

Ordinary Meeting of Council Minutes

**held on Tuesday 13 August 2019 at 7.00pm
Richmond Town Hall**

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

1. A. Vale – Allison Milner

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor O'Brien

"The City of Yarra was saddened to hear the terrible news yesterday that Associate Professor Allison Milner was fatally injured by a falling tree in Princes Park while walking to work. Princes Park is just over the City of Yarra border, and is a busy walking route for many City of Yarra residents into Carlton and the city.

Tonight we'd like to extend our sincere sympathies and condolences to Allison's husband Rohan and their children Byron and Theo, and to her parents, her wider family, friends and colleagues.

Allison was an outstanding scholar who always strove to make a difference. Her research spanned the fields of suicide prevention, work, gender, and disability. Most importantly she was a wonderful colleague and friend to many. She was humble, generous, and caring. Her tragic death leaves an enormous hole in the lives of many."

CARRIED UNANIMOUSLY

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Felicity Macchion (Acting Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Mel Nikou (Governance Officer)

Apology

- Cr Stephen Jolly

Leave of absence

Councillor Fristacky declared leave of absence for the meeting of 27 August.
Councillor Stone also declared leave of absence for the meeting of 27 August.

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

Nil

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Personnel matters

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 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Searle

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) Matters prejudicial to Council and/or any person: and
 - (b) Personnel matters
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Nguyen

That the amended minutes of the Ordinary Council Meeting held on Tuesday 30 July 2019 be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Nguyen

That the minutes of the Special Council Meeting held on Tuesday 30 July 2019 be confirmed.

CARRIED

6. Petitions and joint letters

Nil

7. Public question time

Nil

8. Delegates' reports

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6. Petitions and joint letters

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. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

Nil

8. Delegates' reports

8.1 Councillor Coleman - Islamic Museum, Thornbury

On the 20 July, I attended the Islamic Museum in Thornbury with Ged Kearney and some Councillors from Darebin City Council. It was an event put on by the Inner Northern Community Foundation and it brought together a range of entities, including Islamic entities that fund different community grants for those less privileged all through the Inner North. On the night I learned that the Federal Government have awarded a grant to the Islamic Museum of Australia where students of primary and high schools in a number of municipalities, including Yarra can get free admission and subsidised transport costs to have school excursions. So with the support of Yarra staff we are writing to all principles in Yarra to encourage them to take up the opportunity. So far about 25,000 school students from across Victoria and as far away as Western Australia have taken part. The Islamic Museum in Thornbury if you haven't been there is the largest of its type in the Southern hemisphere and it is an amazing collection not only to look at but lessons to learn and information to glean. So I would like to encourage you all to go along and have a look and I would also like to thank City of Yarra staff for supporting the letter going out to all the principles and hoping that many more schools can take up the opportunity to attend the museum.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

That the Delegates' report be noted.

CARRIED UNANIMOUSLY

9. General business

9.1 Councillor O'Brien - Gardens for Wildlife Program

Background

Knox City Council have a dedicated Gardens For Wildlife Officer. They have been running the program for 13 years and have approximately 900 households in the Program.

Their model is to partner with community and build capacity within the community particularly with the Knox Environmental Society. Volunteers from the Society and previous participants provide ongoing support to members of the community interested in creating their own garden for wildlife.

They train their own volunteers to run the program in Knox.

They have a Gardens For Wildlife Knox Facebook page where the community share information on local flora, fauna and current events as well as garden and wildlife stories, photos and experiences.

They have produced a Gardens For Wildlife Booklet for residents and feature the project on their webpage.

<http://www.knox.vic.gov.au/G4W>

Nadine Gascal is the Knox Biodiversity Coordinator and co-founder of the Program.

They have invited Yarra to their next workshop on 12 September.

From their Program the Gardens For Wildlife Victoria sprang.

They have helped 32 Municipalities to set up similar Programs and provide support for Councils interested.

Gardens For Wildlife Victoria Project Manager Laura Mumaw can be contacted:

gardensforwildlife.vic@gmail.com

<https://gardensforwildlifevictoria.com/>

Banyule Council run a hybrid of the Knox model where they partner with Victorian Indigenous Nurseries Cooperative (VINC) to run their program.

