



# Ordinary Meeting of Council Minutes

held on Tuesday 7 February 2017 at 7.00pm  
Fitzroy Town Hall

**\*\*Corrected by resolution of Council on Tuesday 21 February 2017**

[www.yarracity.vic.gov.au](http://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."*

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

### Attendance

#### Councillors

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

#### 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 Nguyen declared a conflict of interest on item 11.6.

## 4. Confidential business reports

Nil

## 5. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Searle

**Seconded:** Councillor Nguyen

That the minutes of the Ordinary Council Meeting held on Tuesday 20 December 2016 be confirmed.

**CARRIED**

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## 6. Petitions and joint letters

### 6.1 Petition - Traffic Issues on Cecil Street, Fitzroy

Reference: D17/14607

A petition containing 44 signatures from residents of Cecil Street, Fitzroy are concerned about the speed and escalation of traffic along their one way street.

Residents would like Council to consider installing a chicane or permanent barrier on Cecil Street at the Nicholson end so that traffic is unable to enter off Nicholson.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Coleman

**Seconded:** Councillor McEvoy

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

**CARRIED**

### 6.2 Petition - Planter Boxes outside Rathdowne Street, Carlton North

Reference: D17/12302

A petition containing 35 signatures from residents of Carlton are concerned about the planter boxes located outside 913 to 925 Rathdowne Street, Carlton North.

Residents would like Council to consider relocating the planter boxes on the footpath as they believe they are a traffic and safety hazard for cyclists and vehicles travelling north along Rathdowne Street.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

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

**CARRIED**

## 7. Public question time

### 7.1 Mr Brad Marsh, APMAG - Development Resolutions

Question:

On 22 November 2016, Council resolved a number of motions that Council wanted the Minister for Planning to consider. These motions addressed concerns of residents about development in Yarra.

Have Council written to the Minister for Planning?

Was a response given by the Minister?

Has the Minister accepted the request to have a meeting?

*Response:*

*The Mayor advised that there was an informal verbal response and an indication of accepting to meet with residents, although a meeting date has yet to be confirmed.*

### 7.2 Mr Jeremy Hindell - Nunnery Hostel at 114 Nicholson Street, Fitzroy re Permit

Question:

Council issued the Nunnery with a permit for use back in 2001 and for fourteen years have been non-compliant with the conditions of the permit, until a request was made. Council took compliance action against the Nunnery and following this the planning permit was amended. The Nunnery was then given a further 12 months to comply with their permit and again they failed to do so, so it has now been 15 years of non-compliance. I also understand that the Nunnery has been given another 12 month to comply.

Can someone please explain on what basis Council would accept 16 years of non-compliance with a planning permit?

*Response:*

*The Director Planning and Place Making took the question on notice.*

*The Director Corporate Business and Finance took the question on notice.*

*Cr Jolly suggested that a meeting be organised with concerned residents and ward councillors.*

### 7.3 Ms Susannah Dax - Visitor Parking Permits

Question:

There has been an escalation in the sale of visitor parking permits in the area, to the point of people letter dropping asking people to sell their visitors permits. I have also noticed that people in the flats that are not granted a parking permit, have parking permits.

What action is the Council taking to address the issue?

*Response:*

*The Mayor advised that it is against the law to sell visitor parking permits and if evidence is provided to Council, Council will contact the Police to investigate.*

#### 7.4 Ms Karen Delvin - Smith Street Precinct Plan

**Question:**

In relation to the south precinct plan of South Collingwood, it was agreed last year that a consultant would be engaged to advise on the Smith Street Precinct Plan; that covers the area from Smith Street to Wellington Street that would address amongst other things; appropriate height level, heritage impact and community amenity.

Where is the consultant up to in the work schedule?

