them of the decision; and send a copy of the Consumption of Liquor in Public Places Local Law to the Minister for Local Government.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Stone, Chen Yi Mei and Bosler

Against: Councillors Coleman, Jolly, Searle and O'Brien

Due to the voting being equal the Mayor chose to use her casting vote in favour of the motion.

CARRIED

SUBSEQUENT MOTION

Moved: Councillor O'Brien

Seconded: Councillor Jolly

1. That in the matter of the Consumption of Liquor in Public Places Local Law, Officers present a report to Council to include comprehensive information on:
 - (a) what the Local Law aims to achieve;
 - (b) information on how the Local Law sits amongst other related laws, including the Crime's Act 1958 (Vic), the Summary Offences Act 1966 and other related laws;
 - (c) how the Local Law could be replaced with a public health-based response with consideration to:
 - (i) any report of the State Government's Expert Reference Group on the decriminalisation of public drunkenness;
 - (ii) Coroner English's findings in relation to the inquiry into the death of Ms Tanya Day;
 - (iii) the "Geographies of exclusion: street drinking, gentrification and contests over public space" study into the effects of public drinking Local Laws in Yarra, Darebin and Maribyrnong by the Centre for Alcohol Policy Research
 - (iv) any other available data on the implementation of similar local laws in similar municipalities including Melbourne, Darebin and Boroondara which have consumption of liquor allowed by default in the municipality with prescribed dry zones;

- (d) possible alternatives to such a Local Law, to manage occasions such as Football Grand Finals, New Year's Eve Celebrations, festivals or similar events, anti-social and/or aggressive behaviours;
- (e) the formulation of a Memorandum of Understanding between Victoria Police and Yarra City Council that:
 - (i) entails ongoing consultation regarding the Protocol with the Aboriginal and Torres Strait Islander community and other relevant community service stakeholders;
 - (ii) includes culturally sensitive practice and cultural awareness training;
 - (iii) includes data keeping regarding interactions with the community over the Local Law and
 - (iv) provides a detailed outline of the consultation process.

CARRIED UNANIMOUSLY

*Councillor Jolly left the meeting at 9.46pm
Councillor Jolly returned to the meeting at 9.48pm*

*Councillor Coleman left the meeting at 9.48pm
Councillor Coleman returned to the meeting at 9.51pm*

*Councillor O'Brien left the meeting at 9.48pm
Councillor O'Brien returned to the meeting at 10.04pm*

*Councillor Chen Yi Mei left the meeting at 9.56pm
Councillor Chen Yi Mei returned to the meeting at 10.04pm*

11.2 Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford.

Reference: D19/159578

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being the whole of the land contained in certificate of title volume 6260 folio 907 (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the 'The Age,' the Weekly Review Melbourne Times' Newspapers and Council's Social Media.
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
 - (d) authorises the Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being the whole of the land contained in certificate of title volume 6260 folio 907 (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the 'The Age,' the Weekly Review Melbourne Times' Newspapers and Council's Social Media.
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
 - (d) authorises the Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CARRIED

CALL FOR A DIVISION

For: Councillor Coleman, Jolly, Stone, Searle and Bosler

Against: Nil

Abstained: Councillor Fristacky

11.3 Review of the Health and Wellbeing Plan Advisory Committee (HWPAC)

Reference: D19/175677

Authoriser: Director Community Wellbeing

RECOMMENDATION

1. That Council:
 - (a) note the findings of the recent review of the purpose, function and future of the Health and Wellbeing Plan Advisory Committee (HWPAC); and
 - (b) Authorise officers to replace the current HWPAC with a new Project Consultative Group to guide the development of the next Municipal Public Health and Wellbeing Plan, commencing no less than six months prior to the adoption of the next Council Plan.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

1. That Council:
 - (a) note the findings of the recent review of the purpose, function and future of the Health and Wellbeing Plan Advisory Committee (HWPAC); and
 - (b) Authorise officers to replace the current HWPAC with a new Project Consultative Group to guide the development of the next Municipal Public Health and Wellbeing Plan, commencing no less than six months prior to the adoption of the next Council Plan.

CARRIED UNANIMOUSLY

11.4 Public health, amenity and safety update and actions taken in North Richmond and Abbotsford

Reference: D19/165196

Authoriser: Director Community Wellbeing

RECOMMENDATION

1. That Council:

- (a) note the existing, on-going and upcoming initiatives in place to address public health, wellbeing, amenity and safety in the north Richmond / southern Abbotsford precinct from a wide variety of stakeholders;
- (b) note that progressing any of the listed options (or other) opportunities will require a systematic assessment of costs, benefits, risks and impacts, including consideration of community support and ownership;
- (c) Endorse option 2 and authorise officers to work with the Place Manager of North Richmond Community Capacity Building Initiative Social Landlord and other stakeholders to establish a representative community engagement committee or similar; and
- (d) seek a further report from officers before the end of 2019 providing an update on progress of initiatives in the precinct including in relation to the Victorian Government's North Richmond Community Capacity Building Initiative.

