



Minutes

Council Meeting

7.02pm, Tuesday 19 October 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 |
| • 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 |

Leave of absence

- | | |
|-------------------|------------|
| • Cr Anab Mohamud | Councillor |
|-------------------|------------|

3. Announcements

COVID Update:

We would like to thank all Yarra residents of all ages who have already rolled up their sleeves and been vaccinated. Thank you so much but we still do have a way to go.

Last week we hosted some incredible and very successful community information vaccination forums and we are thrilled that Yarra will finally be getting some walk-in vaccination clinics that will deliver both AstraZeneca and Pfizer vaccine. The two clinics and opening hours are:

Richmond High School - Saturday 23 October: 8.30am to 5.00pm

Sunday 24 October: 10.00am to 6.00pm

Collingwood Town Hall - Monday 25 October: 10.30am to 4.30pm

Tuesday 26 October: 10.30am to 4.30pm

This information will also be available via our social media channels and there will be more announcements for some further walk-in clinics.

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 Stone

Seconded: Councillor de Vietri

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

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

Item

5.1 Chief Executive Officer – Determination on Performance Review for the period 2020/2021

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds are applicable because the report contains private information about the personal affairs of an individual.

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

That the minutes of the Council Meeting held on Tuesday 5 October 2021 be confirmed.

CARRIED

7. Public question time

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8. Council business reports

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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 | Refer to |
|-------------------|--|---|
| Samuel Poustie | The electrification of Council's commercial vehicles | The Director City Works and Assets provided a response. |

8.1 Proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan)

Reference D21/140414
Author Julie Wyndham - Manager Corporate Planning and Performance
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 7.11pm

1. That Council:
 - (a) adopt the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan).

Public Submissions

The following people addressed Council on the matter:

*Jeremy Lawrence, Streets Alive Yarra; and
Meredith Kefford, Yarra Climate Action Now.*

COUNCIL RESOLUTION

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

1. That Council:
 - (a) adopt the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan).

CARRIED UNANIMOUSLY

8.2 Long-Term Financial Plan 2021/22 to 2030/31

Reference D21/141331
Author Wei Chen - Chief Financial Officer
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 7.28pm

1. That Council:
 - (a) adopt the Long-Term Financial Plan 2021/22 to 2030/31.

Councillor Stone left the meeting at 7.29pm

Councillor Stone returned at 7.30pm

COUNCIL RESOLUTION

Moved: Councillor Landes **Seconded:** Councillor Nguyen

1. That Council:
 - (a) adopt the Long-Term Financial Plan 2021/22 to 2030/31; and
 - (b) note the difficulties and uncertainty that the COVID-19 pandemic is presenting to Local Governments and to Yarra Council's long term economic projections and that officers will ensure a continued process of review and scenario planning, including utilising the knowledge and input of the Audit and Risk Committee.

CARRIED UNANIMOUSLY

Councillor Jolly left the meeting at 7.33pm

Councillor Jolly returned to the meeting at 7.34pm

Councillor Stone left the meeting at 7.33pm

Councillor Stone returned at 7.35pm

8.3 Domestic Animal Management Plan (DAMP) Adoption

Reference D21/132037
Author Steve Alexander - Coordinator, Civic Compliance
Authoriser Manager Compliance and Parking Services

RECOMMENDATION Start time: 7.35pm

1. That Council:
 - (a) adopt the draft City of Yarra Domestic Animal Management Plan (DAMP) 2021-24; and
 - (b) authorise Officers to submit the Domestic Animal Management Plan 2021-24 to the Department of Jobs, Precincts and Regions by 4 December 2021.

Public Submission

Greg Spark addressed Council on the matter.

Councillor Jolly left the meeting at 7.39pm

Councillor Jolly returned at 7.53pm

Councillor O'Brien left the meeting at 7.50pm

Councillor O'Brien returned at 7.52pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

1. That Council:
 - (a) adopt the draft City of Yarra Domestic Animal Management Plan (DAMP) 2021-24; and
 - (b) authorise Officers to submit the Domestic Animal Management Plan 2021-24 to the Department of Jobs, Precincts and Regions by 4 December 2021.

CARRIED UNANIMOUSLY

8.4 Submission to the Inquiry into Apartment Design Standards

| | |
|-------------------|--|
| Reference | D21/142592 |
| Author | Amy Hodgen - Senior Coordinator Statutory Planning |
| Authoriser | Manager Statutory Planning |

Councillor O'Brien left the meeting at 8.01

Councillor O'Brien returned at 8.03pm

RECOMMENDATION

Start time: 8.01pm

1. That Council:

- (a) note the inquiry by the *Victorian Legislative Assembly Environment and Planning Standing Committee* in relation to the *Better Apartment Design Standards*;
- (b) note the officer report providing an analysis of the 'Apartment Design Standards';
- (c) authorise officers to submit a response to the Inquiry into the Apartment Design Standards in accordance with this report, including the following key recommendations:

Integration with the street:

- (i) Update Standard D5 to require services to be integrated within the development and to comprise a maximum of 10% of the frontage.

Climate comfort:

- (i) Update Standard B35/D6 to require external shading devices or energy efficient glazing to be provided to all north, east and west facing habitable room windows.

Communal open space:

- (i) Standard B36/D7 to retain the maximum Communal Open Space area as 250sqm;
- (ii) Support the proposed amendments to BADS released March 2021 requiring communal open space to be provided for developments of 10 or more dwellings;
- (iii) Object to communal open space above 30sqm being transferable to internal communal areas;
- (iv) Standard B36/D7 to require internal communal space in addition and equivalent to the revised requirements for external open space (increasing to 250sqm);
- (v) Rename Standard B36/D7 to 'Communal Spaces' to avoid ambiguity; and
- (vi) Quantifiable locational criteria to minimise noise impacts on new and existing dwellings.

Overlooking /building separation:

- (i) Update standard D14 to ensure buildings are sited to ensure adequate daylight is retained for existing habitable room windows (as well as proposed);
- (ii) Require daylight modelling to be provided when certain specified separation distances are not achieved for both existing and proposed habitable room windows; and
- (iii) Include more prescriptive measures for assessing overlooking e.g. similar to clause 54/55.

Noise impacts:

- (i) Revisit the threshold for roads to include sites abutting main roads of a lower order than 40,000 AADTV, i.e. 5,000 AADTV;
- (ii) Revise standards to align with the updated EPA Noise Protocol: '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*';
- (iii) Standards to require the consideration of vibration for developments proximate to railways servicing freight trains; and
- (iv) Standards to consider noise sources within apartment developments, such as garage doors, driveways, service areas, plant rooms, active communal open spaces and circulation areas, such as requiring these to be located at least 3m away from bedrooms.

