



# Minutes

## Council Meeting

6.36pm, Tuesday 10 October 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*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Jenny Scicluna Corporate Services and Transformation

##### *Governance*

- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

### 3. Announcements

I want to acknowledge that there are ongoing conflicts worldwide, most recently in the Middle East.

We oppose violence, especially when it impacts innocent civilians.

We send our thoughts to those with loved ones who are impacted.

We recommit our status as a Refugee Welcome Zone and we are committed to promoting harmony and respect for all.

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

The CEO declared a conflict of interest on item 14.2.

### 5. Confirmation of minutes

#### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Mohamud

That, subject to amendments the minutes of the Council Meeting held on Tuesday 12 September 2023 be confirmed.

**CARRIED UNANIMOUSLY**

### 6. Question time

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### 7. Council business reports

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### 8. Notices of motion

Nil

## 9. Petitions and joint letters

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## 12. General business

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## 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. Nicole Eckersley:**

Question:

Will Yarra Council hold an event on Coming Out Day tomorrow (11 October 2023) in support of the local LGBTIQ+ community?

The General Manager Community Strengthening provided the following response:

*Response*

*Developed in consultation with the LGBTIQ+ community, Yarra's LGBTIQ+ Strategy 2021-2024 highlights important dates and events that are acknowledged and endorsed. Currently, there are approximately 30 days of significance on the LGBTIQ+ calendar, including IDAHOBIT, Intersex Awareness Day, Trans Day of Remembrance, Trans Day of Visibility, and Midsumma and other days of significance.*

*Yarra will mark Coming Out Day by sharing key messages via our Rainbow Yarra visibility campaign on social media and tonight, officers are proposing that Council approves that we raise the Intersex-Inclusive Pride flags across our town halls.*

**2. Tim McLean:**

Question:

Given that 93% of residents on Miller Street and hundreds of residents in the surrounding area have signed a petition demanding immediate action on the installation of full width speed humps on Miller Street, North Fitzroy, will the council now commit to a firm timeline to completing this work during 2024?

The General Manager Infrastructure and Environment provided the following response: (see Question 5)

**3. Katerina Yakimov:**

Question:

Will design work for the upgraded Miller Street Speed humps be completed in 2023 and residents consulted this year?

The General Manager Infrastructure and Environment provided the following response: (see Question 5)

**4. Miller Street resident:**

Question:

When will the council commit to building full width speed humps that include the bike lane that will improve the safety of bicycles in Miller St, Fitzroy North?

The General Manager Infrastructure and Environment provided the following response: (see Question 5)

**5. Alex Boyd:**

Question:

We are concerned about the repetitive and excessive speeding in Miller Street. I understand the council has assigned budget to installing better speed ramps as a counter to this issue. What is stopping the council from enacting their decision and is continuing to do so for the foreseeable future?

The General Manager Infrastructure and Environment provided the following response:

*Response*

*We have received several questions from residents in relation to safety issues in Miller Street requesting the delivery of the proposed slow points / road humps, which were identified as one of the possible projects from the LAPM 3 Fitzroy North study.*

*Thanks for your questions. Council funded a design stage for a project in this street in its 23/24 capital works program. Officers are progressing with the designs for this work and are hoping to finalise these designs by early 2024 and then refer it for community feedback. Once the community have had their say, the Council will consider the delivery of this project as it considered its capital works priorities across the city for next year and beyond. In addition, officers will also continue to investigate external funding opportunities.*

**6. Victoria Chipperfield:**

Question:

My question is in regards to the decision-making process that has led to 29 native trees being planted in Griffiths Street, Richmond (on one side) in an area that is approximately 700 meters in length. I have been advised that five trees will be planted in Burnley Park when there are at least 20 dead trees. This is further confusing considering the decision taken and implemented by Council to cut down 25 old growth native trees in Burnley Golf course. Could Council please advise how these decisions are made?

