



Ordinary Meeting of Council Minutes

**held on Tuesday 4 February 2020 at 7.00pm
Fitzroy Town Hall**

www.yarracity.vic.gov.au

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.”

1A. Acknowledgement – Bushfires

The Mayor reflected on the devastating effects the bushfires have had on communities across the country.

The Mayor also thanked on behalf of Council everyone in the emergency services for their services and to also a number of City of Yarra staff who also assisted various regional Council's with their emergency services and also worked along with the Salvation Army, Red Cross and Department of Health.

1B. Acknowledgement - Mary Parfrey

The Mayor also thanked Mary Parfrey on behalf of Council, who retired after 22 years of managing the Carlton Neighbourhood Learning Centre for her dedicated service over the years.

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 Stephen Jolly
- 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)
- Lucas Gosling (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)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

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 Bosler

Seconded: Councillor Chen Yi Mei

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 matters prejudicial to Council and/or any person.
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 Coleman

Seconded: Councillor Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 26 November 2019 be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Fristacky

That the minutes of the Ceremonial Council Meeting held on Thursday 28 November 2019 be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 3 December 2019 be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 17 December 2019 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

Item		Page	Res. Page
6.1	Petition - Housing Commission at 100 Napier Street, Fitzroy - Resident concerns with various unacceptable issues	7	7

7. Public question time

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7.3	Queennie Yang - Community Room at DHHS	10
7.4	Maurice Sheehan - Waltham Street Tram Stop 17	10

8. Delegates' reports

Nil

9. General business

Nil

10. Questions without notice

Item		Page
10.1	Councillor O'Brien - Petition tabled at 17 December Council Meeting re roadshow across Australia	11

****With the leave of the meeting, items were considered in the following order:**

- Public Question Time – 7.1, 7.2, 7.3 and 7.4
- Notice of Motions – 12.1, 12.2, 12.3 and 12.4
- Council Business – 11.1, 11.7,
- Questions without notice – 10.1
- Council Business – 11.2, 11.3, 11.4, 11.5, 11.6, 11.8
- Urgent Business – 13.1

11. Council business reports

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11.7	Heidelberg Road corridor - Local Area Plan and proposed building form and heritage protection	21	25
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12. Notices of motion

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12.1	Notice of Motion No. 1 of 2020 - Proposal for Yarra City Council to Host the 2020 Australian Local Government Women's Association (ALGWA) Regional Conference	28	30
12.2	Notice of Motion No. 2 of 2020 - Australian Citizen Julian Assange	32	33
12.3	Notice of Motion No. 3 of 2020 - Protection of the Grey Headed Flying Fox	34	35
12.4	Notice of Motion No. 4 of 2020 - Local Government Bill 2019	36	36

13. Urgent business

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13.1	Bushfires and Climate Change	37	37

6. Petitions and joint letters

- 6.1 Petition - Housing Commission at 100 Napier Street, Fitzroy - Resident concerns with various unacceptable issues

Public Submission

Phillip Hyams addressed Council on the matter.

Reference: D20/21252

A petition containing 39 signatures from residents have outlined a number of issues and behaviours taking place in the parking area of the Housing Commission complex.

The issues dating back since March 2017; daily gathering of youths starting from 4pm and continuing through to 2am; unacceptable behaviour i.e. blocked parking spaces, loud music, drug use, dangerous driving, threats and intimidation, vandalism etc.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Coleman

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

CARRIED UNANIMOUSLY

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.

7.1 Graeme Russell - Collingwood Leisure Centre re Lap Lane

Question:

Members of the Collingwood Leisure Centre received a note that there will not be a lap lane available at the Collingwood pool between 3.30pm and 6.30pm on week days.

How does this decision to deny access to members and the community generally to public lap swimming for such a substantial part of each week day align with the Council's access and inclusion strategy and the active and aging strategy?

How is the decision fair to rate payers like me, who funded for example the 2012 extensions to that pool and the rate payers that funded 6 of the 8 million dollars that those extensions cost. At the time we were told that they were to extend the lanes to address this very issue to provide more capacity both for lap lane swimming and swimming lessons. I think in return we are entitled to be given reasonable access to a pool that we have funded.

There was a commitment given that there would be two lap lanes available at all times and that commitment was kept by the centre, up until very recently.

Response:

The Mayor advised to correct the letter that Mr Russell sent to the Herald Sun that it was suggested that Council was prioritising private swimming lessons over rate payers. All the 'learn to swim' provision is done internally not contracted out to a private provider.

The Director City Works and Assets advised that there are seven lanes at the Collingwood Leisure Centre and recently six of those lanes have become a 'learn to swim' zone on the basis of the demand. We have had 32 new 'learn to swim' classes this year and we actually provide nearly four thousand local young residents per week. In relation to the access and inclusion strategy, this Council is proud of its achievements and its focus on access and inclusion and would strongly argue that we do a lot to support access and inclusion. Whilst there is no dedicated lap lane during the time of the 'learn to swim', there is a lane available for lap swimming. The six lanes are required for the 'learn to swim' program and one lane remaining. I did attend the Collingwood Leisure Centre yesterday to see how the program was running, as it was the first week of the 'learn to swim' lessons for the year and see people lap swimming etc. We are trying to get the balance right and appreciate that people have specific needs and trying to get the balance right in terms of meeting the needs of all those learn to swim participants and other people with other needs.

In relation to the question on rate payers, the 'learn to swim' participants are also rate payers as other people that walk and do other aqua play activities. I understand that there is range of different needs and the decision we have made to respond to the demand for 'learn to swim' and to enable the one extra lane to be used for other purposes. If we were to make that a dedicated lane lap lane during those hours, it would prevent others using it for walking and other purposes.

Councillor Nguyen arrived at 7.18pm

7.2 Carole Wilkinson, YCAN - Proudly Plastic Free Campaign

Questions:

It is more than six months since the launch of the trial of Yarra's Proudly Plastic Free Campaign for takeaway food outlets.

YCAN proposed this initiative through a petition and we were very pleased when Council embraced it. But we haven't heard any updates since the campaign's launch.

On Council's website it says: Proudly Plastic Free is a whole of community plan to reduce the use of single use plastic packaging. We are starting with businesses in North Fitzroy Village and aim to reduce their plastic use by 50% by August 2019.

