



Minutes

Council Meeting

6.30pm, Tuesday 12 September 2023

Richmond Town Hall

1. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- | | |
|------------------------|--------------|
| • Cr Claudia Nguyen | Mayor |
| • Cr Edward Crossland | Deputy Mayor |
| • Cr Michael Glynatsis | Councillor |
| • Cr Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Anab Mohamud | Councillor |
| • Cr Bridgid O’Brien | Councillor |
| • Cr Amanda Stone | Councillor |
| • Cr Sophie Wade | Councillor |

Council staff

Chief Executive Officer

- | | |
|-----------------|----------------------------------|
| • Kerry McGrath | Chief Executive Officer (Acting) |
|-----------------|----------------------------------|

General Managers

- | | |
|------------------|----------------------------------------------------|
| • Brooke Colbert | Governance, Communications and Customer Experience |
| • Sam Hewett | Infrastructure and Environment |
| • Malcolm McCall | Community Strengthening (Acting) |
| • Mary Osman | City Sustainability and Strategy |
| • Jenny Scicluna | Corporate Services and Transformation |

Governance

- | | |
|----------------|----------------------------------|
| • Phil De Losa | Manager Governance and Integrity |
| • Rhys Thomas | Senior Governance Advisor |
| • Mel Nikou | Governance Officer |

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Jolly **Seconded:** Councillor Stone

That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave to Councillor Anab Mohamud to be absent from this Council Meeting.

CARRIED UNANIMOUSLY

3. Announcements

United Nations International Day for Victims

I'd like to take this opportunity to acknowledge the United Nations' International Day for Victims of Acts of Violence Based on Religion or Belief on 22 August.

It's an important day where we recognise the people who have lost their lives in the pursuit of their human right to freedom of religion or belief.

For example, almost one year ago, 22-year-old Iranian woman, Mahsa Amini was arrested and killed last year by Tehran's police force for not wearing a hijab.

Mahsa's death sparked a powerful protest movement in Iran, where women are demanding their rights as citizens, chanting the words, Woman. Life. Freedom.

Yarra City Council takes this opportunity to stand with women around the world, who continue to fight for their right to freedom and equality.

Cities Power Partnership Summit

Councillor Stone: - *Last week I attended the Cities Power Partnership Summit and Awards Night where Yarra received the award for **Collaboration**.*

This was awarded for the Business Renewables Buying Group project which Yarra led. In accepting the award with Michael Oke, Sustainability Unit Manager, we acknowledged it was very much a team effort with our partners in Darebin, Melbourne, and Meri-bek City Councils, as well as the Eastern and Northern Alliances for Greenhouse Action who have been integral to the project design and its success. Yarra acknowledges that Collaboration is essential in effective climate action.

I present this award to the acting CEO for placement back to the Sustainability Team.

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

Councillor Wade declared a conflict of interest on item 8.1.

Councillor Nguyen declared a conflict of interest on item 8.1.

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Glynatsis

That the minutes of the Council Meeting held on Tuesday 15 August 2023 be confirmed.

CARRIED

6. Question time

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7. Council business reports

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8. Notices of motion

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9. Petitions and joint letters

Nil

10. Questions without notice

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10.9	Councillor O'Brien - Permit to Alphington Grammar School	31
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11. Delegates' reports

Nil

12. General business

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12.1	Councillor Landes - Open Data	32	32

13. Urgent business

Nil

6. Question time

This record is provided as a summary of the questions asked by members of the public during Question Time. A recording of the Council Meeting 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.

The following questions were asked:

1. Bridget Carbines:

What are the council's plans to do about the growing problem of graffiti or does council have no plan to address this vandalism?

The General Manager Infrastructure and Environment provided the following response:

Council is actively responding to the removal of graffiti from across the municipality with large amounts of graffiti removed every week. Officers have a proactive program to monitor and remove graffiti from known hotspots across the municipality and we respond to customer requests promptly. Council also continues to advocate to state authorities to clean graffiti of their assets. We also work very closely with our private property owners/residents to assist with the removal of graffiti from these properties. Council's graffiti management framework expires this year and officers are currently working on its renewal.

2. Mark:

What prompted the City of Yarra's reported/threatened enforcement action against pubs in the inner Northern suburbs for allowing companion dogs into pubs? Was it a food health and safety incident, or was it prompted by a complaint by someone who didn't like the presence of a dog in the venue?

3. Samuel Roundtree:

What was the intent behind the letters sent by Yarra City Council to local publicans regarding dogs in food premises, and will you impose fines on publicans who allow customers with dogs?

The General Manager City Sustainability and Strategy provided the following combined response to the questions from Mark and Samuel Roundtree:

Food Standards Australia New Zealand, Food Safety Standards (adopted under the Victorian Food Act 1984) does not allow animals within food handling premises, noting that there are some exemptions such as for outdoor dining and assistance animals for people with disabilities (defined in relevant State and Commonwealth legislation).

Although, compliance with the Victoria Food Act 1984 is enforced principally by local councils, this is State Government legislation. The responsibility for addressing any concerns regarding this legislation sits with the Victorian Government's Department of Health.