The General Manager Infrastructure and Environment provided the following response:

*Response*

*Thanks for your question Victoria. Council relies on advice from arborists, open space specialists, landscape architects, urban designers and environmental staff when deciding where and when trees should be planted. Council hopes to increase canopy cover across the city by planting canopy trees where they can be accommodated.*

*Tree planting considerations include growing conditions, legislative restrictions, overhead powerlines, biodiversity benefits, streetscape conflicts like street furniture and car parking and how open spaces are being used. In relation to Burnley Park, we have plans to plant more trees in the space (numbers yet to be determined but certainly more than 5) during next year's planting season (from April 2024 onwards) but we generally also look to retain some dead trees if they are suitable for habitat purposes.*

*In relation to the golf course, Council plans to plant 250 indigenous and native trees and 25,000 plants, shrubs and grasses to improve biodiversity and amenity*

*values at the site. This will occur during the next planting season, which we expect will be in April 2024.*

**7. Philip Connole:**

Question:

Could the Mayor and Councillors please explain if you have any reasons not to adopt the recommendation of the Victorian Local Government Inspectorate and make the summary of your returns for this term available, and show that the Yarra Council upholds the highest levels of openness and transparency?

The General Manager Governance, Communications and Customer Experience provided the following response:

*Response*

*Like many Councils, the City of Yarra has taken the approach of publishing a summary of the personal interests information disclosed in the last personal interests return as required by the Local Government Act 2020.*

*While you are correct that the Local Government Inspectorate has published a fact sheet which suggests that publication of previous summaries may be permitted, those returns contain the details of Councillors and staff that left the organisation some time ago. We have taken the view that continuing to publish the personal information of private individuals in these circumstances would be a breach of both the Local Government Act and the Privacy and Data Protection Act.*

*My staff have spoken to the LGI about these concerns (and sometimes conflicting priorities) and they have confirmed that the approach we have taken is in full compliance with the Local Government Act.*

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## 7.1 Review of Council Order under the Domestic Animal Act 1994

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<b>Reference</b>	D23/379488
<b>Author</b>	Samantha Hall - Special Projects Officer
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	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.

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### RECOMMENDATION

1. That, pursuant to sections 25(2) and 26(2) of the Domestic Animals Act 1994, Council resolves to make the order as set out at **Attachment One** including:
  - (a) the introduction of a night-time cat curfew (7pm to 7am the following day); and
  - (b) other changes to the Council order as detailed.

### Public Submission

*Lee O'Mahoney addressed Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Wade

1. That, pursuant to sections 25(2) and 26(2) of the Domestic Animals Act 1994, Council resolves to make the order as set out at **Attachment One** including:
  - (a) the introduction of a night-time cat curfew (7pm to 7am the following day); and
  - (b) other changes to the Council order as detailed.
2. That, given 12.11% of respondents indicated they were in favour of a 24/7 cat curfew, despite this not being part of the specific consultation survey, Council resolves to revisit the matter of full containment of cats as a part of the Domestic Animal Management Plan review which will be conducted in early 2025:
  - (a) in wildlife sensitive areas;
  - (b) for newly adopted cats; and/or
  - (c) for all cats.

**CARRIED**

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## 7.2 Extension of Landfill Services Contract

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<b>Reference</b>	D23/376676
<b>Author</b>	Zoe Batchelor - Coordinator Waste Management Services
<b>Authoriser</b>	General Manager Infrastructure and Environment
<b>Disclosure</b>	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.

