



# Agenda

## Extraordinary Council Meeting

6:30 pm, Tuesday 1 July 2025

Richmond Town Hall

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

## Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop;
- reconfiguring the room to facilitate access; and
- modification of meeting rules to allow you to participate more easily.

## Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

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## 1. Acknowledgement of Country

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

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

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

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

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

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors:

- |                       |                |
|-----------------------|----------------|
| ○ Cr Stephen Jolly    | Mayor          |
| ○ Cr Sarah McKenzie   | Deputy Mayor   |
| ○ Cr Evangeline Aston |                |
| ○ Cr Andrew Davies    |                |
| ○ Cr Kenneth Gomez    |                |
| ○ Cr Sharron Harrison |                |
| ○ Cr Meca Ho          |                |
| ○ Cr Sophie Wade      |                |
| Absent                |                |
| ○ Cr Edward Crossland | Parental Leave |

#### Council staff:

##### *Chief Executive Officer*

- Sue Wilkinson

##### *General Managers*

- |                  |  |
|------------------|--|
| ○ Brooke Colbert | Governance, Communications and Customer Experience |
| ○ Sam Hewett     | Infrastructure and Environment                     |
| ○ Kerry McGrath  | Community Strengthening                            |
| ○ Mary Osman     | City Sustainability and Strategy                   |
| ○ Lucy Roffey    | Corporate Services                                 |

##### *Governance*

- |                    |                                  |
|--------------------|----------------------------------|
| ○ Phil De Losa     | Manager Governance and Integrity |
| ○ Patrick O’Gorman | Senior Governance Coordinator    |
| ○ Mel Nikou        | Governance Officer               |

### **3. Declarations of Conflict of Interest**

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## 4. Council Business Reports

### 4.1. Proposed Discontinuance of Road abutting 37-45 Best Street, Fitzroy North

**Author** Fadi Fakhoury – Manager Property Services

**Authoriser** General Manager Infrastructure and Environment

#### Executive Summary

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The Extraordinary Council meeting provides an opportunity for individuals who requested to be heard in support of their written submissions received in response to the public notice regarding Council's proposal to discontinue part of the road abutting 37-45 Best Street, Fitzroy North.

A total of 87 submitters have requested to speak at the meeting.

This process is in accordance with Section 223 and Schedule 10 of the Local Government Act 1989 and Council's resolution of 13 May 2025.

A report for decision regarding the proposed discontinuance will be presented to a future Council Meeting. It is noted that the community will not have the opportunity to speak to their feedback at that meeting.

#### Officer Recommendation

That Council:

1. Notes all written submissions made during the public notice period.
2. Acknowledges all speakers who have spoken in support of their written submissions.
3. Thanks the community for their submissions and active participation in the road discontinuance process.

#### History and background

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1. At its meeting held on 13 May 2025, Council resolved:  
That Council, acting under clause 3 of Schedule 10 of the Local Government Act 1989 (Act):
  - (a) Resolves that the required statutory procedures be commenced to discontinue the road abutting 37-45 Best Street, Fitzroy North, being part of the land contained in certificate of title volume 653 folio 458 and shown as the 75 square meter parcel on the title plan attached as Attachment 2 (road);
  - (b) Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in "The Age" newspaper;

- (c) Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value;
  - (d) In accordance with Governance Rule Chapter Two, Rule 10.1 and section 223 of the Act, calls an Extraordinary Council Meeting to be held at 6:30pm on 1 July 2025 at the Richmond Town Hall, to hear from any submitters who have requested in their written submission to be heard; and, in accordance with Governance Rule Chapter Two, Rule 54.6, determines that such persons be heard at that meeting in accordance with Governance Rule Chapter Two, Rule 54;
  - (e) Authorises the Chief Executive Officer to cancel the Extraordinary Council Meeting, reschedule it to another time, or redirect the hearing of submissions to an Ordinary Council Meeting, should no submissions or only a small number of submissions be received; and
  - (f) Authorises the General Manager Infrastructure and Environment to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. In accordance with this resolution, officers published a public notice in accordance with Section 223 of the Act. The notice advertised the road discontinuance details and process, invited submissions from the public and outlined the available channels to make a submission.
3. The notice was published on 16 May 2025:
- (a) In The Age newspaper;
  - (b) On Council's website; and
  - (c) On the road discontinuance Your Say Yarra page.