We have not seen any report on the North Fitzroy Village trial, or information about expanding the campaign. We are aware that participating restaurants are on the Yarra Zero Waste Map, but this has its limitations. Not a lot of people know about it. There is no phone app and when we had a quick look at it earlier this week, plenty of places still using disposable coffee cups were listed, and two that we know have eliminated disposable cups are not listed.

YCAN members and members of the Waste and Recycling Working Group (before it was disbanded) recommended that Council produce signage to indicate that restaurants were involved in the campaign, and a star system so that a restaurant's level of commitment could be assessed by patrons. This has not happened.

Restaurants participating in the trial have had to invest in replacement biodegradable containers etc. They deserve more support from Council in the form of signage and publicity. Without eye-catching signage, up-to-date information and more publicity online, we are concerned that the campaign will lose momentum.

Will there be a report on the results of the Proudly Plastic Free trial and if participants were able to reduce their plastic use significantly?

Does Council intend to continue to support and expand this important campaign, particularly with the provision of signage?

Response:

The Mayor advised that the answer to both questions was Yes, the trial in Fitzroy North has been completed and evaluated and results are going up on the website in a couple of weeks and those results will inform the second phase of the program. It was successful in Fitzroy North, we had twenty businesses sign up but I take your point about the ongoing nature of that and we may need to do a mini audit of those twenty businesses. The second phase will roll out in Cremorne, starting in mid-February and that will include signage in the campaign. We don't have the budget to roll it out to all of Yarra, but there is a proposal in the budget. We do want to promote single use plastics at all of our events and venues other than small businesses.

7.3 Queennie Yang - Community Room at DHHS

Question:

I am here representing a seniors group as they cannot speak English.

The group use to use the community room for activities but it has been closed for almost one year and they would like to know when it will be re-opened?

Response:

The Director Community Wellbeing took the question on notice but did advise that he would follow-up with this contacts at the Department of Health and Human Services.

7.4 Maurice Sheehan - Waltham Street Tram Stop 17

Question:

The bollards at the front of the elevated tram stop 17 have been knocked down. I contacted VicRoads as my previous understanding was that they were the people that we should be communicating, however I got nowhere. I subsequently spoke to Mr Ivan Gilbert and I also spoke with Rhys Devin who is working with our local member, endeavouring to get some resolve and have some bollards put up. It took from just after Christmas to the 26 January to get bollards put there and am puzzled as to why in a busy area it took so long.

Can someone advise why it takes the responsible authority so long to address the issue?

Response:

The Director Planning and Place Making advised that I followed up last year with the relevant Director at VicRoads and the matter was resolved and also advised Mr Sheehan, however I am happy to take that on board again tomorrow and make sure those bollards are in place. VicRoads had indicated that they would have a monitoring system in place, whether it was the tram drivers or others, I'm not sure, but obviously if the bollards took a long time to replace it needs to be rectified and maintained.

8. Delegates' reports

Nil

9. General Business

Nil

10. Questions without notice

- 10.1 Councillor O'Brien - Petition tabled at 17 December Council Meeting re roadshow across Australia

Question:

A petition was tabled at the last Council meeting on Tuesday 17 December regarding a roadshow across Australia and I am seeking clarification on that.

What action has been taken by Yarra and has there been any action taken by the Victorian Education Minister?

Response:

The Mayor advised that she has emailed the Minister the following morning asking if he knew about it and whether he was planning to do anything about it. The Herald Sun printed an article about it saying that 'Yarra Mayor says Hillsong not welcome in Yarra schools' which was not what I said at all and unfortunately they refused to correct that headline. I have not received any response by the minister to date and I will continue to follow that up.

(the next item of business reverted back to Council business items starting at item 11.2 through to Urgent Business).

Councillor Jolly left the meeting at 11.14pm

11.1 Burnley Golf Course Discussion Paper

Reference: D19/215474

Authoriser: Director City Works and Assets

RECOMMENDATION

1. That Council:
 - (a) endorse Officers to release the Burnley Golf Course Discussion Paper, for public consultation, and inviting feedback and input on options to manage the risks at Burnley Golf Course, for a period of four weeks, commencing in February 2020; and
 - (b) Officers provide a report back to Council following this consultation, outlining the feedback and the recommended way forward, for Council consideration.

Public Submissions

The following people addressed Council on the matter:

Kerry Grabau, President Burnley Women's Golf Club;

Greg Taylor, Secretary Burnley Golf Club;

Ken Gomez;

Paul Jackson;

Mark Trescowthick; and

Dorothy James.

Councillor Nguyen left the meeting at 9.10pm.

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Searle

1. That Council:
 - (a) endorse Officers to release the Burnley Golf Course Discussion Paper, including reference to the proposal from Burnley Golf Club and any updated Council quotes for fencing and associated issues for public consultation, and inviting feedback and input on options to manage the risks at Burnley Golf Course, for a period of at least four weeks, commencing in February 2020;
 - (b) Officers provide a report back to Council following this consultation, outlining the feedback and the recommended way forward, for Council consideration; and
 - (c) that the verbal and written submissions received at this Council meeting be included as submissions to the consultation process

CARRIED

CALL FOR A DIVISION

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

Against: Councillor Jolly

(The next item of business was 11.7)

11.2 Appointment of Chair for Audit Committee

Trim Record Number: D20/947

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council approve the Audit Committee's appointment of Helen Lanyon as Chair of the Audit Committee for 2020.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Searle

1. That Council approve the Audit Committee's appointment of Helen Lanyon as Chair of the Audit Committee for 2020.

CARRIED

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Chen Yi Mei

Seconded: Councillor Fristacky

That the meeting be extended for 15 minutes

CARRIED

11.3 Proposed Discontinuance of Road abutting 25 Balmain Street, Cremorne

Reference: D19/241250

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 schedule 10 of the Act, and being of the opinion that the road abutting 25 Balmain Street, Cremorne (shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**)), is not reasonably required for public use, to discontinue the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the adjoining owner of 25 Balmain Street, Cremorne (**Owner**) for no less than the market value (plus GST) as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
 - (f) directs that the Owner be required to consolidate the title to the Road with the title to the property known as 25 Balmain Street, Cremorne, by no later than 6 months after the date of transfer of the discontinued Road.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Searle

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 schedule 10 of the Act, and being of the opinion that the road abutting 25 Balmain Street, Cremorne (shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**)), is not reasonably required for public use, to discontinue the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the adjoining owner of 25 Balmain Street, Cremorne (**Owner**) for no less than the market value (plus GST) as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
 - (f) directs that the Owner be required to consolidate the title to the Road with the title to the property known as 25 Balmain Street, Cremorne, by no later than 6 months after the date of transfer of the discontinued Road.