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### RECOMMENDATION

1. That Council:
  - (a) enter into a 2-year contract extension for Tier 2 landfill services commencing on 1 April 2025 and concluding on 31 March 2027 with **Cleanaway Pty Ltd** on a guaranteed basis with **Hanson Landfill Services Pty Ltd** on a non-guaranteed basis to be administered by DEECA and at the rates provided in **Confidential Attachment A**;
  - (b) delegates authority to the General Manager Infrastructure and Environment to execute the contract documents with DEECA to give effect to Council's decision; and
  - (c) delegates authority to the General Manager Infrastructure and Environment to exercise the final option for landfill services as required from 2027 and subject to satisfactory performance by the contractors.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) enter into a 2-year contract extension for Tier 2 landfill services commencing on 1 April 2025 and concluding on 31 March 2027 with **Cleanaway Pty Ltd** on a guaranteed basis with **Hanson Landfill Services Pty Ltd** on a non-guaranteed basis to be administered by DEECA and at the rates provided in **Confidential Attachment A**;
  - (b) delegates authority to the General Manager Infrastructure and Environment to execute the contract documents with DEECA to give effect to Council's decision; and
  - (c) delegates authority to the General Manager Infrastructure and Environment to exercise the final option for landfill services as required from 2027 and subject to satisfactory performance by the contractors.

**CARRIED UNANIMOUSLY**

## 7.3 Planning and Housing Reform

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<b>Reference</b>	D23/383752
<b>Author</b>	Mary Osman - General Manager City Sustainability and Strategy
<b>Authoriser</b>	Acting Chief Executive Officer
<b>Disclosure</b>	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.

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### RECOMMENDATION

1. That Council:
  - (a) notes this Planning and Housing Reform report; and
  - (b) notes that officers will bring a report to a future Council meeting outlining process changes that may be required to be made to existing Statutory Planning Processes and potential advocacy positions for Council's consideration.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Landes

1. That Council:
  - (a) notes this Planning and Housing Reform report;
  - (b) notes that officers will bring a report to a future Council meeting regarding any subsequent changes that may be required to Council's own Statutory Planning Processes, along with potential advocacy positions on the Victorian Government's Planning Policy for Council's consideration;
  - (c) affirms the vital role of local councils in land use planning, noting that councils are the closest level of government to the community and are custodians of the policies and strategies that contribute to community wellbeing and liveability, such as the Council Plan, Municipal Public Health and Wellbeing Plan and Municipal Strategic Statement;
  - (d) notes the Victorian Government's announcement to demolish and replace the 44 public housing towers situated across metropolitan Melbourne, including 12 within the City of Yarra, over the next three decades;
  - (e) further notes the distress following this announcement experienced by Yarra's public housing residents, in light of the experience of residents in other re-developments most of whom did not return following their re-location;
  - (f) acknowledges the close-knit multi-cultural communities existing on our public housing estates which would be broken up by forced re-locations, and the need for public housing tenants to remain in their communities with their social, cultural and education connections and supports;
  - (g) supports the empowerment of public tenants to fully understand the processes and possible outcomes, and expresses solidarity with and support for residents on Yarra's public housing estates through this process;
  - (h) maintains its historic concerns about any significant net loss of vital open space that may result from future infill construction across the public housing estates; and

- (i) notes that these reforms, including the proposed redevelopment of the public housing towers, have been undertaken without consultation with local government and as a result, Yarra Council is effectively being locked out of the process of having input into the state government's redevelopment of Public Housing estates.

**CARRIED UNANIMOUSLY**

## 7.4 Governance Report - October 2023

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<b>Reference</b>	D23/330178
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	General Manager Governance, Communications and Customer Experience
<b>Disclosure</b>	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.

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### OFFICER RECOMMENDATION

1. That Council note this Governance Report on:
  - (a) the Audit and Risk Committee Biannual Activity Report; and
  - (b) the completion of Biannual Personal Interests Returns.
2. That Council fly the Intersex-Inclusive Pride Flag on its Civic Flagpoles on 11 October each year to recognise National Coming Out Day, and add this date to the Community Flag Schedule.
3. That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Council resolves:
  - (a) there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer at **Attachment Two**, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. That in the exercise of the powers conferred by the legislation referred to in the instrument of delegation at **Attachment Three**, Council resolves:
  - (a) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That in the exercise of the power conferred by the City of Yarra Governance Rules, Council:

- (a) fix the dates and times for Ordinary Council Meetings in 2024 as 6.30pm on 13 February, 12 March, 9 April 2024, 14 May, 18 June, 9 July, 13 August, 10 September, 26 November and 17 December 2024;
- (b) fix the dates and times for meetings of the Planning Decisions Committee in 2024 as 6.30pm on 30 January, 27 February, 26 March, 23 April, 28 May, 25 June, 23 July, 27 August, 23 September and 10 December 2024; and
- (c) call an Extraordinary Council meeting for 6.30pm on 22 October 2024 to enable the Mayor to report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public in accordance with section 100 of the Local Government Act 2020, noting that there will not be an opportunity for members of the public to address Council at that meeting.