The purpose of the recent letter sent by Council to all restaurant owners in Yarra was a reminder about State Government laws on animals, including dogs, in premises that serve food. These types of reminders are aimed to assist businesses in complying with the law and avoiding penalties.

Non-compliance with the Act would require investigation as detailed in the State legislation. The imposition of fines is only ever done as a last resort, and Council

much prefers an education approach, by informing food service venues of their obligations under the law.

Our Environment Health Officers would be happy to explain what changes would be necessary to enable business to comply with the law, but until then, all food service operators are reminded of their obligations under the Food Act.

4. Victoria Chipperfield:

With the recent experiences of people in countries in the Northern Hemisphere during their summer, has the Council developed an extreme heat strategy to address these issues including health and infrastructure implications?"

The General Manager City Sustainability and Strategy provided the following response:

Council does have a strategy to deal with extreme heat events. We deal with this via our Municipal Emergency Management Plan which has a complementary Heat Plan. This is internal facing and sets out preparedness, and readiness actions for staff of our internal service units as well as actions to be taken to support the broader community. The plan is reviewed yearly or after heatwave events. To support this, Council has developed a series of public facing resources to help with community preparedness across a range of media and resources which we promote in the lead up to summer, and these are available in different languages.

5. Matthew Carabott:

Given the golf course project budget was in excess of \$2 million, I would expect that the project would have been reviewed and cross checked by numerous senior officers to ensure it complies with internal and external requirements before being presented for approval. What is the internal checking process that was undertaken to ensure full compliance and how can the council ensure the community that the process of review is being correctly undertaken?

The General Manager Infrastructure and Environment provided the following response:

Council projects like one undertaken at the Burnley Golf Course must pass through a series of due diligence stages before construction begins including community engagement and consultation, permits and consents approvals, planning, ground conditions and underground services proving, arborist assessment, financial due diligence, cost planning, options analysis, design stages, procurement obligations, Council and executive governance oversight etc. The community can have confidence that projects undertaken by Council undergo rigorous scrutiny before a sod is turned.

7.1 Revised Cremorne Urban Design Framework and Proposed Interim and Permanent Planning Provisions

Reference	D23/322623
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 6.49pm

1. That Council:
 - (a) notes the officer report and the attachments considering the feedback to the draft Cremorne Urban Design Framework, updates to the document and introducing proposed interim permanent provisions for Cremorne;
 - (b) adopts the documents listed below and at Attachments 1, 2, 3, 4, 9 and 10 as background documents and the general basis for Draft Amendment C318 to the Yarra Planning Scheme:
 - (i) *Cremorne Built Form Review and Recommendations* (Hodyl & Co, May 2022);
 - (ii) *Heritage Review and Recommendations – Cremorne Enterprise Precinct* (Trethowan, October 2021);
 - (iii) *Cremorne Streets and Movement Strategy* (Martyn Group & Hansen Partnerships, June 2020);
 - (iv) *Parking Controls Review – Cremorne Enterprise Precinct* (Traffix Group, July 2020);
 - (v) *Cremorne Urban Design Framework - Transport Review* (Stantec Australia, August 2023); and
 - (vi) *Revised Cremorne Urban Design Framework* (City of Yarra, September 2023);
 - (c) requests consent from the Minister for Planning to prepare and notify Draft Amendment C318yara (Attachments 12-16) as per the *Terms of Reference for the Yarra Activity Centre Standing Advisory Committee*, appointed under Section 151 of the *Planning and Environment Act 1987*;
 - (d) determines that should the Minister for Planning decide not to provide consent under the *Terms of Reference for the Yarra Activity Centre Standing Advisory Committee*, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the *Planning and Environment Act 1987*, for authorisation to prepare and exhibit the amendment;
 - (e) requests the Minister for Planning to prepare, adopt and approve Amendment C317yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the *Planning and Environment Act 1987* to apply Schedules 51, 52, 53 to the Design and Development Overlays (Attachment 11) on an interim basis for 24 months while the permanent provisions are formally considered;
 - (f) authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the interim provisions;

- (g) endorses the *Revised Cremorne Urban Design Framework* at Attachment 9 for consultation;
- (h) notes a detailed community engagement plan to seek community feedback on the revised Cremorne Urban Design Framework and form the basis for the exhibition of Draft Planning Scheme Amendment C318yara will be developed; and
- (i) authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

REVISED OFFICER RECOMMENDATION

1. That Council:

- (a) notes the officer report and the attachments considering the feedback to the draft Cremorne Urban Design Framework, updates to the document and introducing proposed interim permanent provisions for Cremorne;
- (b) adopts the documents listed below and at Attachments 1, 2, 3, 4, 9 and 10 as background documents and the general basis for Draft Amendment C318 to the Yarra Planning Scheme:
 - (i) Cremorne Built Form Review and Recommendations (Hodyl & Co, May 2022);
 - (ii) Heritage Review and Recommendations – Cremorne Enterprise Precinct (Trethowan, October 2021);
 - (iii) Cremorne Streets and Movement Strategy (Martyn Group & Hansen Partnerships, June 2020);
 - (iv) Parking Controls Review – Cremorne Enterprise Precinct (Traffix Group, July 2020);
 - (v) Cremorne Urban Design Framework - Transport Review (Stantec Australia, August 2023); and
 - (vi) Revised Cremorne Urban Design Framework (City of Yarra, September 2023);
- (c) requests consent from the Minister for Planning to prepare and notify Draft Amendment C318yara (Attachments 12-16) as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (d) determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for authorisation to prepare and exhibit the amendment;
- (e) requests the Minister for Planning to prepare, adopt and approve Amendment C317yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to apply Schedules 51, 52, 53 to the Design and Development Overlays (Attachment 11) on an interim basis for 24 months while the permanent provisions are formally considered;
- (f) authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the interim provisions;
- (g) endorses the Revised Cremorne Urban Design Framework at Attachment 9 for consultation with the following changes:
 - (i) In Figure 45 - Cremorne West and Railway Precinct - building heights, street wall heights and upper level setbacks, amend the text as follows in the *Minimum upper level setback* column for building heights of 28m (7 storeys) to correct an

