



Minutes

Council Meeting

7.05pm, Tuesday 20 July 2021

MS Teams

1. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- | | |
|--------------------------|------------|
| • Cr Gabrielle de Vietri | Mayor |
| • Cr Edward Crossland | Councillor |
| • Cr Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Anab Mohamud | Councillor |
| • Cr Bridgid O’Brien | Councillor |
| • Cr Amanda Stone | Councillor |
| • Cr Sophie Wade | Councillor |

Council officers

- | | |
|---------------------|--|
| • Vijaya Vaidyanath | Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • Ivan Gilbert | Group Manager Chief Executive’s Office |
| • Lucas Gosling | Director Community Wellbeing |
| • Gracie Karabinis | Group Manager People and Culture |
| • Chris Leivers | Director City Works and Assets |
| • Diarmuid McAlary | Director Corporate, Business and Finance |
| • Bruce Phillips | Director Planning and Place Making |
| • Rhys Thomas | Senior Governance Advisor |
| • Mel Nikou | Governance Officer |

Apology

- | | |
|---------------------|--------------|
| • Cr Claudia Nguyen | Deputy Mayor |
|---------------------|--------------|

3. Announcements

No announcements were made.

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

No declarations were made.

5. 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 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Stone

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

CARRIED

Item

5.1 Enterprise Architecture and Technology Strategy Delivery Partner – C1571

This item is presented for consideration in closed session because it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item is considered applicable because it contains information submitted as part of a competitive procurement process.

5.2 Sandeman Place

This item is presented for consideration in closed session because it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.

This item is considered applicable because it contains information provided by way of advice from Council's solicitors.

5.3 M9 - Draft Memorandum of Understanding (MOU)

This item is presented for consideration in closed session because it contains council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This item is considered applicable because it contains information

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

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

That the minutes of the Council Meeting held on Thursday 24 June 2021 be confirmed.

CARRIED

Councillor O'Brien left the meeting at 7.09pm

Councillor O'Brien returned at 7.10pm

Councillor O'Brien left the meeting at 7.10pm

Councillor O'Brien returned at 7.12pm

With the leave of the meeting, Item 8.1 was brought forward

7. Public question time

Item	Page
Public Questions	6

8. Council business reports (continued)

Item	Page	Res. Page
8.1 Yarra 2036 Community Vision	7	7
8.2 Future management of consumption of liquor in Yarra's public places	8	9
8.3 Creative and Engage Yarra 2022-2023 Grant Program Recommendations	11	11
8.4 Road Management Plan 2021	12	13
8.5 Yarra Push Notifications System - Update	14	14
8.6 Edinburgh Gardens Working Group	15	16
8.7 Yarra Planning Scheme Amendment C286 - Public Open Space Contribution Rate revised policy and notification	17	18
8.8 Amendment C269 consideration of submissions and referral to Planning Panel	19	20

9. Notices of motion

Item		Page	Res. Page
9.1	Notice of Motion No. 5 of 2021 - Endorsing the call for a Fossil Fuel Non-Proliferation Treaty	21	21
9.2	Notice of Motion No. 6 of 2021 - Ministerial Approval of Planning Scheme Amendment C231 - Part 2.	22	22
9.3	Notice of Motion No. 7 of 2021 - Yarra Council Submission on Collingwood Housing Estate New Build	23	24

10. Petitions and joint letters

Nil

11. Questions without notice

Nil

12. Delegates' reports

Item		Page
12.1	Councillor O'Brien - Heritage Advisory Committee	25
12.2	Councillor Stone - National General Assembly	28
12.3	Councillor Landes - Business Advisory Committee	32

13. General business

Item		Page
13.1	Councillor Landes – Motion re: Councillor Mohamud	33

14. Urgent business

Nil

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

Questioner	Question	Officer
Kerry Echberg, Yarra Climate Action Now	Reducing plastic waste	The Director City Works and Assets provided a response.
Harry Barber	Electrification of hand-held, petrol-powered tools	The Director City Works and Assets provided a response.
Shane Delphine, Yarra Climate Action Now	Strategy for facilitating the transition to electric vehicles	The Director Planning and Place Making provided a response.
Carol Pelham- Thorman	Procedure and process for a absent elected Councillor	The Mayor provided a response.
Timothea Jewell	Proposed location of new bus stop by Department of Transport	The Director Planning and Place Making provided a response.

*Councillor Jolly left the meeting at 7.44pm
Councillor Jolly returned at 7.45pm*

*Councillor O'Brien left the meeting at 7.45pm
Councillor O'Brien returned at 8.10pm*

*Councillor Jolly left the meeting at 7.46pm
Councillor Jolly returned at 7.50pm*

*Councillor Jolly left the meeting at 7.58pm
Councillor Jolly returned at 7.59pm*

Councillor O'Brien left the meeting at 8.18pm

8.1 Yarra 2036 Community Vision

Reference D21/70614
Author Julie Tipene-O'Toole - Project Manager Community Vision
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 7.13pm

1. That:
 - (a) Council adopt the Yarra 2036 Community Vision.

Public Submission

Meredith Kefford, YCAN - Yarra Climate Action Now addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor de Vietri **Seconded:** Councillor Crossland

1. That:
 - (a) Council adopt the Yarra 2036 Community Vision.

CARRIED UNANIMOUSLY

*Councillor O'Brien left the meeting at 7.16pm
Councillor O'Brien returned at 7.20pm*