Accessibility:

- (i) Standard B41/D17 to clarify whether 'access' to an adaptable bathroom needs to be directly connected i.e. ensuite to the main bedroom or otherwise provide a 1.2m clear path; and
- (ii) Include Decision Guidelines into the Accessibility standard of B41 & D17.

Building entry and circulation:

- (i) Introduce greater design guidance within the Building entry and circulation standards as previously provided within the former *Guidelines for Higher Density Residential Development*; and
- (ii) Include more prescriptive criteria for corridor widths and lengths e.g. 1.8m wide and 2.1m at lift lobbies and 18m maximum corridor length, with corridors over 12m including articulation, such as foyer areas, spaces for seating, wider sections near entry doors and varied ceiling heights.

Private open space:

- (i) Update Standards B43/D19 to show minimum floor areas to comply and include useable balcony areas to meet minimum dimensions as per practice note;
- (ii) Delete proposed amendments to BADS reducing balcony sizes with a southerly or westerly orientation; and
- (iii) Encourage winter gardens for developments over 40m.

Storage:

- (i) Storage, in addition to minimum internal storage, to be provided as a consolidated storage unit i.e. 3m³ for studios, 4m³ for 1 bedroom, 5m³ for 2 bedroom and 6m³ for 3 or more bedroom apartments.

Functional layout/room depth:

- (i) Introduce minimum widths for living spaces;
- (ii) Introduce minimum open plan dimensions i.e. to accommodate a dining table and kitchen;
- (iii) Include a standard that kitchens are not be located as part of the main circulation space (such as hallway or entry space); and
- (iv) Introduce minimum apartment floor areas, particularly for studio apartments.

Windows:

- (i) Include standards to address windows facing onto a covered or inset balcony and requirements for daylight modelling to be provided.

Natural Ventilation:

- (i) Reduce the maximum breeze path for cross-ventilation from 18m to 15m to align with BESS.

Wind:

- (i) Within updated BADS, remove reference to '*development should not exceed safety criteria*' and amend standard to require that in all areas '*development should not exceed comfortable criteria*' i.e. including private open space and communal open space;
- (ii) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (iii) Identity how the comfort criteria is to applied as follows:
 - a. Walking comfort for footpaths and other pedestrian thoroughfares;
 - b. Standing comfort for building entrances, passageway areas of communal and private open space area; and
 - c. Sitting comfort for outdoor café seating, seating areas within communal and private open space areas;
- (iv) Minimum criteria for sitting areas achieved without reliance on vegetation;
- (v) Remove reference to wind mitigation measures provided outside site boundaries;
- (vi) Include within the proposed standard that wind mitigation measures to be appropriately integrated into the design of the building; and
- (vii) Include the consideration of existing wind conditions in the decision guidelines.

Student accommodation:

- (i) Introduce State-wide guidelines for student accommodation.

Sustainable design:

- (i) Coordination and integration with energy efficient and sustainable development polices and guidelines.

Councillor Jolly left the meeting at 8.06pm

Councillor Jolly returned at 8.12pm

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Stone

1. That Council:

- (a) note the inquiry by the *Victorian Legislative Assembly Environment and Planning Standing Committee* in relation to the *Better Apartment Design Standards*;
- (b) note the officer report providing an analysis of the 'Apartment Design Standards';
- (c) authorise officers to submit a response to the Inquiry into the Apartment Design Standards in accordance with this report, including the following key recommendations:

Integration with the street:

- (i) Update Standard D5 to require services to be integrated within the development and to comprise a maximum of 10% of the frontage.

Climate comfort:

- (i) Update Standard B35/D6 to require external shading devices or energy efficient glazing to be provided to all north, east and west facing habitable room windows.

Communal open space:

- (i) Standard B36/D7 to retain the maximum Communal Open Space area as 250sqm;
- (ii) Support the proposed amendments to BADS released March 2021 requiring communal open space to be provided for developments of 10 or more dwellings;
- (iii) Object to communal open space above 30sqm being transferable to internal communal areas;
- (iv) Standard B36/D7 to require internal communal space in addition and equivalent to the revised requirements for external open space (increasing to 250sqm);
- (v) Rename Standard B36/D7 to 'Communal Spaces' to avoid ambiguity; and
- (vi) Quantifiable locational criteria to minimise noise impacts on new and existing dwellings.

Overlooking /building separation:

- (i) Update standard D14 to ensure buildings are sited to ensure adequate daylight is retained for existing habitable room windows (as well as proposed);
- (ii) Require daylight modelling to be provided when certain specified separation distances are not achieved for both existing and proposed habitable room windows; and
- (iii) Include more prescriptive measures for assessing overlooking e.g. similar to clause 54/55.

Noise impacts:

- (i) Revisit the threshold for roads to include sites abutting main roads of a lower order than 40,000 AADTV, i.e. 5,000 AADTV;
- (ii) Revise standards to align with the updated EPA Noise Protocol: '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*';
- (iii) Standards to require the consideration of vibration for developments proximate to railways servicing freight trains; and
- (iv) Standards to consider noise sources within apartment developments, such as garage doors, driveways, service areas, plant rooms, active communal open spaces and circulation areas, such as requiring these to be located at least 3m away from bedrooms.

Accessibility:

- (i) Standard B41/D17 to clarify whether 'access' to an adaptable bathroom needs to be directly connected i.e. ensuite to the main bedroom or otherwise provide a 1.2m clear path; and
- (ii) Include Decision Guidelines into the Accessibility standard of B41 & D17.

Building entry and circulation:

- (i) Introduce greater design guidance within the Building entry and circulation standards as previously provided within the former *Guidelines for Higher Density Residential Development*; and
- (ii) Include more prescriptive criteria for corridor widths and lengths e.g. 1.8m wide and 2.1m at lift lobbies and 18m maximum corridor length, with corridors over 12m including articulation, such as foyer areas, spaces for seating, wider sections near entry doors and varied ceiling heights.

Private open space:

- (i) Update Standards B43/D19 to show minimum floor areas to comply and include useable balcony areas to meet minimum dimensions as per practice note;
- (ii) Delete proposed amendments to BADS reducing balcony sizes with a southerly or westerly orientation; and
- (iii) Encourage winter gardens for developments over 40m.

