



Ordinary Meeting of Council Minutes

held on Tuesday 22 November 2016 at 7.00pm
Richmond Town Hall

****Corrected by resolution of Council on Tuesday 6 December 2016**

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

1.A. White Ribbon Day Oath

The Mayor acknowledged White Ribbon Day and the City of Yarra's support in the cause and asked that the chamber take part in the oath.



2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Amanda Stone (Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

Apology

- Cr Danae Bosler

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Joanne Murdoch (Group Manager - Advocacy and Engagement)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)

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

Councillor Stone declared a conflict of interest on items 4.2 and 11.1.

4. Confidential business reports

Item

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

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

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

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

That the minutes of the Ordinary Council Meeting held on Tuesday 18 October 2016 and the Special Council Meeting held on Monday 14 November 2016 be confirmed.

CARRIED

6. Petitions and joint letters

Item	Page	Res. Page
6.1 Parking Restrictions for Murphy Street and Birch Square, Richmond	6	6
6.2 Perseverance Hotel - Petition to Amend Licence	6	6

7. Public question time

Item	Page
7.1 Mr Miles Lewis - Australian Catholic University Development Site (PLN16/0085)	7
7.2 Mr Richard Konarik - Bridge Road Cleaning / Clearway	7
7.3 Ms Jane Toner, Walmer Street Action Group - Nature and Frogs	8
7.4 Ms Virginia Dods, Yarra Residents Coalition - Community Meeting on Thursday 17 November 2016	8
7.5 Mr Rodger Hughes - Australian Catholic University Development Site (PLN16/0085)	8
7.6 Mr Margaret O'Brien - Public Questions at Council Meetings	9
7.7 Ms Jenny Port - Smith Street/Wellington Street Precinct	9
7.8 Mr Michael Glynatsis - Brunswick Street Lane Closure	10
7.9 Mr Laurence Aboukhater - Heritage Advisory Committee	10
7.10 Mr Dennis Troedel - Demolition of Buildings	11

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11. Council business reports

Item	Page	Res. Page
11.1 Annual Grants 2017 Recommendations Report	12	12
11.2 Community Reference Group for the former Amcor site redevelopment - Appointment of Members for the Community Reference Group	13	13
11.3 Yarra Gambling Policy	14	14
11.4 Inner Melbourne Action Plan 2016 - 2026	15	15
11.5 Quarterly Financial Report for September 2016	16	16
11.6 2016/17 Annual Plan Quarterly Progress Report - September 2016	17	17
11.7 Appointment of Authorised Officers - Planning and Environment Act 1987	18	18
11.8 26 – 56 Queens Parade, Fitzroy North (PLN16/0434) – <i>late report</i>	19	20
11.9 Development Plan Application No. DP1500043 - Walmer Street/ Bridge Design – <i>late report</i>	22	23

12. Notices of motion

Item	Page	Res. Page
12.1 Notice of Motion No 6 of 2016 - Request for Report on Digital Transmission of Council Meetings	26	26
12.2 Notice of Motion No 8 of 2016 - Cr Searle re Ryan's Reserve	27	27

13. Urgent business

Item	Page	Res. Page
13.1 Urgent Business – Development Issues within the City of Yarra	29	29

6. Petitions and joint letters

6.1 Parking Restrictions for Murphy Street and Birch Square, Richmond

Reference: D16/156338

A petition containing 10 signatures from residents of Murphy Street and Birch Square are requesting Council consider their proposal that after the construction work of 132-138 Burnley Street the parking bays within Birch Square remain 'Permit Only' parking and the 13 parking bays in the centre of the road on Murphy Street closest to Burnley Street are made 2 hour parking only.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Nguyen

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

CARRIED

6.2 Perseverance Hotel - Petition to Amend Licence

Reference: D16/170622

A petition containing 48 signatures from residents of Fitzroy request that Council permanently amend the licence terms of the Perseverance Hotel of 196 Brunswick Street, Fitzroy to the following:

- that the restricted trading hours be reduced to 1.00am, Friday and Saturday and to 11.00pm on Sunday through to Thursday;
- the objection of local residents and businesses alike is as follows: for the last 6 to 7 years local residents and businesses have had to endure yelling, screaming, obscene language, profanity, urinating, defecating, vomiting on private public property, in cars, verbal abuse of residents, unacceptable sexual behaviour, sexual intercourse on private public property such as yards, car parks;
- Amplified music from this venue that can be clearly heard 100 meters away;
- Patrons arguing and fighting when leaving the premises of the Perseverance;
- Patrons wilfully violating local planning restrictions;
- Objects thrown at private property causing damage including: broken windows, eggs, rocks, drinks, bottles been thrown at residents and houses; and
- Police have been incapable and willing to take action when called upon.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Coleman

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

CARRIED

7. Public question time

7.1 Mr Miles Lewis - Australian Catholic University Development Site (PLN16/0085)

Question:

Will the City of Yarra obtain legal advice on planning application PLN16/0085 and defer any action of this application pending legal advice as there are a number of discrepancies with the proposal?

When will a response be provided by officers or Council?

Response:

The Director Planning and Place Making advised being aware of the matter however the office is of a different view. Legal advice is being obtained and Councillors will be informed of any updates. Information to the public will need to be discussed with the Chief Executive Officer once information has been received.

