



Minutes

Council Meeting

7.05pm, Tuesday 7 December 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 Sophie Wade | Mayor |
| • Cr Edward Crossland | Deputy Mayor |
| • Cr Gabrielle de Vietri | Councillor |
| • Cr Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Anab Mohamud | Councillor |
| • Cr Claudia Nguyen | Councillor |
| • Cr Amanda Stone | 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 Bridgid O’Brien | Councillor |
|----------------------|------------|

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Wade

Seconded: Councillor Jolly

1. That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave to Cr Mohamud from 7 to 31 December 2021 (inclusive).

CARRIED UNANIMOUSLY

3. Announcements

It will be Vijaya Vaidyanath's last Council meeting today. She has been our CEO for almost ten years, which is really an incredible stint for a role like that and it will be sad to see her go, but she goes onto a new exciting role at Homes Victoria.

Chris Leivers will be stepping into the interim role of Acting Chief Executive Officer and we have also appointed an independent advisor in line with the Local Government Act, June Monroe, she's been excellent to work with and an excellent addition to all of us in going down the path of hiring a new CEO.

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 C1563 Fitzy Bowl Revitalisation Project Tender Evaluation Report

This item is to be considered in closed session to allow consideration of 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.

These grounds are applicable because the report contains information that has been submitted on a commercial in confidence basis as part of a procurement process.

5.2 Update on Progress of the Yarra Energy Foundation

This item is to be considered in closed session to allow consideration of 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.

These grounds are applicable because the report contains internal financial information provided by an independent entity that operates in a competitive commercial environment.

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the minutes of the Ceremonial Meeting held on Tuesday 16 November and Council Meeting held on Tuesday 23 November 2021 be confirmed.

CARRIED UNANIMOUSLY

7. Public question time

Item	Page
Public Questions	6

8. Council business reports

Item	Page	Res. Page
8.1 Elizabeth Street Protected Bike Lanes Trial	7	7
8.2 Amendment C297yara - Interim Heritage Overlays in Collingwood	8	9
8.3 30m Strip of land abutting Yarra River at former AMCOR site	10	11
8.4 Arts and Culture Strategy 2022-2026	12	12
8.5 City of Yarra Procurement Policy 2021	12	13
8.6 Proposal to Declare Land Abutting Sandeman Place Fitzroy as Public Highway	14	14
8.7 Appointment of Authorised Officers under the Planning and Environment Act 1987	15	15
8.8 Appointment of Council Delegates	16	16

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

Nil

12. Delegates' reports

Nil

13. General business

Item	Res. Page
13.1 Councillor Jolly - World Heritage Environs Area – Letter to Federal Minister	17
13.2 Councillor Stone - Homes Victoria Proposal for 147 -161 Elizabeth Street, Richmond	18

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.

Start time: 7.09pm

Questioner	Question	Refer to
Jeremy Lawrence, Streets Alive Yarra	Does council have an ambition to increase the rate of engagement above 10% or 20%, perhaps by using a smartphone app with push notifications to make it easy for a large number of residents to submit a response?	The Group Manager Advocacy and Engagement
Jennifer Mcinnes, Hells Breath	Can Council provide an update regarding the re-opening of the (at grade path) section of the Yarra path at the Parkhouse development, Abbotsford. Is Council coordinating with the City of Boroondara with their proposal to rebuild the land bridge section of the Walmer St Bridge	The Director Planning and Place Making provided a response.