error in the revised UDF and align it with the proposed planning controls in C317yara and C318yara:

- 3m
 - 11m - 105-115 Dover Street and 117-129 Dover Street*
 - 15m from Balmain Street - 112 Stephenson Street (Cherry Tree Hotel) and 49-51 Balmain Street **
 - * to ensure blue sky behind the Slade Knitwear Sign is retained;
 - ** to ensure there is no additional overshadowing of the north side of Balmain Plaza;
- (h) notes a detailed community engagement plan to seek community feedback on the revised Cremorne Urban Design Framework and form the basis for the exhibition of Draft Planning Scheme Amendment C318yara will be developed; and
- (i) authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

Councillor Jolly left the meeting at 6.50pm

Councillor Jolly returned at 7.03pm

Public Submissions

The following people addressed Council on the matter.

Jordan La Manna;

Dr Wade Kelly; and

Patrick Brennan, Contour Consultants.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Crossland

1. That Council:

- (a) notes the officer report and the attachments considering the feedback to the draft Cremorne Urban Design Framework, updates to the document and introducing proposed interim permanent provisions for Cremorne;
- (b) adopts the documents listed below and at Attachments 1, 2, 3, 4, 9 and 10 as background documents and the general basis for Draft Amendment C318 to the Yarra Planning Scheme:
 - (i) Cremorne Built Form Review and Recommendations (Hodyl & Co, May 2022);
 - (ii) Heritage Review and Recommendations – Cremorne Enterprise Precinct (Trethowan, October 2021);
 - (iii) Cremorne Streets and Movement Strategy (Martyn Group & Hansen Partnerships, June 2020);
 - (iv) Parking Controls Review – Cremorne Enterprise Precinct (Traffix Group, July 2020);
 - (v) Cremorne Urban Design Framework - Transport Review (Stantec Australia, August 2023); and
 - (vi) Revised Cremorne Urban Design Framework (City of Yarra, September 2023);

- (c) requests consent from the Minister for Planning to prepare and notify Draft Amendment C318yara (Attachments 12-16) as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (d) determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for authorisation to prepare and exhibit the amendment;
- (e) requests the Minister for Planning to prepare, adopt and approve Amendment C317yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to apply Schedules 51, 52, 53 to the Design and Development Overlays (Attachment 11) on an interim basis for 24 months while the permanent provisions are formally considered;
- (f) authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the interim provisions;
- (g) endorses the Revised Cremorne Urban Design Framework at Attachment 9 for consultation with the following changes and further changes outlined in 1(h);
 - (i) In Figure 45 - Cremorne West and Railway Precinct - building heights, street wall heights and upper level setbacks, amend the text as follows in the Minimum upper level setback column for building heights of 28m (7 storeys) to correct an error in the revised UDF and align it with the proposed planning controls in C317yara and C318yara:
 - 3m
 - 11m - 105-115 Dover Street and 117-129 Dover Street*
 - 15m from Balmain Street - 112 Stephenson Street (Cherry Tree Hotel) and 49-51 Balmain Street **
 - to ensure blue sky behind the Slade Knitwear Sign is retained.
 - ** to ensure there is no additional overshadowing of the north side of Balmain Plaza;
 - (h) makes changes to the Revised Cremorne Urban Design Framework and Planning Scheme Amendments C317yara and C318yara, as applicable:
 - (i) In Theme 3 – Objective 3.1 update Figure 17 – Future Movement Network to highlight the following key walking and cycling routes and external links:
 - Cremorne Street (and links to South Yarra, Main Yarra Trail and to Lennox Street)
 - Church Street
 - Stephenson Street
 - Balmain Street / Cotter Street and links to Barkly Gardens and the Main Yarra Trail)
 - Kelso Street and links to Gosch's Paddock, Olympic Boulevard and the Main Yarra Trail
 - Green Street/Oddys Lane and links to South Yarra, Main Yarra Trail and Swan Street
 - Chapel and Adolph Streets
 - Adelaide Street;
 - (ii) In Theme 3 – Objective 3.2, update Figure 39 – Cycling routes to change the following routes from neighbourhood routes to primary routes:

- Green Street
 - Kelso Street (east of Cremorne Street)
 - Eastern side of Punt Road
 - Adelaide Street;
- (iii) In Theme 5 - Figure 45 - Cremorne West and Railway Precinct - building heights, street wall heights and upper level setbacks, amend the text in the Minimum Upper Level Setback column for building heights of 28m (7 storeys), to note the 15m upper level setback for 112 Stephenson Street (Cherry Tree Hotel) and 49-51 Balmain Street is mandatory;
- (iv) In Part 4 – Implementation - Council’s Advocacy Strategy for Cremorne, include the following statement under ‘Key advocacy outcomes identified in the UDF include:
- Further open space opportunities on publicly owned land.;
- (v) In DDO51 - Table 1 Heights and Setbacks - Cremorne West Precinct, Area CW-C - Minimum upper level setback row - relocate ‘112 Stephenson St and 49-51 Balmain St - 15 m from Balmain Street’ from the Preferred Requirement column to the Mandatory Requirement column;
- (i) notes a detailed community engagement plan to seek community feedback on the revised Cremorne Urban Design Framework and form the basis for the exhibition of Draft Planning Scheme Amendment C318yara will be developed; and
- (j) authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

CARRIED UNANIMOUSLY

7.2 Amendment C286yara - Open Space Contributions

Reference	D23/319195
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.14pm

1. That Council:
 - (a) requests Planning Panels Victoria reconvene the Amendment C286yara Planning Panel hearing;
 - (b) refer the Amendment C286yarra Open Space Project Cost Apportionment Final Report (dated 2 August 2023) prepared by Robert Panozzo at Attachment 2 to the reconvened Amendment C286yara Planning Panel for consideration; and
 - (c) adopts the use of the 10 per cent margin above CIV as recommended in the Interim Panel Report, and a consequential public open space contribution rate of 8.67 per cent.

Public Submission

Meredith Kefford, YCAN addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Wade

1. That Council:
 - (a) requests Planning Panels Victoria reconvene the Amendment C286yara Planning Panel hearing;
 - (b) refer the Amendment C286yarra Open Space Project Cost Apportionment Final Report (dated 2 August 2023) prepared by Robert Panozzo at Attachment 2 to the reconvened Amendment C286yara Planning Panel for consideration; and
 - (c) adopts the use of the 10 per cent margin above CIV as recommended in the Interim Panel Report, and a consequential public open space contribution rate of 8.67 per cent.

CARRIED UNANIMOUSLY

7.3 Transport Action Plan - Exhibition Draft

Reference	D23/329411
Author	Simon Exon - Unit Manager Strategic Transport
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.19pm

1. That Council:
 - (a) approves the draft Transport Action Plan to be taken to community consultation for a period of 4 weeks; and
 - (b) notes that officers will bring back a further report after the consultation period outlining the submissions, officers' comments, and a revised Transport Action Plan for further Council consideration.

Public Submission

Shane Delphine addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Landes

1. That Council:
 - (a) approves the draft Transport Action Plan to be taken to community consultation for a period of 4 weeks; and
 - (b) notes that officers will bring back a further report after the consultation period outlining the submissions, officers' comments, and a revised Transport Action Plan for further Council consideration.

CARRIED UNANIMOUSLY

7.4 Electrical Line Clearance Advocacy

Reference	D23/325356
Author	Glen Williames - Coordinator Open Space Services
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time:7.28pm

1. That Council:
 - (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
 - (b) notes the heavy penalties for non-compliance to these regulations; and
 - (c) seeks Municipal Association Victoria support in advocating to Energy Safe Victoria and State Government MPs to amend the electric line clearance regulations, as part of the 2025 review, in order to retain trees and tree canopy and acknowledging Yarra as a low bush fire area.

Councillor Landes left the meeting at 7.28pm

Councillor Landes returned at 7.30pm

Councillor O'Brien left the meeting at 7.30pm

Councillor O'Brien returned at 7.33pm

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Wade

1. That Council:

- (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
- (b) defers the removal of 15 trees identified in this report until other options have been explored and brought to Council by December 2023 for consideration. The report should, at a minimum, include:
 - (i) Options and estimated costs for the bundling and/or undergrounding of overhead powerlines to retain the 15 trees currently earmarked for removal;
 - (ii) Analysis of the financial and amenity value these trees have and a cost benefit analysis for their retention;
 - (iii) Advice about the value (human health, energy efficiency and extended life of assets) tree canopy brings to Yarra, and the increased tree canopy and reduced tree maintenance costs that could be achieved by bundling and/or undergrounding overhead powerlines;
 - (iv) Officers' advice on the potential for incremental bundling and/or undergrounding of overhead powerlines more broadly across the municipality based on solutions implemented elsewhere in Australia. This advice should explore options to bundle or underground powerlines as part of streetscape improvements works, possible permit conditions on new developments, funding solutions and advocacy avenues;
- (c) advocates to Energy Safe Victoria, State Government Ministers, local Members of Parliament and the Municipal Association Victoria (including through a motion for the next possible MAV State Council Meeting) regarding the importance of retaining street trees and increasing tree canopy in a climate emergency:
 - (i) to achieve Infrastructure Victoria and other leading agency tree canopy thresholds; and
 - (ii) for their support to amend the electric line clearance regulations as part of the 2025 review, including funding for and application of solutions implemented elsewhere in Australia for the bundling and/or undergrounding of overhead powerlines, and relaxing requirements for low bushfire areas such as Yarra.