For around \$5000 per session (run twice a year Autumn and Spring) Banyule have VINC run a workshop for around 25 residents. Participants bring along a soil sample for analysis, they have a nursery and wetlands tour and an information workshop on garden design.

Following this a VINC expert garden designer does a home visit to the resident's property for a home garden assessment and gives specific advice. Participants receive a completed garden assessment and plan as well as an Indigenous plants voucher for 10 plants to kick their garden off. They then attend a nesting box building workshop for participant's gardens.

The details of the Banyule program may be located via the following quick-link's.

<https://www.banyule.vic.gov.au/Waste-environment/Environment-sustainability/Sustainable-living-get-involved/Gardens-for-wildlife>

For more information contact Jim Mead, Banyule's Environmental Sustainability Education Officer on 03 9457 9885.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Coleman

1. That Council:

- (a) note the Gardens for Wildlife Program as established by Knox City Council which is structured to help residents create habitat in their gardens to support native wildlife, and to contribute to Knox's strategic wildlife corridors (refer references in Background below);
- (b) note that Knox City Council has been running the program for some 13 years and have over 900 households participating, supported by volunteers and is now self-sustaining;
- (c) note that Banyule run a hybrid of this Program in conjunction with the Victorian Indigenous Nurseries Co-op; and
- (d) request Officers to incorporate into the report soon to be presented on a Biodiversity Strategy, the potential for and steps which would be necessary, for Yarra City Council to establish a program based upon the "Gardens for Wildlife Victoria" model" run in 32 Municipalities across Victoria.

CARRIED UNANIMOUSLY

9.2 Councillor Stone - Temporary Closure of Community Room at 140 Brunswick Street, Fitzroy

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council:

- (a) note that it has been decided by Department of Health and Human Services (DHHS) to close the community room at 140 Brunswick Street, Fitzroy (Atherton Gardens Estate) for operational and maintenance reasons:
 - (i) this has meant that a number of community groups, including older persons groups are not currently able to meet – potentially for 6 months or more;
 - (ii) that a number of these groups are supported through Yarra's Annual Grant funding; and
 - (iii) that it is important they have alternate spaces to meet and maintain social connections.

2. That Council request officers to report back to Council on actions they have been able to take to ensure DHHS provides alternate venues for these groups and resolves the use of the community room as soon as possible.

CARRIED UNANIMOUSLY

9.3 Councillor Chen Yi Mei - Youth Employment Services

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Bosler

1. That Council:

- (a) notes the success of youth employment services facilitated by the Yarra Youth Service's Youth Employment Officer stationed in Fitzroy; and
- (b) requests officers to bring a report on youth employment and the potential for funding of a similar role for the Richmond public housing estate, with the view of referring it to the mid-year budget process for consideration.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor Stone - Waste on Construction Sites

Question:

We are at the end of plastic free July and for anyone that walks around the municipality would know that the two places where we seeing the most plastic and rubbish dropped in the streets are around food venues and building sites.

Is there anything in the Local Law or any regulatory way we can provide constructions sites to actually manage their waste on site, particularly food and other bits of construction material because it is really noticeable and most of it ends up in our waterways?

Response:

The Director City Works and Assets advised that in terms of construction management, we do have construction management plans that require sites to retain their spoil and building material on site. In relation to the local law aspect and waste, I will need to take that on notice to speak with officers and provide a response back to Councillors.

10.2 Councillor Fristacky - Recycling Overseas

Question:

If the federal government does ban sending recycling materials overseas what happens to the cardboard and paper that we send overseas? Are there any exemptions where it is a proper legitimate business and contractual arrangement undertaken through our contractors because I think it is undertaken through Polytrade rather than through us?

Response:

The Director City Works and Assets advised that the detail of what is proposed hasn't yet been released so it is a concept which from my perspective is a good concept to restrict the shipping of material overseas. I believe the intent of that is to develop local markets, so I expect over time that will lead to a development of local markets and prevent the shipping overseas. I have received commentary that, that is a long way off so it will be interesting to see the detail from both federal and state government about how that will work. I expect that it will be some years before we see real change and for several years as a country, not Yarra, will still be shipping materials overseas.