CARRIED

11.4 Proposed Discontinuance of Road abutting 75-119 Cubitt Street, Cremorne

Reference: D19/242031

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown as lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in Conveyance Book 3 No. 358:
 - (a) Resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of schedule 10 of the Act, and being of the opinion that the road abutting 75-119 Cubitt Street, Cremorne (shown marked lot 1 on the title plan attached as Attachment 1 to this report is not reasonably required for public use, to discontinue the Road;
 - (b) Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) Directs that, once discontinued, the Road be transferred to the adjoining owner of 75-119 Cubitt Street, Cremorne for no less than the market value (plus GST) as determined by the Act;
 - (d) Directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) Any easements, rights or interests required to be created or saved over the Road by any Authority be done so and not be affected by the discontinuance and sale of the Road;
 - (f) Directs that the Owner be required to consolidate the title to the Road with the title/titles to the property known as 75-119 Cubitt Street, Cremorne, by no later than 6 months after the date of transfer of the discontinued Road; and
 - (g) Informs the submitter of Council's decision on the matter.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Searle

1. That Council having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown as lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in Conveyance Book 3 No. 358:
 - (a) Resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of schedule 10 of the Act, and being of the opinion that the road abutting 75-119 Cubitt Street, Cremorne (shown marked lot 1 on the title plan attached as Attachment 1 to this report is not reasonably required for public use, to discontinue the Road;
 - (b) Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) Directs that, once discontinued, the Road be transferred to the adjoining owner of 75-119 Cubitt Street, Cremorne for no less than the market value (plus GST) as determined by the Act;
 - (d) Directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) Any easements, rights or interests required to be created or saved over the Road by any Authority be done so and not be affected by the discontinuance and sale of the Road;
 - (f) Directs that the Owner be required to consolidate the title to the Road with the title/titles to the property known as 75-119 Cubitt Street, Cremorne, by no later than 6 months after the date of transfer of the discontinued Road; and
 - (g) Informs the submitter of Council's decision on the matter.

CARRIED

11.5 Proposed Discontinuance of Road between 2 and 6 Fitzgibbon Street, Cremorne.

Reference: D20/173

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road between 2 and 6 Fitzgibbon Street, Cremorne which is shown as lot 1 on the plan contained in Attachment 1 to this report, being part of the land contained in Memorial Book 60 Number 468 (**Road**) , be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the following reasons:
 - (a) the Road is a dead end and is not used as a thoroughfare to any other public road; and
 - (b) only the Owner's property at 36 Cubitt Street and 38-40 Cubitt Street, Cremorne and the properties 2 and 6 Fitzgibbon Street, 55 Dover Street, Cremorne (which are owned by related parties of the Owner) have direct vehicular or pedestrian access to the Road.
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owner of 36 and 38-40 Cubitt Street, Cremorne (**Owner**), for no less than the market value plus GST as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) any easements, rights or interests required to be created or saved over the Road by any Public/Statutory Authority, be done so and not be affected by the discontinuance and sale of the Road; and
 - (f) directs that the Owner be required to consolidate the title to the Road with the titles to 36 and 38-40 Cubitt Street, Cremorne no later than 6 months after the date of transfer of the discontinued Road.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Searle

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road between 2 and 6 Fitzgibbon Street, Cremorne which is shown as lot 1 on the plan contained in Attachment 1 to this report, being part of the land contained in Memorial Book 60 Number 468 (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the following reasons:
 - (a) the Road is a dead end and is not used as a thoroughfare to any other public road; and
 - (b) only the Owner's property at 36 Cubitt Street and 38-40 Cubitt Street, Cremorne and the properties 2 and 6 Fitzgibbon Street, 55 Dover Street, Cremorne (which are owned by related parties of the Owner) have direct vehicular or pedestrian access to the Road.
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owner of 36 and 38-40 Cubitt Street, Cremorne (**Owner**), for no less than the market value plus GST as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
 - (e) any easements, rights or interests required to be created or saved over the Road by any Public/Statutory Authority, be done so and not be affected by the discontinuance and sale of the Road; and
 - (f) directs that the Owner be required to consolidate the title to the Road with the titles to 36 and 38-40 Cubitt Street, Cremorne no later than 6 months after the date of transfer of the discontinued Road.

CARRIED

11.6 Proposed Discontinuance of road abutting 12-20 Victoria Crescent, Abbotsford

Reference: D20/1171

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

1. 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 abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being part of the land contained in certificate of title volume 6260 folio 907 and shown highlighted red on the plan attached to this report as Attachment 2 (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in “The Age”, “The Weekly Review Melbourne Times” newspapers, Council’s social media and displayed on the property;
 - (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 discontinued Road to the adjoining owner for market value plus (GST), as determined by the Act; and
 - (d) authorises the Coordinator Valuations 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.

COUNCIL RESOLUTION**Moved:** Councillor Stone**Seconded:** Councillor Bosler

1. 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 abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being part of the land contained in certificate of title volume 6260 folio 907 and shown highlighted red on the plan attached to this report as Attachment 2 (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in “The Age”, “The Weekly Review Melbourne Times” newspapers, Council’s social media and displayed on the property;
 - (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 discontinued Road to the adjoining owner for market value plus (GST), as determined by the Act; and
 - (d) authorises the Coordinator Valuations 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.

CARRIED

11.7 Heidelberg Road corridor - Local Area Plan and proposed building form and heritage protection

Reference: D20/6667

Authoriser: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
 - (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
 - (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the *Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)* and the associated *Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)*; and
 - (d) endorse for the purpose of Amendment C272 the *Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)*, the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)*, the *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)* and the *Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)*.
2. That Council
 - (a) resolve to seek Interim Design and Development Overlays to enable improved management of new development proposals along the south side of Heidelberg Road as outlined in the report;
 - (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) (**Attachment 10**) under S 20(4) of the Planning and Environment Act 1987; and
 - (c) note that a further report will be provided to Council regarding finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, once Darebin City Council has finalised similar proposals.