**Response:**

*The Director Planning and Place Making advised that:*

- (a) two studies are on at the moment on built form analysis, one for Brunswick Street to Smith Street and the other from Victoria Street to Bridge Road;*
- (b) prior to Christmas, expressions of interest were sort for consultants to undertake both pieces of work; we received a selection of consultants for the Victoria Street/Bridge Road, they were analysed and evaluated and a consultant was appointed;*
- (c) only one application was received for the Brunswick Street/Smith Street Precinct Plan (this plan includes Wellington Street) and unfortunately that was not of an acceptable standard;*
- (d) there has been a process to re-procure that and submissions are due later this week or next week and hopefully we can procure a good consultant to commence that work; and*
- (e) unfortunately this has set us back a number of weeks to commence this work, so if a consultant is appointed than I would estimate that work to be completed around the middle of the year.*

*Cr Jolly – What is the process and is it at all possible for Council to fine-tune the old Smith Street Structure Plan and re-present that to the current Planning Minister?*

*The Director Planning and Place Making advised that it would not be practicable or achieve a result. A structure plan does need to be converted into the planning scheme language and unfortunately the independent panel, Panels Victoria considered that amendment at the time and was quite damming of that matter. Council could seek to bring back the previous Smith Street Structure Plan, but was not recommended by the director.*

*Cr Jolly – At the next meeting I will get a statement from the minister because he is giving information that is quite different to what the Director has just said so I would like to foreshadow a General Business Motion at the next meeting to open up this debate around the structure plan again.*

7.5 Mr Greg Spark - Edinburgh Gardens re Trees

Question:

The proposed water main upgrade through the park along the path from the Falconer Street entrance to Jamieson Street entrance will have a serious detrimental effect on the mature Elm trees that align the path.

Could Yarra arrange for Melbourne Water to re-route the mains upgrade along Alfred Crescent?

Shouldn't Council be telling Melbourne Water where it's going to go, not the other way around?

Response:

*The Director City Works and Assets advised that the final alignment had not been conveyed by Melbourne Water. Officers are urgently seeking that information so that they can analyse the impact, particularly on the trees.*

*Information will be provided to the community and Councillors once the detailed alignment is received.*

*The project is the realignment of Melbourne Water's water mains and Council does not have the expertise to advise on the placement of the water mains.*

7.6 Marion Marshall - Graffiti in North Fitzroy

Question:

I have a business in Scotchmer Street and live in Rae Street North Fitzroy and every third week we paint all the walls at our shop and my home from graffiti. The last time we called Council it was advised that it would take 28 days before anyone could come out, so I pay my staff to paint walls.

Is there anything Council can do to change the graffiti driven garbage that is happening all over North Fitzroy?

Just to clarify, although it was 28 days it was not my initial complaint, it's just so overwhelming that of course you can't get there until 28 days, it's more what are we going to do to make North Fitzroy free of graffiti?

Response:

*The Director City Works and Assets advised that:*

- (a) normally officers would attend quicker than 28 days and offered his apologies that it had taken 28 days. Council have two full-time graffiti crews working throughout the municipality and costs Council and rate payers hundreds of thousands of dollars;*
- (b) Council does prioritise work based on amenity, particularly where the graffiti is visual to more people and particularly the activity centres. In general, officers do not clean on private property, however do where it is in general view of a number of people;*
- (c) Graffiti is a significant problem, a growing problem and Council are putting more and more resources towards the problem but are inundated; and*
- (d) Council also does have a Graffiti Management Strategy that looks at education, working with youth and working with schools.*



*The Mayor advised that the Graffiti Management Plan has a number of actions, we cannot change the culture, it's a broader culture issue and as the Director mentioned is a long term issue and involves working with other agencies such as schools and police. When the plan is reviewed, it would be great to have your input as to further actions you may think might be useful.*

*Cr Fristacky – Council and the community share your concerns, Council spends towards a million dollars in dealing with graffiti, we do deal with it on private property, on Council property and urgently particularly if it is racist or sexist, but it really needs all of the community to deal with it because Council cannot keep up and we don't have the resources to do it all. With private property, it really needs the community to take responsibility as property owners, as they would with their repairs and maintenance and this needs to be emphasised as Council cannot cover the costs of dealing with everything and is just not feasible.*

#### 7.7 Ms Christine Wirtz - Rates Increase

Question:

My rates have increased over 30 % whilst the amenity around my property has actually reduced as the result of increased developments. I understand that the values of individuals houses have increased however as much as that may be the case it certainly doesn't mean my wage has increased anywhere near the increased amount of \$800 or \$900.