The big change that has occurred and that will continue to occur is in the quality of the material that is accepted overseas. There has already been a change with the China sword policy that's been introduced, there is a further change coming next year that will again increase the level of quality that needs to be provided. So I think that just speaks to the rationale behind Yarra's waste revolution on taking glass out of the material because it does mean you can have a higher quality material. So whether that material is processed locally or whether it is shipped overseas, it's got a much greater chance of being recycled for the purpose; paper to paper, plastic to plastic and glass into glass, whereas in the current system where trucks pick up and crush the glass into the material that really prevents them being used for their highest and best use.

We are seeking to find local markets for all our material and in fact some of our paper and cardboard is being dealt with domestically at the Australian paper recycling factory in Truganina. There isn't a local market for most plastics as there are many types of plastics. I think there are two types of plastics that can currently be recycled and a number of plastics that can't be recycled. We would hope to see technology change in that regard, currently there is no local processing.

10.3 Councillor Fristacky - Royal Historical Society Article

Question:

In relation to an article that I came across from the Royal Historical Society news of August 2019 written by Ian Wight who is a member of our Heritage Advisory Committee and a member of the Royal Historical Society of Victoria Heritage Committee, the article talks about how planning is destroying Melbourne's historic shopping stripes.

I raise this for the attention of our Statutory and Strategic Planning areas and ask for any advice on any implications on our planning scheme review and our approach to heritage.

Planning is Destroying Melbourne's Historic Strip Shopping Centres

Town planner and former National Trust Conservation Manager Ian Wight, a member of the RHSV Heritage Committee, offers a column here on a very serious threat to heritage, not only in Yarra, but to all Melbourne's Victorian and Edwardian shopping strips.

Launching the National Trust's Advocacy Toolkit at History House in May 2018, Trust Chair Kristin Stegley issued an impassioned call to arms against the increasing threat to our built heritage from developers and VCAT alike. 'Who ever said that facadism is OK?' she asked. What most of us failed to realise was that the propensity to grant development permits that retain only façades arises not just from overreaching developers or the vagaries of VCAT decisions. Rather, a concerted bureaucratic thrust to legitimise façading of historic buildings throughout the historic strip shopping centres of the inner and middle suburbs threatens to undermine the effectiveness of the Heritage Overlay (HO).

Inner city councils, frustrated by very loose interpretations of 'preferred' height controls, have been lobbying the Department of Environment Land Water and Planning (DELWP) to introduce mandatory height controls, particularly in activity centres where state planning policy encourages intensive development. However, it is also state planning policy to grant mandatory controls only in exceptional circumstances. It appears that DELWP officers are using this exceptionality as a bargaining chip to advance urban consolidation objectives over those of urban conservation.

Height limits are effected through Design and Development Overlays (DDOs), which allow preferred and mandatory heights and setbacks (both maximum and minimum) to be specified, effectively creating a building envelope within which development can occur.

In heritage areas, if the building envelope follows the existing buildings' form, it can provide further protection for built heritage. Conversely, if the volume of the envelope substantially exceeds that of the existing built form this would allow development that exceeds what could normally be expected under a Heritage Overlay (HO). An impossible tension is

set up between the objectives of the HO, which are to conserve heritage fabric, and those of the excessive DDO, which are to promote development.

Unfortunately, in almost every case the DDOs being introduced in the historic strip centres provide for development greatly in excess of the existing built form.

Despite some variation from centre to centre the basic approach is the same. The first step is to establish the 'street wall height': the maximum height for buildings at the street frontage. This is usually 11 metres, not much more than the existing building heights.

A setback for development above 11 metres is then selected. This varies between centres and precincts within centres but is usually only 5 or 6 metres. The next stage is to determine how much of the new development will be visible. This also varies but usually results in development of around 6 storeys.

This diagram quickly dispels any thought that heritage fabric might be retained in the setback area. The words in the hatched area of the right-hand buildings read: 'Heritage Façade'!

The falsity of this approach is apparent in the ready visibility of the higher built form, rising just 5 metres back from the frontage. It is uncomfortably obvious that the retained façade has nothing to do with the new building behind and appears to have been just 'pasted on'.

Most of the amendments seem to focus on achieving height controls at the immense cost of encouraging demolition of almost all of the heritage fabric in these centres.