*Councillor Jolly left the meeting at 7.21pm
Councillor Jolly returned at 7.43pm*

*Councillor O'Brien left the meeting at 7.22pm
Councillor O'Brien returned at 7.26pm*

*Councillor Mohamud left the meeting at 7.24pm
Councillor Mohamud returned at 7.28pm*

*Councillor Mohamud left the meeting at 7.29pm
Councillor Mohamud returned at 7.31pm*

*Councillor O'Brien left the meeting at 7.33pm
Councillor O'Brien returned at 7.35pm*

8.2 Future management of consumption of liquor in Yarra's public places

Reference D21/62246
Author Sarah Ernst - Policy Advisor
Authoriser Director Community Wellbeing

RECOMMENDATION

Start time: 8.22pm

1. That Council:

- (a) notes the research to date into the current alcohol policy environment and benchmarking with neighbouring municipalities;
- (b) notes that stakeholders have been engaged on the current local law, as well as considerations and options for the future management of consumption of liquor in Yarra's public places, and that this feedback is provided within this report;
- (c) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;
- (d) notes that several options local laws for the management of consumption of liquor in public places have been thoroughly explored and provided herein, and that each has benefits and limitations;
- (e) notes that a draft local law and accompanying draft procedures and protocols manual have been prepared (see Attachments 2 and 3) which seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
- (f) endorses officers to proceed to undertake a broad community engagement on the draft local law and accompanying draft procedures and protocols manual attached to this report;
- (g) notes that the results of the broad community engagement will be brought back to Council in September 2021, at which time direction will be sought as to the endorsement of a final draft law and the commencement of the exhibition period statutory process; and
- (h) notes that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places.

Councillor O'Brien returned at 8.22pm

*Councillor Stone left the meeting at 8.23pm
Councillor Stone returned at 8.24pm*

*Councillor Crossland left the meeting at 8.23pm
Councillor Crossland returned at 8.24pm*

Public Submissions

The following people addressed Council on the matter:

Peter Wearne, Yarra Drug and Health Forum; and

Megan Pearce, Fitzroy Legal Service.

Councillor Mohamud left the meeting at 8.37pm

Councillor Mohamud returned at 8.45pm

Councillor O'Brien left the meeting at 8.56pm

Councillor O'Brien returned at 8.57pm

Councillor Mohamud left the meeting at 8.58pm

Councillor Mohamud returned at 9.05pm

Councillor O'Brien left the meeting at 9.03pm

Councillor O'Brien returned at 9.06pm

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Jolly

1. That Council:

- (a) notes the research to date into the current alcohol policy environment and benchmarking with neighbouring municipalities;
- (b) notes that stakeholders have been engaged on the current local law, as well as considerations and options for the future management of consumption of liquor in Yarra's public places, and that this feedback is provided within this report;
- (c) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;
- (d) notes that several options local laws for the management of consumption of liquor in public places have been thoroughly explored and provided herein, and that each has benefits and limitations;
- (e) notes that a draft local law and accompanying draft procedures and protocols manual have been prepared (see Attachments 2 and 3) which seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
- (f) determines to require a Council resolution rather than a decision by the Chief Executive Officer to prescribe areas to which the local law applies by making the following changes to the draft local law at Attachment 2:
 - (i) in clause 8.1.5, change the words "in writing" to "by resolution";
 - (ii) in clause 8.1.5, change the words "Chief Executive Officer" to "Council";
 - (iii) in the proposed new General Local Law clause 68B at clause 9, change the word "Chief Executive Officer" to "Council" wherever appearing;
 - (iv) delete the proposed new General Local Law clause 68B.5.2 in clause 9;
 - (v) in clause 68B.6.2 of the proposed new General Local Law in clause 9, delete the words "the Chief Executive Officer or"; and
 - (vi) subsequent clause renumbering as required; and
- (g) by making the following changes to the Procedure and Protocols Manual at Attachment 3:
 - (i) in the section headed "68B Prescription by Chief Executive Officer", change the words "Chief Executive officer" to "Council" wherever appearing; and
 - (ii) delete clauses 68B.3.3 and 68B.3.4; and

- (h) by making any further changes as required by Council's legal advisors to give effect to the intent of this resolution;
- (i) endorses officers to proceed to undertake a broad community engagement on the draft local law and accompanying draft procedures and protocols manual attached to this report as amended by this resolution;
- (j) notes that the results of the broad community engagement will be brought back to Council in September 2021, at which time direction will be sought as to the endorsement of a final draft law and the commencement of the exhibition period statutory process; and
- (k) notes that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places.

CARRIED

The Mayor adjourned the meeting at 9.13pm

The meeting resumed at 9.20pm with Councillors Crossland, de Vietri, Jolly, O'Brien, Stone and Wade present.

8.3 Creative and Engage Yarra 2022-2023 Grant Program Recommendations

Reference	D21/65529
Author	Brona Keenan - Arts & Cultural Development Officer
Authoriser	Unit Manager Arts, Culture and Venues

RECOMMENDATION Start time: 9.20pm

1. That Council:
 - (a) endorses the recommendations made by the Yarra Arts Advisory Panel for Creative and Engage Yarra 2022-2023 Grant program; and
 - (b) thanks the community members of the Yarra Arts Advisory Panel for their diligence in reviewing the application for the Creative and Engage Yarra 2022-2023 Grant program.