CARRIED

7.5 Proposed Food Organics & Garden Organics kerbside rollout

Reference	D23/321864
Author	Lisa Coffa - Senior Circular Economy Advisor
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.38pm

1. That Council:

- (a) endorses the rollout of a universal FOGO service across Yarra from July 2024 and authorises the necessary procurement of bins, collection and processing services which have been, and will be, included in the current and future capital works and operating budgets; and
- (b) endorses that the cost of the FOGO collection and processing services will form part of the waste charge, but the purchase of FOGO bins will be procured through Council's capital works program and, therefore, the cost not form part of the waste charge.

Public Submission

Meredith Kefford, YCAN addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Wade

1. That Council:

- (a) endorses the rollout of a universal FOGO service across Yarra from July 2024 and authorises the necessary procurement of bins, collection and processing services which have been, and will be, included in the current and future capital works and operating budgets;
- (b) endorses that the cost of the FOGO collection and processing services will form part of the waste charge, but the purchase of FOGO bins will be procured through Council's capital works program and, therefore, the cost not form part of the waste charge; and
- (c) investigate options to provide kitchen caddies that can be collected from Council and report to Councillors'.

CARRIED

CALL FOR A DIVISION

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

Against: Councillors Glynatsis, Jolly and O'Brien

CARRIED

7.6 Richmond Youth Hub evaluation report and funding advocacy

Reference	D23/305865
Author	Rupert North - Coordinator Youth and Middle Years
Authoriser	Acting Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.03pm

1. That Council:
 - (a) notes the Richmond Youth Hub Evaluation report as contained in Attachment One; and
 - (b) acknowledges the vital contribution of young people, local community, and other organisational stakeholders to the success of the Richmond Youth Hub.
2. That Council authorises the CEO to undertake strategic advocacy to secure resourcing and support from the State Government for the Richmond Youth Hub including:
 - (a) continuation of core funding of \$304,303 pa (indexed to CPI) from the State Government to Council for the purposes of operating the Richmond Youth Hub for a minimum of a further four years from July 2024, to ensure the program continuity and stability required to leverage enduring long-term social change;
 - (b) increasing funding by \$115,000 pa (indexed to CPI) to create a new Youth Support Worker role, which addresses young people's additional wellbeing needs, as well as to extend the Peer Youth Worker and casual Youth Services Officer roles to accommodate growth in demand for programs;
 - (c) providing an additional \$18,000 pa (indexed to CPI) for a Youth Leadership Incubator program, to support young people develop and deliver youth led projects that address community needs in partnership with Council, Department of Families, Fairness and Housing and community stakeholders; and
 - (d) a review of Richmond Youth Hub's facilities and maintenance arrangements within the next 12 months to determine the viability of relocating to a larger space, to enable program growth and ensure that the space is appropriately maintained.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Jolly

1. That Council:
 - (a) notes the Richmond Youth Hub Evaluation report as contained in Attachment One;
 - (b) acknowledges the vital contribution of young people, local community, and other organisational stakeholders to the success of the Richmond Youth Hub;
 - (a) recognises the program's remarkable short and medium-term success and impressive reach, with 170 individuals engaged and over 10,000 interactions facilitated across various programs, activities, and individual support; and,
 - (b) appreciates the vital importance of maintaining program continuity and stability to sustain positive outcomes for young people in Richmond
2. That Council authorises the CEO to undertake strategic advocacy to secure longer-term funding, including:
 - (a) Continuation of core funding of \$304,303 pa (indexed to CPI) from the Victorian Government to Council to operate the Richmond Youth Hub for a minimum of a further four years from July 2024;
 - (b) Increasing funding by \$115,000 pa (indexed to CPI) to create a new Youth Support Worker role, which addresses young people's additional wellbeing needs, as well as to extend the Peer Youth Worker and casual Youth Services Officer roles to accommodate growth in demand for programs;
 - (c) Providing an additional \$18,000 pa (indexed to CPI) for a Youth Leadership Incubator program to support young people to develop and deliver youth-led projects that address community needs in partnership with Council, Department of Families, Fairness and Housing and community stakeholders; and
 - (d) A review of Richmond Youth Hub's facilities and maintenance arrangements within the next 12 months to determine the viability of relocating to a larger space, to enable program growth and ensure that this area is appropriately maintained.
3. That the Mayor seek a meeting with the Minister for Housing to discuss the fundamental success factors of the Richmond Youth Hub and explore opportunities for adapting this model to benefit young people in other neighbourhoods in Victoria.

CARRIED

The Mayor adjourned the meeting at 8.06pm.

The meeting resumed at 8.14pm.

7.7 Governance Report - September 2023

Reference	D23/329787
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.14pm

1. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Patricia JACQUES;
 - (b) Alex SPADARO; and
 - (c) WALEED TALEB,be appointed and authorised as set out in the instrument at **Attachment One**, with each instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
2. That Council dismisses the application for review of the Authorised Officer's decision to refuse the application for a permit to remove the significant tree at 15 Richmond Terrace Richmond.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Crossland

1. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
 - (a) Patricia JACQUES;
 - (b) Alex SPADARO; and
 - (c) WALEED TALEB,be appointed and authorised as set out in the instrument at **Attachment One**, with each instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
2. That Council dismisses the application for review of the Authorised Officer's decision to refuse the application for a permit to remove the significant tree at 15 Richmond Terrace Richmond.