Although the value of my property was fairly accurate, with so many developments that have occurred within the City of Yarra how is it that my rates have increased by 30% in just one year?

Response:

*The Director Corporate Business and Finance advised the way rates work;*

- (a) rate is a bulk amount, so for instance this year in the budget papers, \$100m worth of rates was received from the community, that is then redistributed across the community by the way of rates according to the values of properties;*
- (b) with some revaluations, some people, as you have, experience an increase in their rates due to the increased value of their property;*
- (c) some peoples rates will go up, some peoples rates will stay the same and some may experience a rate drop; and*
- (d) it is done according to the legislation, Council are required by the State Government.*

*Cr Fristacky – Given that we have rates capping, what is the point of doing property valuations other than for new properties and is there merit in putting to the Treasurer and the Minister for Local Government that we save funds on doing the valuations and just have the rate cap applied to every property in the municipality, so we wouldn't be in this position of some people getting 30% increase and some getting a decrease?*

*Director - The State Government are reviewing the Local Government Act and are looking at a number of elements, including the ways in which Councils are currently required under the act to apply rates. We are bound by the Local Government Act in terms of the way we apply rates, it is a redistributive tax if you like, where we collect that money on behalf of the community to deliver services according to the Act. Council is required every two years to go through a revaluation process and then*

*redistribute the burden of those rates across properties, according to the value of those properties. It is a requirement that we don't have any flexibility around and certainly something that should there be a change around that, that would have to come through the State Government and through the Local Government Act.*

*Cr Jolly – Is it too late or is it possible for this resident who has come here tonight who's said that she has had an increase in her valuation by 30% to make an appeal and if so, can we organise a meeting between the resident and any Councillors that are interested over the course of the next few days to look specifically at this issue.*

*Director - advised that he would be happy to meet and discuss what the circumstances are and in terms of the request for revaluation, the date had passed but we would be happy to both take up the matter around the concerns in relation to the approach of officers and to also sit down and discuss as officers do with many residents and talk through specific circumstances.*

#### 7.8 Ms Vivien Carroll - Local Area Traffic Management Schemes

Question:

Since 2013, development approvals have seen an addition of a significant number of car parks (estimated 1,000) in Langridge Ward. The traffic that's been generated by these new car parks has already impacted residents in the area bounded by Smith, Langridge, Wellington and Victoria Streets and areas to the east of Wellington Street. A particular concern are the rat runs in Cambridge and Derby Streets, the dangers to cyclists near the intersections of Derby, Wellington and Northumberland Streets and a danger to the children and elderly in Cambridge, Derby and Oxford Streets.

Can Council confirm how many additional car parks have entered the precinct between 2013 and 2017 and how many more are planned, that is, are already in proposals that are being considered?

Will Council immediately review in this first quarter the local area traffic management scheme as it pertains to the area bound by Smith, Langridge, Wellington and Victoria Streets?

Response:

*The Director Planning and Place Making took the question on notice.*

*The Director City Works and Assets took the question on notice, however did mention that if there are specific traffic issues in particular safety issues Council can investigate based on the 'black spot' program.*

7.9 Mr Mark Nipperus - Smith Street Structure Plan re Consultants

Question:

Consultants are not always used and rely on internal planning experts. Council also have a history of trusting and relying on internal staff for permit approvals, so why can't internal experts be used to prepare the Smith Street Structure Plan?