Public Submissions

The following people addressed Council on the matter:

David Hickey, SJB Planning;

Peter Doughty;

Antonio La Posta;

Susan La Posta;

Lisa Greenwood;

Todd Perry, President Alphington Fairfield Appropriate Development Association Inc. (AFADA);

Michael Long;

Marcy Lewis; and

Fiona Currie, APMAG.

*Councillor Jolly left the meeting at 9.42pm
Councillor Jolly returned at 9.44pm*

*Councillor Coleman left the meeting at 9.59pm
Councillor Coleman returned at 10.03pm*

*Councillor Bosler left the meeting at 10.13pm
Councillor Bosler returned at 10.15pm*

*Councillor Chen Yi Mei left the meeting at 10.15pm
Councillor Chen Yi Mei returned at 10.18pm*

*Councillor Searle left the meeting at 10.18pm
Councillor Searle returned at 10.21pm*

*Councillor Stone left the meeting at 10.30pm
Councillor Stone returned at 10.33pm*

MOTION

Moved: Councillor Bosler

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
 - (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
 - (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the *Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)* and the associated *Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)*; and
 - (d) note for the purpose of Amendment C272 the *Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)*, the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)*, the *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)* and the *Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)*.
2. That Council
 - (a) resolve to seek Interim Design and Development Overlays to enable improved management of new development proposals along the south side of Heidelberg Road as outlined in the report;
 - (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) **(Attachment 10)** under S 20(4) of the Planning and Environment Act 1987; and include the following changes to the proposed interim DDO18:
 - (i) reducing the maximum height of Precinct 1 (Porta site) to 7 storeys (24 metres) and 5 storeys (17.6 metres) for the remaining parts of Precinct 1;
 - (ii) reducing the maximum height in Precinct 2 to 4 storeys (16 metres) (except for sites proposed to be affected by an interim heritage overlay);
 - (iii) reducing the maximum height in Precincts 3A and 3B to 5 storeys (17.6 metres);

- (c) be provided with advice from Officers on heritage concerns in relation to residential areas, potential historical laneways and multi-zoning of Lot 19/LP5508 (rear of 700-718 Heidelberg Road, as part of preparing future permanent planning controls;
- (d) ensure that recent Council and VCAT decisions regarding overall heights and transitioning to rear properties for properties at 582 and 700-718 Heidelberg Road are reflected in future documents;
- (e) ensure the control reflects the relevant standards of Clause 58 (Better Apartment Design Standards) in relation to ground floor and upper level set backs on local roads, deep soil and landscaping provisions for apartment development in a Commercial 1 Zone in future documents; and
- (f) note that a further report will be provided to Council regarding finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, once Darebin City Council has finalised similar proposals.

AMENDMENT

Moved: Councillor Jolly

2. (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) (**Attachment 10**) under S 20(4) of the Planning and Environment Act 1987; and include the following changes to the proposed interim DDO18:
 - (i) reducing the maximum [mandatory] height of Precinct 1 (Porta site) to 7 storeys (24 metres) [change to 22 metres, i.e. Ground floor 4 m & 6 levels x 3m for residential above] and 5 storeys [specify 16 metres, i.e. Ground floor 4 m & 4 levels x 3m for residential above] for the remaining parts of Precinct 1;
 - (ii) reducing the maximum [mandatory] height in Precinct 2 to 4 storeys (16 metres) (except for sites proposed to be affected by an interim heritage overlay);
 - (iii) reducing the maximum [mandatory] height in Precincts 3A and 3B to 5 storeys (17.6 metres) [change to specify 16 metres, i.e. Ground floor 4 m & 4 levels x 3m for residential above];
 - (iv) reflect recent Council and VCAT decisions regarding overall heights and transitioning to rear properties for properties at 582 and 700-718 Heidelberg Road;
 - (v) ensure the control reflects the relevant standards of Clause 58 (Better Apartment Design Standards) [insert “are mandatory”] in relation to ground floor and upper level set backs on local roads, deep soil and landscaping provisions for apartment development in a Commercial 1 Zone; and
 - (b) be provided [insert “by 31 March, in prior consultation with community groups”], with advice from Officers on heritage concerns in relation to residential areas, potential historical laneways and multi-zoning of Lot 19/LP5508 (rear of 700-718 Heidelberg Road, as part of preparing future permanent planning controls; and
- Rezoning of both lots:
- (i) Lot 19 / LP5508 (Certificate of Title VOL 3584 FOL 644), currently a multi-zoned titled lot, make 100% Neighbourhood Residential (NRZ2); and
 - (ii) Lot 9 LP5508 (formerly 1 Park Avenue), this lot is a former residential property that has C1Z zoning, rezone to NRZ2;
- (c) [insert: A 3m ground floor setback along Heidelberg Road in all precincts except for identified Heritage buildings and between Yarralea Street and Como Street where the PAO exists]; and

The amendment was not accepted by the mover. It was then formally put.

AMENDMENT

Moved: Councillor Jolly

Seconded: Councillor O'Brien

1. That Council:

- (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
- (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
- (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the *Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)* and the associated *Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)*; and
- (d) note for the purpose of Amendment C272 the *Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)*, the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)*, the *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)* and the *Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)*.

2. That Council:

- (a) resolve to seek Interim Design and Development Overlays to enable improved management of new development proposals along the south side of Heidelberg Road as outlined in the report;
- (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) **(Attachment 10)** under S 20(4) of the Planning and Environment Act 1987; and include the following changes to the proposed interim DDO18:
 - (i) reducing the maximum [mandatory] height of Precinct 1 (Porta site) to 7 storeys (24 metres) [change to 22 metres, i.e. Ground floor 4 m & 6 levels x 3m for residential above] and 5 storeys [specify 16 metres, i.e. Ground floor 4 m & 4 levels x 3m for residential above] for the remaining parts of Precinct 1;
 - (ii) reducing the maximum [mandatory] height in Precinct 2 to 4 storeys (16 metres) (except for sites proposed to be affected by an interim heritage overlay);
 - (iii) reducing the maximum [mandatory] height in Precincts 3A and 3B to 5 storeys (17.6 metres) [change to specify 16 metres, i.e. Ground floor 4 m & 4 levels x 3m for residential above];
 - (iv) delete HO510 358 Heidelberg Road from proposed interim heritage overlays;
 - (v) reflect recent Council and VCAT decisions regarding overall heights and transitioning to rear properties for properties at 582 and 700-718 Heidelberg Road;
 - (vi) ensure the control reflects the relevant standards of Clause 58 (Better Apartment Design Standards) [insert “are mandatory”] in relation to ground floor and upper level set backs on local roads, deep soil and landscaping provisions for apartment development in a Commercial 1 Zone; and
- (c) be provided [insert “by 31 March, in prior consultation with community groups”], with advice from Officers on heritage concerns in relation to residential areas, potential historical laneways and multi-zoning of Lot 19/LP5508 (rear of 700-718 Heidelberg Road, as part of preparing future permanent planning controls; and
Rezoning of both lots:

- (i) Lot 19 / LP5508 (Certificate of Title VOL 3584 FOL 644), currently a multi-zoned titled lot, make 100% Neighbourhood Residential (NRZ2); and
- (ii) Lot 9 LP5508 (formerly 1 Park Avenue), this lot is a former residential property that has C1Z zoning, rezone to NRZ2;
- (d) [insert: A 3m ground floor setback along Heidelberg Road in all precincts except for identified Heritage buildings and between Yarralea Street and Como Street where the PAO exists]; and
- (e) note that a further report will be provided to Council regarding finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, once Darebin City Council has finalised similar proposals.

LOST

Councillor Jolly suggested to Councillor Bosler to include “delete HO510 358 Heidelberg Road from proposed interim heritage overlays” into her substantive motion.

Councillor Bosler accepted the amendment and it was incorporated into the motion.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Searle

Seconded: Councillor Coleman

That the meeting be extended for 15 minutes

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Chen Yi Mei

1. That Council:

- (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
- (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
- (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the *Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)* and the associated *Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)*; and
- (d) endorse for the purpose of Amendment C272 the *Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)*, the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)*, the *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)* and the *Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)*.

2. That Council:

- (a) resolve to seek Interim Design and Development Overlays to enable improved management of new development proposals along the south side of Heidelberg Road as outlined in the report;
- (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) **(Attachment 10)** under S 20(4) of the Planning and Environment Act 1987; and include the following changes to the proposed interim DDO18:

- (i) reducing the maximum height of Precinct 1 (Porta site) to 7 storeys (24 metres) and 5 storeys (17.6 metres) for the remaining parts of Precinct 1;
- (ii) reducing the maximum height in Precinct 2 from 5 and 6 storeys to 4 and 5 storeys (except for sites proposed to be affected by an interim heritage overlay);
- (iii) reducing the maximum height in Precinct 3B to 5 storeys (17.6 metres); and
- (iv) delete HO510 358 Heidelberg Road from proposed interim heritage overlays;
- (c) be provided with advice from Officers on heritage concerns in relation to residential areas, potential historical laneways and multi-zoning of Lot 19/LP5508 (rear of 700-718 Heidelberg Road, as part of preparing future permanent planning controls;
- (d) ensure that recent Council and VCAT decisions regarding overall heights and transitioning to rear properties for properties at 582 and 700-718 Heidelberg Road are reflected in future documents;
- (e) ensure the control reflects the relevant standards of Clause 58 (Better Apartment Design Standards) in relation to ground floor and upper level set backs on local roads, deep soil and landscaping provisions for apartment development in a Commercial 1 Zone in future documents; and
- (f) note that a further report will be provided to Council regarding finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, once Darebin City Council has finalised similar proposals.

CARRIED

CALL FOR A DIVISION

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

Against: Nil

Abstained: Councillor Jolly and O'Brien

(the next order of business was Questions without notice).

11.8 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D20/9114

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council formally appoints:
 - (a) Anthony CUSMANO; and
 - (b) Phillip Robert MCNEICEas Authorised Officers 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 Instruments of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. That Council formally appoints:
 - (a) Anthony CUSMANO; and
 - (b) Phillip Robert MCNEICEas Authorised Officers 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 Instruments of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

CARRIED

12.1 Notice of Motion No. 1 of 2020 - Proposal for Yarra City Council to Host the 2020 Australian Local Government Women's Association (ALGWA) Regional Conference

Reference: D20/6645

Authoriser: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:

- (a) note its membership of the Australian Local Government Women's Association (ALGWA) since 2008;
- (b) note that 2020 is the centenary year of the election of the first woman Councillor to a Victorian Local Government - Cr Mary Rogers, to the then Richmond City Council;
- (c) note that in recognition of the centenary occasion, ALGWA is offering the Yarra City Council an opportunity to host the 2020 ALGWA Regional Conference;
- (d) note that the City of Yarra will seek sponsorship in order to engage an Event Planner so that the impost on staff is minimised;
- (e) having regard to the significance of the centenary event to Yarra's history, Council determine to host the 2020 ALGWA Regional Conference in the City of Yarra and to:
 - (i) advise the ALGWA Secretariat accordingly;
 - (ii) request Officers to in liaison with the ALGWA Secretariat and Event Planner, prepare an appropriate Conference program and necessary arrangements for hosting of the Conference on a cost neutral basis, and including seeking sponsorships from selected bodies;
- (f) further note, the aspirations of the ALGWA Secretariat to more formally and permanently recognise the centenary occasion by:
 - (i) establishing a Memorial Garden in a suitable location within the City of Yarra;
 - (ii) erecting a sculpture-plaque honouring Mary Rogers;
 - (iii) erecting an Honour Board at a suitable location, listing all women Councillors elected to Victorian Local Governments over the 100 year period; and
 - (iv) the installation of two more "green lady" pedestrian lights in Yarra;
- (g) request Officers to report back to Council on:
 - (i) potential locations for establishment of a memorial garden;
 - (ii) the cost estimates for acquisition and installation of a bronze sculpture-plaque at the entrance to the Richmond Town Hall (*refer image attached below as example of a bust plaque*);
 - (iii) suggested options for the erection of an Honour Board as referenced above at a suitable location (*advice is that there have been 2,000 woman Councillors elected over the period*); and
 - (iv) intersections in Langridge and Nicholls Ward which would be suitable for the installation of "green lady" pedestrian lights, with one to be placed in each of - Nicholls and Langridge Wards (*replicating the one currently at the intersection of Bridge Road and Bosisto Street Richmond*); and
- (h) in recognition of the centenary event, together with ALGWA, jointly advocate for funding support from the relevant appropriate State Ministers including the Hon Richard Wynne, The Hon Adem Somyurek, The Hon Martin Foley and The Hon Gabrielle Williams, toward the Conference and in particular:

- (i) the establishment of a memorial garden in Richmond;
 - (ii) the acquisition and installation of a bronze sculpture-plaque as referenced;
 - (iii) the erection of an Honour Board as referenced above at a suitable location; and
 - (iv) the installation of two more “green lady” pedestrian lights at selected crossings in Yarra;
- (i) together with ALGWA, submit a late nomination for Mary Rogers to be included on the Victorian Honour Roll in the centenary year 2020.”