This amounts to a major policy shift at state level that has been occurring largely unnoticed. These amendments have all been negotiated one by one by different councils so their cumulative effect is not appreciated. It will also take some time for their destructive consequences to become obvious, and by the time the outcry does happen it will be too late.

The one exception has been Queens Parade in North Fitzroy where local resident groups have combined to try to stop this formula being applied to their centre.

The RHSV Heritage Committee supports this coalition, which achieved 400 submissions against the proposal. Our

committee is also working to raise awareness though opposing similar amendments, engaging with the National Trust and making a submission to the Heritage Council, emphasising that:

Burra Charter principles should be applied to administration of the Heritage Overlay starting with the need to understand what is significant about the place and see that it is conserved.

The type of heritage guidelines that have had success in managing heritage precincts in residential areas should also apply to industrial and commercial areas.

The heritage part of the shopping strip is usually a small section of the area designated as the activity centre, and scope usually exists for intensive development just beyond this part.

These historic strip centres are valued by existing and potential residents. If protected they could continue to be major drivers of urban consolidation.

Ian Wight

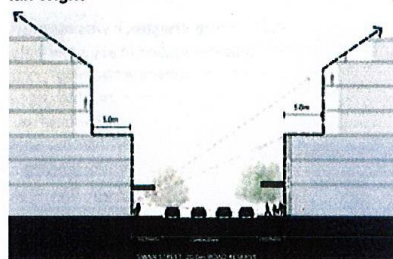


Figure 1: Sight Lines and building envelopes Swan Street Richmond. Source: City of Yarra amendment C191 Swan Street Activity Centre Built Form Framework p. 31



Figure 2: 3D Visualisation of Swan Street Richmond looking west from Church Street showing chopped off buildings. Note that it is unlikely any of these roofs will survive.

Source: City of Yarra amendment C191 Swan Street Activity Centre Built Form Heritage Review p.77

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Response:

The Chief Executive Officer advised that it will be forwarded to both the Manager Statutory Planning and Manager City Strategy.

10.4 Councillor Searle - Cottage in Burnley Park

Question:

What is the reason for the large temporary fencing that is currently at the site and when is that fencing likely to be removed?

How is Council planning to send the \$45k that was allocated in the 2019/2020 budget for works to that building?

Response:

The Director City Works and Assets advised that we are proposing is to remove that fence as it was originally installed for risk mitigation as there was a concern that people were breaking into the building. We have discussed it and think there is a better way to achieve that so the plan is to remove the fencing. It will result in boarding up the windows but we think we can paint the building and the windows in a way that doesn't look as bad as the current fencing. We also plan on doing some works on some mitigation work; guttering, down pipes and the weatherboards. All of those works would cost around \$20k or \$25k and I don't think there is a need or any value in doing anymore works, which potentially leaves some money available for another purpose either for that facility or back as a saving to the capital works program. Those works would be done fairly quickly and commit to getting it done this year in spring.

11.1 Update on Yarra Riverbank, Alphington

Reference: D19/139190

Authoriser: Director City Works and Assets

RECOMMENDATION**1. That Council:**

- (a) notes the advice from Glenvill that the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed;
- (b) notes that Glenvill are open to reviewing this position in the future should site conditions change;
- (c) notes that following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
- (d) notes the assessment on Tree 1 and the options presented by Alluvium to preserve the tree;
- (e) notes that due to further slumping of the river bank, the likelihood that the tree will fall in the coming days or weeks, and the immediate risk to the property (river bank) should the tree fall, the advice from Alluvium is that Tree 1 should now be removed without the need for a planning permit;
- (f) endorse the removal of the tree, retaining the root ball for bank protection, and in conjunction with Melbourne Water, locate the trunk in the river to act as instream habitat;
- (g) instruct officers to liaise with Glenvill and Melbourne Water to inform them of this resolution and to work with them to give it effect as soon as practicable; and
- (h) note the options provided within the report by Alluvium to stabilise the riverbank, and further note that Alluvium will provide a future report on both the cause and the options to address further river bank slumping as part of a future report.