Single mandatory height limits are problematic and are holding up the structure plan, so why can't a formula be applied to determine height restrictions i.e. a formula that refers to the size of a block and the average height of nearby buildings?

Response:

*The Director Planning and Place Making advised:*

- (a) in relation to the Smith Street Structure Plan, it was done in-house and one of the criticisms of the panel was that it wasn't externally peer reviewed;*
- (b) Council do have considerable urban design skills in-house and use them frequently, but with the work load more often external consultants are needed to undertake the work i.e. Queens Parade;*
- (c) when a matter goes before panel and the tribunal, they prefer the independence of external consultants;*
- (d) Council has capacity in-house, but not to do everything at once and need to get experts involved so the best result can be achieved;*
- (e) Prior to 1997, planning schemes were a little more prescriptive, the government saw fit to make planning schemes performance based and they are performance based;*
- (f) the guidelines of the minister and the state government department say that it has to be performance based, except in exceptional circumstances;*
- (g) Council has been advocating for some mandatory height controls, some prescriptive measures within that performance system;*
- (h) the Johnston Street Local Area plan is an example where the Johnston street local area plan was adopted by Council in December 2015, the office then converted that into the planning scheme and took that to the Council in May 2016. Council accepted that report and Council sought authorisation from the Minister for Planning to put on exhibition;*
- (i) For any Council to put forward a proposed planning scheme amendment, i.e. any change to the planning scheme, it cannot do so without the written authorisation of the Minister for Planning;*
- (j) Without authorisation we cannot ask the community what they think of it and this is the stage we are at with Johnston Street. It went to the Minister in May last year and are still waiting; and*
- (k) the government should allow some variations to the format of planning schemes to provide some greater certainty.*

## 8. General business

### 8.1 Drag-a-thon - The 86 Cabaret Bar

Councillor Stephen Jolly reported the following:

It is not every year that the City of Yarra, Langridge Ward gets in the Guinness book of records. On Friday 27 January, The 86 Cabaret Bar on Smith Street, Fitzroy held a 36 hour drag-a-thon.

The drag-a-thon was witnessed and checked by the Guinness book of records staff and people from the LGBTQ community and Drag Queens from all over Australia attended, including my wife who was there for most of the event.

It is an important thing to acknowledge and congratulate both the club and attendees, but also from the point of view of the victimisation from people that are coming out. These events, loud, proud and now internationally acknowledged, need to be recognised and congratulated by Council.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor McEvoy

That Council congratulate all attendees and the 86 Cabaret Bar for getting in the Guinness Book of Records for the World's Longest Running Drag Show.

**CARRIED**

## 9. Delegates' reports

### 9.1 Councillor McEvoy - Northern Alliance for Greenhouse Action (NAGA)

Councillor McEvoy reported the following:

As Council's delegate to NAGA, I wish to advise that meetings have been held on Monday 12 December 2016 and Monday 6 January 2017.

#### **1. Key issues discussed include;**

- (a) Reports on NAGA projects including;
  - (i) **Local Electricity Trading** - project being developed to promote understanding of and support for local electricity trading (also known as virtual net metering). This will form part of an application to the New Energy Jobs Fund; and
  - (ii) David Meiklejohn's attendance at the **Climate Chance conference in Nantes, France** in September 2016. And ideas to pursue funding for adaptation of a Dutch project that reduces procurement-related emissions, CO2 Performance Ladder; and
- (b) Reports on funding opportunities and projects being developed;
  - (i) **CO2 Performance Ladder** (seeking \$45,000) – adapting a Dutch tool that encourages reductions in business emissions through setting tender conditions;

