



Minutes

Council Meeting

7.00pm, Tuesday 17 August 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 Claudia Nguyen Deputy Mayor
- Cr Edward Crossland Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

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 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

Leave of absence

- Cr Anab Mohamud Councillor

3. Announcements

COVID-19

Firstly I want to take a moment to acknowledge the turbulent and uncertain times that we are all living in and the deep impact that this extended lockdown is having on each and every one of us. We all know how important these measures are to curb the spread of this virus, but after so many lockdowns the effect on everyone's mental health on families, on our communities, on our local organisations and local businesses, can not be understated. I hope you are coping and taking care of each other in every way that you can and reaching out if you need help. Remember you can reach Lifeline 24 hours a day at www.lifeline.org.au.

World Disasters

I also want to acknowledge members of the community who have family or friends in parts of the world that are currently experiencing conflict or disasters. The news has certainly been particularly distressing this week and I would like to say that our hearts go out to you with support and solidarity to you in these troubling times.

Vale – Margaret Marcon

As the Mayor of Yarra, I wish to express Council's condolence to the family of Margaret Marcon, known by her then fellow staff and the many community members whom she assisted, as Magi.

Magi, who passed away last Friday evening was a tireless worker for the City of Yarra and the former City of Collingwood, before retiring in 2013 after 25 years of service.

As a Financial and Crisis Counsellor, Magi guided thousands of vulnerable people safely through some of the most challenging times in their lives and also provided training to community organisations around financial matters.

As a Union Shop Steward, Magi worked passionately to advance the rights of her fellow workers.

In 2013, Magi received the Yarra Women's Honour Roll Award for "leadership and exceptional contribution to Yarra Council and the community". Magi was loved, admired and respected by her friends and colleagues throughout the organisation.

I will be writing to the family of Magi Marcon extending Council's sincere condolences.

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 Crossland

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 **Update on the design of the six court indoor stadium as part of the redevelopment of 433 Smith Street Fitzroy North**

This item is considered applicable because it contains information relating to ongoing negotiations with the State Government regarding the redevelopment of the site at 433 Smith Street Fitzroy North.

This item is considered applicable because it contains information.

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Nguyen

That the minutes of the Council Meeting held on Tuesday 3 August 2021 be confirmed.

CARRIED

7. Public question time

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8. Council business reports

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9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

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12. Delegates' reports

Nil

13. General business

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13.2 Councillor Crossland – COVID-19 Pandemic Response	12

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
Mitchell Price	Diversity and inclusion training for all Councillors	The Mayor provided a response. The Group Manager Chief Executive's Office also provided a response.
Mitchell Price	Safety of LGBTIQ community	The Mayor provided a response.

Councillor Jolly left the meeting at 7.14pm

Councillor Jolly returned at 7.16pm

Questioner	Question	Officer
Alex Redlich	Building a basketball hoop in Fairfield Park	The Director City Works and Assets provided a response.
Jillian Bowen	The enforcement of the code of conduct	The Group Manager Chief Executive's Office provided a response.
Jillian Bowen	Yarra's response to the weekend "pub crawl" in Richmond?	The Director Corporate Business and Finance provided a response.
Diana Courtney	Pedestrian Safety	The Director City Works and Assets provided a response.

8.1 Planning controls over external paint colours

Reference	D21/54945
Author	Mary Osman - Manager Statutory Planning
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 7.44pm

1. That Council:
 - (a) note the report of officers in response to the Council resolution dated 18 May 2021 regarding heritage buildings that do not have external paint controls;
 - (b) note that a planning scheme amendment process would be required to seek to supplement existing heritage overlays with external paint colours for buildings that do not have that requirement at this stage;
 - (c) note the significant resources that would be required to individually analyse those buildings in order to determine if there is strategic justification for those paint colours on those heritage buildings,
 - (d) note that recent heritage reviews have been undertaken along with preparations for interim Design and Development Overlays in Yarra's activity centres; and
 - (e) note that external paint control provisions on these buildings would cause a trigger for a planning permit application for external painting of those buildings.
2. That Council determine not to proceed with any specific planning scheme amendment regarding external paint controls on heritage places at this stage; and only consider those that are recommended for inclusion via existing planning scheme amendment analysis and proposals.

Public Submission

Phillip Campbell, South Fitzroy Protection Group addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Landes

That Council defer the item on 'Planning controls over external paint colours' to the meeting on 5 October 2021, so that the issue can be discussed with the Heritage Advisory Committee and Business Advisory Group.