Public Submissions

The following people addressed Council on the matter:

Fiona Currie, APMAG; and

Spiro Georgakopoulos.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

1. That Council:

- (a) notes the advice from Glenvill that the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed;
- (b) notes that Glenvill are open to reviewing this position in the future should site conditions change;
- (c) notes that following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
- (d) notes the assessment on Tree 1 and the options presented by Alluvium to preserve the tree;
- (e) notes that due to further slumping of the river bank, the likelihood that the tree will fall in the coming days or weeks, and the immediate risk to the property (river bank) should the tree fall, the advice from Alluvium is that Tree 1 should now be removed without the need for a planning permit;
- (f) endorse the removal of the tree, retaining the root ball for bank protection, and in conjunction with Melbourne Water, locate the trunk in the river to act as instream habitat and in addition consider the same treatment for the already fallen tree at this location;
- (g) instruct officers to liaise with Glenvill and Melbourne Water to inform them of this resolution and to work with them to give it effect as soon as practicable; and
- (h) note the options provided within the report by Alluvium to stabilise the riverbank, and further note that Alluvium will provide a future report on both the cause and the options to address further river bank slumping as part of a report to the next Council Meeting.

CARRIED UNANIMOUSLY

11.2 Consumption of Liquor in Public Places Local Law

Reference: D19/130944

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council considers whether, in light of the preliminary feedback, amendments to the proposed Local Law are required.
2. If it is considered that amendments are required, that Council specify such amendments and determine that a revised version be drafted.
3. If it is considered that no amendments are required, that Council endorse the proposed Local Law for publication for the purposes of inviting submissions from stakeholders and that Council resolve to undertake the following:
 - (a) publish a notice in the Government Gazette and a separate public notice stating:
 - (i) the purpose and general purport of the proposed Local Law;
 - (ii) that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office; and
 - (iii) that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law;
 - (b) ensure that a copy of the proposed Local Law and any explanatory documents are available for inspection at, and able to be obtained from Council's offices;
 - (c) provide any person who wishes to make a submission with the opportunity to do so;
 - (d) provide any person who makes a request to be heard in-person the opportunity to make oral submissions at a Council meeting or a meeting of a committee determined by Council; and
 - (e) fix a time and location for this meeting and provide the person(s) with reasonable notice of the meeting.

Councillor O'Brien left the meeting at 8.20pm

Councillor O'Brien returned to the meeting at 8.21pm

Councillor Nguyen left the meeting at 8.22pm

Councillor Nguyen returned to the meeting at 8.23pm

Public Submission

Inspector Ann Rudd addressed Council on the matter.

Councillor O'Brien left the meeting at 8.43pm

Councillor O'Brien returned to the meeting at 8.54pm

Councillor Coleman left the meeting at 8.55pm

Councillor Coleman returned to the meeting at 8.57pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That Council amend the proposed local law by replacing the words reasonable grounds with observe in sections 10, 15 and 20.
2. That Council endorse the proposed amended Local Law for publication for the purposes of inviting submissions from stakeholders and that Council resolve to undertake the following:
 - (a) publish a notice in the Government Gazette and a separate public notice stating:
 - (i) the purpose and general purport of the proposed Local Law;
 - (ii) that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office; and
 - (iii) that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law;
 - (b) ensure that a copy of the proposed Local Law and any explanatory documents are available for inspection at, and able to be obtained from Council's offices;
 - (c) provide any person who wishes to make a submission with the opportunity to do so;
 - (d) provide any person who makes a request to be heard in-person the opportunity to make oral submissions at a Council meeting or a meeting of a committee determined by Council; and
 - (e) fix a time and location for this meeting and provide the person(s) with reasonable notice of the meeting.