Public Submissions

The following people addressed Council on the matter:

Helen Harris, ALGWA;

Felicity Frederico, ALGWA; and

Helen Coleman, ALGWA.

MOTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

1. That Council:

- (a) note its membership of the Australian Local Government Women’s Association (ALGWA) since 2008;
- (b) note that 2020 is the centenary year of the election of the first woman Councillor to a Victorian Local Government - Cr Mary Rogers, to the then Richmond City Council;
- (c) note that in recognition of the centenary occasion, ALGWA is offering the Yarra City Council an opportunity to host the 2020 ALGWA Regional Conference;
- (d) note that the City of Yarra will seek sponsorship in order to engage an Event Planner so that the impost on staff is minimised;
- (e) having regard to the significance of the centenary event to Yarra’s history, Council determine to host the 2020 ALGWA Regional Conference in the City of Yarra and to:
 - (i) advise the ALGWA Secretariat accordingly;
 - (ii) request Officers to in liaison with the ALGWA Secretariat and Event Planner, prepare an appropriate Conference program and necessary arrangements for hosting of the Conference on a cost neutral basis, and including seeking sponsorships from selected bodies;
- (f) further note, the aspirations of the ALGWA Secretariat to more formally and permanently recognise the centenary occasion by:
 - (i) establishing a Memorial Garden in a suitable location within the City of Yarra;
 - (ii) erecting a sculpture-plaque honouring Mary Rogers;
 - (iii) erecting an Honour Board at a suitable location, listing all women Councillors elected to Victorian Local Governments over the 100 year period; and
 - (iv) the installation of two more “green lady” pedestrian lights in Yarra;
- (g) request Officers to report back to Council on:
 - (i) potential locations for establishment of a memorial garden;

- (ii) the cost estimates for acquisition and installation of a bronze sculpture-plaque at the entrance to the Richmond Town Hall (*refer image attached below as example of a bust plaque*);
 - (iii) suggested options for the erection of an Honour Board as referenced above at a suitable location (*advice is that there have been 2,000 woman Councillors elected over the period*); and
 - (iv) intersections in Langridge and Nicholls Ward which would be suitable for the installation of “green lady” pedestrian lights, with one to be placed in each of - Nicholls and Langridge Wards (*replicating the one currently at the intersection of Bridge Road and Bosisto Street Richmond*); and
- (h) in recognition of the centenary event, together with ALGWA, jointly advocate for funding support from the relevant appropriate State Ministers including the Hon Richard Wynne, The Hon Adem Somyurek, The Hon Martin Foley and The Hon Gabrielle Williams, toward the Conference and in particular:
- (i) the establishment of a memorial garden in Richmond;
 - (ii) the acquisition and installation of a bronze sculpture-plaque as referenced;
 - (iii) the erection of an Honour Board as referenced above at a suitable location; and
 - (iv) the installation of two more “green lady” pedestrian lights at selected crossings in Yarra;
- (i) together with ALGWA, submit a late nomination for Mary Rogers to be included on the Victorian Honour Roll in the centenary year 2020.”

Councillor Stone suggested a new (g) (i) that was accepted by the mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Fristacky

1. That Council:

- (a) note its membership of the Australian Local Government Women’s Association (ALGWA) since 2008;
- (b) note that 2020 is the centenary year of the election of the first woman Councillor to a Victorian Local Government - Cr Mary Rogers, to the then Richmond City Council;
- (c) note that in recognition of the centenary occasion, ALGWA is offering the Yarra City Council an opportunity to host the 2020 ALGWA Regional Conference;
- (d) note that the City of Yarra will seek sponsorship in order to engage an Event Planner so that the impost on staff is minimised;
- (e) having regard to the significance of the centenary event to Yarra’s history, Council determine to host the 2020 ALGWA Regional Conference in the City of Yarra and to:
 - (i) advise the ALGWA Secretariat accordingly;
 - (ii) request Officers to in liaison with the ALGWA Secretariat and Event Planner, prepare an appropriate Conference program and necessary arrangements for hosting of the Conference on a cost neutral basis, and including seeking sponsorships from selected bodies;
- (f) further note, the aspirations of the ALGWA Secretariat to more formally and permanently recognise the centenary occasion by:
 - (i) establishing a Memorial Garden in a suitable location within the City of Yarra;
 - (ii) erecting a sculpture-plaque honouring Mary Rogers;

- (iii) erecting an Honour Board at a suitable location, listing all women Councillors elected to Victorian Local Governments over the 100 year period; and
- (iv) the installation of two more “green lady” pedestrian lights in Yarra;
- (g) request Officers to report back to Council on:
 - (i) suggestions for enhancing the three existing memorials to Mary Rogers;
 - (ii) the cost estimates for acquisition and installation of a bronze sculpture-plaque at the entrance to the Richmond Town Hall (*refer image attached below as example of a bust plaque*);
 - (iii) suggested options for the erection of an Honour Board as referenced above at a suitable location (*advice is that there have been 2,000 woman Councillors elected over the period*); and
 - (iv) intersections in Langridge and Nicholls Ward which would be suitable for the installation of “green lady” pedestrian lights, with one to be placed in each of - Nicholls and Langridge Wards (*replicating the one currently at the intersection of Bridge Road and Bosisto Street Richmond*); and
- (h) in recognition of the centenary event, together with ALGWA, jointly advocate for funding support from the relevant appropriate State Ministers including the Hon Richard Wynne, The Hon Adem Somyurek, The Hon Martin Foley and The Hon Gabrielle Williams, toward the Conference and in particular:
 - (i) the establishment of a memorial garden in Richmond;
 - (ii) the acquisition and installation of a bronze sculpture-plaque as referenced;
 - (iii) the erection of an Honour Board as referenced above at a suitable location; and
 - (iv) the installation of two more “green lady” pedestrian lights at selected crossings in Yarra;
- (i) together with ALGWA, submit a late nomination for Mary Rogers to be included on the Victorian Honour Roll in the centenary year 2020.