Storage:

- (i) Storage, in addition to minimum internal storage, to be provided as a consolidated storage unit i.e. 3m³ for studios, 4m³ for 1 bedroom, 5m³ for 2 bedroom and 6m³ for 3 or more bedroom apartments.

Functional layout/room depth:

- (i) Introduce minimum widths for living spaces;
- (ii) Introduce minimum open plan dimensions i.e. to accommodate a dining table and kitchen;
- (iii) Include a standard that kitchens are not be located as part of the main circulation space (such as hallway or entry space); and
- (iv) Introduce minimum apartment floor areas, particularly for studio apartments.

Windows:

- (i) Include standards to address windows facing onto a covered or inset balcony and requirements for daylight modelling to be provided.

Natural Ventilation:

- (i) Reduce the maximum breeze path for cross-ventilation from 18m to 15m to align with BESS.

Wind:

- (i) Within updated BADS, remove reference to '*development should not exceed safety criteria*' and amend standard to require that in all areas '*development should not exceed comfortable criteria*' i.e. including private open space and communal open space;
- (ii) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (iii) Identity how the comfort criteria is to applied as follows:
 - a. Walking comfort for footpaths and other pedestrian thoroughfares;
 - b. Standing comfort for building entrances, passageway areas of communal and private open space area; and
 - c. Sitting comfort for outdoor café seating, seating areas within communal and private open space areas;
- (iv) Minimum criteria for sitting areas achieved without reliance on vegetation;
- (v) Remove reference to wind mitigation measures provided outside site boundaries;
- (vi) Include within the proposed standard that wind mitigation measures to be appropriately integrated into the design of the building; and
- (vii) Include the consideration of existing wind conditions in the decision guidelines.

Student accommodation:

- (i) Introduce State-wide guidelines for student accommodation.

Sustainable design:

- (i) Coordination and integration with energy efficient and sustainable development polices and guidelines.

Additional requirements:

- (i) Introduce standards to require corridors to be naturally ventilated;
- (ii) Include consideration requiring stairwells be unenclosed to common areas wherever possible, and where this is not possible, that stairwell walls and doors to common areas be glazed, with access to natural light where permissible;
- (iii) Additional requirements addressing accessibility into bike storage areas to ensure easy access; and
- (iv) Introduce objective to support wildlife when considering landscape choices for communal open spaces and or landscaped areas.

CARRIED UNANIMOUSLY

8.5 Inner Metro Land Use Framework Plan - Consideration of draft submission

| | |
|-------------------|--|
| Reference | D21/136763 |
| Author | Leonie Kirkwood - Project and Planning Coordinator |
| Authoriser | Director Planning and Place Making |

RECOMMENDATION

Start time: 8.18pm

1. That Council resolve to:
 - (a) note the officer report outlining the *Inner Metro Land Use Framework Plan* currently on exhibition by the State Government;
 - (b) note the broad alignment of the proposed Framework Plan with Council policies, and
 - (c) note the comments of officers where a submission to the State Government is considered necessary to reflect key aspects of Yarra City Council policies and strategic directions.
2. That Council note the draft submission provided by officers as shown in Attachment 1.
3. That Council endorse the submission in Attachment 1 to be submitted to the Department of Environment, Land, Water and Planning in response to the release of the *Inner Metro Land Use Framework Plan*.
4. That senior officers continue to advocate on Councils behalf regarding the specific areas identified in the submission that require changes and modifications to better reflect Council policies and strategic directions.

Councillor O'Brien left the meeting at 8.20pm

Councillor O'Brien returned at 8.23pm

Public Submission

Jeremy Lawrence, Streets Alive Yarra addressed Council on the matter.

Councillor O'Brien left the meeting at 8.27pm

Councillor O'Brien returned at 8.28pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Nguyen

1. That Council resolve to:
 - (a) note the officer report outlining the *Inner Metro Land Use Framework Plan* currently on exhibition by the State Government;
 - (b) note the broad alignment of the proposed Framework Plan with Council policies, and
 - (c) note the comments of officers where a submission to the State Government is considered necessary to reflect key aspects of Yarra City Council policies and strategic directions.
2. That Council note the draft submission provided by officers as shown in Attachment 1.
3. That Council endorse the submission in Attachment 1 to be submitted to the Department of Environment, Land, Water and Planning in response to the release of the *Inner Metro Land Use Framework Plan*, subject to the inclusion of:
 - (a) proposing the addition of the word "Enhance" in Direction 19 - Protect and enhance the region's landscape and biodiversity; and
 - (b) on Direction 26, a statement highlighting the recent IPCC 6th Amendment Report, which indicates quite clearly that net zero emissions by 2050 will be too late to guarantee a stable climate and liveability on earth for humans, and encourage the Framework to factor in a target of 2030 to be reflected in all Directions related to housing, transport, productivity, circular economy, biodiversity, and community resilience.
4. That senior officers continue to advocate on Councils behalf regarding the specific areas identified in the submission that require changes and modifications to better reflect Council policies and strategic directions.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 8.29pm

The meeting resumed at 8.40pm

8.6 Draft Arts and Culture Strategy 2022-2026

Reference D21/137456
Author Siu Chan - Unit Manager Arts, Culture and Venues
Authoriser Director Community Wellbeing

RECOMMENDATION Start time: 8.40pm

1. That Council:
 - (a) authorises officers to commence the public exhibition of the draft Arts and Culture Strategy 2022-2026; and
 - (b) notes that officers intend to bring a further report to Council on 23 November seeking final adoption of the Arts and Culture Strategy 2022-2026.

COUNCIL RESOLUTION

Moved: Councillor de Vietri **Seconded:** Councillor O'Brien

1. That Council:
 - (a) authorises officers to commence the public exhibition of the draft Arts and Culture Strategy 2022-2026; and
 - (b) notes that officers intend to bring a further report to Council on 23 November seeking final adoption of the Arts and Culture Strategy 2022-2026.

CARRIED UNANIMOUSLY

8.7 Yarra City Council Annual Report 2020/21

Reference D21/131157
Author Jamie Rachcoff - Communications and Engagement Advisor
Authoriser Group Manager Advocacy and Engagement

RECOMMENDATION Start time: 8.48pm

1. That Council notes and endorses the Yarra City Council Annual Report 2020/21 at **Attachment One** as submitted to the Minister for Local Government prior to 30 November 2021.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor de Vietri

1. That Council notes and endorses the Yarra City Council Annual Report 2020/21 at **Attachment One** as submitted to the Minister for Local Government prior to 30 November 2021.