#### **AUDIT AND RISK COMMITTEE RECOMMENDATION**

1. That Council note the following statement from the City of Yarra Audit and Risk Committee:

“The Audit and Risk Committee notes that Council has proactively worked to improve its financial position over the last few financial years and will continue to receive regular reports from management and maintain oversight of the situation. The Audit and Risk Committee further notes that a significant effort is still required from Council to achieve long term financial sustainability.”

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Landes

**Seconded:** Councillor Mohamud

1. That Council note this Governance Report on:
  - (a) the Audit and Risk Committee Biannual Activity Report; and
  - (b) the completion of Biannual Personal Interests Returns.
2. That Council fly the Intersex-Inclusive Pride Flag on its Civic Flagpoles on 11 October each year to recognise National Coming Out Day, and add this date to the Community Flag Schedule.
3. That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Council resolves:
  - (a) there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer at **Attachment Two**, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. That in the exercise of the powers conferred by the legislation referred to in the instrument of delegation at **Attachment Three**, Council resolves:
  - (a) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;

- (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That in the exercise of the power conferred by the City of Yarra Governance Rules, Council:
- (a) fix the dates and times for Ordinary Council Meetings in 2024 as 6.30pm on 13 February, 12 March, 9 April 2024, 14 May, 18 June, 9 July, 13 August, 10 September, 26 November and 17 December 2024;
  - (b) fix the dates and times for meetings of the Planning Decisions Committee in 2024 as 6.30pm on 30 January, 27 February, 26 March, 23 April, 28 May, 25 June, 23 July, 27 August, 23 September and 10 December 2024; and
  - (c) call an Extraordinary Council meeting for 6.30pm on 22 October 2024 to enable the Mayor to report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public in accordance with section 100 of the Local Government Act 2020, noting that there will not be an opportunity for members of the public to address Council at that meeting.

#### **AUDIT AND RISK COMMITTEE RECOMMENDATION**

1. That Council note the following statement from the City of Yarra Audit and Risk Committee:
- “The Audit and Risk Committee notes that Council has proactively worked to improve its financial position over the last few financial years and will continue to receive regular reports from management and maintain oversight of the situation. The Audit and Risk Committee further notes that a significant effort is still required from Council to achieve long term financial sustainability.”

**CARRIED**

#### **CALL FOR A DIVISION**

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

**Against:** Councillors Glynatsis, Jolly, O'Brien and Stone

**CARRIED**

## 7.5 Yarra City Council Annual Report 2022/2023

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<b>Reference</b>	D23/375249
<b>Author</b>	Livia Cullen - Communications and Engagement Lead
<b>Authoriser</b>	General Manager Governance, Communications and Customer Experience
<b>Disclosure</b>	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.

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### **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

That in accordance with Governance Rule 73, standing orders be suspended to enable the Mayor to present the City of Yarra Annual Report 2022/2023 to the Council.

**CARRIED**

### **Mayor presents the Annual Report:**

On behalf of my fellow Councillors, I am pleased to present Yarra City Council's Annual Report for 2022/2023.

This is the second Annual Report to record our progress against the goals and priorities of the six strategic objectives in the Council Plan 2021-25 which were guided by Yarra's Community Vision 2036, produced through extensive work with the local community.

Our Annual Report provides information on:

- (a) Our achievements for the year;
- (b) Council's finances, performance and governance; and
- (c) The services and projects delivered through Council's 2022/2023 budget.

In terms of finances we reported:

- (a) \$230.5 million income; and
- (b) \$35.3 million in capital works expenditure.