CARRIED UNANIMOUSLY

12.2 Notice of Motion No. 2 of 2020 - Australian Citizen Julian Assange

Reference: D20/6065

Authoriser: Group Manager Chief Executive's Office

Public Submissions

The following people addressed Council on the matter:

Camillo De Luca;

Walter Mellado; and

Travis Davies.

MOTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

1. That Council

- (a) note that Julian Assange is in very poor health and currently facing extradition from the UK to the US in an unprecedented Espionage Act prosecution for engaging in journalistic activity and that if convicted, he faces 175 years imprisonment and therefore needs urgent Consular support to help him prepare his defence;
- (b) notes that Amnesty International's Deputy Director for Europe, Massimo Moratti has said that the UK must not extradite Julian Assange to the USA and further stated:
 - (i) *"The British authorities must acknowledge the real risks of serious human rights violations Julian Assange would face if sent to the USA and reject the extradition request. The UK must comply with the commitment it's already made that he would not be sent anywhere he could face torture or other ill-treatment.";* and
 - (ii) *"The UK must abide by its obligations under international human rights law that forbids the transfer of individuals to another country where they would face serious human rights violations. Were Julian Assange to be extradited or subjected to any other transfer to the USA, Britain would be in breach of these obligations."*
- (c) notes that UN Special Rapporteur on torture, Nils Melzer said that:
 - (i) *"My most urgent concern is that, in the United States, Mr Assange would be exposed to a real risk of serious violations of his human rights, including his freedom of expression, his right to a fair trial and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment...";* and
 - (ii) *"In 20 years of work with victims of war, violence and political persecution he has never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law".*
- (d) notes that in an interview-this morning on RN Breakfast by the leading torture expert, Nils Melzer warned that Mr Assange could die in prison before getting his day in court and confirmed that the British Government's handling of the extradition case is in blatant contravention of international Human rights Law;
- (e) writes to the Australian Minister for Foreign Affairs requesting that the Australian government must immediately step in to ensure the British authorities address his poor health condition and to uphold the Human Rights of an Australian citizen just as they would if Mr Assange was being held in Iran, Egypt, Cambodia or Indonesia. They must

not turn a blind eye to the violation of any Australian's human rights, just because it is occurring in the West. The letter should also reference the points made above; and

- (f) issues a media release advising of the action it is taking.

Councillors Fristacky suggested amendments in clause 1. (e). The mover and seconder accepted the amendments and were incorporated into the motion.

Councillor Bosler suggested removing clause 1. (f). The mover and seconder accepted the amendment.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

1. That Council

- (a) note that Julian Assange is in very poor health and currently facing extradition from the UK to the US in an unprecedented Espionage Act prosecution for engaging in journalistic activity and that if convicted, he faces 175 years imprisonment and therefore needs urgent Consular support to help him prepare his defence;
- (b) notes that Amnesty International's Deputy Director for Europe, Massimo Moratti has said that the UK must not extradite Julian Assange to the USA and further stated:
 - (i) *"The British authorities must acknowledge the real risks of serious human rights violations Julian Assange would face if sent to the USA and reject the extradition request. The UK must comply with the commitment it's already made that he would not be sent anywhere he could face torture or other ill-treatment.";* and
 - (ii) *"The UK must abide by its obligations under international human rights law that forbids the transfer of individuals to another country where they would face serious human rights violations. Were Julian Assange to be extradited or subjected to any other transfer to the USA, Britain would be in breach of these obligations."*
- (c) notes that UN Special Rapporteur on torture, Nils Melzer said that:
 - (i) *"My most urgent concern is that, in the United States, Mr Assange would be exposed to a real risk of serious violations of his human rights, including his freedom of expression, his right to a fair trial and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment..."*; and
 - (ii) *"In 20 years of work with victims of war, violence and political persecution he has never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law"*.
- (d) notes that in an interview on RN Breakfast by the leading torture expert, Nils Melzer warned that Mr Assange could die in prison before getting his day in court and confirmed that the British Government's handling of the extradition case is in blatant contravention of international Human rights Law;
- (e) writes to the Australian Minister for Foreign Affairs urging the Australian government to immediately step in to urge the British authorities address his poor health condition and to uphold the Human Rights of an Australian citizen just as they would if Mr Assange was being held in Iran, Egypt, Cambodia or Indonesia and not turn a blind eye to the violation of any Australian's human rights, occurring in the West. The letter should also reference the points made above.

CARRIED UNANIMOUSLY

12.3 Notice of Motion No. 3 of 2020 - Protection of the Grey Headed Flying Fox

Reference: D20/17052
 Authoriser: Group Manager Chief Executive's Office

Public Submissions

The following people addressed Council on the matter:

*Lawrence Pope, President, Friends of Bats and Bushcare; and
 Dr Megan Davidson, CEO Wildlife Victoria.*

MOTION

Moved: Councillor O'Brien

Seconded: Councillor Jolly

1. That Council:

- (a) acknowledges that the Yarra City Council has an important role to play as joint custodians of the Yarra Bend Grey Headed Flying Fox colony;
- (b) requests Officers undertake advocacy and seek a partnership and commitment from Parks Vic/DELWP, to install a sprinkler system for the colony as soon as possible, and no later than next summer;
- (c) request a brief report to Council within two months, following consultation with DELWP on possible strategies to implement a ban on wildlife unsafe fruit tree netting prior to the commencement date of the new regulations in September 2021, under the Prevention of Cruelty to Animals Regulations 2019;
- (d) resolves to promote, protect and advocate on behalf of this species and the Yarra Bend Grey Headed Flying Fox colony in particular, and further to play a role in community education to reverse negative perceptions of the species;
- (e) request that appropriate Yarra City Council Officers engage with Wildlife Victoria to develop links and connections with Wildlife Carers and Rescuers working in the City of Yarra; and
- (f) having regard to Council's adopted Urban Forest Strategy and associated planting program, request that active consideration be given to the planting of appropriate species in streets, reserves and parks that will provide specific Winter/Spring foraging opportunities for the Yarra Bend Grey Headed Flying Fox colony, and that Councillors be updated on progress.