CARRIED

CALL FOR A DIVISION

For: Councillors Fristacky, Stone, Chen Yi Mei, Searle and Bosler

Against: Councillors Nguyen and O'Brien

Abstained: Councillor Coleman

Councillor Nguyen left the meeting at 9.02pm

11.3 Outcome of the Expression of Interest for 150-152 Hoddle Street Abbotsford

Reference: D19/126286

Authoriser: Director City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) note the officer's report on the outcome of the call for Expressions of Interest for the restoration and use of the building at 150-152 Hoddle Street Abbotsford;
 - (b) note the Council budget resolution for a feasibility study for social and affordable housing in the Collingwood Town Hall precinct; and
 - (c) note that a separate report will be presented to Council on the outcome of the social and affordable housing feasibility study funded to occur in 2019/20.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the officer's report on the outcome of the call for Expressions of Interest for the restoration and use of the building at 150-152 Hoddle Street Abbotsford;
 - (b) note the Council budget resolution for a feasibility study for social and affordable housing in the Collingwood Town Hall precinct; and
 - (c) note that a separate report will be presented to Council on the outcome of the social and affordable housing feasibility study funded to occur in 2019/20.
2. That Council request officers provide advice and options on expanding the feasibility study to include, in addition to affordable housing:
 - (a) previously considered community uses: community meeting spaces and hot desks, a performance/exhibition space, arts spaces, affordable housing for artists; and
 - (b) use of 150-152 Hoddle St as the Collingwood Library and/or the Maternal and Child Health Centre.

CARRIED UNANIMOUSLY

Councillor O'Brien left the meeting at 9.07pm

Councillor O'Brien returned to the meeting at 9.10pm

11.4 Mayor's Park Tennis and Netball Centre Management Update

Reference: D19/133713

Authoriser: Director City Works and Assets

RECOMMENDATION

1. That:
 - (a) Council endorses the proposed management and fees structure, as outlined in this report.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That:
 - (a) Council endorses the proposed management and fees structure, as outlined in this report; and
 - (b) Council receives a further report in June 2020 on the success of the transition to this mode, in particular the continuity of social tennis programs, as measured through the meeting of KPIs and, where appropriate, user surveys.

CARRIED UNANIMOUSLY

The Mayor left the meeting at 9.13pm

The Deputy Mayor assumed the Chair.

11.5 Visit to Baucau - Timor Leste and the Municipal Agreement

Reference: D19/124817

Authoriser: Group Manager People, Culture and Community

RECOMMENDATION

1. That Council:
 - (a) note the Baucau – Timor Leste Visit 2019 Report;
 - (b) endorse the full recommendations from the report as listed below;
 - (c) strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) improving promotion and marketing of the Friends of Baucau coffee which is sold at Council cashiers;
 - (ii) supporting the Yarra Neighbourhood Houses to partner with Friends of Baucau;
 - (iii) supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau; and
 - (iv) promoting the work of FoB through Council's communications channels.
 - (d) support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) continue to promote Community Grants for community development projects based in Yarra;
 - (e) action the Municipal Agreement between Baucau and Yarra by:
 - (i) assigning a Council officer to drive the municipal Agreement;
 - (ii) building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) investigating the possibility of an officer exchange;
 - (iv) exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) continue participation in the Local Government Timor-Leste Partnership Network.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

1. That Council:

- (a) note the Baucau – Timor Leste Visit 2019 Report;
- (b) endorse the full recommendations from the report as listed below;
- (c) strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) improving promotion and marketing of the Friends of Baucau coffee which is sold at Council cashiers;
 - (ii) supporting the Yarra Neighbourhood Houses to partner with Friends of Baucau;
 - (iii) supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau; and
 - (iv) promoting the work of FoB through Council's communications channels.
- (d) support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) continue to promote Community Grants for community development projects based in Yarra;
- (e) action the Municipal Agreement between Baucau and Yarra by:
 - (i) assigning a Council officer to drive the municipal Agreement;
 - (ii) building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) investigating the possibility of an officer exchange;
 - (iv) exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) continue participation in the Local Government Timor-Leste Partnership Network.

CARRIED UNANIMOUSLY

11.6 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D19/136030

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council formally appoints:
 - (a) Ian Banksas an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.
2. That Council directs that the Instrument of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

1. That Council formally appoints:
 - (a) Ian Banksas an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.
2. That Council directs that the Instrument of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

CARRIED UNANIMOUSLY

The Mayor returned to the meeting at 9.18pm and assumed the Chair.