CARRIED UNANIMOUSLY

7.8 2022/23 Annual Plan Report - June 2023

Reference	D23/330598
Author	Shane Looney - Corporate Planner
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.15pm

1. That Council:
 - (a) notes the 2022/23 Annual Plan Progress Report for June 2023.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Landes

1. That Council:
 - (a) notes the 2022/23 Annual Plan Progress Report for June 2023.

CARRIED UNANIMOUSLY

7.9 2022/2023 Annual Financial Statements and Performance Statement Adoption in Principle

Reference	D23/329915
Author	Wei Chen - Chief Financial Officer
Authoriser	General Manager Corporate Services and Transformation

RECOMMENDATION

Start time: 8.19pm

1. That Council:
 - (a) notes the accompanying 2022/2023 Annual Financial Statements and Performance Statement, which has received the endorsement of Council's Audit and Risk Committee;
 - (b) adopts the 2022/2023 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
 - (c) nominates the Mayor and Audit and Risk Committee member Councillor Nguyen and Audit and Risk Committee member Councillor Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
 - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
 - (e) designates Wei Chen, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*;
 - (f) approves the 2022/23 Governance and Management Checklist;
 - (g) nominates the Mayor, Councillor Nguyen, to sign the 2022/23 Governance and Management Checklist;
 - (h) notes the Report of Operations; and
 - (i) notes the capital works reports and program adjustments for 2022/23 quarter 4.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Glynatsis

1. That Council:

- (a) notes the accompanying 2022/2023 Annual Financial Statements and Performance Statement, which has received the endorsement of Council's Audit and Risk Committee;
- (b) adopts the 2022/2023 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
- (c) nominates the Mayor and Audit and Risk Committee member Councillor Nguyen and Audit and Risk Committee member Councillor Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
- (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
- (e) designates Wei Chen, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*;
- (f) approves the 2022/23 Governance and Management Checklist;
- (g) nominates the Mayor, Councillor Nguyen, to sign the 2022/23 Governance and Management Checklist;
- (h) notes the Report of Operations; and
- (i) notes the capital works reports and program adjustments for 2022/23 quarter 4.

CARRIED UNANIMOUSLY

7.10 Draft Financial Sustainability Strategy

Reference	D23/319324
Author	Wei Chen - Chief Financial Officer
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.31pm

1. That Council:
 - (a) provides in principle endorsement of the draft Financial Sustainability Strategy for community engagement;
 - (b) notes the final Financial Sustainability Strategy will be presented to Council in November 2023 for consideration; and
 - (c) notes the community engagement approach to inform Council's service review principles.

Councillor Jolly left the meeting at 8.31pm

Councillor Jolly returned at 8.40pm

Public Submission

Shane Delphine addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Stone

1. That Council:
 - (a) provides in principle endorsement of the draft Financial Sustainability Strategy for community engagement;
 - (b) notes the final Financial Sustainability Strategy will be presented to Council in November 2023 for consideration; and
 - (c) notes the community engagement approach to inform Council's service review principles.

CARRIED

7.11 Microsoft Licensing Enterprise Agreement Renewal - 2023-2026

Reference	D23/326525
Author	Jonathan Merriweather - Technology Services Lead
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.42pm

1. That Council:

- (a) approves the award of Contract to _____ for a Microsoft Enterprise Agreement titled Microsoft Software Licencing Contract DPC-ICT-04-2020 for a term of two (2) years and seven (7) months;
- (b) notes the services are based on a lump sum of _____ (exclusive GST) and schedules of rates;
- (c) authorises the CEO to sign on behalf of Council all necessary documentation relating to this Contract;
- (d) authorises the General Manager Corporate Services and Transformation to sign on behalf of Council any contract variations (as per delegation limits) relating to this Contract; and
- (e) authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

1. That Council:

- (a) approves the award of Contract to Data #3 Limited (ABN 31 010 545 267) for a Microsoft Enterprise Agreement titled Microsoft Software Licencing Contract DPC-ICT-04-2020 for a term of two (2) years and seven (7) months;
- (b) notes the services are based on a lump sum of \$4,360,623 (exclusive GST) and schedules of rates;
- (c) authorises the CEO to sign on behalf of Council all necessary documentation relating to this Contract;
- (d) authorises the General Manager Corporate Services and Transformation to sign on behalf of Council any contract variations (as per delegation limits) relating to this Contract; and
- (e) authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

CARRIED

8. Notices of motion

8.1 Notice of Motion No. 4 of 2023 - E-scooters in Yarra

Reference	D23/344052
Author	Herschel Landes - Councillor
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Councillors Nguyen and Wade left the meeting at 8.45pm due to a conflict of interest.

The Deputy Mayor assumed the Chair.