7.2 Mr Richard Konarik - Bridge Road Cleaning / Clearway

Question:

I would like to know what the Melba Councillors have planned to invigorate Bridge Road, keep the street clean and communicate with business owners? The cleanliness of Bridge Road needs to be improved.

In relation to clearways, about a month ago at 4.47pm, a lady came out of a store, who also had a two month year old child, a tow truck driver was hooking up her car, showed no compassion and left the lady in the street. I called the lady the next day and found out that she had to take various means of transport to get home and then go and collect her car and pay the \$400 fee, she was not complaining as she was in the wrong, however I think the tow truck driver could have let her off. I would like to know what can be done about these issues?

Response:

The Director City Works and Assets advised that as a general rule if people report any litter to Council they should call the general number 9205 5555. Litter will be cleaned within 2 hours. Unfortunately, Mr Konarik's issue didn't get through to our customer request system. Although we have daily inspections, officers were shocked they didn't see the litter Mr Konarik raised. It is something we treat seriously and I would encourage the community if they see any litter to contact the Council general number. We will be providing to all Councillors our service levels so that they can understand the resources, service levels and effort that goes in to try and keep the streets of Yarra clean, particularly Bridge Road.

Melba Ward Councillors took the question on notice, but did advise that they would work with traders to try and invigorate Bridge Road.

The Director Corporate Business and Finance advised that he had discussed the issue with Mr Konarik at his business premises and advised would follow up the matter on behalf of Councillors. A meeting will occur with the contractors that enforce the clearways in the next few weeks.

7.3 Ms Jane Toner, Walmer Street Action Group - Nature and Frogs

Question:

I sent my application to Michael Rogers through the website to make a tree significant more than three months ago and have heard nothing since then. I would like to know what the process is and why I wouldn't even receive a preliminary response?

In relation to the development at, I think, 635 Victoria Street; there is a population of frogs that has taken up residence in the pond on that site, as we know frogs are an environmental indicator. What can be done to protect those frogs as the new development happens?

Response:

The Mayor took the questions on notice and advised that she would respond to Ms Toner.

7.4 Ms Virginia Dods, Yarra Residents Coalition - Community Meeting on Thursday 17 November 2016

Question:

A community meeting was held on Thursday 17 November that included a number of Councillors. During the meeting, (that included a number of community groups and other individuals) the community raised their concerns with the large number of developments that are occurring in the City of Yarra. The seven resolutions that were past during that meeting have been circulated to all Councillors. I would like these motions to be endorsed and am seeking that they be acted upon.

Response:

The Mayor advised that Councillors did receive the seven requests and that they have been raised as an urgent business item.

Councillor Jolly proposed that the urgent business item be brought forward. The Mayor asked Councillors if they agreed and all Councillors agreed to bring the item forward.

Public question time was suspended to hear the urgent business item 13.1.

7.5 Mr Rodger Hughes - Australian Catholic University Development Site (PLN16/0085)

Question:

I would request one of two things, either Council itself makes a determination today or that the deadline for submissions be delayed by one week. Are either of these possible?

Response:

The Director Planning and Place Making advised that the Planning Act requires Council consider every objection/submission up until the time it makes a determination and based on some emails today the Councillors by protocol of five, have requested it come to a full chamber. At this point in time believe this will occur early next year.

7.6 Mr Margaret O'Brien - Public Questions at Council Meetings

Question:

Will Council please consider ways of making question time, for both *public questions* and *questions without notice*, more community friendly and a more valuable part of Council's working with, and responding to, the community?

Would Council consider streamlining the administration for question time so that the time spent on questions might be shorter, yet at the same time more community friendly, accountable and more publicly transparent?

Can Council please improve documentation of questions and the agreed action and replies?

Specifically:

- would Council perhaps encourage, questions to be provided in written form, perhaps even ahead of the meeting,
 - with the questions in full (or abstract) being written into the minutes; and
- would Council also record the agreed replies and actions and the due dates in a publicly available form?

Response:

The Group Manager Chief Executive's Office advised that officers can report back to Council on some of the suggestions raised by Ms O'Brien i.e. whether Council will receive written questions before the meeting, but will be determined on Council's decision on receiving the officers report.

7.7 Ms Jenny Port - Smith Street/Wellington Street Precinct

Question:

A group of Collingwood residents for some time have been looking for some planning changes. We would like to know what the status of the Strategic Planning work that is currently been done for the Smith Street/Wellington Street precinct is at? Given the recent planning resolutions that have just been raised I am concerned that the work on Smith Street/Wellington Street will be put on hold and would like all these planning matters to happen concurrently?