As part of our capital works program, we spent:

- (a) \$20.4 million on infrastructure;
- (b) \$4.7 million on plant, technology and equipment; and
- (c) \$10.2 million on buildings.

I would now like to speak about some of our achievements for the year.

Governance, Financial Sustainability and Community Engagement:

- (a) Council resolutions made in closed sessions are now at a record low of 3.3%, down from 9.6% last year;
- (b) We have a draft Financial Sustainability Strategy; and
- (c) More opportunities to engage in person with Councillors with greater frequency and in more accessible locations.

Advocacy:

- (a) The return of Midsumma's Pride Street party;
- (b) Yarra can now hold citizenship ceremonies again; and
- (c) Victorian Government funding for the Learning Bank in North Richmond – a place for residents and businesses to connect, create and learn. The innovate space provides

volunteer and employment opportunities for our community's most vulnerable including a pop-up café with barista training.

Climate Emergency:

- (a) We were recognised internationally for our leadership on climate action as one of just 122 cities worldwide to receive 'A-list City' status from the Carbon Disclosure Project; and
- (b) We also supported residents to make choices like switching to renewable energy and reducing waste in their own homes.

Nature:

- (a) 28 parks and open space projects were successfully completed.
- (b) We planted over 24,000 indigenous seedlings; and
- (c) We increased Yarra's urban canopy coverage to 17.7% which will help us mitigate the urban heat island effect.

Capital Works:

- (a) A new playground was constructed at Alphington Park, Fairfield to replace the existing outdated playground. It has greater access for children of all abilities and is for a wider range of age groups;
- (b) The new modular Mary Rogers Pavilion constructed in Ryans Reserve replace an aged and outdated pavilion;
- (c) A major renovation of the Fitzy Bowl Skate Park was undertaken, doubling the size of the original facility with a more accessible experience;
- (d) We delivered several contraflow bike lanes designed to allow cyclists to travel safely on typically designated one-way streets;
- (e) We launched the Yarra City Jobs portal which connected hundreds of people to local job opportunities;
- (f) \$2.4 million was distributed in 336 grants to a broad range of community groups and initiatives with great results; and
- (g) Council's first ever Youth Forum was held with approximately 40 participants to find out how Council can best support young people who live, work or study in the City of Yarra.

You will be able to find the Annual Report on our website, in customer service centres and libraries in the next couple of weeks.

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Glynatsis

**Seconded:** Councillor Mohamud

That Council resume standing orders.

**CARRIED UNANIMOUSLY**

**RECOMMENDATION**

1. That Council:

- (a) notes the City of Yarra Annual Report 2022/2023 at **Attachment One**; and
- (b) cancels the Extraordinary Council meeting scheduled for 6.30pm on Tuesday 31 October 2023.

**COUNCIL RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor Stone

1. That Council:

- (a) notes the City of Yarra Annual Report 2022/2023 at **Attachment One**; and
- (b) cancels the Extraordinary Council meeting scheduled for 6.30pm on Tuesday 31 October 2023.

**CARRIED UNANIMOUSLY**

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## 7.6 Council position on the Voice to Parliament

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<b>Reference</b>	D23/383394
<b>Author</b>	Sarah Ernst - Acting Manager Equity and Community Development
<b>Authoriser</b>	Acting Chief Executive Officer
<b>Disclosure</b>	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.

