



Minutes

Council Meeting

7.02pm, Tuesday 15 February 2022

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 Herschel Landes	Councillor
• Cr Anab Mohamud	Councillor
• Cr Claudia Nguyen	Councillor
• Cr Bridgid O’Brien	Councillor
• Cr Amanda Stone	Councillor

Council officers

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

Municipal Monitor

• Yehudi Blacher	Municipal Monitor
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Leave of absence

• Cr Stephen Jolly	Councillor
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COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave of absence to Cr Herschel Landes for all meetings held from 1 to 30 April 2022 inclusive.

CARRIED UNANIMOUSLY

3. Announcements

No announcements made.

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

No declarations were made.

5. Confidential business reports

Nil

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Crossland

That the minutes of the Council Meeting held on Tuesday 25 January 2022 be confirmed.

CARRIED UNANIMOUSLY

7. Public question time

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Public Question

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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

Nil

12. Delegates' reports

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13. General business

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13.1	Councillor Wade - Release of Refugees from Closed Immigration Centres	19

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.

Councillor Mohamud arrived at 7.07pm

Questioner	Question	Refer to
Elena Pappas	What can council do to improve the safety of residents and children who live in the Burnley pocket between Madden Grove, Loyola Grove, Barkly Ave and Burnley St as they walk/cycle/scoot to Richmond Primary School each day?	The Mayor provided a response.

8.1 Progress update on Yarra Energy Foundation July - December 2021

Reference	D22/7265
Author	Michael Oke - Unit Manager Sustainability
Authoriser	Director Planning and Place Making

RECOMMENDATION Start time: 7.14pm

1. That Council:
 - (a) note the report provided by officers to inform Council of the progression of the *Yarra Energy Foundation* against the actions and achievement of milestones in the current funding agreement with Council for 2021-22;
 - (b) thank the *Yarra Energy Foundation* for the significant work delivered against the approved Key Performance Indicators to date, showing solid progress on delivery of the set KPI's and towards a pathway of financial self-sufficiency, and
 - (c) congratulate the *Yarra Energy Foundation* on the receipt of successful grants from the State Government in this period to support deployment of a 'community battery' in the City of Yarra, and the establishment of the new 'Metropolitan Community Power Hub'.

MOTION

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

1. That Council:
 - (a) note the report provided by officers to inform Council of the progression of the *Yarra Energy Foundation* against the actions and achievement of milestones in the current funding agreement with Council for 2021-22;
 - (b) thank the *Yarra Energy Foundation* for the significant work delivered against the approved Key Performance Indicators to date, showing solid progress on delivery of the set KPI's and towards a pathway of financial self-sufficiency; and
 - (c) congratulate the *Yarra Energy Foundation* on the receipt of successful grants from the State Government in this period to support deployment of a 'community battery' in the City of Yarra, and the establishment of the new 'Metropolitan Community Power Hub'.

AMENDMENT

Moved: Councillor Landes **Seconded:** Councillor Crossland

- (b) thank the *Yarra Energy Foundation* for the ~~significant~~ work delivered against the approved Key Performance Indicators to date, ~~showing solid progress~~ on delivery of the set KPI's and towards a pathway of financial self-sufficiency.

LOST

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor de Vietri

1. That Council:

- (a) note the report provided by officers to inform Council of the progression of the *Yarra Energy Foundation* against the actions and achievement of milestones in the current funding agreement with Council for 2021-22;
- (b) thank the *Yarra Energy Foundation* for the significant work delivered against the approved Key Performance Indicators to date, showing solid progress on delivery of the set KPI's and towards a pathway of financial self-sufficiency, and
- (c) congratulate the *Yarra Energy Foundation* on the receipt of successful grants from the State Government in this period to support deployment of a 'community battery' in the City of Yarra, and the establishment of the new 'Metropolitan Community Power Hub'.