Response:

The Director Planning and Place Making advised that:

- (a) *there is a Strategic Planning Program and a number of things have happened over the last couple of years; Heritage Gaps Study, Johnston Street Local Area Plan and a number of Amendments;*
- (b) *the office is pursuing built form analysis study on the Bridge Road/Victoria Street area and certainly Smith Street and Brunswick Street area and that broadly envelopes Wellington Street in general terms;*
- (c) *there are a number of other matters e.g. Bridge Road Street Streetscape Masterplan is currently in progress;*
- (d) *the Swan Street Structure Plan was adopted a few years ago, there are amendments on the Burnley Timber Yards;*
- (e) *proposed amendments for the Swan Street area in accordance with the structure plan and would seek bringing that into the planning scheme;*

- (f) *bringing things into the planning scheme requires authorisation from the Minister or Department and until we have that, the organisation simply cannot even seek community comment; and*
- (g) *the resolution passed tonight under 'Urgent Business' brings a further work load on the division and that is a matter that the Executives and Chief Executive Officer will need to consider and how that is managed.*

7.8 Mr Michael Glynatsis - Brunswick Street Lane Closure

Question:

It has been about 4 years since the laneway has closed and still there is no progress since January 2016. Can Council please advise what the latest progress is on the Brunswick Street lane Closure?

Response:

The Group Manager Chief Executive's Office advised that the matter is being delayed due to the legal challenges that are outside of Council's control and also due to the Council Election, our legal advice was to put the matter on hold until after the Election period. I have spoken to the lawyers and have asked that the matter be re-instigated so that process can commence, this is a statutory process and not something that Council can interfere with as it refers to the Local Government Act.

The two property owners on either side of the laneway have indicated that they would like Council to discontinue the laneway and purchase the land, perfectly reasonable and many people do that so we have to give them the opportunity under the provisions of the act and my understanding is that they have both signed those letters, they also have to sign a letter that they will meet the legal costs of that process so that we as ratepayers don't have to meet that legal cost. Once that letter is signed, the advertising can start and that advertising will be quite extensive as there may be a number of people that don't agree to it closed. Once submissions have been received and it is presented to Council and the elected Council will be a determination on it.

Question on how long the applicants have to sign the legal documents was taken on notice.

7.9 Mr Laurence Aboukhater - Heritage Advisory Committee

Question:

The Heritage Advisory Committee is supposed to meet bi-monthly but the last Agenda was posted on Council's website in February and Minutes from the October 2015 meeting?

One vacant position has been vacant for over two years and new members have not been accepted even though qualified community members have expressed interest.

Why is Council not meeting the Terms of Reference with the Heritage Advisory Committee?

Where is the information on the progress of the 31 actions endorsed for the first year of implementation? How many have been completed and what is the status of the actions not complete?

Response:

The Director Planning and Place Making advised that he would need to check but believes the Heritage Advisory Committee has met more than once this calendar year and the expression of interest for filling the vacancy was going to be re-visited after the election so it is a matter that needs to be worked through with the Chief Executive Officer and Mayor. Adding the Agenda/Minutes on the website will be followed up with the officers.

The Manager City Strategy advised that recent meetings were postponed due to the caretaker period, and will try to schedule a meeting by the end of the year, otherwise it may fall in February next year. A report has been prepared on the action items, this was scheduled for the next Heritage Advisory Committee for consideration and this will then be reported back to Council through a Delegates' Report.

7.10 Mr Dennis Troedel - Demolition of Buildings

Question:

Recently a demolition occurred at a hotel in Carlton. Has the Council considered the right of demolition before final approval of VCAT and what penalties will apply? Is Council talking to the Melbourne City Council about demolition before approval and is Council talking to the Minister about demolition before approval?

I refer to 247-259 Johnston Street, the tenants there have been asked to vacate by the 2 January and it is obvious that they wish to demolish those buildings. It is the second time the application has been before VCAT and it is before Council at the moment. It started at 16 floors and is now down to 13 floors and their now wanting to demolish.

Response:

The Director Planning and Place Making advised that:

- (a) if a building is in a heritage overlay area in the City of Yarra it would need a planning permit for demolition/partial demolition or changes;*
- (b) if it is not in a heritage overlay area there is no planning permit needed for the demolition component, but may be for other parts of the application; building works for a re-build, so if it does not need a planning permit it still needs building approval for demolition but that can be issued by a private building surveyor; and*
- (c) there is a planning system and a building system, not every building in the City of Yarra is in a heritage overlay area, a lot are, but it depends on the specifics of the building.*

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

Nil

11.1 Annual Grants 2017 Recommendations Report

Trim Record Number: D16/119093

Responsible Officer: Community Partnerships Unit Manager

Councillor Stone left the meeting at 10.40 pm due to a conflict of interest.

Councillor Fristacky assumed the chair as Acting Mayor.

RECOMMENDATION

1. That:

- (a) Council accepts and endorses the Community Grants Panel recommendations of grant recipients for the Annual Grants 2017 program as presented in the attachments to this report.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Chen Yi Mei

1. That:

- (a) Council accepts and endorses the Community Grants Panel recommendations of grant recipients for the Annual Grants 2017 program as presented in the attachments to this report.

CARRIED

Councillor Stone returned to the meeting at 10.42pm.

11.2 Community Reference Group for the former Amcor site redevelopment - Appointment of Members for the Community Reference Group

Trim Record Number: D16/164401
 Responsible Officer: Manager City Strategy

RECOMMENDATION

1. That:
 - (a) having considered the nominations received for the former Amcor site Community Reference Group, Council appoint the following applicants to the Reference Group:
 - (i) _____
 - (ii) _____
 - (iii) _____
 - (iv) _____
 - (v) _____
 - (vi) _____
 - (b) the successful nominees be advised in writing of their appointment to the former Amcor site Community Reference Group and invited to attend the Reference Group meeting.
 - (c) the unsuccessful nominees be thanked for their nomination.