Councillor Mohamud returned to the meeting at 9.21pm

Councillor Landes returned to the meeting at 9.22pm

Public Submission

Sophie Travers, Collingwood Yards addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Crossland

1. That Council:
 - (a) endorses the recommendations made by the Yarra Arts Advisory Panel for Creative and Engage Yarra 2022-2023 Grant program; and
 - (b) thanks the community members of the Yarra Arts Advisory Panel for their diligence in reviewing the application for the Creative and Engage Yarra 2022-2023 Grant program.

CARRIED

8.4 Road Management Plan 2021

Reference	D21/38482
Author	Bon Tee - Coordinator Asset Management
Authoriser	Director City Works and Assets

RECOMMENDATION

Start time: 9.35pm

1. That Council:

- (a) notes that public notice has been given of the following:
 - (i) the review of Council's Road Management Plan (2017-2021);
 - (ii) Council's intention to amend the Road Management Plan; and
 - (iii) the Draft Road Management Plan 2021;
- (b) notes that a period for public submissions has been provided;
- (c) notes the submissions received, the officer responses and further proposed amendments to the Road Management Plan as a result of the submissions;
- (d) adopts the amended Road Management Plan 2021 in Attachment 1; and
- (e) notes that (in accordance with section 55 of the Road Management Act 2004):
 - (i) Council is required to give public notice of the adoption of the amended Road Management Plan 2021 in the Victoria Government Gazette and a newspaper generally circulating in the area; and
 - (ii) the notice will state that the amended Road Management Plan 2021 and the Code of Practice for Road Management Plans can be inspected or obtained at the Richmond Town Hall Customer Service Centre and on Council's public website.

Councillor O'Brien left the meeting at 9.35pm

Councillor Stone left the meeting at 9.36pm

Councillor Stone returned at 9.37pm

Councillor Mohamud left the meeting at 9.37pm

Councillor Mohamud returned at 9.38pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Landes

1. That Council:
 - (a) notes that public notice has been given of the following:
 - (i) the review of Council's Road Management Plan (2017-2021);
 - (ii) Council's intention to amend the Road Management Plan; and
 - (iii) the Draft Road Management Plan 2021;
 - (b) notes that a period for public submissions has been provided;
 - (c) notes the submissions received, the officer responses and further proposed amendments to the Road Management Plan as a result of the submissions;
 - (d) adopts the amended Road Management Plan 2021 in Attachment 1; and
 - (e) notes that (in accordance with section 55 of the Road Management Act 2004):
 - (i) Council is required to give public notice of the adoption of the amended Road Management Plan 2021 in the Victoria Government Gazette and a newspaper generally circulating in the area; and
 - (ii) the notice will state that the amended Road Management Plan 2021 and the Code of Practice for Road Management Plans can be inspected or obtained at the Richmond Town Hall Customer Service Centre and on Council's public website.

CARRIED

8.5 Yarra Push Notifications System - Update

Reference D21/63717
Author Diarmuid McAlary - Director Corporate, Business and Finance
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 9.42pm

1. That:

- (a) Council note the progress made to date regarding implementing push notifications at Yarra and the further work required to enable such technology and our intention to include push notifications and similar customer benefitting processes in the future.

Councillor O'Brien returned to the meeting at 9.43pm

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Wade

1. That:

- (a) Council note the progress made to date regarding implementing push notifications at Yarra and the further work required to enable such technology and our intention to include push notifications and similar customer benefitting processes in the future.

CARRIED

8.6 Edinburgh Gardens Working Group

Reference D21/69030
Author Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION Start time: 9.48pm

1. That Council:
 - (a) note the Report;
 - (b) approve the appointment of the Edinburgh Gardens Working Group with a membership comprising of:
 - (i) **four** Local resident members, being:
 - a.;
 - b.;
 - c.; **and**
 - d.;
 - (ii) **one** representative from Fitzroy North Primary School, being:
 - a.;
 - (iii) **two** members drawn from the Edinburgh Gardens sporting community which comprises; Fitzroy Tennis Club, Fitzroy Football Club, Fitzroy Junior Cricket Club and Edinburgh Cricket Club, being:
 - a. (representing); and
 - b. (representing);
 - (iv) **two** casual park users, being:
 - a. and
 - b.;
 - (v) **three** Councillors, being:
 - a. **Councillors O'Brien, Stone and Wade.**
 - (b) approve the appointment of the Edinburgh Gardens Working Party will report back to Council periodically via a delegates Report.

Councillor Stone left the meeting at 9.48pm

Councillor Stone returned at 9.49pm

Councillor Mohamud left the meeting at 9.51pm

Councillor Mohamud returned at 9.52pm

Councillor O'Brien left the meeting at 9.54pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

1. That Council:
 - (a) note the Report;
 - (b) approve the appointment of the Edinburgh Gardens Working Group with a membership comprising of:
 - (i) **four** Local resident members, being:
 - a. **Shane Hryhorec**;
 - b. **Andrea Syme**;
 - c. **Janelle Bryce**; and
 - d. **Georgia Bell**;
 - (ii) **one** representative from Fitzroy North Primary School, being:
 - a. **Cass Read-Hamilton**;
 - (iii) **two** members drawn from the Edinburgh Gardens sporting community which comprises; Fitzroy Tennis Club, Fitzroy Football Club, Fitzroy Junior Cricket Club and Edinburgh Cricket Club, being:
 - a. **Bruna Evan** (representing Tennis); and
 - b. **Gabrielle Murphy** (representing Football);
 - (iv) **two** casual park users, being:
 - a. **Hamish Morrison**; and
 - b. **James McCallum**;
 - (v) **three** Councillors, being:
 - a. **Councillors O'Brien, Stone and Wade.**
2. The Edinburgh Gardens Working Party will report back to Council periodically via a delegates Report.