CARRIED UNANIMOUSLY

8.8 Planning Scheme Amendment C286yara - Yarra Open Space Levy

Reference D21/148910
Author Michael Ballock - Executive Planner Strategic Projects
Authoriser Director Planning and Place Making

RECOMMENDATION

Start time: 8.57pm

1. That Council:

- (a) note and consider all submissions made on or before the last date of exhibition of Amendment C286yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);
- (b) note the officer report and Attachments 1-3 in relation to the Amendment;
- (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
- (d) authorise officers to consider any further late or modified submissions received prior to a hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and determine whether to refer any late submissions to the independent Planning Panel;
- (e) authorise officers to engage a legal team and appropriate experts to make submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-3;
- (f) authorises officers to write to all submitters to Amendment C286yara to advise of the Council resolution; and
- (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

Councillor Landes left the meeting at 8.58pm

Councillor Landes returned at 9.00pm

Councillor O'Brien left the meeting at 8.58pm

Councillor O'Brien returned at 9.00pm

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Stone

1. That Council:

- (a) note and consider all submissions made on or before the last date of exhibition of Amendment C286yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);
- (b) note the officer report and Attachments 1-3 in relation to the Amendment;
- (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
- (d) authorise officers to consider any further late or modified submissions received prior to a hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and determine whether to refer any late submissions to the independent Planning Panel;
- (e) authorise officers to engage a legal team and appropriate experts to make submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-3;
- (f) authorises officers to write to all submitters to Amendment C286yara to advise of the Council resolution; and
- (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

CARRIED UNANIMOUSLY

9.1 Notice of Motion No.13 of 2021 - Parklets

| | |
|-------------------|---|
| Reference | D21/143321 |
| Author | Ivan Gilbert - Group Manager Chief Executive's Office |
| Authoriser | Group Manager Chief Executive's Office |

RECOMMENDATION

Start time: 9.02pm

That in the matter of Council's resolution of 5 October 2021 concerning the Parklet Policy and Design Guidelines, namely:

1. *That Council notes:*
 - (a) *the current Council permission for the temporary parklets expires on 31 October 2021;*
 - (b) *that on 1 June 2021, Council requested officers to prepare a further report providing analysis of the temporary program and bring forward a recommended policy position for a more permanent outdoor dining program, and*
 - (c) *that the current waiver of any parklet fees is until end December 2020, as well as the current waiver of footpath trading fees for the same period in order to assist hospitality traders.*
2. *That Council notes:*
 - (a) *the officers report recommending a Parklet Policy and Design Guidelines for a permanent program for parklets;*
 - (b) *the proposed Parklet Policy and Guidelines as shown in Attachment 1; and*
 - (c) *that the Parklet Policy and Guidelines have had due regard to safety aspects and streetscape and amenity aspects in their formulation, and in this regard, note that officers have considered the opinions of two Road Safety Auditors for the design of a typical parklet layout.*
3. *That Council adopt the Parklet Policy and Design Guidelines as outlined in Attachment 1.*
4. *That in relation to fees for parklets, Council notes the following recommendations from officers:*
 - (a) *that the fees be structured in a three tier arrangement, on a per carspace used basis, regarding 'Primary Streets' (being Smith Street, Brunswick Street and Gertrude Street) , 'Secondary Streets' (being Langridge Street and Peel Street and similar streets) and 'Neighbourhood' Streets (such as Highbury Street and similar streets);*
 - (b) *that an 'annual covid recovery fee' for a parklet (per carspace) be set against these street categories, reflecting some worth of the public land to be occupied by a local business in these streets, and then reviewed in the 23/24 budget;*
 - (c) *that the 'annual covid recovery fee', per carspace taken up by a parklet, be as follows:*
 - (i) *Primary Streets; \$ 5,000;*
 - (ii) *Secondary Streets; \$ 3,000; and*
 - (iii) *Neighbourhood Streets; \$ 2,250; and*
 - (d) *that fees for annual parklets in year 1 provide a discounted fee of 25 % from the covid recovery fee in recognition of the difficulty that hospitality traders are experiencing during the current pandemic;*
 - (e) *that the determined fee be also waived until 1 April 2022, due to the ongoing pandemic period for some months which will continue to impact on hospitality traders;*
 - (f) *that the summer period parklet permit be half of an annual parklet fee; and*
 - (g) *that an 'application and inspection fee' of \$ 275 be applied for a parklet application processing and monitoring payable for both an annual parklet permit fee and a summer parklet permit from 1 November 2021.*

5. That Council now determine that the fee for annual parklet permits, on a per carspace basis, be as follows:

| Street category | 1 Nov 2021 to 31 March 2022 | 1 April 2022 to end Sept 2022 period <i>(that is, 6 mths fee per carspace) at a 25 % discounted rate from the 'covid recovery fee'</i> | 1 October 2022 to 30 September 2023 period <i>(the 'covid recovery fee')</i> | For the 1 October 2023 to 30 Sept 2024 period |
|--|------------------------------------|--|--|--|
| | Fee per carspace | Fee per carspace | Fee per carspace | Fee per carspace |
| Primary Streets <i>(Smith St, Brunswick St and Gertrude St only)</i> | No fee | \$ 1,875 | \$ 5,000 | To be determined by the Council 23/24 budget process |
| Secondary Streets <i>(examples include Peel St and Langridge St)</i> | No fee | \$ 1,125 | \$ 3,000 | To be determined by the Council 23/24 budget process |
| Neighbourhood Streets <i>(example Groom St and Highett St)</i> | No fee | \$ 844 | \$ 2,250 | To be determined by the Council 23/24 budget process |

6. That the summer parklet permit fee be one half of the annual parklet permit fee, but fully waived for the 21 / 22 summer period.
7. That Council apply an application and inspection fee of \$ 275 per parklet application, and that it be payable from 1 November 2021 to cover the costs of administering the permissions and inspections.
8. That officers write to all existing parklet operators advising of the new Parklet Policy and Guidelines, and also of the Council determination regarding fees.
9. That if there is a further lock down prior to 1 April 2022, the Council reconsider its approach to parklet fees and waivers, as it has done multiple times in 2021.
10. That Council discontinue the funding of safety bollards by Council from 1 November 2021 and require the traders to continue to pay for the leasing of the blocks.
11. That the CEO be authorised to operationalise these determinations of Council."