COUNCIL RESOLUTION

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

1. That:
 - (a) having considered the nominations received for the former Amcor site Community Reference Group, Council appoint the following applicants to the Reference Group:
 - (i) Fiona Currie (President APMAG);
 - (ii) Jeff Katz (Committee Member SAFCA);
 - (iii) Tiffany Crawford-Lane (President Warl);
 - (iv) Anne Crehan (Chairperson Alphington Community Centre Inc.);
 - (v) Nigel Odell (Senior President Alphington FC); and
 - (vi) Melissa O'Neill (Teacher/ elected staff representative on school Council, Alphington Primary School);
 - (b) the successful nominees be advised in writing of their appointment to the former Amcor site Community Reference Group and invited to attend the Reference Group meeting; and
 - (c) the unsuccessful nominees be thanked for their nomination.
2. That the Terms of Reference be amended so that clause 9 (c) is added to, to read: *however, it may inevitably discuss issues which are consistent with its purpose and which arise by virtue of applications.*

CARRIED

11.3 Yarra Gambling Policy

Trim Record Number: D16/159467

Responsible Officer: Coordinator Social Policy and Research

RECOMMENDATION

1. That Council:
 - (a) note the officers report in relation to a proposed new Gambling Policy;
 - (b) having considered the officer report and the attachment, resolve to adopt the attached Yarra Gambling Policy 2016 as a statement of its position; and
 - (c) advise the attendees at the Council forums of the Council decision.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the officers report in relation to a proposed new Gambling Policy;
 - (b) having considered the officer report and the attachment, resolve to adopt the attached Yarra Gambling Policy 2016 as a statement of its position;
 - (c) request:
 - (i) corrections to the figures of the annual gambling losses on page 5 under Figure 1;
 - (ii) rewording of the heading for 3.4 on page 13 to 'Social connection: a protective factor in addressing gambling harm'; and
 - (iii) consider the use of dot points to identify past Council actions; and
 - (d) advise the attendees at the Council forums of the Council decision.

CARRIED

11.4 Inner Melbourne Action Plan 2016 - 2026

Trim Record Number: D16/164388

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That:
 - (a) Council note the officer report and the IMAP 2016-26 Draft Implementation Projects report;
 - (b) Council endorse the following actions for inclusion in the 2017 – 2018 Action Plan, in accordance with the proposed actions as indicated in Attachment 1:
 - (i) Implementation of census of land use and employment (CLUE);
 - (ii) Business Case: Inner Melbourne cycling network;
 - (iii) Sport and recreation facility planning;
 - (iv) Urban forest and biodiversity strategy and approach; and
 - (v) Whole of waste cycle planning; and
 - (c) the CEO, on behalf of the Council, forward the input provided by Council to the IMAP Implementation Committee for consideration in finalising the IMAP Implementation Projects and determining funding priorities for 2017-18.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Nguyen

1. That:
 - (a) Council note the officer report and the IMAP 2016-26 Draft Implementation Projects report;
 - (b) Council endorse the following actions for inclusion in the 2017 – 2018 Action Plan, in accordance with the proposed actions as indicated in Attachment 1:
 - (i) Implementation of census of land use and employment (CLUE);
 - (ii) Business Case: Inner Melbourne cycling network;
 - (iii) Sport and recreation facility planning;
 - (iv) Urban forest and biodiversity strategy and approach; and
 - (v) Whole of waste cycle planning; and
 - (c) the CEO, on behalf of the Council, forward the input provided by Council to the IMAP Implementation Committee for consideration in finalising the IMAP Implementation Projects and determining funding priorities for 2017-18.

CARRIED

11.5 Quarterly Financial Report for September 2016

Trim Record Number: D16/158206

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council:
 - (a) notes the Yarra City Council preliminary financial report for the period ending 30 September 2016 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council:
 - (a) notes the Yarra City Council preliminary financial report for the period ending 30 September 2016 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

11.6 2016/17 Annual Plan Quarterly Progress Report - September 2016

Trim Record Number: D16/165807
Responsible Officer:

PROPOSAL

1. That Council note the 2016/17 Annual Plan Quarterly Progress Report – September 2016.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Nguyen

1. That Council note the 2016/17 Annual Plan Quarterly Progress Report – September 2016, subject to correction of minor errors.