RECOMMENDATION Start time: 8.45pm

1. That Council:
 - (a) reaffirms the existing measures being taken to improve safety and amenity of the e-scooter system during the Victorian Government's ongoing shared e-scooter trial under the current agreement;
 - (b) provides in principle support for the ongoing operation of commercial e-scooters in the City of Yarra, should the Victorian Government legalise the use of shared e-scooters beyond the trial, subject to:
 - (i) local governments being provided with the power to manage shared e scooter schemes in their respective municipalities by contractual agreements with shared e-scooter operators;
 - (ii) the issues raised in the officer's report and Council resolution of 16 May 2023 being satisfactorily addressed; and
 - (iii) clarification from the Minister for Roads and Road Safety in writing about the Government's intentions to construct safe infrastructure on State Government-managed roads on the State Government's Strategic Cycling Corridors (SCCs) and Principal Bicycle Network (PBN) in line with the objectives of the Victorian Cycling Strategy and Yarra Transport Strategy, noting that any e-scooter network will rely on the staged rollout of the PBN to minimise the risk of injury and death to all road users;
 - (c) notes that breaches of the Road Safety Road Rules 2017 are traffic offences, enforceable by Victoria Police, which includes failure to wear a helmet, riding an e-scooter on a footpath and other breaches;
 - (d) resolves that any future contractual agreements between the City of Yarra and shared e-scooter operations must ensure that:
 - (i) e-scooter companies are required to abide by clear and agreed performance standards, and requires that their operations mandate proactive safety measures to prevent breaches of the Road Safety Road Rules 2017 wherever practical; and
 - (ii) the City of Yarra is able to levy penalties for non-compliance, and to withdraw from an agreement with a shared e-scooter provider, requiring that operator to cease activities in the City of Yarra, at Council's discretion;
 - (e) continue advocacy and negotiations with other councils, including M9, in line with Council's existing advocacy priorities;

- (f) authorises the CEO under delegation to enter into any future agreements with the operators and/or Victorian Government regarding e-scooter operations post the conclusion of the trial for a 12 month period from the date of this resolution; and
- (g) notes that Councillors will be briefed on the e-scooter topic, options, and any next steps 12 months from the date of this resolution.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Jolly

1. That Council:

- (a) reaffirms the existing measures being taken to improve safety and amenity of the e-scooter system during the Victorian Government's ongoing shared e-scooter trial under the current agreement;
- (b) provides in principle support for the ongoing operation of commercial e-scooters in the City of Yarra, should the Victorian Government legalise the use of shared e-scooters beyond the trial, subject to:
 - (i) local governments being provided with the power to manage shared e scooter schemes in their respective municipalities by contractual agreements with shared e-scooter operators;
 - (ii) the issues raised in the officer's report and Council resolution of 16 May 2023 being satisfactorily addressed; and
 - (iii) clarification from the Minister for Roads and Road Safety in writing about the Government's intentions to construct safe infrastructure on State Government-managed roads on the State Government's Strategic Cycling Corridors (SCCs) and Principal Bicycle Network (PBN) in line with the objectives of the Victorian Cycling Strategy and Yarra Transport Strategy, noting that any e-scooter network will rely on the staged rollout of the PBN to minimise the risk of injury and death to all road users;
- (c) notes that breaches of the Road Safety Road Rules 2017 are traffic offences, enforceable by Victoria Police, which includes failure to wear a helmet, riding an e-scooter on a footpath and other breaches;
- (d) resolves that any future contractual agreements between the City of Yarra and shared e-scooter operations must ensure that:
 - (i) e-scooter companies are required to abide by clear and agreed performance standards, and requires that their operations mandate proactive safety measures to prevent breaches of the Road Safety Road Rules 2017 wherever practical; and
 - (ii) the City of Yarra is able to levy penalties for non-compliance, and to withdraw from an agreement with a shared e-scooter provider, requiring that operator to cease activities in the City of Yarra, at Council's discretion;
- (e) continue advocacy and negotiations with other councils, including M9, in line with Council's existing advocacy priorities;
- (f) authorises the CEO under delegation to enter into any future agreements with the operators and/or Victorian Government regarding e-scooter operations post the conclusion of the trial for a 12 month period from the date of this resolution; and
- (g) notes that Councillors will be briefed on the e-scooter topic, options, and any next steps 12 months from the date of this resolution.

CARRIED UNANIMOUSLY

8.2 Notice of Motion No. 5 of 2023 - Developer contact and gift disclosure

Reference	D23/344022
Author	Sophie Wade - Councillor
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Councillors Nguyen and Wade returned to the meeting at 8.54pm.

Councillor Nguyen resumed the Chair.

RECOMMENDATION Start time: 8.54pm

1. That a draft policy governing Councillor contact with property developers, submitters, lobbyists, and other stakeholders in land use planning decision making processes be presented to Council for consideration no later than the December Council Meeting.
2. That a draft policy on gift disclosure be presented to Council for consideration no later than the December Council Meeting.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That a draft policy governing Councillor contact with property developers, lobbyists, and other stakeholders in land use planning decision making processes be presented to Council for consideration no later than the December Council Meeting.
2. That a revised policy on gift disclosure be presented to Council for consideration no later than the December Council Meeting.

CARRIED UNANIMOUSLY

9. Petitions and joint letters

“Councillor Jolly presented a petition regarding dogs in pubs. It was not received by Council but instead referred directly to the Chief Executive Officer in accordance with Chapter Two, Rule 55.5 of the City of Yarra Governance Rules.”