12.1 Notice of Motion No. 12 of 2019 - Request for Report on Future of Burnley Cottage

Reference: D19/135873

Authoriser: Group Manager Chief Executive's Office

Public Submission

Catherine Robertson addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor O'Brien

1. That in relation to the building in Burnley Park, known as Burnley Cottage:
 - (a) Council note:
 - (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;
 - (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;
 - (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;
 - (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and
 - (v) that there has been no formal consideration of the future of the building since 2017;
 - (b) Council receive a report in the October meeting cycle which includes:
 - (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;
 - (ii) an update on the 2019/2020 budgeted capital works;
 - (iii) an estimate of the cost of works required to the building to both:
 - a. restrict further deterioration of the structure; and
 - b. bring it up to the minimum standard required for use;
 - (iv) funding sources which could be used to support the necessary works to the building; and
 - (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration.

CARRIED UNANIMOUSLY

12.2 Notice of Motion No.13 of 2019 - Support for Climate Emergency Strike

Reference: D19/137667

Authoriser: Group Manager Chief Executive's Office

Public Submission

The following people addressed Council on the matter:

Leo Crnogorcevic, Melbourne School Strike 4 Climate; and

Cormac Mills Richard, Shot Down IMARC.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Stone

1. That Council:

- (a) having regard to its strong support for our environment and in particular, its acknowledgment of a Climate Emergency facing the world and the need for prompt attention thereto and:
 - (i) noting its range of policies now in place to address the impacts of climate change through the implementation of a progressively expanding range of community works and programs in Yarra to protect our environment and reduce waste; and
 - (ii) noting the need for other levels of government to acknowledge, plan for and implement actions which address the climate emergency;
- (b) note the Melbourne School Strike 4 Climate which is programmed for 20 September;
- (c) note the IMARC (International Mining And Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 – 31 October 2019 and the 3 day protest which will take place against the Conference; and
- (d) note its support for each of the Melbourne School Strike 4 Climate and the IMARC Protest and that we support Yarra residents who choose to support these two important events.

CARRIED UNANIMOUSLY

13. Urgent Business

13.1 Councillor Searle - Protecting Significant Trees and Landscape on Djab Wurrung Country

Background

As part of works to duplicate the Western Highway, Major Roads Projects Victoria is proposing to remove nearly 3,000 trees from a site near Ararat including hundreds of trees considered sacred by local traditional owners. Some of these trees are 700-800 years old and replacement plantings will not mitigate the cultural, spiritual and environmental loss of such significant trees and landscape.

Council has previously agreed to a unanimous resolution on this matter on 3rd July 2018:

1. *That Yarra Council:*

- (a) *supports the struggle to save the Djab Wurrung sacred sites that are in the way of the current plans for the Western Highway upgrade;*
- (b) *notes the trees planned to be removed are 700 years old and have great cultural significance to the Djab Wurrung and indeed the broader Indigenous community;*
- (c) *notes the Federal government has imposed a 30 day injunction on works at the site;*
- (d) *calls on the State government to use this time to do a comprehensive consultation with Eastern Marr Aboriginal Corporation and Djab Wurrung people with a view to adjusting the Western Highway route in order to protect Djab Wurrung cultural heritage; and*
- (e) *request our CEO and Mayor to immediately seek a meeting with the Roads Minister to inform him of our position on this matter and ask him to support the requested consultation.*

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

1. *That Council:*

- (a) notes its unanimous resolution of 3rd July 2018 and that negotiations since this time have resulted in changes to the plan, but that those changes still involve the loss of many sacred trees and irreversible changes to the landscape of the surrounding country;
- (b) acknowledges the Djab Wurrung Traditional Owners in their rights to sovereignty and autonomy;
- (c) supports the Djab Wurrung Traditional Owners in their rights to protect the culturally significant and sacred landscape including its songlines and trees;
- (d) understands the Djab Wurrung Traditional Owners' sacred country is at threat of destruction by the proposed re-development of the Western Highway by Major Roads Project Victoria;
- (e) supports the Djab Wurrung Traditional Owners to veto the proposed development plan of the Western Highway by Major Roads Project Victoria; and
- (f) writes to the Minister for Transport Infrastructure, Hon Jacinta Allan MP, the Minister for Roads, Hon Jaala Pulford MP and the Victorian Premier Daniel Andrews to convey this resolution.

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Stone, Chen Yi Mei, Searle and O'Brien

Against: Nil

Abstained: Councillor Bosler

Conclusion

The meeting concluded at 9.26pm.

Confirmed Tuesday 27 August 2019

Mayor