CARRIED

11.7 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D16/150865
Responsible Officer: Chief Executive Officer

RECOMMENDATION

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

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor Searle

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

CARRIED

11.8 26 – 56 Queens Parade, Fitzroy North (PLN16/0434) – late report

Trim Record Number: D16/162570

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:

- (a) note the planning application for 26-56 Queens Parade, Nth Fitzroy is scheduled for a VCAT hearing for 7 days commencing on 3 April, 2017;
- (b) note the report from officers in response to the matters raised in the Council resolution dated 14 November, 2016 regarding process aspects of the current appeal and also the possible strategic planning work for a possible Design and Development Overlay for Queens Parade, Fitzroy North;
- (c) authorise officers to commission Option 1, a senior specialist lawyer and expert witnesses as required (including urban design) to defend the Council position in preparation for the appeal hearing commencing 3 April, 2017;
- (d) consider and resolve whether or not to direct officers to pursue a design analysis of the Queens Parade precinct with a view of seeking a Design and Development Overlay in the Yarra Planning Scheme for the immediate precinct of the site at 26-56 Queens Parade, Fitzroy North, including that site, and other relevant sites as outlined in the diagram as shown in Figure 1 as Stage 2;

and in this regard, should it seek the design analysis work to proceed:

- (i) that it authorises officers to commission external consultants to achieve that analysis (Stage 1 and 2) and for officers to report back to Council in February, 2017 with a draft Design and Development Overlay for the immediate precinct around including the site at 26-56 Queens Parade, Fitzroy North, as a means of managing the planning and urban design treatments of the Queens Road corridor Stage 2 area, and
- (ii) authorises officers to have the broader areas of the Queens Parade precinct (as outlined and expressed in Figure 1) also assessed with the view to a Design and Development Overlay for the other key area of the Queens Parade corridor as a Stage 3 project.

Public Submissions

The following people addressed Council on the matter:

Mr Chris Goodman;

Mr Greg Spark;

Ms Jenny Port;

Mr Mark Naughton and Mr Tim Gurner;

Mr William Robb;

Mr Glen McCallum;

Mr Simon Evans; and

Ms Stephanie Quinn.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council:

- (a) note the current planning application for 26-56 Queens Parade, Fitzroy North is scheduled for a VCAT hearing for 7 days commencing on 3 April, 2017;
- (b) note the extensive community concerns regarding this current planning application in the Queens Parade corridor as expressed in recent community meetings;
- (c) note the report on this Council Agenda from officers in response to the matters raised in the Council resolution dated 14 November, 2016 regarding process aspects of the current appeal and also the possible strategic planning work for a possible Design and Development Overlay for Queens Parade, Fitzroy North;
- (d) authorise officers to commission appropriate representation at the VCAT hearing and expert witnesses as required (including urban design) to defend the Council position in preparation for the appeal hearing commencing 3 April, 2017;
- (e) note the prior strategic work undertaken for the former gasometer site at 433 Smith Street (being the 2009 adopted urban design framework for that site) and the current processes by the State Government regarding a possible redevelopment of that site; and
- (f) note the relationship of 25-56 Queens Parade to the former gasometer site, the importance of the urban context within this Queens Parade precinct, and the integration of planning for both sides of the Queens Parade boulevard regarding urban built form, urban amenity, neighbourhood character, heritage character, and place making.

2. That Council in this regard:

- (a) authorise officers to urgently pursue a built form and urban design analysis of the Queens Parade precinct with a view of seeking a Design and Development Overlay in the Yarra Planning Scheme for the immediate precinct of the site at 26-56 Queens Parade, Fitzroy North, including that site, and other relevant sites, as outlined in the diagram as shown in Figure 1 of the officer report, as Stage 2;
 - (i) authorise officers to urgently commission external consultants to achieve that analysis (Stage 1 and 2) and for officers to then report back to Council by at least the first meeting in February, 2017 with a draft Design and Development Overlay for the immediate precinct around and including the site at 26-56 Queens Parade, Fitzroy North, as a means of managing the planning and urban design treatments of the Queens Road corridor (the Stage 2 area as shown in Figure 1); and
 - (ii) authorise officers to have the broader areas of the Queens Parade precinct (as outlined and expressed in Figure 1 of the report) also assessed with the view to a Design and Development Overlay for the other key area of the Queens Parade corridor as a subsequent Stage 3 project with a further report to Council as soon as possible.

3. That Council further:

- (a) in this regard, in the interests of balancing new development with integrated planning and the need for protection of valued heritage and amenity in this precinct, resolves to request the Minister for Planning to apply immediate interim mandatory height controls to the Mixed Use Zones in this Queens Parade precinct through a Design and Development Overlay (DDO) specifying a mandatory maximum height of 6 storey and development having specific regard to:
 - (i) the heritage, urban character and amenity of Queens Parade;

- (ii) MFB access; and
- (iii) the scale of development in laneways; and
- (b) seek this measure by the Minister for Planning as an interim planning scheme control pending completion of the strategic planning work for the Queens Parade precinct; and
- (c) note that the Mayor has written to the Minister for Planning on 21 November, 2016 seeking a deputation (including community group representatives) to hold dialogue with the Minister regarding planning provisions for the City of Yarra with a view to seeking interim planning controls whilst strategic work is undertaken in the city for the Commercial 1 and Mixed Use Zones in the city, including the Queens Parade issue; and
- (d) note, developers are requested to host a community forum on alternative plans, in response to the significant concerns to the current plans, reflected in the 480 objections received by Council.