AMENDMENT

Moved: Councillor Stone

- (a) acknowledges that the Yarra City Council has an important role to play as joint custodians of the Yarra Bend Grey Headed Flying Fox colony and seeks a partnership with Parks Victoria to advance the protection of the colony;
- (b) requests Officers undertake advocacy and seek a ~~partnership~~ and commitment from Parks Vic/DELWP, to install a sprinkler system for the colony as soon as possible, and no later than next summer;
- ~~(e) request that appropriate~~ refer a proposal that Yarra City Council Officers engage with Wildlife Victoria to develop links and connections with Wildlife Carers and Rescuers working in the City of Yarra to the Draft Nature Strategy and the forthcoming review of Yarra's Wildlife Management Plan ; and

The amendments were accepted by the mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Jolly

1. That Council:

- (a) acknowledges that the Yarra City Council has an important role to play as joint custodians of the Yarra Bend Grey Headed Flying Fox colony and seeks a partnership with Parks Victoria to advance the protection of the colony;
- (b) requests Officers undertake advocacy and seek a commitment from Parks Vic/DELWP, to install a sprinkler system for the colony as soon as possible, and no later than next summer;
- (c) request a brief report to Council within two months, following consultation with DELWP on possible strategies to implement a ban on wildlife unsafe fruit tree netting prior to the commencement date of the new regulations in September 2021, under the Prevention of Cruelty to Animals Regulations 2019;
- (d) resolves to promote, protect and advocate on behalf of this species and the Yarra Bend Grey Headed Flying Fox colony in particular, and further to play a role in community education to reverse negative perceptions of the species;
- (e) refer a proposal that Yarra City Council Officers engage with Wildlife Victoria to develop links and connections with Wildlife Carers and Rescuers working in the City of Yarra to the Draft Nature Strategy and the forthcoming review of Yarra's Wildlife Management Plan; and
- (f) having regard to Council's adopted Urban Forest Strategy and associated planting program, request that active consideration be given to the planting of appropriate species in streets, reserves and parks that will provide specific Winter/Spring foraging opportunities for the Yarra Bend Grey Headed Flying Fox colony, and that Councillors be updated on progress.

CARRIED UNANIMOUSLY

12.4 Notice of Motion No. 4 of 2020 - Local Government Bill 2019

Reference: D20/17076

Authoriser: Group Manager Chief Executive's Office

Councillor Bosler left the meeting at 8.33pm

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That Council note:
 - (a) its resolutions of 16th July 2019 and 26th November 2019 opposing mandated single member Council wards;
 - (b) its resolution of 16th July 2019 supporting the (at that time) proposed donation caps and more transparent donation disclosure and further submitting that donations to Council candidates from property developers should be banned;
 - (c) that mandated single member wards are included in the 2019 Bill despite opposition from the Municipal Association of Victoria, the Victorian Local Governance Association and many municipalities;
 - (d) that the donation reforms proposed in the 2019 discussion paper were removed from the 2019 Bill, meaning that Council candidates can receive unlimited donations and are only required to disclose donations of \$500 or more after the election has concluded; and
 - (e) that the Bill is likely to be debated in the Upper House during February with the votes of the crossbench Members being crucial.
2. That Council write to each crossbench Member of the Upper House before the next Council meeting urging them to support amendments to the Bill which:
 - (a) restore the ability of Councils to choose multi-member ward structures;
 - (b) cap political donations to Council candidates;
 - (c) require real-time disclosure of political donations; and
 - (d) ban donations from property developers.

CARRIED

CALL FOR A DIVISION

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

Against: Nil

Councillors Bosler returned to the meeting at 8.42pm

The meeting returned to Council Business items.

Urgent Business

13.1 Bushfires and Climate Change

Background

The recent devastating bushfires in Victoria and across Australia were predicted many years ago by climate scientists and in Ross Garnaut's 2008 Climate Change Review. They were predicted to occur due to the effects of climate change on the length, intensity and severity in impact of our bushfire season.

We have just concluded the "critical decade", a period during which climate scientists stated that action to address the worst impacts of climate change was needed. That action has not occurred in Australia and indeed climate change and its impacts are accelerating at a rate that exceeds expectations.

Yarra Council acknowledged these facts and acted. Ten years ago we established the Yarra Energy Foundation, and set an organisational goal of zero net emissions. Yarra was the first carbon neutral council in 2012; as part of MREP we commissioned a new windfarm to provide our electricity; we have won the UN Australia award for including climate impacts in our quadruple bottom line assessments; and we have developed our first Climate Emergency Plan. We have demonstrated what governments can do.

All levels of government now have a responsibility to do all they can to prevent the devastation of this year's fires becoming the norm. Yarra Council and many other local governments are showing that this can be done.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Coleman **Seconded:** Councillor Bosler

That the meeting be extended for 5 minutes

CARRIED

Councillors Bosler suggested a new clause 6. It was accepted by the mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor Stone **Seconded:** Councillor O'Brien

1. That on this first council meeting for 2020, Council acknowledge the devastating loss cause by the Victorian Bushfires so far over December and January, and the impact these have had both directly and indirectly on many members of Yarra's community.
2. That Council also acknowledge the 10 Yarra staff who have been working in Towong Shire and other regions, where they assisted with disaster relief and those other Yarra staff who coordinated support efforts and reached out to affected shires in Victoria.
3. That Council acknowledge the overwhelming evidence that climate change is making bushfires in Australia more intense, last longer, and more unpredictable and that this expected to increase, making the need for climate action more urgent than ever.
4. That Council note the enormous efforts being made by local governments nationally to mitigate against climate change, including declaring a climate emergency and backing that with action.

5. That Council write to the Prime Minister Scott Morrison highlighting the actions by Yarra Council in addressing climate change over the critical decade, and inviting him to Yarra to meet with councillors, officers and community members to learn how governments can act to protect their citizens against the predicted worst impacts of climate change.
6. That Council endorses the Climate rally on 22 February 2020.

CARRIED

Conclusion

The meeting concluded at 11.35pm.

Confirmed Tuesday 18 February 2020

Mayor