Public Submissions

The following people addressed Council on the matter:

Joseph Sunter; and

Herschel Landes.

Councillor Jolly left the meeting at 10.12pm

Councillor Jolly returned to the meeting at 10.19pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council:

- (a) note the existing, on-going and upcoming initiatives in place to address public health, wellbeing, amenity and safety in the north Richmond / southern Abbotsford precinct from a wide variety of stakeholders;
- (b) note that progressing any of the listed options (or other) opportunities will require a systematic assessment of costs, benefits, risks and impacts, including consideration of community support and ownership;
- (c) Endorse option 2 and authorise officers to work with the Place Manager of North Richmond Community Capacity Building Initiative Social Landlord and other stakeholders to establish a representative community engagement committee or similar;
- (d) seek a further report from officers before the end of 2019 providing an update on progress of initiatives in the precinct including in relation to the Victorian Government's North Richmond Community Capacity Building Initiative, and other initiatives in the precinct being undertaken by DHHS, the state government, police and other organisations, as outlined in this report; and
- (e) continue to update the Community Safety and Wellbeing page on its website and ensure this information is well publicised.

CARRIED UNANIMOUSLY

11.5 Lourdes Site - Consideration of concept

Reference: D19/144806

Authoriser: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the overall precinct known generally as the Abbotsford Convent precinct, and in particular the future of the Lourdes site;
 - (b) note the current status of the Lourdes site at 2-4 Heliers St, Abbotsford is Crown land; and is temporarily reserved for *Public Purposes (Childcare and Community Purposes)* of which Council is Committee of Management;
 - (c) note the officer report regarding a concept for the Lourdes site that has been discussed with the Abbotsford Convent Foundation senior executives, Melbourne University property executives and Yarra Council senior executives including the CEO;
 - (d) note the considerable importance of this precinct, and the high level discussions amongst the Convent Foundation and Melbourne University that have occurred over recent times in order to progress a future for the Lourdes site that best meets the various objectives for the immediate area;
 - (e) note that important future urban design opportunities exist in this precinct that should be retained for the future providing maximising public benefit, improved presence of the key facilities of the precinct in having a main road address, improved view lines and vistas to the Convent more generally and the improved pedestrianisation and safety of persons in St Heliers Street;
 - (f) notes the Attachments that show the various options explored by the executives of the three organisations for the Lourdes site in the overall precinct;
 - (g) note that the proposal, through dialogue with Convent Foundation and Melbourne University, includes the 'division' of the Lourdes site to enable the western half to be developed by Melbourne University for an early years children learning centre expansion (approx 57 % of the site), and the eastern half (approx) to be used (for the foreseeable future) for carparking for the precinct (approx 43 % of the site); and
 - (h) note the layout and built form Options explored, and that Option D as shown in the attachments, which broadly divides the Lourdes site in two, has been considered by the working group of officers from the three organisations to present the optimal outcome for the precinct, and the site.
2. That Council, in the context of the above, now resolves to provide *in principle* support to Option D as a proposed division of the Lourdes site, being that it be divided approximately in half for an early learning centre facility on the western portion, and for car parking in the foreseeable future in the eastern portion, along with the transfer of the two small rectangular shaped areas as shown in the Attachments.
3. That Council resolve to authorise the CEO to provide a letter of *in principle* support to the DELWP Executives, with the letters of support from the Abbotsford Convent Foundation and the Melbourne University property department, for the division of the Crown Land known as the Lourdes site, so that a formal approach can be pursued with the DELWP Land and Built Environment Port Phillip Division for the purposes of an extended Early Learning Centre on the western position of the Lourdes site, and the remainder (east side) being used for carparking.
4. That Council note that a town planning application would be required to be lodged by Melbourne University for the proposed development of an Early Learning Centre.

5. That Council, as part of this *in principle* arrangement, authorise the CEO for seeking consideration from Melbourne University and the Abbotsford Convent Foundation for reimbursement of Council expenses incurred to date for the demolition of the former building on site, site testing for sensitive uses and other related pre development aspects.