8.1 Elizabeth Street Protected Bike Lanes Trial

Reference D21/185659
Author Simon Exon - Unit Manager Strategic Transport
Authoriser Director Planning and Place Making

WITHDRAWN

8.2 Amendment C297yara - Interim Heritage Overlays in Collingwood

Reference	D21/178046
Author	Joerg Langeloh - Project and Policy Coordinator
Authoriser	Manager City Strategy

RECOMMENDATION

Start time: 7.27pm

1. That Council:
 - (a) notes the officer report regarding the proposed Amendment to the Yarra Planning Scheme to be known as Amendment C297;
 - (b) notes the attachments regarding the recommended interim heritage overlay provisions for properties as outlined in the report;
 - (c) adopts for the purpose of supporting this amendment request, the supporting Heritage Analysis and Recommendations prepared by GJM Heritage at **Attachments 1, 2, 3, 4 and 5**;
 - (d) requests the Minister for Planning in accordance with sections 8(1)(b) and section 20(4) of the *Planning and Environment Act 1987* to introduce Heritage Overlays HOs 506 and 508 on an interim basis into the Yarra Planning Scheme (**Attachment 3, 4 and 5**);
 - (e) authorises officers to consult with the Minister, in accordance with sections 8(1)(b), 20(4) and 20(5) of the Act, to assist the Minister to prepare, adopt and approve the Amendment; and
 - (f) authorises the CEO to make any minor adjustments required to meet the intent of the above resolution.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Stone

1. That Council:
 - (a) notes the officer report regarding the proposed Amendment to the Yarra Planning Scheme to be known as Amendment C297;
 - (b) notes the attachments regarding the recommended interim heritage overlay provisions for properties as outlined in the report;
 - (c) adopts for the purpose of supporting this amendment request, the supporting Heritage Analysis and Recommendations prepared by GJM Heritage at **Attachments 1, 2, 3, 4 and 5**;
 - (d) requests the Minister for Planning in accordance with sections 8(1)(b) and section 20(4) of the *Planning and Environment Act* 1987 to introduce Heritage Overlays HOs 506 and 508 on an interim basis into the Yarra Planning Scheme (**Attachment 3, 4 and 5**);
 - (e) authorises officers to consult with the Minister, in accordance with sections 8(1)(b), 20(4) and 20(5) of the Act, to assist the Minister to prepare, adopt and approve the Amendment; and
 - (f) authorises the CEO to make any minor adjustments required to meet the intent of the above resolution.

CARRIED UNANIMOUSLY

8.3 30m Strip of land abutting Yarra River at former AMCOR site

Reference	D21/187995
Author	Bruce Phillips - Director Planning and Place Making
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 7.36pm

1. That Council note:
 - (a) the officer report regarding the 30 m strip of land abutting the Yarra River at the former AMCOR site, and in particular the advocacy that has been undertaken by Council officers to have the land vested in the State;
 - (b) the letter received from the Department of Environment, Land, Water and Planning dated 19 November as shown in the Attachment 1; and
 - (c) the letter sent to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation as shown in Attachment 2.
2. That Council write to the Secretary of the Department of Environment, Land, Water and Planning to:
 - (a) thank the Department for its considerations and the letter dated 19 November 2021;
 - (b) inform the Department that Council is very pleased with the broad intent of the letter; and
 - (c) inform the Department that Council officers will be further analysing the Committee of Management obligations and reporting back to Council in the near future and that Council will then provide a formal response to the letter received on 19 November, 2021.

Public Submission

Fiona Currie, APMAG addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council note:
 - (a) the officer report regarding the 30 m strip of land abutting the Yarra River at the former AMCOR site, and in particular the advocacy that has been undertaken by Council officers to have the land vested in the State;
 - (b) the letter received from the Department of Environment, Land, Water and Planning dated 19 November as shown in the Attachment 1; and
 - (c) the letter sent to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation as shown in Attachment 2.
2. That Council write to the Secretary of the Department of Environment, Land, Water and Planning to:
 - (a) thank the Department for its considerations and the letter dated 19 November 2021;
 - (b) inform the Department that Council is very pleased with the broad intent of the letter; and
 - (c) inform the Department that Council officers will be further analysing the Committee of Management obligations and reporting back to Council in the near future and that Council will then provide a formal response to the letter received on 19 November, 2021.