CARRIED UNANIMOUSLY

11.9 Development Plan Application No. DP1500043 - Walmer Street/ Bridge Design – late report

Trim Record Number: D16/163830

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

1. That Council note the officer report on the referral matter from the Department of Environment, Land, Water and Planning regarding the development plan application for the connections and interface works of the proposed Walmer Street plaza with the Walmer Street bridge design.
2. That Council note the engagement with the community on 15 October, 2016 and other comments that have been provided to Councillors and the Yarra City Council.
3. That Council note that the opportunity to comment relates to proposed changes to relevant approvals by the then Minister for Planning in 2007, and that the Responsible Authority to determine the current proposed modifications by Salta (as the proponent), is the Minister for Planning.
4. That Council resolve to respond to the Department of Environment, Land, Water and Planning with the following comments, suggestions and requests in respect to both options presented:
 - (a) Option A - comments:
 - (i) the steps adjacent the bicycle switchback should be set back a minimum of 1m from the edge of the bicycle switchback to minimise conflict and maximise sight lines;
 - (ii) opportunities should be provided for minimising the paved areas to provide additional soft landscaping opportunities; and
 - (iii) that there be an extension of the shared path on Walmer Plaza to connect with the switchback; and
 - (b) Option B - comments:
 - (i) combine the paths west of the bridge to minimise the path space along the embankment to maximise landscaping opportunities;
 - (c) Comments applicable to both options:
 - (i) preparation of a Design Road Safety Audit to assess all movements along the shared paths including along the Bridge/Plaza / Yarra Embankment and Victoria Street;
 - (ii) consider relocating the basement car ramps to the western side of Walmer Plaza in order to create further plaza space to the eastern side of the plaza;
 - (iii) access into the Walmer Street basement car ramps to have a raised threshold level with the footpath;
 - (iv) the extension of the Walmer Street Bridge widened to a minimum width of 3.5m;
 - (v) the shared path between the basement car ramp and the building of No. 647 Victoria Street to have a minimum width of 3.5m;
 - (vi) all shared paths to be delineated within Walmer Plaza through materiality and kept free of any obstructions such as planters, outdoor seating and the like;
 - (vii) basement ramp entries to Walmer Plaza to show clear lines of sight for exiting vehicles and pedestrians;

- (viii) Walmer Plaza must be designed to support a 60 tonne point load from a mobile crane;
- (ix) location of the sections of the main drain through Walmer Plaza to be retained and those to be relocated to be clearly shown, including the location of access pits;
- (x) access pits must not be located within or in front of the basement ramp entry points;
- (xi) a drain diversion design (subject to Council approval) must be submitted to Council's satisfaction. All costs associated with the drain diversion shall be borne by the permit holder;
- (xii) a lighting scheme is to be designed for Walmer Plaza; this must comply with uniformity requirements as per the Australian Standard AS/NZS 1158.3.1:2005. Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements; and
- (xiii) the revised landscape plan to include the following information:
 - a. cross-sections of the ramp access to assess opportunities for maximising trees and vegetation plantings; and
 - b. details of surface materials to the satisfaction of the City of Yarra,

That these details should be required in addition to the information already outlined in Council's response to the application provided on 18 May 2016.

Public Submissions

The following people addressed Council on the matter:

Mr Mike Malone;

Mr Lloyd Elliott;

Mr Troy Parsons;

Ms Glennys Jones;

Ms Sue Donovan;

Mr Greg Spark; and

Ms Jane Toner.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That Council note the officer report on the referral matter from the Department of Environment, Land, Water and Planning (DELWP) regarding the development plan application for the connections and interface works of the proposed Walmer Street plaza with the Walmer Street bridge design.
2. That Council note the engagement with the community on 15 October, 2016 and other comments that have been provided to Councillors and the Yarra City Council. Council also notes that the significant majority of attendees at that engagement forum were not satisfied with either Option A nor Option B, and the unanimous request of that group that DELWP convene a working party of stakeholders to address the shortcomings of both options.
3. That Council advise DELWP that neither Option A nor Option B in its current form is acceptable.
4. That Council note that the opportunity to comment relates to proposed changes to relevant approvals by the then Minister for Planning in 2007, and that the Responsible Authority to determine the current proposed modifications by Salta (as the proponent), is the Minister for

Planning. Council also notes the constraints on the design of a plaza by the VCAT approved basement entry from the development on the east side of Walmer Street.