1. Council note the correspondence now received from the Hon. Jaala Pulford MP, Minister for Small Business and Minister for Employment on behalf of the Victorian Government and the many struggling cafes, pubs and restaurants in the Yarra local government area:
- (a) referencing Council's resolution;
 - (b) noting that small business has shouldered a heavy burden through the COVID-19 pandemic and that while governments at all levels have experienced revenue decline, this does not compare with the profound drop in turnover that has hit so many in the private sector - with hospitality particularly impacted;

- (c) noting the State Government has provided in excess of \$11 billion in support to Victorian businesses and established a commercial rent relief scheme to give them the best chance to come through the pandemic;
 - (d) noting the State has gone to great lengths to assist the hospitality sector in finding ways to trade profitably and in a COVID-safe manner and which included last year, the *\$87.5 million Outdoor Eating and Entertainment Package 2020-21* and further, that the State is currently developing options to further support outdoor dining, events and trade;
 - (e) referencing that Yarra Council's decision to charge exorbitant fees for expanding outdoor dining into its car-parking spaces undermines these efforts and is also a blow to hard-working businesses, and their staff, at a time when governments at all levels should be doing everything within our power to assist them to survive and return to prosperity;
 - (f) suggesting that the opening up of Council space to small business at nominal or no cost will benefit owners, employees and their customers in so many ways, including, that:
 - (i) with less cars on the streets; and
 - (ii) more residents and visitors enjoying the sense of community that outdoor dining fosters, and businesses thriving once again,there is so much more to be gained from amending this policy than using it to extract fees from those who can least afford to pay them; and
 - (g) urging Council to reconsider its position in this matter.
2. Council, having regard to the above outlined information, now determine to review and consider all fees related to Parklets at the March Council Meeting in 2022 and to in the meantime, seek discussions with the State Government concerning assistance in the matter of Parklets.

Public Submissions

The following people addressed Council on the matter:

Adam Betts, Bonny Bar;

Xavier O'Shannessy;

Xavier Cooper;

Leigh Raymond;

Ellie Fenton;

Dayvid Clark, Beermash;

Kavitha Chandra-Shekeran;

Peter Kaylor, People of Gertrude Street;

Nicole Eckersley;

Rebecca Feingold;

Jeremy Lawrence, Streets Alive Yarra;

Sean Smith, Brunswick Street Gallery; and

Katie Marron, Miss Katie's Crab Shack.

Councillor O'Brien left the meeting at 9.26pm

Councillor O'Brien returned at 9.28pm

Councillor O'Brien left the meeting at 9.32pm

Councillor O'Brien returned at 9.33pm

Councillor Nguyen left the meeting at 9.39pm

Councillor Nguyen returned at 9.40pm

Councillor Jolly left the meeting at 9.42pm

Councillor Jolly returned at 9.45pm

Councillor O'Brien left the meeting at 10.04pm

Councillor O'Brien returned at 10.07pm

Councillor Jolly left the meeting at 10.25pm

Councillor Jolly returned at 10.27pm

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Landes

That in the matter of Council's resolution of 5 October 2021 concerning the Parklet Policy and Design Guidelines, namely:

1. *That Council notes:*
 - (a) *the current Council permission for the temporary parklets expires on 31 October 2021;*
 - (b) *that on 1 June 2021, Council requested officers to prepare a further report providing analysis of the temporary program and bring forward a recommended policy position for a more permanent outdoor dining program, and*
 - (c) *that the current waiver of any parklet fees is until end December 2020, as well as the current waiver of footpath trading fees for the same period in order to assist hospitality traders.*
2. *That Council notes:*
 - (a) *the officers report recommending a Parklet Policy and Design Guidelines for a permanent program for parklets;*
 - (b) *the proposed Parklet Policy and Guidelines as shown in Attachment 1; and*
 - (c) *that the Parklet Policy and Guidelines have had due regard to safety aspects and streetscape and amenity aspects in their formulation, and in this regard, note that officers have considered the opinions of two Road Safety Auditors for the design of a typical parklet layout.*
3. *That Council adopt the Parklet Policy and Design Guidelines as outlined in Attachment 1.*
4. *That in relation to fees for parklets, Council notes the following recommendations from officers:*
 - (a) *that the fees be structured in a three tier arrangement, on a per carspace used basis, regarding 'Primary Streets' (being Smith Street, Brunswick Street and Gertrude Street) , 'Secondary Streets' (being Langridge Street and Peel Street and similar streets) and 'Neighbourhood' Streets (such as Highett Street and similar streets);*
 - (b) *that an 'annual covid recovery fee' for a parklet (per carspace) be set against these street categories, reflecting some worth of the public land to be occupied by a local business in these streets, and then reviewed in the 23/24 budget;*

- (c) that the 'annual covid recovery fee', per carspace taken up by a parklet, be as follows:
- (i) Primary Streets; \$ 5,000;
 - (ii) Secondary Streets; \$ 3,000; and
 - (iii) Neighbourhood Streets; \$ 2,250; and
- (d) that fees for annual parklets in year 1 provide a discounted fee of 25 % from the covid recovery fee in recognition of the difficulty that hospitality traders are experiencing during the current pandemic;
- (e) that the determined fee be also waived until 1 April 2022, due to the ongoing pandemic period for some months which will continue to impact on hospitality traders;
- (f) that the summer period parklet permit be half of an annual parklet fee; and
- (g) that an 'application and inspection fee' of \$ 275 be applied for a parklet application processing and monitoring payable for both an annual parklet permit fee and a summer parklet permit from 1 November 2021.
5. That Council now determine that the fee for annual parklet permits, on a per carspace basis, be as follows:

| Street category | 1 Nov 2021 to 31 March 2022 | 1 April 2022 to end Sept 2022 period <i>(that is, 6 mths fee per carspace) at a 25 % discounted rate from the 'covid recovery fee'</i> | 1 October 2022 to 30 September 2023 period <i>(the 'covid recovery fee')</i> | For the 1 October 2023 to 30 Sept 2024 period |
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6. That the summer parklet permit fee be one half of the annual parklet permit fee, but fully waived for the 21 / 22 summer period.
7. That Council apply an application and inspection fee of \$ 275 per parklet application, and that it be payable from 1 November 2021 to cover the costs of administering the permissions and inspections.
8. That officers write to all existing parklet operators advising of the new Parklet Policy and Guidelines, and also of the Council determination regarding fees.
9. That if there is a further lock down prior to 1 April 2022, the Council reconsider its approach to

parklet fees and waivers, as it has done multiple times in 2021.