Councillor Coleman left the meeting at 10.23pm

Councillor Coleman returned to the meeting at 10.26pm

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Stone

1. That Council:
- (a) note the officer report on the overall precinct known generally as the Abbotsford Convent precinct, and in particular the future of the Lourdes site;
 - (b) note the current status of the Lourdes site at 2-4 Heliers St, Abbotsford is Crown land; and is temporarily reserved for *Public Purposes (Childcare and Community Purposes)* of which Council is Committee of Management;
 - (c) note the officer report regarding a concept for the Lourdes site that has been discussed with the Abbotsford Convent Foundation senior executives, Melbourne University property executives and Yarra Council senior executives including the CEO;
 - (d) note the considerable importance of this precinct, and the high level discussions amongst the Convent Foundation and Melbourne University that have occurred over recent times in order to progress a future for the Lourdes site that best meets the various objectives for the immediate area;
 - (e) note that important future urban design opportunities exist in this precinct that should be retained for the future providing maximising public benefit, improved presence of the key facilities of the precinct in having a main road address, improved view lines and vistas to the Convent more generally and the improved pedestrianisation and safety of persons in St Heliers Street;
 - (f) notes the Attachments that show the various options explored by the executives of the three organisations for the Lourdes site in the overall precinct;
 - (g) note that the proposal, through dialogue with Convent Foundation and Melbourne University, includes the 'division' of the Lourdes site to enable the western half to be developed by Melbourne University for an early years children learning centre expansion (approx 57 % of the site), and the eastern half (approx) to be used (for the foreseeable future) for carparking for the precinct (approx 43 % of the site); and
 - (h) note the layout and built form Options explored, and that Option D as shown in the attachments, which broadly divides the Lourdes site in two, has been considered by the working group of officers from the three organisations to present the optimal outcome for the precinct, and the site.
2. That Council, in the context of the above, now resolves to provide *in principle* support to Option D as a proposed division of the Lourdes site, being that it be divided approximately in half for an early learning centre facility on the western portion, and for car parking in the foreseeable future in the eastern portion, along with the transfer of the two small rectangular shaped areas as shown in the Attachments.
3. That Council further resolve to write to the Abbotsford Convent Foundation stating that, in the intended reconfigured carpark following the 'division' of the Lourdes site, consideration be given to:
- (a) how the proposed new car parking area can be configured to enable tree planting/landscaping along the St Hellier Street frontage to reduce views of the carpark

expanse from the Convent, and to reduce urban heat island effects; and

(b) provision for bicycle parking together with safe walking and bicycle access through the carpark from Johnston Street.

4. That Council resolve to authorise the CEO to provide a letter of *in principle* support to the DELWP Executives, with the letters of support from the Abbotsford Convent Foundation and the Melbourne University property department, for the division of the Crown Land known as the Lourdes site, so that a formal approach can be pursued with the DELWP Land and Built Environment Port Phillip Division for the purposes of an extended Early Learning Centre on the western position of the Lourdes site, and the remainder (east side) being used for carparking.
5. That Council note that a town planning application would be required to be lodged by Melbourne University for the proposed development of an Early Learning Centre.
6. That Council, as part of this *in principle* arrangement, authorise the CEO for seeking consideration from Melbourne University and the Abbotsford Convent Foundation for reimbursement of Council expenses incurred to date for the demolition of the former building on site, site testing for sensitive uses and other related pre development aspects.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No. 15 of 2019 - Witness K and Bernard Collaery prosecutions

Reference: D19/178289

Authoriser: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council:
 - (a) calls on the Attorney General of the Commonwealth of Australia Christian Porter to exercise his powers under section 71 Judiciary Act 1903, to discontinue the prosecutions against 'Witness K' and Bernard Collaery in the Australian Capital Territory Courts; and 2;
 - (b) resolves to write to the Prime Minister and to the Attorney General of the Commonwealth Christian Porter to inform them of this resolution; and
 - (c) note the attached Delegates' Report on Friends of Baucau.

CARRIED UNANIMOUSLY

13.1 Councillor Participation in NSW Container Deposit Scheme Network Study Tour

Trim Record Number: D19/180308

Responsible Officer: Group Manager Chief Executive's Office

Councillor Coleman left the meeting prior to discussions at 10.39pm.

RECOMMENDATION

1. That, pursuant to Council's Expense Entitlement Policy, Council approve participation by the Deputy Mayor (Cr Misha Coleman) in the 2019 NSW Container Deposit Scheme Network Study Tour, to be held on 29 October 2019 in Sydney, New South Wales.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor O'Brien

1. That, pursuant to Council's Expense Entitlement Policy, Council approve participation by the Deputy Mayor (Cr Misha Coleman) in the 2019 NSW Container Deposit Scheme Network Study Tour, to be held on 29 October 2019 in Sydney, New South Wales.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Stone, Bosler and O'Brien

Against: Councillors Chen Yi Mei and Searle

Conclusion

The meeting concluded at 10.48pm.

Confirmed Tuesday 22 October 2019

Mayor