CARRIED

8.2 Swan Street Streetscape Masterplan

Reference	D22/21297
Author	Hayley McNicol - Senior Coordinator Design and Place Making
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 7.28pm

1. That Council:
 - (a) note the officer report regarding the proposed final *Swan Street Streetscape Masterplan*;
 - (b) note the scope of the streetscape masterplan relates to:
 - (i) the area between the building line and kerb on both sides of the road along Swan Street from Punt Road to the Birrarung (Yarra River);
 - (ii) the footpath space and the entries to particular intersecting side streets; and
 - (iii) some areas around East Richmond Station, Richmond Library, Burnley Station and Ryan's Reserve;
 - (c) note that the Swan Street roadway (kerb to kerb) is not in scope of this masterplan given the uncertainty, at this stage, about when the disability complaint tram stops will be implemented by the State Government along Swan Street;
 - (d) note the final *Swan Street Streetscape Masterplan* and its content, and the Engagement Report as shown in the attachments; and
 - (e) authorise officers to continue to advocate to the Department of Transport for improved outcomes along the Swan Street road space, including pedestrian and cycling safety and comfort.
2. That Council adopt the final Swan Street Streetscape Masterplan as shown in Attachment 2 to enable the proposals to inform future capital works of Council, other public authorities and also that of private abutting developments.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Landes

Part A

1. That Council:

- (a) note the officer report regarding the proposed final *Swan Street Streetscape Masterplan*;
- (b) note the scope of the streetscape masterplan relates to:
 - (i) the area between the building line and kerb on both sides of the road along Swan Street from Punt Road to the Birrarung (Yarra River);
 - (ii) the footpath space and the entries to particular intersecting side streets; and
 - (iii) some areas around East Richmond Station, Richmond Library, Burnley Station and Ryan's Reserve;
- (c) note that the Swan Street roadway (kerb to kerb) was not in scope of development of this masterplan given the uncertainty, at this stage, about when the DDA compliant tram stops will be implemented by the State Government along Swan Street;
- (d) note both the final *Swan Street Streetscape Masterplan*, and the Engagement Report and their content, as shown in the attachments.

2. That Council further note:

- (a) that the purpose of the streetscape masterplan is to inform 'possible future capital works and opportunities' in the public realm areas of identified 'in-scope' of works; and in this regard, these opportunities are only shown conceptually;
- (b) that any implementation of these concepts requires a significant degree of further site investigation of various services, and also the careful detailed design to maximise the improvement to the public realm for the benefit of the community and alignment to Council adopted strategy outcomes;
- (c) that any opportunity progressed to a project stage will need to have regard to a number of other detailed aspects to enable a comprehensive design that brings numerous elements together; and that these include but not limited to the following possible elements to form part of those detailed design considerations:
 - (i) provision of disabled parking bays in side streets;
 - (ii) provision of possible electric vehicle charging bays in side streets;
 - (iii) opportunity and capacity for common utility trenches for services;
 - (iv) potential for any undergrounding of current overhead services;
 - (v) whether the specific area would serve as a useful location for the parking of bikes and scooters (including e-scooters and e-bikes or the like);
 - (vi) maximise the width of footpath pavements with no impediments to the movement of persons with disability devices;
 - (vii) opportunity for the planting of upper canopy trees, and
 - (viii) opportunity for other forms of greening such as 'vertical greenery' techniques; and
- (d) That the draft masterplan be supplemented with an additional section, immediately before the 'Masterplan Design Strategies', referring to the elements as stated in (c) above, for consideration in the detailed design analysis of projects that are taken forward for capital budget consideration.

3. That subject to the changes as outlined in 2 (c) and (d) above, Council adopt the final Swan Street Streetscape Masterplan as shown in Attachment 2 to enable the proposals to inform future capital works of Council, other public authorities and also that of private abutting developments.