10. *That Council discontinue the funding of safety bollards by Council from 1 November 2021 and require the traders to continue to pay for the leasing of the blocks.*
 11. *That the CEO be authorised to operationalise these determinations of Council.”*
1. Council note the correspondence now received from the Hon. Jaala Pulford MP, Minister for Small Business and Minister for Employment on behalf of the Victorian Government and the many struggling cafes, pubs and restaurants in the Yarra local government area:
 - (a) referencing Council's resolution;
 - (b) noting that small business has shouldered a heavy burden through the COVID-19 pandemic and that while governments at all levels have experienced revenue decline, this does not compare with the profound drop in turnover that has hit so many in the private sector - with hospitality particularly impacted;
 - (c) noting the State Government has provided in excess of \$11 billion in support to Victorian businesses and established a commercial rent relief scheme to give them the best chance to come through the pandemic;
 - (d) noting the State has gone to great lengths to assist the hospitality sector in finding ways to trade profitably and in a COVID-safe manner and which included last year, the *\$87.5 million Outdoor Eating and Entertainment Package 2020-21* and further, that the State is currently developing options to further support outdoor dining, events and trade;
 - (e) referencing that Yarra Council's decision to charge exorbitant fees for expanding outdoor dining into its car-parking spaces undermines these efforts and is also a blow to hard-working businesses, and their staff, at a time when governments at all levels should be doing everything within our power to assist them to survive and return to prosperity;
 - (f) suggesting that the opening up of Council space to small business at nominal or no cost will benefit owners, employees and their customers in so many ways, including, that:
 - (i) with less cars on the streets; and
 - (ii) more residents and visitors enjoying the sense of community that outdoor dining fosters, and businesses thriving once again,there is so much more to be gained from amending this policy than using it to extract fees from those who can least afford to pay them; and
 - (g) urging Council to reconsider its position in this matter.
 2. Council note and express thanks for the Government's subsequent announcement of a substantial Outdoor Economy Package to help the costs for thousands of businesses of setting up for street trading, and backing councils to provide the necessary infrastructure and support.
 3. Council, having regard to the above outlined information, now determine to:
 - (a) waive all fees for parklets and footpath trading until July 2022;
 - (b) agree to re-evaluate the 'schedule of parklet fees' as part of the 2022/23 budget preparations to ensure the fees are commensurate with other municipalities;
 - (c) ensure wider policy clarification for other non-hospitality traders who may wish to access parklets or public space; and
 - (d) seek urgent clarification with the Government to extend closed road policy especially for those businesses that have to rely on road closures to participate in the outdoor economy.
-

LOST

CALL FOR A DIVISION

For: Councillor Jolly, O'Brien, Nguyen and Landes

Against: Councillor Stone, Crossland, de Vietri and Wade

The Mayor used her casting vote to oppose.

LOST

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor de Vietri

Seconded: Councillor Crossland

That the meeting be further extended for an hour.

CARRIED

The order of business was suspended to hear the urgent business item.

10. Petitions and joint letters

10.1 Petition – Collingwood Public Housing Tenants re new housing on estate

Start time: 11.08pm

Reference: D21/154961

A petition from residents of 240 Wellington Street Collingwood containing 82 signatures are concerned and seeking

- *“We are Collingwood public housing residents and we have concerns with the proposed new social housing on our estate*
- *We do not want to lose our parking*
- *We do not want to lose any trees.*
- *How can we squeeze more people onto our estate? The playground is not big enough.*
- *Why not put the social housing next to or near our estate instead of putting it on our estate?*
- *We want to meet with the Housing Minister to tell him our concerns.”*

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

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

CARRIED UNANIMOUSLY

11. Questions without notice

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 Questions Without Notice) 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.

11.1 Councillor Landes - Latest vaccination mandate program

Question:

In regard to Council’s COVID Policy, I refer to my question on the 5 October and the City of Melbourne’s announcement on the 6 October to make the COVID-19 vaccination mandatory to enter a City of Melbourne facility, that is that vaccination will be required to enter all Council sites such as; Libraries, Recreation Centres and administration officers including the town hall.

Does Yarra’s Policy around mandated vaccinations within the organisation and for the public accessing the service and amenities of Council?

Response:

The Group Manager People and Culture provided a response.

The Mayor left the meeting at 11.10pm

The Mayor returned at 11.11pm

11.2 Councillor Landes – Twelve month review of recycle waste program

Question:

In respect to the last twelve months, can officers now provide some information in respect of the overall performance of the program i.e. contamination rates, capacity issues, management outcomes and contamination rates compared to other municipalities and where Yarra has outperformed and should be publicly noted. Can officers also comment on challenges and opportunities going forward in delivering better outcomes?

Response:

The Director City Works and Assets provided a response.

11.3 Councillor Stone – Pedestrian Safety and Crossings

Question:

Council officers have advised residents that at priority crossings for cyclists, it is essential that the crossings are raised or road humps are installed prior to the crossings for optimal cyclist safety. These measures ensure that vehicles slow down at a priority crossing. Signage alone is not considered adequate, the same safety measures are not being introduced at the new pedestrian priority crossings, which are being installed as part of the LAPM3 plan in particular the pedestrian crossings located at intersections with high traffic volume.

If Council officers consider it too expensive to install a raised pedestrian crossing at the roundabout at the intersection of Brunswick street north and Scotchmer Street, why won't Council officers consider installing other measures such as road humps prior to the pedestrian crossing to ensure traffic slows and increase pedestrian safety?

Tactile ground surface indicators are being installed in other municipalities, however the City of Yarra has not installed them with the rollout of the LAPM plan. At the very least they should have been installed at footpaths next to the new pedestrian crossings and on the footpath which crosses the capital city trail priority crossing on Brunswick Street north. The capital city trail priority crossing means a change of right of way for pedestrians that are now required to give way to cyclists, the only indication pedestrians that they must give way to cyclists is small print signage on the footpath. Why haven't tactile ground surface indicators been installed as part of the LAPM safety 3 safety measures, this would have been a good opportunity.

Response:

The Director City Works and Assets provided a response.

11.4 Councillor Wade – Opening hours for vaccination sites

Question:

Most of the vaccination hubs are still open during the day and I was wondering if there is any indication from state or from pharmacies or from anybody about providing vaccinations for longer opening hours? I know with the Royal Exhibition building use to be open until about 8.00pm or 9.00pm and then unfortunately before younger people were eligible that got cut back to 3.30pm and I am hearing back from the community that they would appreciate longer hours to get to them if they are working.

Response:

The Director Community Wellbeing provided a response.