CARRIED

Councillor Landes left the meeting at 8.03pm

Councillor Landes returned at 8.05pm

8.2 Yana Ngargna Plan 2020-2023, Year 1 Action Plan (2020) report and Year 2 Action Plan (2021) adoption

Reference D21/93889
Author Daniel Ducrou - Coordinator Aboriginal Partnerships
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 8.06pm

1. That Council:
 - (a) note the achievements and challenges of the Yana Ngargna Year 1 Action Plan (2020); and
 - (b) adopt the Yana Ngargna Year 2 Action Plan (2021).

Councillor Jolly left the meeting at 8.08pm

Councillor Jolly returned at 8.11pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

1. That Council:
 - (a) note the achievements and challenges of the Yana Ngargna Year 1 Action Plan (2020); and
 - (b) adopt the Yana Ngargna Year 2 Action Plan (2021).

CARRIED

8.3 Plaques, statues and monuments in public places within Yarra

Reference D21/13117
Author Brona Keenan - Arts & Cultural Development Officer
Authoriser Director Community Wellbeing

RECOMMENDATION Start time: 8.20pm

1. That:
 - (a) Council notes this report on the stocktake of plaques, statues and monuments and the names of public places including parks and buildings in Yarra; and
 - (b) Council notes a future report will be tabled relating to policies and processes relating to civic acknowledgement and honours to individuals.

Councillor O'Brien left the meeting at 8.20pm

Councillor O'Brien returned at 8.22pm

Public Submission

Chris Goodman, The 3068 Group addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor de Vietri **Seconded:** Councillor Wade

1. That:
 - (a) Council notes this report on the stocktake of plaques, statues and monuments and the names of public places including parks and buildings in Yarra; and
 - (b) Council notes a future report will be tabled relating to policies and processes relating to civic acknowledgement and honours to individuals.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 8.38pm

The meeting resumed at 8.43pm

10. Petitions and joint letters

Nil

11. Questions without notice

11.1 Councillor Jolly - Australian Services Union (ASU)

Question:

All Councils across Victoria received an email from the Australian Services Union (ASU), who are the main union that organise staff at Yarra Council. The union is asking that all Councils do three things;

- (a) commit to the Commonwealth Home Support Program Services until July 2023, an establishment of a new support home program;
- (b) become registered providers for homecare packages; and
- (c) to consult with the community about any proposed changes as requested under section 55 of the Local Government Act.

Can I get an initial opinion from senior management what they think about the requests from the ASU?

Can I also have an indication as to when Council will be asked for a decision on this matter?

Response:

The Director Community Wellbeing provided a response.

Councillor Jolly left the meeting at 8.49pm

Councillor Jolly returned at 8.52pm

11.2 Councillor Stone - Wood Heaters

Question:

There has been a recent study that has had a lot of publicity about the adverse health impacts of wood heaters and those of us that were on the Planning Decisions Committee last week were faced with another application with a new wood heater and a flue with objectors saying, "Do something about this, it is not healthy?" and us saying we can't.

I refer to Council's resolution on 23 June 2020 where we noted that the City of Darebin were making representations to the state government seeking regulatory action and monitoring on wood smoke pollution and noting the various studies about the high incidence of respiratory disease in Yarra and representation by Yarra residents to discourage the use of open fires and wood heaters, and in particular that the Mayor write to the Premier asking how the state government plans to address the identified adverse health omissions and that the motion be referred to our communications team for public communication around the health impacts of wood heaters.

Was there a response to the letter from the Mayor to the Premier about what the State Government was planning to do about the wood heaters in the city and secondly has there been information and communication through Council's public media platforms raising awareness of the adverse health and environmental impacts of open fires and wood heaters given that's all we can do at the moment?

Response:

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

12. Delegates' reports

Nil

13. General Business

13.1 Councillor O'Brien – Solidarity with the Murugappan family

Start time: 8.54pm

Councillor Jolly left the meeting at 8.54pm

Councillor Jolly returned at 8.57pm

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Wade

1. That:

- (a) Yarra City Council reiterates its long standing commitment as a refugee welcome zone;
- (b) Council expresses solidarity with Nades and Priya Murugappan and their two daughters; and
- (c) the Mayor of Yarra write to the Hon Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs to call on him to immediately grant the family the necessary visas to allow them to get on with their lives and allow them to return to the community of Biloela Queensland who have so warmly embraced them.

CARRIED UNANIMOUSLY

Background

Nadesalingam Murugappan (Nades) and Kokilapathmapriya Nadesalingam (Priya) are Sri Lankan Tamils who separately fled Sri Lanka and sought asylum in Australia. Granted temporary protection visas, the couple met in Australia in 2014, married and had two children. They started their family life in Biloela Queensland where Nades worked and volunteered at the Society of Saint Vincent de Paul.