4. That the Interim CEO be authorised to settle the final masterplan document that aligns with the resolutions above.

Part B

5. That Council authorise officers to continue to purposefully advocate to the Department of Transport for improved outcomes along the Swan Street road space for both cycling and pedestrian safety and comfort, and in particular underneath the train viaduct area.
6. That Council instruct the CEO, along with the Mayor, to seek a meeting with senior officials at Department of Transport and Yarra Trams to purposefully advocate for the full implementation of the DDA tram stop program in Swan Street, with the priority being adjacent to the East Richmond and Burnley train stations; and in this regard, the Mayor write to the Minister for Transport Infrastructure, the Minister for Public Transport; and also to the local Member of Parliament, advising of this Council determination and requesting the Government commit to the installation of integrated and responsive DDA tram stops along the length of Swan Street within the next State budget.
7. In this regard, officers seek further information from the Department on the intended design of the DDA tram stops in Swan Street (typology) and the intended locations, and how they would be integrated into the street fabric from an urban design point of view, and to then brief Councillors further once this information is received.
8. That Council reiterate the importance of expanding the open space network in the municipality, as articulated in the adopted Open Space Strategy 2020, due to the low level of open space in the area and to service the expanding population through the very significant development pressures that is being experienced; and its commitment to implementing further open space provision in the municipality including south Richmond and Cremorne areas.
9. Further, that Council instruct the CEO, along with the Mayor, to seek a meeting with the CEO of VicTrack and other relevant parties to purposefully negotiate that Wangaratta Reserve (located to the north of Swan Street), and as notated with 'expansion of current park' in the Swan Street Streetscape Masterplan, be significantly enlarged, with VicTrack consent, into the road reservations surrounding the reserve for the overall benefit of the local community and visitors to the area.
10. That the Mayor write to the relevant Ministers for VicTrack, being the Minister for Transport Infrastructure, the Minister for Public Transport, and the Treasurer, and also to the local Member of Parliament, advocating to enable the expansion of Wangaratta Reserve through a rationalised use of the road reservations (currently owned by VicTrack) of Stewart Street and Wangaratta Street which abut the Reserve.
11. That officers utilise concept designs (as prepared) for the expansion of Wangaratta Reserve and relevant surrounding streets to aid in the above discussions and negotiations.

CARRIED UNANIMOUSLY

8.3 Planning Scheme Amendment C280yara (32-68 Mollison Street Abbotsford) - Panel Report

Reference D22/9360
Author Michael Ballock - Executive Planner Strategic Projects
Authoriser Director Planning and Place Making

RECOMMENDATION **Start time: 7.52pm**

1. That Council:
 - (a) note the officer report regarding Amendment C280yara (**Amendment**), the officer recommendations and Attachments 1, 2 and 3;
 - (b) note the public release of the Panel Report for the Amendment under Section 26 of the *Planning and Environment Act 1987* (Vic) (**Act**);
 - (c) consider the Panel report under section 27 of the Act;
 - (d) adopts Amendment C280yara as set out in Attachment 2 to this report, in accordance with section 29(1) of the Act;
 - (e) authorise officers to submit the adopted Amendment, together with the prescribed information to the Minister for Planning for approval, in accordance with section 31(1) of the Act;
 - (f) delegate authority to the CEO to finalise the Amendment documentation in accordance with Council's resolution including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution;
 - (g) authorise officers to write to:
 - (i) all submitters to the Amendment;
 - (ii) owners and occupiers of land that Council believes may be materially affected by the Amendment; and
 - (iii) to any other person, Minister, public authority or municipal council, who received notice of the Amendment in accordance with section 19(1) of the Act, to advise of this Council resolution.

Public Submission

Vicky Grillakis, Urbis addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Nguyen

1. That Council:

- (a) note the officer report regarding Amendment C280yara (**Amendment**), the officer recommendations and Attachments 1, 2 and 3;
- (b) note the public release of the Panel Report for the Amendment under Section 26 of the *Planning and Environment Act 1987* (Vic) (**Act**);
- (c) consider the Panel report under section 27 of the Act;
- (d) adopts Amendment C280yara as set out in Attachment 2 to this report, in accordance with section 29(1) of the Act;
- (e) authorise officers to submit the adopted Amendment, together with the prescribed information to the Minister for Planning for approval, in accordance with section 31(1) of the Act;
- (f) delegate authority to the CEO to finalise the Amendment documentation in accordance with Council's resolution including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution;
- (g) authorise officers to write to:
 - (i) all submitters to the Amendment;
 - (ii) owners and occupiers of land that Council believes may be materially affected by the Amendment; and
 - (iii) to any other person, Minister, public authority or municipal council, who received notice of the Amendment in accordance with section 19(1) of the Act, to advise of this Council resolution.

CARRIED

8.4 2021/22 Annual Plan Quarterly Progress Report - December

Reference D22/22032

Author Emily Woodin - Coordinator Business Planning and Performance

Authoriser Director Corporate, Business and Finance

RECOMMENDATION

Start time: 7.59pm

1. That:

- (a) Council note the 2021/22 Annual Plan Quarterly Progress Report – December.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Nguyen

1. That:

- (a) Council note the 2021/22 Annual Plan Quarterly Progress Report – December.