12. Delegates' reports

12.1 Councillor O'Brien – Heritage Advisory Committee (HAC)

Start time: 11.33pm

| | |
|----------------------------------|--------------------------------|
| Committee | Heritage Advisory Committee |
| Appointed Councillors | O'Brien, Crossland and Mohamud |
| Date of Committee Meeting | 14 September 2021 |
| Date of Report | 5 October 2021 |
| Report Author | Bridgid O'Brien |

DELEGATES REPORT

The Committee met on 14 September 2021. Cr O'Brien and Cr Crossland were in attendance and provide this report to Council.

Agenda items for this meeting included:

1. Actions arising from the previous meetings:

Paint controls in heritage areas:

Council's Heritage Officer informed that she had forwarded the link of the Council report on the above subject to the HAC members by email which provides details about the current controls, the process and constraints if the paint controls were to be introduced to existing heritage precincts. HAC members agreed that it will be difficult to introduce paint controls in already listed residential heritage precincts, however, HAC advocated about the need to introduce paint controls in heritage precincts of commercial strips (where there are no paint controls currently, such as Gertrude St) to protect the character of precincts with high visitation.

HAC discussed that future strategic work in commercial/ mixed use areas with significant heritage should consider seeking guidance on the suitability of paint controls as part of the overall work. For commercial precincts where no such strategic work is planned in the near future, Council could consider undertaking specific studies. However, HAC determined separate studies just on paint controls would be time and resource consuming.

HAC recommended that:

- Council in its submission to the WHEA Strategy Plan requests for guidance on paint controls along Gertrude Street (west of Brunswick Street).

Cr Crossland left the meeting.

2. New planter boxes on selected properties along Gertrude Street

A project proposal and design for the installation of new planter boxes on selected properties, along Gertrude Street was presented as a pilot project to address the current issue of graffiti/tagging of walls. It was explained that the Planter boxes would be attached to walls. Since the plants will grow in boxes they would keep the wall from attracting moisture.

HAC appreciated the idea of introducing greening through planter boxes and expressed their support for this pilot project.

3. Fairfield Park - amphitheatre, kiosk and pavilion

A paper was presented on the heritage significance of the Fairfield Park - amphitheatre, kiosk and the pavilion. The heritage significance of these properties was emphasised and HAC identified an urgent need for Council to undertake a heritage study to provide heritage protection for these buildings. HAC also discussed the current Statement of Significance (SoS) that is based on the landscape citation and has not included the buildings specifically. It was also noted that the Porter shed has been moved from the Gas & Fuel site to Fairfield Park and should be a part of the heritage overlay.

HAC discussed the matter and recommended that Council be advised of their recommendation that;

- Council should undertake a heritage study and clarify the heritage significance of the above-mentioned buildings.
- Based on the findings, address this omission and initiate the process to revise the heritage overlay.
- Council should also take necessary steps to have Heritage Victoria amend the heritage database and SoS relating to the location of the portable building, known as the Porter Building, that has been relocated from the Gas and Fuel site to the Fairfield Park at the east end of the sporting oval.

4. Real estate agents to include owner obligations in heritage overlays

The item was deferred to the next meeting.

5. Heritage Strategy implementation

- HAC discussed the Heritage Strategy implementation progress, outstanding actions and resources required to implement the Strategy.
- HAC unanimously endorsed the urgent need for the creation of two additional regular, full-time positions in the Heritage Unit, starting 2022 to enable the implementation of the Heritage Strategy and all the outstanding actions within the Strategy time frame.
- HAC requested that Council be advised of their recommendation to make necessary budgetary allocations for new positions in the financial year 2022 - 23 onwards.

6. Updates:

Yarra's Heritage Officer provided an update on following items:

- Yarra Community Awards - Heritage Category
- Brunswick Street Oval Precinct Redevelopment
- Yarra's Parklet Programme Draft Guidelines

[Yarra's Parklet Program – DRAFT Policy and Design Guidelines](#)

- Heritage Management Plan for Dights Mill
- Queens Parade Shopping Precinct's Hearing
- Amendment C270
- Proposed amendments to the registration of Former Fairlea Women's Prison (VHR H1552 Yarra Bend Road, Fairfield)
- World Heritage Environs Area Strategy Plan.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Crossland

1. That Council:
 - (a) note this Delegate's Report; and
 - (b) thank the Heritage Advisory Committee members for their expertise and advice.

CARRIED UNANIMOUSLY

13. General Business

13.1 Councillor O'Brien - Victorian Auditor-General's Office (VAGO) Recommendations

Start time: 11.37pm

MOTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

1. That Council notes:
 - (a) that the Victorian Auditor-General's Office (VAGO) audited 5 Councils and produced a Sexual Harassment in Local Government report with 12 recommendations in December 2020;
 - (b) that all 5 Councils accepted the recommendations;
 - (c) that VAGO conducted a survey available for all Victorian Councils to complete to assist in developing the report of findings;
 - (d) the findings from the Victorian Auditor-General's (VAGO) 2020 Sexual Harassment in Local Government Report;
 - (e) that VAGO recommendations 1,2,3,5-10 relate to the Council Administration and which items have been reported by the Administration to Council's Audit and Risk Committee on having or being implemented;
 - (f) that VAGO recommendations 11 and 12 specifically relate to Councillors; and
 - (g) that VAGO recommendation 4 sits with the responsibility of the Department of Jobs, Precincts and Regions.
2. That Council:
 - (a) endorse the action of the Administration in adopting and implementing the respective recommendations; and
 - (b) in relation to recommendations 11 and 12, refer same to be referenced in the Councillor Code of Conduct, which is currently being reviewed.
3. That the Administration provide to Councillors regular updates of the progress in implementation of the VAGO Recommendations.

The Mayor suggested amending the motion by the removal of 2. (b). It was accepted by the mover and withdrawn from the motion.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

1. That Council notes:
 - (a) that the Victorian Auditor-General's Office (VAGO) audited 5 Councils and produced a Sexual Harassment in Local Government report with 12 recommendations in December 2020;
 - (b) that all 5 Councils accepted the recommendations;
 - (c) that VAGO conducted a survey available for all Victorian Councils to complete to assist in developing the report of findings;
 - (d) the findings from the Victorian Auditor-General's (VAGO) 2020 Sexual Harassment in Local Government Report;
 - (e) that VAGO recommendations 1,2,3,5-10 relate to the Council Administration and which items have been reported by the Administration to Council's Audit and Risk Committee on having or being implemented;
 - (f) that VAGO recommendations 11 and 12 specifically relate to Councillors; and
 - (g) that VAGO recommendation 4 sits with the responsibility of the Department of Jobs, Precincts and Regions.
2. That Council:
 - (a) endorse the action of the Administration in adopting and implementing the respective recommendations.
3. That the Administration provide to Councillors regular updates of the progress in implementation of the VAGO Recommendations.