5. That Council resolve to respond to the Department of Environment, Land, Water and Planning with the following comments, suggestions and requests in respect to both options presented:
 - (a) Option A - comments:
 - (i) the steps adjacent the bicycle switchback should be set back a minimum of 1m from the edge of the bicycle switchback to minimise conflict and maximise sight lines;
 - (ii) opportunities should be provided for minimising the paved areas to provide additional soft landscaping opportunities; and
 - (iii) that there be an extension of the shared path on Walmer Plaza to connect with the switchback; and
 - (b) Option B - comments:
 - (i) combine the paths west of the bridge to minimise the path space along the embankment to maximise landscaping opportunities;
 - (c) Comments applicable to both options:
 - (i) preparation of a Design Road Safety Audit to assess all movements along the shared paths including along the Bridge/Plaza / Yarra Embankment and Victoria Street;
 - (ii) consider relocating the basement car ramps to the western side of Walmer Plaza in order to create further plaza space to the eastern side of the plaza;
 - (iii) access into the Walmer Street basement car ramps to have a raised threshold level with the footpath;
 - (iv) the extension of the Walmer Street Bridge widened to a minimum width of 3.5m;
 - (v) the shared path between the basement car ramp and the building of No. 647 Victoria Street to have a minimum width of 3.5m;
 - (vi) all shared paths to be delineated within Walmer Plaza through materiality and kept free of any obstructions such as planters, outdoor seating and the like;
 - (vii) basement ramp entries to Walmer Plaza to show clear lines of sight for exiting vehicles and pedestrians;
 - (viii) Walmer Plaza must be designed to support a 60 tonne point load from a mobile crane;
 - (ix) location of the sections of the main drain through Walmer Plaza to be retained and those to be relocated to be clearly shown, including the location of access pits;
 - (x) access pits must not be located within or in front of the basement ramp entry points;
 - (xi) a drain diversion design (subject to Council approval) must be submitted to Council's satisfaction. All costs associated with the drain diversion shall be borne by the permit holder;
 - (xii) a lighting scheme is to be designed for Walmer Plaza; this must comply with uniformity requirements as per the Australian Standard AS/NZS 1158.3.1:2005. Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements; and
 - (xiii) the revised landscape plan to include the following information:
 - a. cross-sections of the ramp access to assess opportunities for maximising trees and vegetation plantings; and

b. details of surface materials to the satisfaction of the City of Yarra,

That these details should be required in addition to the information already outlined in Council's response to the application provided on 18 May 2016.

6. That Council request that DELWP convene a working group including community and officer stakeholders from both the Yarra and Boroondara City Councils to provide further input into the detail of a final improved design that addresses all concerns raised, for the Minister for Planning's further consideration before approval of a final design; and that the advice of a bicycle network expert be engaged during the final design.
7. That Walmer Street is not described as a Plaza following redevelopment and should continue to be called Walmer Street to reflect its intended use as a thoroughfare.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 6 of 2016 - Request for Report on Digital Transmission of Council Meetings

Trim Record Number: D16/166267

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Searle

1. That Council request:

- (a) an Officers report on the subject of Digital Transmission of Council Meetings, such report to include:
 - (i) a list of Councils which currently operate such a service,
 - (ii) options available to Council in this regard;
 - (iii) advice on estimated costings of each option;
 - (iv) advice on any other issues which would require to be addressed if such a system was implemented; and
 - (v) an Officers' recommendation; and
- (b) such report be presented to the December meeting cycle.

CARRIED

12.2 Notice of Motion No 8 of 2016 - Cr Searle re Ryan's Reserve

Trim Record Number: D16/167083

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION**Moved:** Councillor Coleman**Seconded:** Councillor Searle

1. That Council:

- (a) note its representations made to the recently concluded hearings by the State's Standing Advisory Committee, in relation to the State Government's proposal to rezone 510 Swan Street, Richmond (Ryan's Reserve);
- (b) reiterate its unanimous position in its resolution of 20th September:

"That Council:

- (a) *notes the officer report in relation to the proposed rezoning of 510 Swan Street Richmond (known as Ryan's Reserve) as part of the State Government program to deliver the Richmond Secondary School project;*
- (b) *notes the process being undertaken by the State Government in relation to the rezoning proposal of 510 Swan Street, Richmond;*
- (c) *notes the fivefold increase in female participation in social netball in the City of Yarra during the period 2006-2015, being the largest increase in (male and female) participation compared to any other sport in the municipality during this period;*
- (d) *notes the very high and increasing demand for the netball facilities at Ryan's Reserve including 975 players per week from Richmond Netball Association and 960 players per week from Cityside Sports in addition to other groups;*
- (e) *notes the strong opposition of the local community and the netball community within and beyond the City of Yarra, as evidenced by: (i) the written submissions sent to Councillors and officers; the verbal submissions made to Council at its meeting on 20 September 2016; and (iii) the petitions to be presented to the State Government, which have to date been signed by in excess of 600 people;*
- (f) *considers that the provision of netball courts at the new secondary school in Richmond that are intended to be available for community use at restricted times (outside school hours and only if not used for school purposes) is not an equivalent substitute for the loss of the four netball courts at Ryan's Reserve that are dedicated full-time to community use;*
- (g) *given the demand for netball facilities, welcomes the installation of netball courts at the new secondary school in Richmond (to be made available to non-school users outside of school hours when not used by the school) in addition to, but not in substitution for, the netball facilities at Ryan's Reserve;*
- (h) *notes that extensive community consultation was undertaken for the Swan Street Structure Plan and that such consultation was premised on Ryan's Reserve remaining as is;*
- (i) *notes the increasing importance of Ryan's Reserve as a recreational and open space facility as development along Swan Street and the local vicinity is set to increase in density;*
- (j) *urges the State Government:*
 - (i) *to retain and enhance Ryan's Reserve for the existing recreational purposes, notably, netball; and*

- (ii) *to utilise one of the several other vacant government land sites in Yarra for Office of Housing purposes in lieu of Ryan's Reserve, which is an essential community recreational facility serving an expanding inner city population; and authorises the Mayor to write to the Premier, Minister for Sport & Recreation, Minister for Housing, Minister for Education, Minister for Planning and local State Member, advocating this position;*
 - (k) *opposes the re-zoning of Ryan's Reserve (510 Swan Street, Richmond) and requests officers to prepare a submission to the Government Land Standing Advisory Committee to this effect; and*
 - (l) *authorises the CEO to arrange for representation at the hearings of the Government Land Standing Advisory Committee to advocate the Council position."*
- (c) now authorise the CEO to negotiate with the landowner, the Department of Health & Human Services, for Council's continuous and long term use, as a lessee, of the land at Ryan's Reserve for sport and recreation purposes for the public benefit.