CARRIED

8.7 Yarra Planning Scheme Amendment C286 - Public Open Space Contribution Rate revised policy and notification

Reference D21/71359
Author Michael Ballock - Executive Planner Strategic Projects
Authoriser Director Planning and Place Making

RECOMMENDATION Start time: 9.56pm

1. That Council:
 - (a) note the officer report outlining the proposed public open space contributions rate for the municipality as determined by Council in September 2020;
 - (b) note the proposed open space contribution rate is a municipal wide contribution rate applicable to all subdivisions in Yarra;
 - (c) note the open space contribution rate proposed is derived from the methodology of the Open Space Strategy adopted by Council on 1 September 2020;
 - (d) notes and endorses the changes proposed to Clause 22.12 and the Explanatory Report (as outlined in Attachments 2 and 3), and includes these documents as part of the exhibited documents for Amendment C286;
 - (e) endorses the notification process as outlined in this report;
 - (f) reiterates its resolution of 15 September 2020 that Amendment C286 be placed on public exhibition for a period of 4 weeks; and
 - (g) authorise the CEO to make minor changes to the Amendment C286 documents, should any be necessary, prior to exhibition.
2. That following the exhibition of Amendment C286 a report be provided to Council on any submissions received.

Councillor Mohamud left the meeting at 9.57pm

Councillor Mohamud returned at 9.58pm

Councillor O'Brien returned at 10.01pm

Councillor Mohamud left the meeting at 10.01pm

Councillor Mohamud returned at 10.02pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor de Vietri

1. That Council:
 - (a) note the officer report outlining the proposed public open space contributions rate for the municipality as determined by Council in September 2020;
 - (b) note the proposed open space contribution rate is a municipal wide contribution rate applicable to all subdivisions in Yarra;
 - (c) note the open space contribution rate proposed is derived from the methodology of the Open Space Strategy adopted by Council on 1 September 2020;
 - (d) notes and endorses the changes proposed to Clause 22.12 and the Explanatory Report (as outlined in Attachments 2 and 3), and includes these documents as part of the exhibited documents for Amendment C286;
 - (e) endorses the notification process as outlined in this report;
 - (f) reiterates its resolution of 15 September 2020 that Amendment C286 be placed on public exhibition for a period of 4 weeks; and
 - (g) authorise the CEO to make minor changes to the Amendment C286 documents, should any be necessary, prior to exhibition.
2. That following the exhibition of Amendment C286 a report be provided to Council on any submissions received.

CARRIED

8.8 Amendment C269 consideration of submissions and referral to Planning Panel

Reference	D21/69666
Author	Fiona van der Hoeven - Practice Leader, Strategic Planning
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 10.13pm

1. That Council:
 - (a) receives, notes and formally considers all submissions received in response to the exhibition of Amendment C269;
 - (b) notes and endorses the officer response to the issues raised by the submissions as outlined in the report and Attachment 3;
 - (c) requests the Minister for Planning to appoint an independent Planning Panel to consider all submissions referred in relation to Amendment C269 in accordance with Section 23 of the Planning and Environment Act 1987;
 - (d) refers all submissions, including late submissions received up to the date of this report, to the Panel;
 - (e) endorses the recommended changes to Amendment C269, including the Preferred Version of Policies, background documents and incorporated document as outlined in this report and Attachments 3, 5, 6, and 7 for the purposes of Council's advocacy position before the Planning Panel;
 - (f) adopts as its submission to the Panel the position of support for Amendment C269 with changes as identified in (e) above;
 - (g) writes to all submitters to advise of Council's decision to proceed to Panel;
 - (h) endorses changes to the Guidelines – Managing Noise Impacts in Urban Development, June 2020 as identified in Attachment 6;
 - (i) delegates to the officers to update Noise Discussion Paper to address consequential changes consistent with the Guideline – Managing Noise Impacts in Urban Development, June 2020;
 - (j) delegates to the officers to make minor updates to the Preferred Policies identified in Attachment 5 generally consistent with the information in this Council Report and attachments for the purpose of Panel; and
 - (k) notes that officers will provide a further report to Council after the Planning Panel report is received from Planning Panels Victoria to enable consideration of the Panel's recommendations and Amendment C269 by Council.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That in the matter of Planning Scheme Amendment C269, Council:
 - (a) notes the number of public submissions received; and
 - (b) determines to defer consideration of the item for a period of two weeks, until the meeting of Council scheduled for 3rd August 2021.

CARRIED

9.1 Notice of Motion No. 5 of 2021 - Endorsing the call for a Fossil Fuel Non-Proliferation Treaty

Reference D21/72135
Author Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 10.17pm

1. That Yarra Council:
 - (a) endorses the Fossil Fuel Non-Proliferation Treaty campaign that is calling on national governments to negotiate and ratify a Fossil Fuel Non-Proliferation Treaty to stop the expansion, and begin phase out, of fossil fuels and ensure a global just transition for all; and
 - (b) writes to the Australian Foreign Minister and the Federal Member for Melbourne advising of this action and calling on the Federal Government to support, negotiate and, eventually, ratify this treaty.