CARRIED UNANIMOUSLY

Background:

Under the Victorian Equal Opportunity Act 2010, employers have a positive duty to prevent and eliminate sexual harassment in their workplaces. This means Councils must take reasonable and proportionate steps to prevent sexual harassment occurring, rather than only responding after it occurs. To this end the Victorian Auditor-General's Office audited 5 Councils and produced a report with 12 recommendations in December 2020.

The following **12** recommendations were accepted by all 5 participating councils.

1. Use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for council employees and workplaces (Sections 2.1, 2.2 and 2.3).
2. Collect information about the prevalence and nature of sexual harassment at least once every two years by:
 - (a) conducting workplace surveys; and
 - (b) reviewing complaints information (see Section 2.6).
3. Address the risk of sexual harassment by members of the public by:
 - (a) ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public; and

- (b) regularly communicating to customers and staff that the Council does not tolerate any form of sexual harassment from the public (Section 2.4).
- 4. The Department of Jobs, Precincts and Regions to coordinate discussions with relevant State Government authorities, local government peak bodies and Councils about the development of a regular data collection methodology to measure the sector-wide prevalence and nature of sexual harassment (Section 2.6).
- 5. Introduce a standalone sexual harassment policy that:
 - (a) aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment—Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Model Policy for the Prevention of Sexual Harassment in the Workplace;
 - (b) includes clear links to relevant Council policies and procedures ;
 - (c) covers the applicability of Council policies to different roles and workplace settings, including Councillors, customer-facing staff and members of the public; and
 - (d) is searchable on Council intranet sites or cloud software, and available in hard copy to all staff (Section 3.1).
- 6. Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it:
 - (a) includes face-to-face or live online sessions for all staff and Councillors at least once every two years (in addition to online modules);
 - (b) covers safe strategies for bystander interventions; and
 - (c) is tailored to the Council's policies, procedures and workplace risk factors (Section 3.2).
- 7. Communicate a culture of respect in the Council by ensuring leaders model respectful behaviour at all times and communicate to all staff at least annually that the Council does not tolerate sexual harassment (Section 3.3).
- 8. Encourage reporting of inappropriate behaviour by:
 - (a) promoting formal and informal complaint channels;
 - (b) allowing for anonymous complaints (Section 4.1).
- 9. Improve record keeping of sexual harassment complaints by:
 - (a) keeping complete records of all interactions relating to a complaint; and
 - (b) documenting decisions to not investigate complaints or to stop investigations, including the rationale for the decision and the name and role of decision makers (Section 4.3).
- 10. Review complaint procedures to ensure they include:
 - (a) a requirement to inform the complainant of the outcome of the complaint; and
 - (b) guidance on how investigators can support reluctant complainants (Section 4.2).
- 11. Ensure Councillors receive training on sexual harassment at least twice per Council term (Section 3.2).
- 12. Ensure Councillors are informed of their internal and external options for sexual harassment support and complaints, including:

- (a) the Council's employee assistance program;
- (b) Councillor Code of Conduct dispute resolution processes; and
- (c) external complaint bodies (Section 4.1).

See full Report: Sexual Harassment in Local Government (audit.vic.gov.au)
<https://www.audit.vic.gov.au/sites/default/files/2020-12/20201209-Sexual-Harassment-LG-report.pdf>

14. Urgent Business

14.1 Councillor de Vietri – Outdoor Dining

Start time: 10.56pm

Councillor Jolly left the meeting at 10.56pm

Councillor Jolly returned at 11.00pm

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Wade

1. That Council:

- (a) acknowledges the offer of funding for outdoor dining by the state government and thanks the state government for supporting local businesses and councils at this time;
- (b) authorises officers to consider the guidelines of the COVIDSafe Outdoor Activation Fund and approves the waiver of outdoor dining fees during the grant funding period up to 30 June 2022, to apply for and meet the conditions of this fund;
- (c) authorises the Chief Executive Officer to make minor adjustments to Yarra's outdoor dining program in order to implement this resolution; and
- (d) in all other respects, confirms its commitment to the permanent outdoor dining policy, as endorsed by Council on 5 October 2021.

CARRIED

CALL FOR A DIVISION

For: Councillor Stone, Crossland, de Vietri and Wade

Against: Councillors Jolly, O'Brien, Nguyen and Landes

The Mayor used her casting vote in favour.

CARRIED

Councillor Nguyen left the meeting at 11.05pm

Councillor Nguyen returned at 11.06pm

The order of business returned at item ten, being petitions.

BACKGROUND

On 5 October 2021, Yarra Council endorsed its permanent outdoor dining policy, including a fee waiver for all outdoor trading until April 2022, a discounted first year rate, and the introduction of full fees from October 2022. The fee would see local businesses contribute between \$2.31 and \$5.14 per day in the first year, and between \$6.92 and \$14.45 per day to operate out of a parking spot when applied in full from October 2022 onwards. The fees were developed in consultation with local businesses, based on a cost-recovery basis and were passed by a unanimous Council decision in June on an interim basis. Taking into consideration each council's unique circumstances, Yarra's policy and fees are broadly in line with those of neighbouring councils.

At the 17 August 2021 Council meeting, as part of the COVID-19 Pandemic Response motion, Council resolved to and subsequently wrote to relevant State and Federal MPs to appeal for financial support for businesses, and to express interest in partnering with the State and/or Federal Government to stimulate and support local economies, amongst other pandemic support matters.

Council additionally wrote to a number of relevant State Government MPs in October 2021, requesting funding for outdoor dining and outlining Council's willingness to work with the State Government to support outdoor dining should further support be made available to Council.

At the 5 October 2021 Council Meeting, Council resolved (item 12.1) to work in collaboration with State Government representatives and the Business Advisory Group to establish short and long-term initiatives to support business activity in response to COVID-safe operational requirements and in recovery from the pandemic, including the roles of businesses, Council and State Government. This may include innovative approaches to trialling new planning mechanisms to allow businesses to adapt, temporary road closures, use of the public realm and pop-up open spaces.

On October 18, the State Government announced COVIDSafe Outdoor Activation Fund (the Fund) to enable Councils to invest in further outdoor activations and support for local businesses. This motion seeks to allow officers the flexibility to ensure that Yarra can meet the eligibility requirements of the Fund, and further assist local businesses during this difficult time.

Conclusion

The meeting concluded at 11.51pm.

Confirmed Tuesday 9 November 2021

Mayor