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### RECOMMENDATION

1. That Council:
  - (a) reaffirms its commitment to work in partnership with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation;
  - (b) notes the Wurundjeri Woi-wurrung's strong continuing connection to culture, country and identity;
  - (c) reaffirms its commitment to developing continuing connections with Wurundjeri Woi-wurrung, Aboriginal and Torres Strait Islander peoples, communities and organisations;
  - (d) notes the importance of ensuring Wurundjeri Woi-wurrung, and Aboriginal and Torres Strait Islander peoples have input into the development of policies at all levels of government;
  - (e) notes that within the Wurundjeri Woi-wurrung and local Aboriginal and Torres Strait Islander communities there is a diversity of viewpoints that reflects differing experiences and perspectives;
  - (f) recognises the responsibilities inherent to Australia's role as a signatory to the United Nations' Declaration on the Rights of Indigenous Peoples, including the recommendation that to develop a Treaty with Aboriginal and Torres Strait Islander peoples;
  - (g) notes the full Uluru Statement from the Heart (2017), including the pillars of Voice, Treaty and Truth, and the call to enshrine a Voice for Aboriginal and Torres Strait Islander peoples in the Australian Constitution; and
  - (h) commits its strong support for the formal position of the Elders at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation on the Voice to Parliament to actively support the Yes vote.

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Stone

1. That Council:
  - (a) reaffirms its commitment to work in partnership with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation;
  - (b) notes the Wurundjeri Woi-wurrung's strong continuing connection to culture, country and identity;
  - (c) reaffirms its commitment to developing continuing connections with Wurundjeri Woi-wurrung, Aboriginal and Torres Strait Islander peoples, communities and organisations;

- (d) notes the importance of ensuring Wurundjeri Woi-wurrung, and Aboriginal and Torres Strait Islander peoples have input into the development of policies at all levels of government;
- (e) notes that within the Wurundjeri Woi-wurrung and local Aboriginal and Torres Strait Islander communities there is a diversity of viewpoints that reflects differing experiences and perspectives;
- (f) recognises the responsibilities inherent to Australia's role as a signatory to the United Nations' Declaration on the Rights of Indigenous Peoples, including the recommendation that to develop a Treaty with Aboriginal and Torres Strait Islander peoples;
- (g) notes the full Uluru Statement from the Heart (2017), including the pillars of Voice, Treaty and Truth, and the call to enshrine a Voice for Aboriginal and Torres Strait Islander peoples in the Australian Constitution;
- (h) commits its strong support for the formal position of the Elders at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation on the Voice to Parliament to actively support the Yes vote; and
- (i) communicates this outcome to our key local partner organisations, via the Yarra network of Community Service Providers, inclusive of relevant information about the Yes campaign, the referendum and links to resources which provide specific supports for Aboriginal and Torres Strait Islander community members.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillor Crossland, Glynatsis, Jolly, Landes, Nguyen, O'Brien, Stone and Wade

**Against:** Councillor Mohamud

**CARRIED**

## 8. Notices of motion

Nil

## 9. Petitions and joint letters

### 9.1 Petition - Speed hump on Miller Street, North Fitzroy

Reference: D23/395184

A petition containing 465 signatures from local residents are requesting that Council allocate all necessary funds and take immediate action to install full width speed humps on Miller Street with the provision for buses and bicycles.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Wade

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

**CARRIED**

*Councillor Wade referred to an online petition in regards to bike lanes on Johnston Street. The Mayor referred the petition to the CEO.*

## 10. Questions without notice

### 10.1 Councillor Stone - Heatwave Plan

Question:

In regard to our heatwave plan, with a long hot summer being forecast and after a few mild summers and the inevitable health impacts on vulnerable groups, particularly homeless people in Yarra and the elderly.

Yarra's had award winning heat management plan in the past and so my question is, what measures will be in place this summer to support those at risk residents during any period of severe and prolonged heat?

Also in the theme of heat and planning, that the urban heat island effect is exacerbated by hard surfaces that are dark coloured like asphalt that absorbs heat and radiates it back to us at night. There are big new buildings still being constructed in Yarra of dark colours i.e. black and charcoal and a new hotel in Collingwood that is all black and of course the heat that they absorb is not problematic for people indoors, it is the rest of us.

What mechanisms are there for Council to discourage those sorts of colours, particularly on large buildings, if not, to require them, as it does seem to be contrary to our Climate Emergency Plan?

The Zero Carbon Buildings ESD planning scheme amendment that is sitting with the minister at the moment. Doesn't that provide an opportunity to include that? A building can't be zero carbon if it is radiating heat at night.