Councillor O'Brien left the meeting at 10.18pm

Councillor Mohamud left the meeting at 10.18pm

Councillor Mohamud returned at 10.20pm

Public Submission

Shane Delphine, Yarra Climate Action Now addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor de Vietri

1. That Yarra Council:
 - (a) endorses the Fossil Fuel Non-Proliferation Treaty campaign that is calling on national governments to negotiate and ratify a Fossil Fuel Non-Proliferation Treaty to stop the expansion, and begin phase out, of fossil fuels and ensure a global just transition for all; and
 - (b) writes to the Australian Foreign Minister and the Federal Member for Melbourne advising of this action and calling on the Federal Government to support, negotiate and, eventually, ratify this treaty.

CARRIED

9.2 Notice of Motion No. 6 of 2021 - Ministerial Approval of Planning Scheme Amendment C231 - Part 2.

Reference D21/72154
Author Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION Start time: 10.24pm

1. That the Mayor write to the Minister for Planning requesting him to conclude the long process of developing planning controls for Queens Parade by approving and gazetting Part 2 of Amendment C231 to the Yarra Planning Scheme.

Councillor O'Brien returned at 10.24pm

Public Submissions

The following people addressed Council on the matter:

Giselle Darling;

Virginia Noonan; and

Anne Horrigan-Dixon.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor O'Brien

1. That the Mayor write to the Minister for Planning requesting him to conclude the long process of developing planning controls for Queens Parade by approving and gazetting Part 2 of Amendment C231 to the Yarra Planning Scheme.

CARRIED

9.3 Notice of Motion No. 7 of 2021 - Yarra Council Submission on Collingwood Housing Estate New Build

Reference D21/73059
Author Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 10.32pm

1. That Yarra Council:

- (a) acknowledges and welcomes the significant state government investment in public and affordable housing as long overdue and going a long way towards meeting the housing needs of the 100,000 people on the public housing waiting list and addressing the lack of affordable housing for low to middle income earners;
- (b) also acknowledges the vital role of public housing in providing secure long-term housing for the most in need in our community and the lack of investment in public housing in recent decades;
- (c) in relation to the proposed “build” at Collingwood, makes a submission which urges the State Government to ensure that:
 - (i) this new housing is and remains public housing (government owned and managed);
 - (ii) no green open space is lost for this build and that any significant trees removed are offset on the estate;
 - (iii) the new development is of the highest ESD standards with high levels of thermal comfort and indoor air quality;
 - (iv) the existing car parking provision on site is maintained; and
 - (v) maintenance of the new buildings be of a high standard and that maintenance levels of existing public housing be improved; and
- (d) requests Homes Victoria to seek advice from Yarra’s Planning Officers on the design of any proposed development before finalising it, in order to benefit from their local experience on the best fit for the local context and to ensure the best ESD standards and internal amenity are achieved.

Councillor O'Brien left the meeting at 10.33pm

Councillor Landes left the meeting at 10.37pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Mohamud

1. That Yarra Council:

- (a) acknowledges and welcomes the significant state government investment in public and affordable housing as long overdue and going a long way towards meeting the housing needs of the 100,000 people on the public housing waiting list and addressing the lack of affordable housing for low to middle income earners;
- (b) also acknowledges the vital role of public housing in providing secure long-term housing for the most in need in our community and the lack of investment in public housing in recent decades;
- (c) in relation to the proposed “build” at Collingwood, makes a submission which urges the State Government to ensure that:
 - (i) this new housing is and remains public housing (government owned and managed);
 - (ii) no green open space is lost for this build and that any significant trees removed are offset on the estate;
 - (iii) the new development is of the highest ESD standards with high levels of thermal comfort and indoor air quality;
 - (iv) the existing car parking provision on site is maintained; and
 - (v) maintenance of the new buildings be of a high standard and that maintenance levels of existing public housing be improved; and
- (d) requests Homes Victoria to seek advice from Yarra’s Planning Officers on the design of any proposed development before finalising it, in order to benefit from their local experience on the best fit for the local context and to ensure the best ESD standards and internal amenity are achieved.

CARRIED

10.. Petitions and joint letters

Nil

11. Questions without notice

Nil

12. Delegates' reports

Councillor O'Brien returned at 10.38pm

Councillor Landes returned at 10.38pm

12.1 Councillor O'Brien - Heritage Advisory Committee

Start time: 10.38pm

Committee	Heritage Advisory Committee
Appointed Councillors	Bridgid O'Brien, Edward Crossland and Anab Mohammad
Date of Committee Meeting	13 July 2021
Date of Report	17 July 2021
Report Author	Bridgid O'Brien

DELEGATES REPORT

The Heritage Advisory Committee met on 13 July 2021. Councillors O'Brien and Crossland were in attendance and co-chaired the meeting. Cr O'Brien provides this report to Council.

Agenda items for this meeting included:

1. Actions arising from the previous meeting:

Regarding the workshop with traffic and road engineers HAC recommended that the members would need more than 4 weeks' notice to prepare for the workshop.

2. Yarra Planning Scheme Amendment C269:

Whilst HAC members acknowledged that some changes have been made by the officers in responding to their submissions they had some key areas of concern.