CARRIED UNANIMOUSLY

8.5 Finance Monthly Report December 2021 and Mid-Year Budget Review

Reference D22/23874
Author Dennis Bastas - Manager Financial Services
Authoriser Chief Financial Officer

RECOMMENDATION **Start time: 8.09pm**

1. That Council note the December 2021 Finance Report.

COUNCIL RESOLUTION

Moved: Councillor Landes **Seconded:** Councillor Wade

1. That Council note the December 2021 Finance Report.

CARRIED UNANIMOUSLY

8.6 **Proposed Discontinuance of Road at 1 Stephenson Street,
Cremorne - WITHDRAWN**

Reference	D22/21275
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

THIS ITEM WAS WITHDRAWN

10. Petitions and joint letters

Nil

11. Questions without notice

Nil

12. Delegates' reports

12.1 Councillor Stone - Metropolitan Local Government Waste Forum

Start time: 8.16pm

Committee	Metropolitan Local Government Waste Forum
Appointed Councillors	Cr Amanda Stone, Cr Gabrielle di Vietri
Date of Council Meeting	15 th February 2022
Date of Report	14 th February 2014
Report Author	Cr Amanda Stone

DELEGATES REPORT

The Metropolitan Waste and Resource Recovery Group (MWRRG) is a Victorian Government statutory body responsible for co-ordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne. The MWRRG works closely with councils through the Metro Waste Forum which has continued to meet bimonthly over the past 12 months.

The introduction of the *Circular Economy (Waste Reduction and Recycling) Act 2021* will establish Recycling Victoria (RV) as a business unit in DELWP, which will engage with councils. The Act includes a requirement for RV to form an advisory committee that includes members with local government and regional expertise.

As a result, the Metro Waste Forum will cease at the end of June 2022.

The December meeting of the Forum resolved to extend the term of the current Forum until June to ensure continuity in the transition.

Minutes of the October and December meetings of the Forum are attached, along with a Summary of the content of each meeting. Highlights of these recent meetings follow here:

October Waste to Energy

The Forum received presentations about how waste to energy is used in the European Union (EU), how conventional waste to energy technology works, and how AWP facilities are regulated by the Environment Protection Authority Victoria (EPA) to ensure community safety and environmental protection

Lessons from the EU Dr Ella Stengler, Managing Director, Confederation of European Waste-to-Energy Plants, presented a pre-recorded session on waste to energy. Presentations were also provided on:

- How combustion facilities work
- Regulating waste to energy facilities in Victoria
- South east metropolitan AWP project

December Circular Economy (Waste Reduction and Recycling) Bill 2021

Marianne Munro, Director Policy, Governance and Regulation, and Lorna Matheson, Director, Kerbside Reform and Service Delivery, DELWP, provided an overview of the CE Bill, which passed through parliament on 2 December 2021.

The Bill provides a broad framework to transition Victoria to a circular economy and will be supported by subordinate regulations and standards. The Bill establishes Recycling Victoria (RV) as a business unit in DELWP. It dissolves the waste and resource recovery groups and the local government waste forums and incorporates those functions into RV.

RV will provide procurement advice and support to councils, including education and model contracts.

Recycling Victoria Council Fund project showcases: Disposable nappies are problematic for councils and make up 5-15 percent of the average household rubbish bin, Officers from Bayside and Monash Councils presented on a joint feasibility study—funded under the Recycling Victoria Councils Fund—which will investigate existing reusable nappy programs and recommend a best practice approach.

Circular Economy Training: In a global first, MWRRG has partnered with the United Nations to provide circular economy training to 300 local government, community and industry leaders across Victoria. This international training will help Victoria transition to a circular economy and meet targets in the Victorian Government's circular economy plan, *Recycling Victoria: a new economy*

February Food and Green Organics Processing

The theme of the February meeting was “Building a circular economy for food organics” to provide councils with opportunities to learn more about how to implement high performing (universal, weekly) FOGO services for optimising waste diversion, limit contamination and support the development of quality compost as part of a circular economy.

The final meeting for the Forum in its current form will be in April.

Food and green waste

42% of waste going to landfill is food and green waste from homes and businesses

Food and green waste in landfill creates methane

Recycling Victoria: a new economy has identified that giving all Victorian households access to a combined food and garden waste services could divert up to 650,000 tonnes of organic waste from landfill each year

Key targets relating to organic waste are

- Halve the volume of organic material going to landfill by 50 per cent between 2020 and 2030, with an interim target of 20 per cent reduction by 2030.
- 100 per cent of households have access to a separate food and organics recovery service or local composting by 2030.



Motion to Extend Metropolitan Local Government Waste Forum

Key issues

1. The legislative framework governing the Metropolitan Local Government Waste Forum (Forum) will lapse with the establishment of the Victorian Waste Authority on 1 July 2022.
2. Forum members are nominated by their respective councils on a calendar year basis with the current term ending on 31 December 2021.
3. The Forum Chair, Deputy Chair and SPAG (Strategies and Policy Advocacy Group) representatives are elected by Forum members at the February Forum each year.
4. Current Forum members and leadership group are familiar with Forum operations, resource recovery policies and program delivery.
5. Retaining current Forum membership and governance arrangements for a further six months will help ensure strong council representation through until the establishment of the Victorian Waste Authority.
6. Extension of membership tenure will also avoid the need for a Forum nominations and induction cycle this summer.
7. The final two Forum events are scheduled for February and April 2022.
8. If elections and induction are no longer required to be held, the February Forum meeting could be made available to focus on identified priority resource recovery and local government issues.
9. Establishment of a Victorian Waste Authority is a key priority under the Recycling Victoria Policy.
10. The MWRRG Board of Directors and the Forum's Technical Advisory Reference Group (TARG) have both extended the term of their representatives to June 2022 to support an effective transition to the Victorian Waste Authority.

Motion

That the Metropolitan Local Government Waste Forum endorse an extension to the tenure of the current Forum membership, Forum Chair, Forum Deputy Chair, SPAG representatives and SPAG Chair to 30 June 2022.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor de Vietri

1. That Council note this Delegates' Report.
2. That Council note that Officers will provide a Briefing on a food and organics collection later in February.
3. That Council request a Briefing from officers on the implications of the transition to Recycling Victoria and engagement with councils before June 2022.

CARRIED UNANIMOUSLY

13. General Business

13.1 Councillor Wade - Release of Refugees from Closed Immigration Centres

Start time: 8.23pm

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor O'Brien

1. That the Council:
 - (a) advocate to the Minister for Home Affairs and the Minister for Immigration for the release from closed immigration facilities, including the Park Hotel, of around 60 people transferred to Australia from Papua New Guinea (PNG) and Nauru, most of whom have been granted refugee status and have spent much of the past 8½ years in some form of closed detention; and
 - (b) given Yarra's status as a Refugee Welcome Zone, work with other stakeholders to support those refugees and people seeking asylum upon release to live freely and peacefully in our community.

CARRIED UNANIMOUSLY

BACKGROUND

There are currently around 60 people that were transferred from Papua New Guinea (PNG) and Nauru being held in closed immigration facilities, including the Park Hotel. Most of these people have been granted refugee status and have spent much of the past 8½ years in some form of closed detention.

The recent detention of tennis player Novak Djokovic has drawn international attention to the situation of around 30 refugees detained in the Park Hotel in Melbourne. A similar number of members of this group are held in immigration detention facilities in Brisbane, Melbourne, Perth and Sydney.

The Minister of Home Affairs Karen Andrews and her predecessor Peter Dutton have released around 130 members of this group over the past year. They have joined more than 1,100 people who were medically transferred to Australia from PNG and Nauru previously into the community.

From all of the investigation that the Refugee Council of Australia (RCOA) has done, there is no apparent difference between the 60 or so people who remain detained and the 1,100 people released into the community. The continued detention of this group cannot be justified.

As noted, the majority of people detained in these conditions have been found to be refugees in PNG and Nauru under the refugee status determination processes which the Australian Government helped to establish and financially support. While it might be permissible under current Australian legislation, the continued detention of recognised refugees is in breach of Australia's obligations under the Refugee Convention.

The ongoing detention of this group is harmful and is contributing to a deterioration of detainees' mental health. It undermines their capacity to actively engage in discussions about longer term options. Mental health services continue to raise concerns about the refugees' deteriorating mental health and this being a barrier to them making clear decisions about their options.

The issues of mental health are even more acute for the refugees held in the Park Hotel in Melbourne. Detention in a location which is not designed for people to be held indefinitely, where there are no open areas for people to walk, is clearly having even greater impacts than detention in other locations, based on observations of individuals' mental health.

The City of Yarra has a long and proud history of advocating and supporting refugees and asylum seekers, including supporting the Mayoral Taskforce on Refugees and Asylum seekers. This General Business Motion is consistent with the position of the Council.

Conclusion

The meeting concluded at 8.27pm.

Confirmed Tuesday 8 March 2022

Mayor