- (ii) **EV Analysis** (\$66,000) – analysis of potential for electric vehicles in council fleets;
  - (iii) **Boosting Productivity Fund** (\$120,000) – updating **coffee timer project** from other funding applications, working with Australian Restaurant and Café Association; and
  - (iv) **New Energy Jobs Fund** (max. \$100,000) – feasibility study into **local electricity trading potential** for local government and private properties; and
- (c) Report on **One Million Homes Alliance** from Anne Martinelli, Environment Victoria;
  - (d) NAGA Project Manager, Rob Law, has been invited to speak at the **2017 Renewable Cities and Global Learning Forum**, in Vancouver, Canada. He has been asked to speak on the current solar for low income households project that NAGA is running with EAGA and other greenhouse alliances;
  - (e) **NAGA's financial outlook** as it will be affected by rate-capping. Cost-cutting measures and income generation potential are being considered; and
  - (f) in light of 1.e, the committee is undertaking a review of **hosting options for NAGA**.

**2. Key resolution:**

- (a) That councils interested in hosting NAGA indicate their willingness and associated costs by 28 February 2017.

**COUNCIL RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Coleman

1. Council notes this Delegates Report.
2. Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.
3. Council recognises that the technology, expertise and capacity exists for humans to mitigate and adapt to this global challenge, but that collaboration and action is essential.
4. Council resolves to renew our commitment to collaborate with other Councils and Governing bodies through forums such as NAGA in order to take collective action to reduce the carbon emissions of our municipalities.
5. That Council Officers indicate to NAGA by February 28 options available at Yarra City Council regarding hosting NAGA, detailing the in-kind support that Yarra can provide and the associated costs for NAGA, including (but not limited to):
  - (a) basic rental of office space only (e.g. former Richmond Police Station); and
  - (b) fully supported office space hosted within Council offices (e.g. at 345 Bridge Road).

**CARRIED**

## 9.2 Councillor Searle - Heritage Advisory Committee

Councillor Searle reported the following:

### **Purpose**

To report on the first meeting for 2017 of the Heritage Advisory Committee (HAC) held on 30 January.

Present at the meeting were: myself, Cr Fristacky, officers and nine members of the Committee; Cr Jolly was an apology.

### **Background**

The Committee discussed:

- (a) The appointment of new members to the HAC
- (b) Potential heritage advisor position
- (c) Update on review of Heritage Advisory Committee
- (d) Facilitated workshop on Planning Scheme (Heritage Policy) rewrite

### **Key Issues**

#### 1. New HAC members

The Committee welcomed three new members – Angela Zivkovic, Greg Spark and Laurence Abou Khater. The filling of the three vacancies was discussed at the last HAC meeting in December. The previous delegate's report recommended their appointment which was endorsed at the Council meeting on 20 December 2016.

#### 2. Potential heritage advisor position

Ivan Gilbert, Group Manager CEO's Office led a discussion around the themes of:

- (a) early community engagement by developers prior to applications being lodged;
- (b) updated heritage information at Council planning counter and Council web page; and
- (c) potential heritage officer position.

This discussion was in response to Council's resolution of 20<sup>th</sup> December 2016:

*That Council receive a report in the March meeting cycle on:*

- (a) *how developers can be encouraged to undertake genuine engagement with the community at an early stage of a development proposal;*
- (b) *the development of practice guidelines with examples, on the importance of heritage protection that could be made available at Council's planning desk to assist residents, developers and others in planning applications; and*
- (c) *various models, options and costings for the provision of in-house, technical heritage advice, that is independent of the Planning Departments, and which is prepared following:*
  - (i) *consultation with the City of Yarra's Heritage Advisory Committee; and*

- (ii) *which has regard to the Heritage Victoria Guidelines on the appointment of heritage advisors.*

There was discussion regarding the community engagement theme by developers. Officers advised there was no statutory requirement for developers to engage with the community prior to lodging applications. Discussion in relation to the potential heritage advisor position was cut short due to extended discussions on engagement and a full agenda for the meeting. Ivan Gilbert advised that he was happy to receive submissions from HAC members on any or all of these themes by email after the meeting.