After a considerable discussion the Committee resolved to advise Council that the preferred version of Amendment C269 should include the following:

(i) Remove reference to 14 stories

At Clause 02.01 '**Context**' under the sub heading **Built Environment and Heritage** the beginning of the fourth paragraph states:

'The existing scale of development within the municipality is mostly characterised by low to mid- rise buildings, with some taller buildings (above 14 storeys) which are anomalies to the mid-rise character.'

The words in brackets should be deleted as they imply that mid-rise buildings can be up to 14 stories. This would be inappropriate in many parts of activity

centres.

(ii) Encourage the use of mandatory controls wherever possible

The Committee is of the firm view that mandatory height controls are far preferable as they provide certainty of outcome and avoid endless wrangling at VCAT. It would therefore like to see this expressed in the policy. This could occur at Clause 02.03 **Strategic Directions** which makes specific reference to height controls:

‘Ensure mid-rise buildings are in accordance with any building height requirements set out in the relevant zone or overlay, or, where there are no building height requirements specified, having regard to the physical and strategic context of the site.’

Or perhaps more appropriately as a response to the above Strategic Direction as an additional Strategy for Activity Centres at Clause 11.03-L:

‘Secure reliable outcomes regarding built form by employing mandatory height controls wherever possible’

(iii) List more items under distinctive features and landmarks

Also, at Clause 2.03 **Strategic Directions** under **Built Environment and Heritage** there is a list of nine of Yarra’s distinctive features and landmarks, which should be maintained and enhanced such as Industrial Buildings and Parks and Gardens. This seems to be some kind of checklist to make sure we understand the full range of types of places that comprise the cities heritage. If this is the case some other notable types of places should also be listed such as our notable *hotels* (pubs) and former *banks*, which are important local landmarks, but under risk of facadism. Also lacking is the mention of such as *bluestone laneways, kerbs and channels, lampposts and signs*.

It is suggested that following dot points be included:

- Conserve and adapt Yarra’s highly valued significant historic banks and pubs/hotels buildings.
- Protect and maintain historic infrastructure such as bluestones laneways, bluestone kerbs & channel as well as the remnants of inner circle railway tracks and historic lampposts.

(iv) Reduce of Boundary Swan Street Major Activity Centre

Clause 2.04 **Strategic Framework Plan** shows this boundary extending north of the railway from Richmond Station to Tanner Street. The Panel for the Swan Street Activity Centre C191 did not consider this area but agreed that it should be shown as land subject to future strategic work. This should not be included in the MAC until the suitability of this area has been determined through this strategic work. Likewise, the larger scale map of the Swan Street Activity Centre should be adjusted to follow the railway line.

(v) Include reference to indigenous cultural heritage.

At Clause 12.03-1L **Yarra River Darebin and Merri Creek Corridors** a strategy should be added to recognise indigenous cultural heritage:

Identify and protect sites of indigenous cultural heritage.

(vi) More inclusive policy on Landmarks is required

At Clause 15.01-2L Landmarks insert the words in italics in the objective:

Maintain the visual prominence of and protect the views to *Yarra’s Valued Landmarks including but not limited to those identified in Table 1.*

Table 1 is quite deficient and should not be relied upon exclusively until it is greatly enhanced.

3. HAC feedback on Heidelberg Road:

The following points were raised:

- 20 m high street wall for precinct 3A will be very tall.
- There is a need to protect views to the chimney.
- There is a need that Council work with the City of Darebin on Heidelberg Road heights to avoid a canyon effect.

It was agreed that members can comment individually via the *Have Your Say* page of City of Yarra website by 27 July.

4. Paint controls Gertrude Street precinct:

A paper on paint controls for heritage properties on Gertrude street Fitzroy (Attachment 1) which lead to the discussion about the current Planning Scheme requirements was presented. HAC requested the Senior Heritage Officer provide a clarification by email about the existing paint controls in the Planning Scheme.

The committee considered that it would be important to introduce paint colour controls in the World Heritage Environs Area. It was also discussed that this issue can be pursued as a part of the feedback to World Heritage Environs Area Strategy Plan.

5. Updates:

The Senior Heritage Officer provided following updates:

- Two new heritage walks for Richmond Hill and Cremorne precincts have been added on the City of Yarra website (<https://www.yarracity.vic.gov.au/the-area/visiting-yarra/heritage-walks>).
- Links to all the heritage precincts have also been included on the heritage website (<https://www.yarracity.vic.gov.au/the-area/heritage/heritage-precincts>).
- Registrations Hearings: Heritage Council of Victoria will soon be considering Registrations hearing on Fairfield amphitheatre and kiosk, Fairfield and Queens Parade shopping precinct.
- Heritage budget 2021-22: The Senior Heritage Officer (RS) informed the committee that a new position of Heritage Officer (Indigenous speciality) has been approved in the budget for the year 2021-22.

HAC requested that RS include a key item with substantial time to workshop key objectives and deliverables for a new heritage department for the Council as one of the key actions of the Heritage Strategy, adopted by the Council.

- Activity centre and mixed-use precincts: Brunswick Street, Smith Street, Gertrude Street, Alexandra Parade (DDO 38) Victoria Parade (DDO39) are awaiting decision from the Minister and Collingwood South DDO23, the existing interim DDO has been extended until June 2022.
- World Heritage Environs Area Strategy Plan consultation is likely to start soon.