In 2018, the family was taken into custody by the Australian Border Force and held in immigration detention in Melbourne. In 2019, they were transferred to Christmas Island following a failed bid to deport the younger daughter. In 2020 the Federal Government was ordered by the Federal Court to pay \$206,000 in legal fees for the younger daughter following the failed deportation bid, with the court finding she was "not afforded procedural fairness". In June 2021, the family was permitted to live in community detention in Perth following the younger daughter's treatment in a Perth Hospital. On 12 August 2021, the younger daughter's request for her via case to be heard by the High Court was rejected.

13.2 Councillor Crossland – COVID-19 Pandemic Response

Start time: 9.00pm

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Landes

1. That Council:

- (a) notes the significant and on-going economic and social impact of COVID-19 on Yarra's business community, and that additional supports are required;
- (b) notes that the current levels of vaccination levels in the community remain low, and that therefore further impacts on all parts of the community such as lockdowns and are likely until such time as vaccination levels reach levels of around 80%;
- (c) confirms it will continue to work with businesses to ensure they're aware of and operating in compliance with relevant local laws, licenses, permits, and directions of the Chief Health Officer;
- (d) confirms it will continue to work with businesses, the creative sector, and other relevant stakeholders to stimulate and support local economies; both during and in recovery from the pandemic;
- (e) writes to the relevant State and Federal ministers to:
 - (i) acknowledge and thank the State and Federal Government's for their financial support throughout the pandemic, including the recently announced \$400 million State/ Federal support package;
 - (ii) appeal for greater financial support for businesses, especially small to medium enterprise, independent retailers, the hospitality sector, creative industries, the live performance sector, and the night-time economy;
 - (iii) appeal for the reinstatement of JobKeeper, coronavirus supplement, expanded welfare eligibility, ban on evictions, rent relief, and free childcare/absence fee waivers;
 - (iv) encourage a review of COVID safe operational requirements for creative industries and the live performance sector comparative to other sectors, to ensure equitable business opportunities, and viability of operation;
 - (v) reiterate Council's willingness and availability to support mass vaccination hubs for the Yarra community, and that Council facilities and officers, in partnership with a relevant health care provider, can assist with vaccination activities; and
 - (vi) express interest in partnering with the State and or Federal Government to trial new mechanisms and programs to stimulate and support local economies; and
- (f) additionally, writes to the Prime Minister, the Hon Scott Morrison, as well as the Leader of the Opposition, the Hon Anthony Albanese to:
 - (i) emphasise the crippling impacts of the continued slow vaccine rollout, noting that Australia currently only has 21% of the population fully vaccinated and is languishing behind many other nations;

- (ii) encourage greater efforts to expedite the vaccine rollout and better manage vaccine hesitancy as a means of reducing outbreaks, and the subsequent need for lockdowns; and
 - (iii) appeal for greater immediate and longer-term financial support, to assist the community, businesses (including creative and arts organisations) and Council during and in recovery from the pandemic.
2. That State and Federal MPs that are representatives for electorates that include the City of Yarra area be provided a copy of the letters.

CARRIED UNANIMOUSLY

Background

The COVID-19 pandemic is continuing to have a significant impact on individuals, communities and businesses in Yarra. In recognition of the significant effects of the pandemic, Council has continued to provide support for the community, business and arts sector. In addition to the \$7.46M COVID support and recovery package, Council has provided significant food relief, outdoor dining support, parklets and footpath trading support along with significant Emergency Management operations to support locked down and high risk sites including public housing. Council has already supported these much needed operations through the provision significant staffing support for health services to test, isolate and vaccinate members of Yarra's community, and will continue to do so into the future. Council has also offered of the use of Council facilities as a mass vaccination hubs for health providers.

Since the outbreak of COVID-19, many of Yarra's businesses, including those in the creative sector, have experienced significant financial hardship. Despite efforts by governments of all levels, many in the business community continue to bear a significant burden, adding to the on-going distress in the community. Yarra is home to a significant artistic and creative sector. This sector has suffered disproportionate effects from lockdowns, COVID restrictions and a general lack of funding support for artists and creatives.

The effect of on-going lockdowns, as the only practical means of controlling the virus, is likely to continue for some time, until the large majority of the community is vaccinated. The Commonwealth Government recently released its COVID-19 vaccination plan, entitled "Operation COVID Shield". Despite these recent efforts, Australia's overall vaccination rate currently sits at approximately 38% for single doses and around 21% of the population who are fully immunised. Australia's performance in achieving high levels of vaccination is low compared to other comparable countries, which has compounded the on-going impacts of COVID-19 and greater efforts are required to ensure that the community receives this protection as quickly as possible.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor de Vietri

Seconded: Councillor Crossland

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

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

Conclusion

The meeting concluded at 9.31pm.

Confirmed Tuesday 7 September 2021

Mayor