CARRIED UNANIMOUSLY

8.4 Arts and Culture Strategy 2022-2026

Reference	D21/170392
Author	Siu Chan - Unit Manager Arts, Culture and Venues
Authoriser	Unit Manager Arts, Culture and Venues

RECOMMENDATION

Start time: 7.43pm

1. That Council:
 - (a) Council adopts the Arts and Culture Strategy 2022-2026 and
 - (b) Approves the Year 1 Action Plan.

Public Submission

Clare Leporati addressed Council on the matter.

Councillor Jolly left the meeting at 7.43pm

Councillor Jolly returned at 7.46pm

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Stone

1. That Council:
 - (a) Council adopts the Arts and Culture Strategy 2022-2026 and
 - (b) Approves the Year 1 Action Plan.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 7.52pm.

The meeting resumed at 7.58pm, with Councillors Crossland, de Vietri, Nguyen, Stone and Wade present.

8.5 City of Yarra Procurement Policy 2021

Reference D21/186949
Author Wei Chen - Chief Financial Officer
Authoriser Director Corporate, Business and Finance

RECOMMENDATION **Start time: 7.58pm**

1. That Council adopt the Procurement Policy 2021.

Councillor Landes returned at 8.00pm

Councillor Jolly returned at 8.00pm

Public Submission

Meredith Kefford, YCAN addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor Landes

1. That Council adopt the Procurement Policy 2021.
2. That Council note further that Yarra Council's procurement and investment practices also continue to be guided by our Ethical Procurement and Investment Commitment (2016) and our No Business in Abuse Pledge and this will be publicised on Council's website.

CARRIED UNANIMOUSLY

8.6 Proposal to Declare Land Abutting Sandeman Place Fitzroy as Public Highway

Reference	D21/182806
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 8.05pm

1. That Council, having given public notice of its proposal to declare the road shown hatched on the plan in the relevant public notice (**Subject Land**) as a public highway under section 204(1) of the *Local Government Act 1989 (Act)*, and having considered all submissions in response to that notice:
 - (a) resolves to declare the Subject Land to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use;
 - (b) authorises the publishing of a notice in the *Victoria Government Gazette* declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act; and
 - (c) notifies submitters in writing of its decision and the reasons for the decision.

Public Submissions

The following people addressed Council on the matter:

Mim Ingvarson;

Greg Rodwell; and

Tony Douglas.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor de Vietri

1. That Council, having given public notice of its proposal to declare the road shown hatched on the plan in the relevant public notice (**Subject Land**) as a public highway under section 204(1) of the *Local Government Act 1989 (Act)*, and having considered all submissions in response to that notice:
 - (a) resolves to declare the Subject Land to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use;
 - (b) authorises the publishing of a notice in the *Victoria Government Gazette* declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act; and
 - (c) notifies submitters in writing of its decision and the reasons for the decision.

CARRIED UNANIMOUSLY

8.7 Appointment of Authorised Officers under the Planning and Environment Act 1987

Reference D21/182623
Author Rhys Thomas - Senior Governance Advisor
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 8.21pm

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Maharshi PATEL,
be appointed and authorised as set out in the instrument at **Attachment One**; and
 - (b) each instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Nguyen

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Maharshi PATEL,
be appointed and authorised as set out in the instrument at **Attachment One**; and
 - (b) each instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

8.8 Appointment of Council Delegates

Reference	D21/191451
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 8.23pm

1. That in addition to the appointment of Cr Stone made at the Council meeting of 16 November 2021, Council appoint Cr _____ to the Environment Advisory Committee for 2021/2022 Council year.
2. That Council appoint Cr _____ to the Collingwood Children's Farm Management Committee for the 2021/2022 Council year.
3. That Council rescind the decision at the Council meeting of 16 November 2021 to appoint Cr Nguyen and Cr Stone (substitute) to the Metropolitan Waste Forum, and instead appoint Cr _____ and Cr _____ (substitute) for the 2021/2022 Council year.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Crossland

1. That in addition to the appointment of Cr Stone made at the Council meeting of 16 November 2021, Council appoint Cr Wade to the Environment Advisory Committee for 2021/2022 Council year.
2. That Council appoint Cr Jolly to the Collingwood Children's Farm Management Committee for the 2021/2022 Council year.
3. That Council rescind the decision at the Council meeting of 16 November 2021 to appoint Cr Nguyen and Cr Stone (substitute) to the Metropolitan Waste Forum, and instead appoint Cr de Vietri and Cr Stone (substitute) for the 2021/2022 Council year.