6. Other matters:

- HAC requested to meet the new Manager City Strategy at the next HAC meeting if possible.

- Quality of heritage advice: It was raised that the heritage advice on planning applications, especially pertaining to Royal Hotel Clifton Hill and 193 Queens Parade was considered poor. HAC is of the view that it is high time for an audit of heritage advisers' advice and bring changes as may be needed.
- 71-73 Smith Street: A paper citing the history of the place and the need to correct the dates (See Attachment 2) was discussed. HAC recommended that the information and paper be forwarded to the Strategic Planning unit so that it can be considered as part of a future amendment relating to gaps and anomalies.
- Interim controls: Cr Crossland informed the committee of a growing concern in the community about losing the interior of the Austral theatre and a likely petition on this subject. He emphasised the need to explore various possibilities so that interiors of significant heritage buildings can be protected. He also suggested that he would be looking into the possibility of writing to the Minister to introduce thresholds for interior controls.

HAC welcomed the idea of contacting the Minister and indicated their full and ongoing support for any initiative from the Council that can save significant interiors.

It was also discussed that the activity centre DDOs envisage significant heights including on the theatre sites which would not only have a detrimental impact to the heritage buildings but would also result in significant impact to the heritage character of the precinct.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Crossland

1. That Council:

- note this Delegate's Report; and
- thank the committee for their expertise and advice.

CARRIED

Councillor O'Brien left the meeting at 10.42pm

Councillor O'Brien returned at 10.43pm

12.2 Councillor Stone - National General Assembly

Start time: 10.42pm

Committee	National General Assembly
Appointed Councillors	Councillors Amanda Stone and Gabrielle de Vietri
Date of Council Meeting	20 July 2021
Date of Report	17 July 2021
Report Author	Cr Amanda Stone

Australian Local Government Association National General Assembly 2021

The National General Assembly was held in Canberra from 20 to 23 June this year. The Mayor and I travelled to Canberra for the conference and to vote on a number of motions that Yarra Council had submitted, as well as to meet face to face with

councillors from around the nation, from East Arnhem to Port Hedland, Penrith to Hobart.

The 2 and a half days of the conference heard from a range of speakers, leaders of political parties, a team of experts on the impacts of COVID and local government, and 3 concurrent topic-based sessions on Climate Change, Circular Economy and Infrastructure.

Yarra's Motions

Day One was devoted to debating motions submitted by councils across Australia.

Yarra's 3 motions were passed without debate:

- 26 Yarra City Council, VIC

This National General Assembly calls on the Federal Government to establish a funding stream for local governments to support their efforts in climate adaptation and mitigation in their local communities.

- 52. Yarra City Council, VIC

That this Assembly resolves that: a) the Federal Government's revised rate of the Jobseeker payment of \$44 per day is considered inadequate and will result in millions of Australian citizens being unnecessarily trapped in poverty as after 25 years with no increase to the incomes of unemployed Australians an increase of just \$3.57 per day above the previous rate of the Newstart payment is insufficient; b) it supports the demands from the Australian Council of Social Service (ACOSS) "Raise the Rate for Good" campaign for: I. an increase to the base rate of JobSeeker Payment by at least \$25 a day, and ensure everyone receives at least \$65 a day; II. ongoing indexation of payments in line with wage movements at least twice per year; and III. establishment of a Social Security Commission to advise the Parliament on the ongoing adequacy of income support payments; and c) member Councils be encouraged to register as Organisational Supporters of the ACOSS "Raise the Rate for Good" campaign

- 61.1 Yarra City Council, VIC

This National General Assembly moves that: a) the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons is the first treaty to comprehensively outlaw nuclear weapons and provide a pathway for their elimination. This Treaty entered into force on 22 January 2021. All national governments are invited to sign and ratify the treaty. b) entry into force is an important milestone on the path to a nuclear weapon-free world. It makes concrete the standard that nuclear weapons are illegal and illegitimate for all states, and a permanent part of international law. c) to commemorate this achievement of global diplomacy, this National General Assembly endorses the International Campaign to Abolish Nuclear Weapons 'Cities Appeal', which can found at <https://icanw.org.au/cities/>

Summary of Motions

Motions covered a range of themes including:

- (a) a place for Local Government in the National Cabinet;
- (b) Constitutional recognition of Local Government;
- (c) funding for disaster recovery (bushfires, floods, COVID);
- (d) increases in financial assistance grants;
- (e) bushfire management;
- (f) national support for waste and circular economy;

- (g) recognition of Aboriginal and Torres Strait Islander People through recognition of the Uluru Statement from the Heart;
- (h) rural health and mental health; and
- (i) arts funding and more.

Contentious motions addressed border controls during COVID, alternative water sources in regional areas and vegetation clearance

All motions will be listed [here](#) from Thursday 22nd July.

Key note speakers:

- (a) Michael McCormack, Deputy Prime Minister (minutes before a leadership challenge);
- (b) Jason Clare MP;
- (c) Mark Coulton MP;
- (d) Anthony Albanese MP;
- (e) Cr Linda Scott, ALGA President;
- (f) Peter Van Onselen : All Political is Local;
- (g) Danielle Wood, CEO Grattan Institute : Planning a Prosperous Future;
- (h) Marlene Karsovitsky, Every Age Counts : Strengthening Social Capital;
- (i) Romilly Madew, Infrastructure Australia : Strengthening Economic Capital;
- (j) Tom Calma AO : Indigenous Voice;
- (k) Patricia Turner AM : Closing the Gap;
- (l) Shane Fitzsimmons : Recovery and Resilience;
- (m) Shane Stone : National Recovery and Resilience Agency;
- (n) Thomas Fikentscher, CyberArk : Resilience in a Digital World; and
- (o) Craig Foster AM: Leadership, Human Rights and Persistence.