## Discussion

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### Received Submissions

4. A total of 409 submissions were received. Two submissions were hand delivered or mailed to the Richmond Town Hall, 404 submissions were submitted through Your Say Yarra and 3 submissions were submitted by email. All submissions can be found at **Confidential Attachment 1** (in order of their submitted date).
5. The below table provides a breakdown of the received submissions:

Position	Number of submissions
Support	43
Against	365
Unsure	1
<b>Total</b>	<b>409</b>

6. A total of 87 submitters have requested to speak at the Extraordinary Council Meeting regarding their submissions. Of these 9 speakers, are in favour of the discontinuance, whilst 78 are against it. The names and order of the speakers are included in **Confidential Attachment 2**.
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7. In relation to speakers at the meeting, Council is advised that Section 223 of the Local Government Act states that:  
“a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.”
8. One person has stated in their submission that their submission will be read out by another person at the meeting. The name of the submitter and nominated speaker can be found in this report's **Confidential Attachments**.
9. Emails acknowledging receipt of the submissions were sent to all submitters ahead of this meeting. The emails confirmed if the submitter elected to speak or not.

### Options

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10. As this report is intended solely to allow submitters to be heard, no options are presented at this stage.
11. A further report will be presented at a future Ordinary Council Meeting, where Council will decide whether to proceed with the proposed road discontinuance. It is noted that the community will not have the opportunity to speak to their feedback at that meeting.

### Community and stakeholder engagement

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12. All engagement activities have followed the statutory requirements under Section 223 of the Act. The community and stakeholder engagement activities related to the public notice process are listed above.
13. A summary of key themes from the submissions, along with Officer commentary, will be included in the subsequent report.

### Strategic Analysis

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#### Alignment to Council Plan

Strategic Objective four - Running the City

Strategy 10: Ensure all decisions are financially sound, transparent, and accountable to the community.

Strategy 13: Manage Council's land and building assets to maximise value to the local community.

Strategy 14: Make it easier to contact and engage with Council.

#### Climate emergency

14. There are no climate emergency implications associated with this report.

#### Community and social implications

15. There are no community or social implications associated with this report.

#### Economic development implications

16. There are no economic development implications associated with this report.

#### Human rights and gender equality implications

17. There are no human rights and gender equality implications associated with this report.
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## Finance and Resource Impacts and Interdependencies

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18. There are no financial impacts to this report as the applicant has agreed to pay Council's costs and disbursements associated with the proposal. A more detailed financial analysis will be provided as part of the later report.

## Legal and Legislative obligations

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### Conflict of interest disclosure

19. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
20. The officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Risks Analysis

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21. There is minimal risk associated with this report, as it is intended solely to allow submitters to be heard in support of their written submissions. Nothing in this report will limit Council's rights or authority to make any decision when this matter is considered at a future meeting.

## Implementation Strategy

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### Timeline

22. A further report will be presented to Council by no later than November 2025. This report will include a detailed analysis of submissions and next steps.

### Communication

23. Officers will continue to communicate with submitters and the applicant as needed, respond to queries, and ensure all legal obligations are fulfilled.
24. All communication will be managed with care to protect the privacy of individuals and comply with relevant legislation and Council policies regarding the handling of personal and confidential information.

## Report attachments

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1. CONFIDENTIAL -4.1.1 Confidential Attachment 1 - Received Submissions
  2. CONFIDENTIAL -4.1.2 Confidential Attachment 2 - List of Speakers
- This attachment is confidential information for the purposes of section 3(1) of the Local Government Act 2020 for the following reason:
- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.