10. Questions without notice

10.1 Councillor Landes - Public amenity near the Burnley bouldering wall

Question:

A resident in South Richmond has raised a number of concerns about the area down at the Bouldering Wall near the river. It is not just a sleeping rough issue that is upsetting them, it is the state of the area at the moment and the challenges for people who want to use the open space.

Response:

The Acting General Manager Community Strengthening provided a response.

10.2 Councillors Stone - Energy Upgrade Fund

Question:

After considerable lobbying by local government including two successful motions from Yarra Council at the ALGA National General Assembly, the federal government announced a \$100mil community energy upgrade fund to support upgrades for community facilities in local government areas. Will Yarra be applying for one of those grants which open in December and close in April?

Response:

The General Manager City Sustainability and Strategy took the question on notice.

10.3 Councillor Stone - Climate Change

Question:

Last week the minister for climate change, Minister Bowen, addressed an ALGA conference on roads and infrastructure where he announced the guidelines for that particular grant, but he also urged local governments to collaborate and partner with federal government to reduce emissions and embrace clean energy solutions. I wondered if the Mayor or CEO had received any further direct correspondence from the minister following that invitation and what form the collaboration might take?

Response:

Both the Mayor and General Manager City Sustainability and Strategy had not received any correspondence.

10.4 Councillor Wade - Alphington Link Project

Question:

We provided submission on the Alphington Link project, we also submitted on the planning permit, the community made comments on it and this was a long time ago, about a year and half ago. We saw some impressive designs coming out over the course of last year, the webpage has those on it and I had understood that it was funded. The webpage has currently some generic unclear statements on what's going on and what is happening next. Have we got any information from VicRoads about when that project is actually going to occur?

Response:

The General Manager City Sustainability and Strategy provided a response.

10.5 Councillor Jolly - Yarra Leisure Management

Question:

Does the Council executive or our officers have any plans to propose to Councillors that we contract out the management of our Yarra Leisure centres?

Response:

The General Manager Infrastructure and Environment provided a response.

10.6 Councillor Glynatsis - Burnley Golf Course Trees

Question:

A lot of residents love the environment, especially trees and according to the papers from Yarra City Council, Yarra's canopy target of 21.25% by 2040 to cover our municipality and yet we are cutting down mature trees to redesign a golf course, We also pride ourselves on so called community engagement, where did that go? Why wasn't the environmental impact study done prior to the trees being cut. In line with the continuous improvement please detail all the relevant internal Yarra City Council policies and procedures that were not followed and what changes to internal processes have been put in place to ensure this doesn't happen again. Who authorised the cutting of the trees?

Response:

The General Manager Infrastructure and Environment provided a response.

10.7 Councillor O'Brien - Burnley Golf Course Trees

Question:

What species of trees were cut down? The river white gum eucalyptus viminalis is called and give the *Wurundjeri* their name, 'wurun', being the tree and 'djeri', being the grub that lives on it. I don't know what species of trees were removed but it just underscores how vegetation near rivers in particular, needs to be considered sensitively because it's not just ecologically significant and potentially culturally significant. What were the species of the twenty-five trees which were felled for the new Burnley Golf Course design, were any of these trees on the significant tree register, where can the community find access to this information and was cultural significance factored in or can it be in the future?

Response:

The General Manager Infrastructure and Environment provided a response.

10.8 Councillor Jolly - Burnley Golf Course Trees

An arborist report was commissioned and received and I understand the point you are making before these mature healthy trees were cut, but am I correct in saying that no Environmental Impact Statement (EIS) was undertaken prior to the destruction of these trees at Burnley Golf course.

Response:

The General Manager Infrastructure and Environment provided a response.

10.9 Councillor O'Brien - Permit to Alphington Grammar School

Question:

In regard to the permit that was granted to Alphington Grammar to erect a fence along Old Heidelberg Road. As a result of the fencing they are putting up will they be required to remove the large fence at the top of Old Heidelberg Road at the school, the one that goes right across the road and will they be required to remove at least part of the playground or play equipment that poses onto Old Heidelberg Road which is part of Council.

Response:

The General Manager City Sustainability and Strategy provided a response.

10.10 Councillor Glynatsis - Parking

Question:

A resident in Collingwood has been parking his boat on Gold Street for over a year. Yet recently, he has been receiving parking tickets. Can anything be done?

Response:

The Mayor provided a response.

11. Delegates' reports

Nil

12. General Business

12.1 Councillor Landes - Open Data

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Wade

1. That Council notes that:
 - (a) Council's website identifies a heading called "Open Data " under which there is a note suggesting that Open Data datasets are coming soon;
 - (b) there is a community interest in parking revenue datasets across Yarra's activity centres;
 - (c) parking revenue datasets have been prepared and available under freedom of information; and
 - (d) these datasets can be delivered in a simple spreadsheet format.
2. That Council officers provide a briefing to Councillors regarding:
 - (a) commencement of a trial implementation of providing a monthly parking revenue dataset across the seven activity centres that is consistent with the Open Data principles of accessibility, no cost, machine readability and licensed for re-use; and
 - (b) the delivery of an open data schedule that could be implemented.

CARRIED

Conclusion

The meeting concluded at 9.20pm.

Confirmed Tuesday 10 October 2023

Mayor