*Response:*

*The General Manager Corporate Services and Transformation, General Manager of Community Strengthening and General Manager City Sustainability and Strategy all provided a response.*

10.2 Councillor Landes - VCAT response to colour

Question:

Across the road there was a recent VCAT hearing with respect to an application and I believe the colour was brought up in that case. Are you able to advise where the VCAT member took the argument around the colours? I think Council were advocating for a lighter colour and the applicant was advocating for a grey colour.

Response:

*The General Manager City Sustainability and Strategy provided a response.*

Councillor Jolly left the meeting at 7.54pm

Councillor Jolly returned at 7.58pm.

## 11. Delegates' reports

11.1 Councillor Glynatsis - Heritage Advisory Committee (HAC)

<b>Committee</b>	Heritage Advisory Committee
<b>Appointed Councillors</b>	Bridgid O'Brien; Edwards Crossland and Michael Glynatsis
<b>Date of Council Meeting</b>	Tuesday 10 October 2023
<b>Report Author</b>	Michael Glynatsis

The Committee met on 17 July 2023. Cr Michael Glynatsis, Cr O'Brien and Cr Crossland were in attendance and provide/s this report to Council.

Key items for this meeting included:

1. Introduction and update by Manager City Strategy:

Kate Yuncken, Manager City Strategy introduced herself and provided an update on the progress of various Planning Scheme Amendments and their status with respect to the approval process.

2. General Planning Matters: Questions and Clarifications

HAC had a raised a few questions prior to the meeting to seek clarifications from Statutory Planning Services of Yarra. Key topics of their questions included:

- Process of assessment of a redevelopment application on a property within a heritage overlay
- Process of assessing heritage and engaging a heritage advisor
- How are community issues addressed?
- What is the current process for providing heritage advice to the community?

Danielle Connell, Acting Manager Statutory Planning attended the meeting and made a presentation on the planning permit process. She presented a chart on various stages in processing of a planning application and explained how heritage matters are considered in the assessment and various stages of the planning permit process. The discussion also provided clarification on the above aspects raised by the community.

3. Presentation by Leo John Showell on heritage buildings examples

Leo John Showell, a young member of Yarra's Heritage Advisory Committee made a presentation on examples of redevelopments of heritage places that have had some positive outcomes.

HAC appreciated the presentation and recommended that this work can be further expanded by HAC members collecting examples of good developments and subsequently have a workshop with Council's planning teams to explore possibility about how illustrative examples can be provided in relation to Council's Heritage Policy.

4. General updates

Principal Heritage Adviser provided updates on the following topics:

- Linear Park Master Plan preparation and the current stage
- Current status of the approval of World Heritage Environs Area Strategy Plan
- Slade Knitwear Sign removal
- Heritage Architecture Award to council's heritage consultant *Conservation Studio* for their work on ceiling conservation works at Fitzroy Town Hall

5. Other matters

HAC noted that the funding for a heritage officer was not approved in this year's budget. It was discussed that this can be raised for the Council's mid-year budget review. Otherwise, a new bid can be submitted for next year's budget consideration.

**COUNCIL RESOLUTION**

**Moved:** Councillor Glynatsis

**Seconded:** Councillor O'Brien

1. That Council:

- (a) note this Delegate's Report; and
- (b) thank the Heritage Advisory Committee members for their expertise and advice.

**CARRIED UNANIMOUSLY**

## 12. General Business

### 12.1 Councillor Crossland - Proposed closure of St Johns Primary

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Mohamud

1. That Council:

- (a) write to the Melbourne Archdiocese of Catholic Schools, encouraging them to review their decision given the significant growth that's currently occurring in the area, inclusive of the former Fitzroy Gasworks site, and the need for quality educational infrastructure such as St John's Primary School;
- (b) write to the State and Federal Ministers for Education, encouraging the State and Commonwealth Governments ensure that the school continues to operate as a school so as to continue to meet current and future local community needs, particularly for students with additional needs; and
- (c) provide a copy of correspondence to relevant State and Federal Government members.