3. Update on review of Heritage Advisory Committee

A consultant is being appointed to undertake the review and will be contacting current and past members and Councillors in February. There will be a report on the progress of the review at the next HAC meeting in March.

4. Rewrite of the heritage policy in the planning scheme

An hour of the meeting was devoted to a facilitated workshop on the Yarra planning scheme rewrite. Officers provided an update on the work program and further strategic work underway to address Heritage policy gaps identified in the planning scheme reviews and community engagement.

Information was presented for discussion on the following key issues:

- (a) Policy rewrite is a refinement of the existing policy focussed on reducing duplication, improving clarity and addressing policy gaps;
- (b) Visual assessments – success and challenges of the current sightline provisions in decision making for residential development in different contexts;
- (c) Visual assessments – considering the depth of two rooms provision as an assessment tool for evaluating part demolition of heritage buildings; and
- (d) Guidelines – reviewing examples from other Council's and merits of preparing guidelines. Reviewing the option of including Heritage Council guidelines as a reference document and improving the interpretation of policy through the use of additional diagrams within the policy.

There was a significant amount of discussion on these and other matters which was difficult to fit in given the time allotted to the workshop. Another facilitated workshop is planned for the next HAC meeting in March.

Lastly there were some questions and answers about various St. Vincent's Hospital planning applications, and some discussion on setting up subcommittees of the HAC. It was suggested that any decision on forming subcommittees should be considered at a future time after examining what the purpose and goals would be for a subcommittee.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Searle

**Seconded:** Councillor McEvoy

1. That the delegate's report is tabled for the information of Councillors.
2. That Council:
  - (a) notes the appointment of three new Committee members to the HAC;
  - (b) notes the HAC discussions regarding the proposed appointment of a new heritage advisor and that Council officers are happy to meet with members of the Committee for further discussions;
  - (c) notes that the review of the Heritage Advisory Committee is underway;
  - (d) notes the Committee's input to discussions on key issues that will inform the further development of content for heritage in the planning scheme rewrite.

**CARRIED**

### 9.3 Councillor Chen Yi Mei - Yarra Aboriginal Advisory Group

Councillors Chen Yi Mei and McEvoy reported the following:

The Aboriginal Advisory Group (AAG) meeting was held on Thursday, 2 February 2017.

Key issues discussed included the following:

Discussion on Darebin City Council's request for support in their submission to the Australian Electoral Commission, to change the name of the Federal seat of Batman. Darebin is working closely with the Wurundjeri Council. The AAG was unanimous in wanting to support a name change. An officer report will be coming to Council in the near future formally seeking Council's support for Darebin Council's submission.

Members of the AAG moved on to discuss the motion before Council tonight about beginning discussions with the City of Yarra Council on how the Council conducts its future ceremonies and activities on the 26 January. Feelings were quite strong around the table about Australia Day being a sad day when Aboriginal people lost their culture, lives, language and land, which is not recognised in the celebrations. The AAG was very receptive to opening up the discussion with Council about its future events and there was unanimous agreement on the motion;

The Stolen Generation Marker's Working Group provided an update which included:

- (a) the very successful, sold out fundraiser, The Reconciliation Comedy Gala at the Malthouse Theatre;
- (b) Wurundjeri Council has made a donation of \$2,000 towards the marker; and
- (c) five artists have been shortlisted to three for further consultation with those from the Stolen Generation.



The AAG decided to invite Marcia Langton, Foundation Chair of Australian Indigenous Studies at the University of Melbourne and Mark McMillan, Associate Professor at Melbourne Law School and a counter voice to the next AAG for an informed discussion around constitutional recognition and treaty.

Significant resolutions included:

- (a) AAG resolved to support City of Darebin's campaign to rename the Federal seat of Batman; and
- (b) AAG resolved to support discussions with Yarra Council and devise a process to consider Australia Day in Yarra.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor McEvoy

1. That Council note this Delegates' