



Minutes

Council Meeting

7.02pm, Tuesday 6 December 2022

Ms Teams

1. Acknowledgement of Country

“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 Claudia Nguyen	Mayor
• Cr Edward Crossland	Deputy Mayor
• Cr Herschel Landes	Councillor
• Cr Anab Mohamud	Councillor
• Cr Bridgid O’Brien	Councillor
• Cr Sophie Wade	Councillor

Council officers

• Sue Wilkinson	Chief Executive Officer
• Brooke Colbert	Group Manager Advocacy and Engagement
• Malcolm Foard	Director Community Wellbeing
• Chris Leivers	Director City Works and Assets
• Wei Chen	Director Corporate, Business and Finance
• Mary Osman	Director Planning and Place Making
• Rhys Thomas	Senior Governance Advisor
• Mel Nikou	Governance Officer

Apologies

• Cr Gabrielle de Vietri	Councillor
• Cr Amanda Stone	Councillor
• Cr Stephen Jolly	Councillor

3. Announcements

No announcements were made

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

Councillor Wade declared a conflict of interest on item 8.1

Councillor Mohamud declared a conflict of interest on item 8.2

Senior Governance Advisor Rhys Thomas declared a conflict of interest on item 8.1

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 Wade

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 **C1621 Tender Report Cambridge St Reserve Upgrade and Expansion**

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 tender process.

5.2 **C1560/1 – Request variation to Data#3 contract for Microsoft Services and Licensing**

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 tender process.

5.3 **Chief Executive Officer Performance Plan 2022/2023**

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 information about the employment of the Chief Executive Officer.

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

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Crossland

1. That the minutes of the Council Meeting held on Tuesday 15 November 2022 and both the Extraordinary Council Meetings held on Tuesday 22 and Monday 28 November 2022 be confirmed.

CARRIED

7. Question time

No questions were raised.

8. Council business reports

Item		Page	Res. Page
8.1	Draft Amendment C271 - permanent DDOs for Fitzroy and Collingwood	7	10
8.2	Crown Allotment at 165 Napier Street Fitzroy: Strategic considerations for future utilisation for adventure playground and neighbourhood house activities	12	14
8.3	Clifton Hill to North Abbotsford Corridor Road Safety Plan	17	17
8.4	Proposal to Declare Land Abutting Sandeman Place as Public Highway	18	18
8.5	Proposed Discontinuance of Road abutting 79 Balmain Street, Cremorne	19	20
8.6	Council Meeting Schedule 2023	21	22
8.7	Appointment of Authorised Officers under the Planning and Environment Act 1987	23	23

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

Item	Page
11.1 Councillor Landes - Coles loading bay	25

12. Delegates' reports

Nil

13. General business

Nil

14. Urgent business

Nil

7. Question time

Nil

8.1 Draft Amendment C271 - permanent DDOs for Fitzroy and Collingwood

Reference D22/311820
Author Joerg Langeloh - Project and Policy Coordinator
Authoriser Director Planning and Place Making

Councillor Wade left the meeting due to a conflict of interest at 7.09pm

RECOMMENDATION Start time: 7.09pm

1. That Council:

- (a) notes the officer report and Attachments 1-25 introducing proposed permanent provisions for the activity centres and associated mixed-use zone areas in Fitzroy and Collingwood;
- (b) Adopts the built form framework reports, heritage built form review and recommendation reports and traffic engineering assessment reports as background documents, as listed in Table 1 of this report and as in Attachments 1-16 and 21, as the general basis for Amendment C271 to the Yarra Planning Scheme;
- (c) Adopts the amendment documentation for proposed Amendment C271, including proposed local planning policy in Clause 11.03-1L Activity Centres (or to be placed in Clause 21.12 Local Areas should C269 not be approved at the time of the exhibition), new permanent Design and Development Overlay Schedules 29 to 40, new Heritage Overlays 506 and 507 and their Statements of Significance with relevant updates to the Schedule to Clause 43.01 Heritage Overlay, and relevant updates to the Schedule to Clause 72.04 Incorporated Documents and 72.08 Background Documents at Attachments 20 and 22-25 as the basis for draft Amendment C271;
- (d) Requests consent from the Minister for Planning to prepare and exhibit draft Amendment C271 as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (e) Determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for 'authorisation to prepare and exhibit the Amendment';
- (f) Requests the Minister for Planning to prepare, adopt and approve Amendment C313yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry dates for the Design and Development Overlays Schedules 30, 35, 36, 37, 38, 39 and 40, on an interim basis for 12 months while the permanent provisions are formally considered;
- (g) Authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the Amendment to extend the interim provisions; and
- (h) Authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

Public Submissions

The following people addressed Council on the matter:

Dawn Trainor;

Glen McCallum;

Rachel Axton;

Anne Horrigan-Dixon; and

Ben McMahon.

MOTION

Mover: Councillor Crossland

Seconded: Councillor Mohamud

1. That Council:

- (a) notes the officer report and Attachments 1-25 introducing proposed permanent provisions for the activity centres and associated mixed-use zone areas in Fitzroy and Collingwood;
- (b) Adopts the built form framework reports, heritage built form review and recommendation reports and traffic engineering assessment reports as background documents, as listed in Table 1 of this report and as in Attachments 1-16 and 21, as the general basis for Amendment C271 to the Yarra Planning Scheme;
- (c) Adopts the amendment documentation for proposed Amendment C271, including proposed local planning policy in Clause 11.03-1L Activity Centres (or to be placed in Clause 21.12 Local Areas should C269 not be approved at the time of the exhibition), new permanent Design and Development Overlay Schedules 29 to 40, new Heritage Overlays 506 and 507 and their Statements of Significance with relevant updates to the Schedule to Clause 43.01 Heritage Overlay, and relevant updates to the Schedule to Clause 72.04 Incorporated Documents and 72.08 Background Documents at Attachments 20 and 22-25 as the basis for draft Amendment C271 with the following changes to apply:
 - (i) In maps of DDO 32 Johnston Street West and DDO36 Johnston Street North and Fitzroy East, reducing the street wall heights along Johnston Street from 4 storeys to 3 storeys (Johnston Street only);
 - (ii) In all DDOs that include preferred building height requirements in Clause 2.5 Building Height Requirements, adding the following to the preferred height requirements:
 - a. “provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34;
 - b. housing for diverse household types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations; and
 - c. accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58 as relevant;”
 - (iii) In all DDOs that include overshadowing requirements for open space in Clause 2.7 Overshadowing and Solar Access Requirements, changing the open space overshadowing requirement from preferred to mandatory;
 - (iv) In all DDOs, adding the following requirement to Clause 2.9 Other Design Requirements: “New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.”

- (v) In all DDOs, replacing the following requirement in Clause 2.10 Access, Parking and Loading Bay Requirements:
“Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.”
with:
“Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses.”
- (vi) In Clause 11.03-1L Activity Centres – Major Activity Centres, under both Brunswick Street and Smith Street, include the following policy: “Consider further opportunities for quality shared zones, enhancements to the laneway network and vehicle access outcomes that will provide safe pedestrian and cycle friendly linkages”:
- (d) Requests consent from the Minister for Planning to prepare and exhibit draft Amendment C271 as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (e) Determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for ‘authorisation to prepare and exhibit the Amendment’;
- (f) Requests the Minister for Planning to prepare, adopt and approve Amendment C313yara to the Yarra Planning Scheme, in accordance with the Minister’s powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry dates for the Design and Development Overlays Schedules 30, 35, 36, 37, 38, 39 and 40, on an interim basis for 12 months while the permanent provisions are formally considered;
- (g) Authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the Amendment to extend the interim provisions; and
- (h) Authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

AMENDMENT

Mover: Councillor O’Brien

Delete paragraph 1 (c) (iv) as stated below:

In all DDOs, adding the following requirement to Clause 2.9 Other Design Requirements: “New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.”

Motion lapsed for want of a seconder.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Mohamud

1. That Council:

- (a) notes the officer report and Attachments 1-25 introducing proposed permanent provisions for the activity centres and associated mixed-use zone areas in Fitzroy and Collingwood;
- (b) Adopts the built form framework reports, heritage built form review and recommendation reports and traffic engineering assessment reports as background documents, as listed in Table 1 of this report and as in Attachments 1-16 and 21, as the general basis for Amendment C271 to the Yarra Planning Scheme;
- (c) Adopts the amendment documentation for proposed Amendment C271, including proposed local planning policy in Clause 11.03-1L Activity Centres (or to be placed in Clause 21.12 Local Areas should C269 not be approved at the time of the exhibition), new permanent Design and Development Overlay Schedules 29 to 40, new Heritage Overlays 506 and 507 and their Statements of Significance with relevant updates to the Schedule to Clause 43.01 Heritage Overlay, and relevant updates to the Schedule to Clause 72.04 Incorporated Documents and 72.08 Background Documents at Attachments 20 and 22-25 as the basis for draft Amendment C271 with the following changes to apply:
 - (i) In maps of DDO 32 Johnston Street West and DDO36 Johnston Street North and Fitzroy East, reducing the street wall heights along Johnston Street from 4 storeys to 3 storeys (Johnston Street only);
 - (ii) In all DDOs that include preferred building height requirements in Clause 2.5 Building Height Requirements, adding the following to the preferred height requirements:
 - a. *“provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34;*
 - b. *housing for diverse household types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations; and*
 - c. *accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58 as relevant.”*
 - (iii) In all DDOs that include overshadowing requirements for open space in Clause 2.7 Overshadowing and Solar Access Requirements, changing the open space overshadowing requirement from preferred to mandatory;
 - (iv) In all DDOs, adding the following requirement to Clause 2.9 Other Design Requirements: *“New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.”*
 - (v) In all DDOs, replacing the following requirement in Clause 2.10 Access, Parking and Loading Bay Requirements:

“Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.”

with:

“Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses.”

- (vi) In Clause 11.03-1L Activity Centres – Major Activity Centres, under both Brunswick Street and Smith Street, include the following policy: “Consider further opportunities for quality shared zones, enhancements to the laneway network and vehicle access outcomes that will provide safe pedestrian and cycle friendly linkages”;
- (d) Requests consent from the Minister for Planning to prepare and exhibit draft Amendment C271 as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (e) Determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for ‘authorisation to prepare and exhibit the Amendment’;
- (f) Requests the Minister for Planning to prepare, adopt and approve Amendment C313yara to the Yarra Planning Scheme, in accordance with the Minister’s powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry dates for the Design and Development Overlays Schedules 30, 35, 36, 37, 38, 39 and 40, on an interim basis for 12 months while the permanent provisions are formally considered;
- (g) Authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the Amendment to extend the interim provisions; and
- (h) Authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

CARRIED

CALL FOR A DIVISION

For: Councillors Crossland, Mohamud, Nguyen, Landes and Wade

Against: Councillor O'Brien

8.2 Crown Allotment at 165 Napier Street Fitzroy: Strategic considerations for future utilisation for adventure playground and neighbourhood house activities

Reference	D22/314012
Author	Malcolm McCall - Manager Social Strategy and Community Development
Authoriser	Director Community Wellbeing

Councillor Wade returned to the meeting.

Councillor Mohamud left the meeting due to a conflict of interest at 7.44pm

RECOMMENDATION

Start time: 7.44pm

1. That Council:

- (a) Notes that the Fitzroy Learning Network (FLN) have advised Council that the All Saints Parish of Fitzroy will not renew the lease of 198 Napier St Fitzroy to the Fitzroy Learning Network (FLN), and that from mid-2023, the FLN will need to secure new accommodation;
- (b) Notes that the FLN was awarded a \$2m grant from the Community Support Fund (a trust fund governed by the Gambling Regulation Act 2003) to enable FLN to make any long term accommodation 'fit for purpose';
- (c) Notes that Council values the important work and contribution that the FLN make to the Yarra community including the provision of Neighbourhood House activities and supporting those from marginalised communities;
- (d) Note that on 8 September 2022 Council extended an offer to the FLN to relocate to the Council-owned Connie Benn Centre in Fitzroy (on a short or longer term basis) and that this offer was formally declined on 30 September 2022;
- (e) Notes that Yarra City Council is the land administrator of Atherton Reserve at the corner Condell and Young Streets, Fitzroy, by order of the Governor in Council, and that the gazetted reserve purpose is as an Area for Public Recreation', with 'Youth adventure playground and associated facilities providing social benefit' recorded as the approved purpose for the allotment;
- (f) Notes that this allotment has been used for the provision of an Adventure Playground for the children and families of Fitzroy since 1974;
- (g) Notes that pursuant to the Crown Land (Reserves) Act 1978, land administrators must obtain the approval of the Minister for Environment and Climate Action (or their delegate) for:
 - (i) the leasing and licensing of Crown land or to change the purpose of a reserve;
 - (ii) and for the development of Crown land – defined as extending, adding, altering, removing or otherwise changing an asset (built or natural);
- (h) Notes that pursuant to the Crown Land (Reserves) Act 1978, the leasing, licensing or development of Crown land must be consistent with the purpose for which the land is reserved and mindful of any impacts on existing activities undertaken at a reserve;
- (i) Notes that FLN has written to Council seeking support for its proposal to develop new accommodation on the allotment at the corner Condell and Young Streets, Fitzroy (Volume 11742 Folio 520), which is part of the Atherton reserve (Cron Allotment 69A) also known as 'Cubbies';

- (j) Notes that other community organisations have also recently engaged with officers, expressing interest in delivering families and children's programs on this allotment;
- (k) Notes that the FLN proposal is to co-locate a neighbourhood house with the Adventure Playground on this allotment, which entails:
 - (i) retention of the building known as 'The Hut';
 - (ii) retention of playground equipment;
 - (iii) continuation of the adventure playground program; and
 - (iv) using FLN's \$2m capital grant to construct a new facility (a two-storey building with a setback from the street) at the north-western corner of the allotment.
- (l) Acknowledges that the FLN proposal would constitute a marked change to the reserve purpose and approved purpose, specifically:
 - (iii) changing from an area reserved for the purpose 'Public Recreation' to also include the 'Purposes of Health and Social Welfare'; and
 - (iv) changing from an approved purpose of 'Youth Adventure Playground and Associated Facilities' to also include a neighbourhood house.
- (m) Notes the Council resolution on 31 May 2022 (Resolution No 7220), which requested officers to report back to Council in February 2023 on future funding considerations for the Fitzroy Adventure Playground and address:
 - (i) the value of the Fitzroy Adventure Playground to local children and the community;
 - (ii) whether afterschool and holiday programs currently offered through the Fitzroy Adventure Playground are well utilised;
 - (iii) participation of children to the adventure playground and utilisation of the site at other times;
 - (iv) future opportunities through the Fitzroy Precinct Plan;
 - (v) the intended use and design for the site as an adventure playground;
 - (vi) facility management options for the site; and,
 - (vii) resolution of maintenance requirements for the site and the community grant; and the inclusion of consideration for the option to bring the Fitzroy Adventure Playground facility and program under Council's direct management;
- (n) Recognises the public value of this allotment and notes that the FLN proposal, or any other proposals which represent a significant change of use, must be subject to thorough scrutiny and that consultation with the local community, especially children and families who are current or potential users of the Adventure Playground, is essential to inform any decision related to the future use of this site;
- (o) Affirms its resolution (Resolution Item 7220) requesting that officers report back to Council on future funding considerations for the Fitzroy Adventure Playground in February 2023;
- (p) Request that officers immediately write to the Department of Environment, Water, Land and Planning advising that Council will not consider or support any proposal for use of this site including the proposal for the FLN to be relocated to this site prior to the consideration of the scheduled February 2023 Report and any subsequent public processes that Council may determine are required to inform its decision including public consultation and a public expression of interest process;
- (q) Recognises that there are multiple parties interested in this site and that it is appropriate and necessary for Council to undertake a competitive and transparent Expression of Interest process in order to establish future utilisation;

- (r) Requests officers engage with representatives of FLN, and if appropriate, write to the Victorian Minister for Disability, Ageing and Carers, and Child Protection and Family Services, and Victorian Treasurer, requesting that FLN be given more time to secure alternative suitable long-term accommodation (i.e. that is suitable for a non-profit community organisation and can be made fit for purpose for neighbourhood house programs and activities);
- (s) Invites the FLN to engage with officers and to reconsider Council's existing offer to relocate to the Council-owned Connie Benn Centre in Fitzroy (on a short- or longer-term basis); and
- (t) Requests that officers write to the FLN informing them of this resolution.

Public Submissions

The following people addressed Council on the matter:

Keir Paterson;

The meeting adjourned at 7.48pm

The meeting resumed at 7.53pm.

Kalpesh Kothari;

Abdulmalik;

Jennifer Freshwater;

Robert Charlton;

Jane Tonkin;

Mark Robinson;

Achol Manyiel;

Yenny Huber;

Christina McRae; and

Julie Johnston.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That Council:

- (a) Notes that the Fitzroy Learning Network (FLN) have advised Council that the All Saints Parish of Fitzroy will not renew the lease of 198 Napier St Fitzroy to the Fitzroy Learning Network (FLN), and that from mid-2023, the FLN will need to secure new accommodation;
- (b) Notes that the FLN was awarded a \$2m grant from the Community Support Fund (a trust fund governed by the Gambling Regulation Act 2003) to enable FLN to make any long term accommodation 'fit for purpose';
- (c) Notes that Council values the important work and contribution that the FLN make to the Yarra community including the provision of Neighbourhood House activities and supporting those from marginalised communities;
- (d) Note that on 8 September 2022 Council extended an offer to the FLN to relocate to the Council-owned Connie Benn Centre in Fitzroy (on a short or longer term basis) and that this offer was formally declined on 30 September 2022;

- (e) Notes that Yarra City Council is the land administrator of Atherton Reserve at the corner Condell and Young Streets, Fitzroy, by order of the Governor in Council, and that the gazetted reserve purpose is as an Area for Public Recreation', with 'Youth adventure playground and associated facilities providing social benefit' recorded as the approved purpose for the allotment;
- (f) Notes that this allotment has been used for the provision of an Adventure Playground for the children and families of Fitzroy since 1974;
- (g) Notes that pursuant to the Crown Land (Reserves) Act 1978, land administrators must obtain the approval of the Minister for Environment and Climate Action (or their delegate) for:
 - (i) the leasing and licensing of Crown land or to change the purpose of a reserve;
 - (ii) and for the development of Crown land – defined as extending, adding, altering, removing or otherwise changing an asset (built or natural);
- (h) Notes that pursuant to the Crown Land (Reserves) Act 1978, the leasing, licensing or development of Crown land must be consistent with the purpose for which the land is reserved and mindful of any impacts on existing activities undertaken at a reserve;
- (i) Notes that FLN has written to Council seeking support for its proposal to develop new accommodation on the allotment at the corner Condell and Young Streets, Fitzroy (Volume 11742 Folio 520), which is part of the Atherton reserve (Cron Allotment 69A) also known as 'Cubbies';
- (j) Notes that other community organisations have also recently engaged with officers, expressing interest in delivering families and children's programs on this allotment;
- (k) Notes that the FLN proposal is to co-locate a neighbourhood house with the Adventure Playground on this allotment, which entails:
 - (i) retention of the building known as 'The Hut';
 - (ii) retention of playground equipment;
 - (iii) continuation of the adventure playground program; and
 - (iv) using FLN's \$2m capital grant to construct a new facility (a two-storey building with a setback from the street) at the north-western corner of the allotment.
- (l) Acknowledges that the FLN proposal would constitute a marked change to the reserve purpose and approved purpose, specifically:
 - (iii) changing from an area reserved for the purpose 'Public Recreation' to also include the 'Purposes of Health and Social Welfare'; and
 - (iv) changing from an approved purpose of 'Youth Adventure Playground and Associated Facilities' to also include a neighbourhood house.
- (m) Notes the Council resolution on 31 May 2022 (Resolution No 7220), which requested officers to report back to Council in February 2023 on future funding considerations for the Fitzroy Adventure Playground and address:
 - (i) the value of the Fitzroy Adventure Playground to local children and the community;
 - (ii) whether afterschool and holiday programs currently offered through the Fitzroy Adventure Playground are well utilised;
 - (iii) participation of children to the adventure playground and utilisation of the site at other times;
 - (iv) future opportunities through the Fitzroy Precinct Plan;
 - (v) the intended use and design for the site as an adventure playground;

- (vi) facility management options for the site; and,
- (vii) resolution of maintenance requirements for the site and the community grant; and the inclusion of consideration for the option to bring the Fitzroy Adventure Playground facility and program under Council's direct management;
- (n) Recognises the public value of this allotment and notes that the FLN proposal, or any other proposals which represent a significant change of use, must be subject to thorough scrutiny and that consultation with the local community, especially children and families who are current or potential users of the Adventure Playground, is essential to inform any decision related to the future use of this site;
- (o) Affirms its resolution (Resolution Item 7220) requesting that officers report back to Council on future funding considerations for the Fitzroy Adventure Playground in February 2023;
- (p) Request that officers immediately write to the Department of Environment, Water, Land and Planning advising that Council will not consider or support any proposal for use of this site including the proposal for the FLN to be relocated to this site prior to the consideration of the scheduled February 2023 Report and any subsequent public processes that Council may determine are required to inform its decision including public consultation and a public expression of interest process;
- (q) Recognises that there are multiple parties interested in this site and that it is appropriate and necessary for Council to undertake a competitive and transparent Expression of Interest process in order to establish future utilisation;
- (r) Requests officers engage with representatives of FLN, and if appropriate, write to the Victorian Minister for Disability, Ageing and Carers, and Child Protection and Family Services, and Victorian Treasurer, requesting that FLN be given more time to secure alternative suitable long-term accommodation (i.e. that is suitable for a non-profit community organisation and can be made fit for purpose for neighbourhood house programs and activities);
- (s) Invites the FLN to engage with officers and to reconsider Council's existing offer to relocate to the Council-owned Connie Benn Centre in Fitzroy (on a short- or longer-term basis); and
- (t) Requests that officers write to the FLN informing them of this resolution.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 8.34pm

The meeting resumed at 8.39pm

8.3 Clifton Hill to North Abbotsford Corridor Road Safety Plan

Reference D22/306143
Author Peter Moran - Manager Infrastructure, Traffic and Civil Engineering
Authoriser Director City Works and Assets

RECOMMENDATION Start time: 8.39pm

1. That Council:
 - (a) endorse 10 recommended road safety treatments, and one further study identified in the Clifton Hill to North Abbotsford Corridor Road Safety Plan (RSP);
 - (b) instruct officers to undertake advocacy to DoT for the list of treatments identified in the Clifton Hill to North Abbotsford Corridor Road Safety Plan (RSP) which require DoT approval;
 - (c) notes that subject to Council approval and allocation of sufficient funding, implementation of the recommended RSP for the Clifton Hill to North Abbotsford Corridor can commence immediately with design of one treatment in 2022/23, with further design work and subsequent delivery of the proposed treatments to commence in 2023/24 and be carried out in the upcoming years, subject to discretionary funding bids; and
 - (d) inform the community of the road safety treatments that have been approved for implementation as part of the Clifton Hill to North Abbotsford RSS.

Public Submissions

The following people addressed Council on the matter:

Craig Harris; and

Tim Stevenson.

COUNCIL RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Wade

1. That Council:
 - (a) endorse 10 recommended road safety treatments, and one further study identified in the Clifton Hill to North Abbotsford Corridor Road Safety Plan (RSP);
 - (b) instruct officers to undertake advocacy to DoT for the list of treatments identified in the Clifton Hill to North Abbotsford Corridor Road Safety Plan (RSP) which require DoT approval;
 - (c) notes that subject to Council approval and allocation of sufficient funding, implementation of the recommended RSP for the Clifton Hill to North Abbotsford Corridor can commence immediately with design of one treatment in 2022/23, with further design work and subsequent delivery of the proposed treatments to commence in 2023/24 and be carried out in the upcoming years, subject to discretionary funding bids; and
 - (d) inform the community of the road safety treatments that have been approved for implementation as part of the Clifton Hill to North Abbotsford RSS.

CARRIED UNANIMOUSLY

8.4 Proposal to Declare Land Abutting Sandeman Place as Public Highway

Reference D22/313052
Author Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser Chief Executive Officer

RECOMMENDATION

Start time: 9.05pm

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 (including what has been said in support of written submissions) and an email letter from Best Hooper dated 14 November 2022:
 - (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) authorises the Director City Works and Assets to notify submitters in writing of its decision and the reasons for the decision, being the reasons set out in paragraphs 5.2 and 5.3 of the Officer Report (**Attachment One**) and paragraphs 1-3 of the Supplementary Officer Report.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

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 (including what has been said in support of written submissions) and an email letter from Best Hooper dated 14 November 2022:
 - (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) authorises the Director City Works and Assets to notify submitters in writing of its decision and the reasons for the decision, being the reasons set out in paragraphs 5.2 and 5.3 of the Officer Report (**Attachment One**) and paragraphs 1-3 of the Supplementary Officer Report.

CARRIED UNANIMOUSLY

8.5 Proposed Discontinuance of Road abutting 79 Balmain Street, Cremorne

Reference	D22/312358
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

RECOMMENDATION

Start time: 9.06pm

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 79 Balmain Street, Cremorne, being part of the land in certificate of title volume 8258 folio 156 (and shown as the 5 square metre parcel on the plan attached as Attachment 2 to this report) (**Road 1112**) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report:
2. That Council acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in 'The Age' newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act;
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
 - (e) that any submission made in accordance with section 223 of the Local Government Act 1989 that includes a request that the submitter or their representative to appear in person, be presented to a future meeting of Council and the submitters be invited to address Council in accordance with the Yarra City Council Governance Rules.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Crossland

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 79 Balmain Street, Cremorne, being part of the land in certificate of title volume 8258 folio 156 (and shown as the 5 square metre parcel on the plan attached as Attachment 2 to this report) (**Road 1112**) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report:
2. That Council acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in 'The Age' newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act;
 - (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
 - (e) that any submission made in accordance with section 223 of the Local Government Act 1989 that includes a request that the submitter or their representative to appear in person, be presented to a future meeting of Council and the submitters be invited to address Council in accordance with the Yarra City Council Governance Rules.

CARRIED UNANIMOUSLY

8.6 Council Meeting Schedule 2023

Reference	D22/319854
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Councillor Mohamud returned to the meeting at 8.39pm

RECOMMENDATION Start time: 8.39pm

1. That Council adopt a 2023 meeting schedule comprising:
 - (a) Planning Decisions Committee meetings at 6.30pm on 24 January, 14 February, 7 March, 28 March, 18 April, 9 May, 30 May, 20 June, 11 July, 1 August, 22 August, 12 September, 3 October, 24 October, 14 November, 5 December, and 19 December 2023;
 - (b) Ordinary Council Meetings at 6.30pm on 31 January, 21 February, 14 March, 4 April, 26 April, 16 May, 6 June, 27 June, 18 July, 8 August, 29 August, 19 September, 10 October, 31 October, 21 November, and 12 December 2022; and
 - (c) an Extraordinary Council Meeting at 6.30pm on 27 November 2023 to elect a Mayor and Deputy Mayor for 2023/2024.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Mohamud

1. That Council adopt a 2023 meeting schedule comprising:
 - (a) Planning Decisions Committee meetings at 6.30pm on 31 January, 28 February, 28 March, 2 May, 30 May, 4 July, 1 August, 29 August, 26 September, 24 October, 28 November and 19 December 2023;
 - (b) Revert to an (approximately) fortnightly Council meeting schedule, where Ordinary Council Meetings alternate with community engagement events and/or meetings:
 - (i) Ordinary Council Meetings at 6.30pm on 14 February, 14 March, 18 April, 16 May, 13 June, 18 July, 15 August, 12 September, 10 October, 14 November and 12 December 2023;
 - (ii) Community engagement events and/or meetings with the tentative dates of 7 February, 7 March, 4 April, 9 May, 6 June, 11 July, 8 August, 5 September, 3 October, 31 October, and 5 December, which may take the form of:
 - a. an Extraordinary Council Meeting;
 - b. a ward-based meeting with residents;
 - c. a pop-up consultation; or
 - d. a question and answer / feedback-style session (akin to past draft budget sessions); and
 - (c) an Extraordinary Council Meeting at 6.30pm on 15 November 2023 to elect a Mayor and Deputy Mayor for 2023/2024.
2. In addition to the above, that Council institutes a program of:
 - (a) Regular listening posts with the Mayor in local libraries, parks and other venues; and
 - (b) “Conversations” or “listening post” style events with all Councillors in convenient locations for the community (e.g. local markets) on a regular basis.

CARRIED

CALL FOR A DIVISION

For: Councillors Crossland, Mohamud, Nguyen, Landes and Wade

Against: Councillor O'Brien

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

Reference	D22/308642
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

RECOMMENDATION

Start time:9.07pm

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Carolyn VAN STEENIS;
 - (b) Jellina DE VRIES,be appointed and authorised as set out in the instrument at **Attachment One**; and
 - (c) 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 Wade

Seconded: Councillor Mohamud

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Carolyn VAN STEENIS;
 - (b) Jellina DE VRIES,be appointed and authorised as set out in the instrument at **Attachment One**; and
 - (c) 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

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

Nil

11. Questions without notice

11.1 Councillor Landes - Coles loading bay

Question:

We have received some complaints about loading occurring 12.30am at the Coles loading bay in Cameron Street Richmond.

Can officers look into this and provide what actions need to be taken?

Response:

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

12. Delegates' reports

Nil

Nil

13. General Business

Nil

Conclusion

The meeting concluded at 9.10pm.

Confirmed XXXXXXXXXX 2023

Mayor