The majority of political speakers committed to a place for Local Government in the National Cabinet.

And key themes of resilience, disaster recovery and strengthening Local Government and community capacity were prominent.

Concurrent Sessions :

- Climate Action
- The Circular Economy
- Infrastructure

I spoke at the Climate Action session about the key role of local government in meeting our national commitments to the global targets on emissions reductions including some of Yarra's achievements.

As part of the Global Covenant of Mayors, which Yarra is a member of, we launched a new paper, State of play: Local governments and city networks accelerating climate action in Australia, (<https://www.gcom-oceania.org/news-blog/2021/6/18/cities-are-secret-weapon-to-achieve-net-zero>) based on research which shows that, the emission reductions planned by just 60 of Australia's 527 local governments will achieve 96% of the current national target (a 28% reduction by 2030).



These 60 Councils are planning and implementing large emission reductions in their cities. Collectively their commitments will lead to emission reductions of 88 million tonnes of CO₂e.

This local effort is almost the same as the 92 million tonnes in emission reductions envisaged by the federal government to meet its 2030 goal. This information is critical in the lead up to COP 26 in Glasgow in November where new international targets will be established for net zero emissions.

With funding to achieve these goals a major factor, the unanimous support for Yarra's motion on federal funding stream for local government for that purpose was most welcome.

Conclusion

The National Assembly provided an excellent opportunity to:

- (a) join with other local governments and formulate shared positions (through motions adopted) on some vitally important issues, for advocacy to the national government;
- (b) learn from other local governments nationally about their approaches to the challenging issues we all face; and
- (c) share Yarra's achievements through informal networking and on a national platform
- (d) advocate to other agencies for support and action on behalf of our communities.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Mohamud

1. That Council:
 - (a) note this Delegate's Report.

CARRIED

12.3 Councillor Landes - Business Advisory Committee

Start time: 10.47pm

Committee	Business Advisory Committee
Appointed Councillors	Cr Herschel Landes and Cr Edward Crossland
Date of Committee Meeting	Thursday 1 July 2021
Date of Report	Thursday 15 July 2021
Report Author	Herschel Landes

DELEGATES REPORT

The Committee met on Thursday 1 July 2021, Councillors Landes and Crossland were in attendance and provide/s this report to Council.

Agenda items for this meeting included but were not limited to:

- (a) Urban design in Yarra;
- (b) Strategic Planning in Yarra;
- (c) Presentation on the extent of work coming from a collaborative space in Collingwood called Foolscape Studio; and
- (d) Presentation on the work coming out of a Commercial business called Relative Projects.

Key ideas discussed included:

- (a) responsive planning within Yarra’s activity centres;
- (b) Vibrancy and local identity of activity centres and managing potential conflicts of land use;
- (c) Unpacking 200+ years through design and reconciliation opportunities through organisations;
- (d) Building narratives through the collaborative spaces and creating vital interiors;
Place and design and how we will respond to the future;
- (e) Net zero – upstream design of sustainable projects, community centric design and circular economy; and
- (f) Business are seen to be leaders in powerful advocacy in getting message across and delivering commitment on climate action to the broader community. – key message.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Stone

- 1. That Council:
 - (a) note this Delegate’s Report.

CARRIED

13. General Business

13.1 Councillor Landes – Motion re: Councillor Mohamud

Start time: 10.49pm

Public Submissions

The following people addressed Council on the matter:

Mark Soffer; and

Dean Hurlston, Ratepayers Victoria.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor de Vietri

Seconded: Councillor O'Brien

That the meeting be extended for a further 20 minutes

CARRIED

The Mayor adjourned the meeting at 11.13pm

The meeting resumed at 11.17pm with Councillors de Vietri, Jolly, Landes, O'Brien, Stone and Wade present

Councillor Crossland returned to the meeting at 11.21pm

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor de Vietri

Seconded: Councillor Jolly

That the meeting be extended for a further 10 minutes

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Jolly

1. That Council:

- (a) note that by way of several newspaper reports and by way of a Court listing, Cr Mohamud is set for a mention hearing in the Dandenong Magistrates Court on the 24 August 2021 and is also due to attend the Melbourne Magistrates Court on 5 November 2021 (Herald Sun article 30 June);
- (b) note also, that Cr Anab Mohamud is entitled to presumptions of innocence until proven otherwise;
- (c) note, this motion hereby seeks to:
 - (i) express no confidence that Cr Anab Mohamud can fulfil her duty as a Councillor to act in the best interests of her constituents and the Council and to provide the necessary trust and working relationships to deliver the public confidence and integrity of Local Government; and
 - (ii) calls on the Councillor to excuse herself from Council until all matters are heard.

LOST

CALL FOR A DIVISION

For: Councillors Jolly, O'Brien and Landes

Against: Councillors Stone, Crossland, de Vietri and Wade

LOST

Conclusion

The meeting concluded at 11.24pm.

Confirmed Tuesday 3 August 2021

Mayor