CARRIED

13.1 Urgent Business - Development Issues within the City of Yarra

COUNCIL RESOLUTION – MOTION 1**Moved:** Councillor McEvoy**Seconded:** Councillor Fristacky

1. That Council acknowledge:
 - (a) that rapid and large scale development in the City of Yarra has placed pressure on residential amenity, open space and public facilities at the same time as the cost of housing has become prohibitive for large segments of the population;
 - (b) the serious concerns held by community members about the impacts of development and the limitations of the planning system to control it; and
 - (c) the efforts of the Yarra Resident Coalition to develop and present proposals for immediate changes to the Planning Scheme to manage development in Yarra and undertakes to present these requests directly to the Minister for Planning.

CARRIED UNANIMOUSLY**COUNCIL RESOLUTION – MOTION 2****Moved:** Councillor Jolly**Seconded:** Councillor Nguyen

2. That Council present the following **3** proposals from Yarra Resident Coalition to the Minister for his immediate action:

“STRIP CENTRE HERITAGE PROTECTION

1. *THAT Council request the Minister for Planning to introduce immediate protection for historic shopping streets through an interim amendment to the City of Yarra planning scheme, to alter the building and works requirements of the Commercial 1 and Activity Centres zones requirements to include:*
 - (a) *a permit to demolish buildings;*
 - (b) *for new buildings and works that:*
 - (i) *no building can be constructed within 10 metres of the frontage; and*
 - (ii) *further than 10 metres from the frontage, no building can exceed 11.5 metres in height and that the Minister approve the advertising of a concurrent amendment to apply to these requirements only to buildings constructed prior to 1939.*

MIXED ZONE USE

2. *THAT Council request the Minister for Planning to introduce immediate interim height control to the Mixed Use zone and General Residential Zones (Schedule 3) in the City of Yarra through the introduction of a Design and Development Overlay (DDO) specifying a maximum development height control of 13 metres and a development set-back of 10 metres and approve the advertising of a concurrent amendment to the planning scheme.*

AFFORDABLE COMMUNITY HOUSING

3. *THAT Council request the Minister for Planning to amend the Planning Scheme for all relevant zones to adopt the practice that developments of more than 10 dwellings provide a minimum of 10 per cent of dwellings defined as affordable community housing, developed in association with an accredited housing association, on a sliding scale to 20 per cent for developments above 100 dwellings.”*

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 3

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

3. That Council present the following **2** proposals from Yarra Resident Coalition to the Minister for his immediate action:

PUBLIC HOUSING PROTECTION AND INCREASE

4. *THAT Council request the Minister for Housing to protect the existing level of State public housing and increase it to address the government waiting list of some 30,000 people, including the homeless (as well as others in inferior accommodation) and to protect and improve the future rent and living conditions (including public open space) for existing tenants.*

INCREASED OPEN SPACE

5. *THAT Council request the Minister for Planning that legislation be amended to require the open space contribution in a development to be proportionate to the number of dwellings.*

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 4

Moved: Councillor McEvoy

Seconded: Councillor Coleman

4. That Council refer to the budget process the following proposal for the appointment of a heritage officer.

APPOINTMENT OF HERITAGE OFFICER

6. *THAT the City of Yarra appoint a Heritage Officer, independent of the Director of Planning, with responsibilities to include:*
- (a) promoting heritage within Council and the community;*
 - (b) being available to residents to offer support, access to information and advice on heritage-related matters;*
 - (c) provision of in-house expertise to Council on heritage matters and policy, including strategic planning; and*
 - (d) provision of heritage advice on planning applications, advice on heritage policy, including attendance at Internal Development Approvals Committee (IDAC) and other Council meetings.*

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 5

Moved: Councillor Jolly

Seconded: Councillor McEvoy

5. That Council write to the Minister for Planning urging the State Government to enact legislation which will ban developer contributions to political parties and individual politicians.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 6

Moved: Councillor McEvoy

Seconded: Councillor Stone

6. That the Mayor write to the Minister for Planning asking him to provide immediate authorisation to exhibit amendment C220 in relation to the Johnston Street DDO (Design & Development Overlay) which includes mandatory heights (Design & Development Overlay) submitted to him in May 2016.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 7

Moved: Councillor McEvoy

Seconded: Councillor Coleman

7. That Council receive a report at the earliest opportunity on the applicability of research conducted by RMIT on Yarra's Activity Centres to Yarra Planning Policy.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION – MOTION 8

Moved: Councillor Stone

Seconded: Councillor Jolly

8. That the Mayor lead a delegation of resident representatives to the Minister for Planning to engage in a dialogue about how these matters may be progressed immediately.

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 10.43pm.

Confirmed Tuesday 6 December 2016

Mayor