CARRIED UNANIMOUSLY

10. Petitions and joint letters

Nil

11. Questions without notice

Nil

12. Delegates' reports

Nil

13. General Business

13.1 Councillor Jolly - World Heritage Environs Area – Letter to Federal Minister

Start time: 8.33pm

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Wade

1. That in the matter of the World Heritage Environs Area (WHEA) adjacent to the Melbourne Exhibition Building, Council:
 - (a) acknowledge the concerns of residents in relation to the extent of re-development which is occurring in the WHEA (examples including - 1-9 Gertrude Street, Fitzroy, and 27 and 31 Victoria Parade Fitzroy);
 - (b) note that in respect of the above, the development for 27 and 31 Victoria Parade Fitzroy, was referred to the Priority Projects Standing Advisory Committee by the State Minister for Planning for consideration;
 - (c) reference its determination of 7 September 2021, unanimously endorsing Council's submission on the new draft for the WHEA Strategy Plan to go to the Heritage Council and which included a recommendation that development applications should be requested demonstrate they have met all obligations in relation to the Federal EPBC Act (Environment Protection and Biodiversity Conservation Act 1999; and
 - (d) having regard to the above points, request the Mayor to write to The Hon. Susan Ley, Federal Minister for the Environment, expressing concern about the scale of development which is being permitted to occur in the WHEA adjacent to the Melbourne Exhibition Buildings.

CARRIED UNANIMOUSLY

13.2 Councillor Stone - Homes Victoria Proposal for 147 -161 Elizabeth Street, Richmond

Start time: 8.37pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor de Vietri

1. That the Mayor write to Homes Victoria, the relevant Minister Lily D'Ambrosio MP and the member for Richmond Richard Wynne MP:
 - (a) Stating that it considers it essential that Yarra Council officers provide detailed input into the proposed development at 147-161 Elizabeth Street, Richmond, and that this requires the return of referral requests from a number of internal and external sources to be able to do so;
 - (b) Stating that the timeline provided for this input is unrealistic and that Council cannot provide this input by 16th December as requested; and
 - (c) Indicating that Council will be in a position to provide this input after the Council Meeting of 25th January, 2022 and request Homes Victoria to hold back formally lodging the plans with DELWP until it has received and considered the Yarra City Council feedback.

CARRIED UNANIMOUSLY

Background

Council formally received information on 26th November from Homes Victoria about the proposed development of the site at 147-161 Elizabeth Street, Richmond as part of the state government's Big Housing Build.

Preliminary information was provided to Council officers on 27 October 2021 which was reviewed by officers, and a detailed request for additional information was sent to Homes Victoria on 9 November 2021.

Homes Victoria has indicated it will lodge a formal planning application to DELWP and is seeking Yarra Council commentary by 16th December.

Council officers have advised Homes Victoria and DELWP that due to the Yarra planning officers seeking input from internal council departments and external advisers it will not be possible to prepare feedback and have this endorsed by Council by 16th December.

Homes Victoria has indicated it will proceed with lodging the formal planning application nonetheless, despite the state government undertaking to seek local government input and take this into account.

A previous proposal for Wellington Street, Collingwood contained insufficient detailed information on a number of aspects which were identified by Yarra Council officers, and required Council to place a number of conditions on the Council's response in respect to that application. It is vital that such scrutiny by Yarra Council officers be provided again on the proposal for 147 -161 Elizabeth Street, Richmond.

Conclusion

The meeting concluded at 8.45pm.

Confirmed Tuesday 21 December 2021

Mayor