**CARRIED UNANIMOUSLY**

### 12.2 Councillor Crossland - Gertrude, Smith and Peel Street rainbow footpath treatment

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor O'Brien

1. That Council officers report to Council this calendar year regarding the repainting of the rainbow footpath treatments on Gertrude, Smith, and Peel Streets in Fitzroy and Collingwood, including options for an updated design (noting the Intersex-Inclusive Pride Flag and opportunity for greater inclusivity) and/or expanding the application of the treatment at the current locations and/or elsewhere.

**CARRIED UNANIMOUSLY**

### 12.3 Councillor Nguyen - Celebrating and Enhancing the Cultural Identity of Victoria Street

#### **BACKGROUND**

The history of Victoria Street has been significantly shaped over the past 40-50 years by the influx of new residents from Asian nations, particularly Vietnam.

Next year marks the 10-year anniversary of Victoria Street's Gateway. Officially opened on 6 March 2014, the Gateway serves as a tribute to the families and business owners who played a pivotal role in transforming the area into a thriving hub, offering a rich multicultural experience for visitors from Melbourne and beyond.

The Gateway project was a collaborative effort between the Richmond Asian Business Association (RABA) and Yarra Council. Funding for the project was provided by the Richmond Asian Business Association, Yarra Council, and state and federal governments.

Inspired by Vietnamese culture's rich and revered traditions, the Gateway and its design elements honour the Vietnamese migration to Australia in the 1970s and

their significant and ongoing contributions to Richmond and Australian society.

The Gateway structure draws inspiration from the myth of the Vietnamese people's origins, symbolising the union of the dragon god Lac Long Quan and the fairy goddess Au Co. The Lac bird motif from the Dong Son drum represents Vietnamese culture and spirit. The sculptural hats suspended over the road represent Non La leaf hats worn by people from city to country in Vietnam; these are grouped and lit to symbolise the gathering of family, friends and communities. Bamboo artworks represent the strength and resilience of bamboo villages. Tigers on the railway bridge symbolise protection and prosperity, as well as the Richmond Tigers Football Club. The Dong Son drum motif on the bridge wall represents power, agriculture, and migration, reflecting the Vietnamese culture's journey to a new home in Australia.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Nguyen

**Seconded:** Councillor Landes

1. That Council:
  - (a) Congratulates the Victoria Street Business Association for hosting a successful family-friendly Moon Lantern Festival on 1 October 2023;
  - (b) acknowledges the significant contribution of the Vietnamese and broader Asian community and businesses to Victoria Street's cultural identity;
  - (c) recognises that 2024 will be the 10-year anniversary of the Gateway Structure construction near the intersections of Victoria Street and Hoddle Street;
  - (d) recognises that 2025 will be the 50-year anniversary of Vietnamese people arriving in Australia;
  - (e) writes to the Minister for Multicultural Affairs to acknowledge the importance of these significant cultural anniversaries and to seek practical support from the Victorian Government for timely celebrations and other commemorative activities;
  - (f) notes the Victoria Streetscape Masterplan's aim to enhance Victoria Street's cultural identity and unique qualities; and
  - (g) requests officers to bring a report to Council on opportunities to commemorating these cultural anniversaries and practical support for their implementation.

**CARRIED UNANIMOUSLY**

## 14. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Landes

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

**CARRIED**

### Item

#### 14.1 Gasworks Site Update

This item is to be considered in closed session to allow consideration of council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); and information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

These grounds are applicable because the report contains information regarding Council's ongoing negotiations in relation to the gasworks site; records of a meeting closed to the public under section 66(2)(a) of the Local Government Act 2020 and records of a meeting closed to the public under section 89 of the Local Government Act 1989.

#### 14.2 CEO Performance Review 2022/23

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds are applicable because this report contains information about the employment arrangements of an individual member of staff.

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

**Conclusion**

The meeting concluded at 9.23pm.

Confirmed Tuesday 14 November 2023

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Mayor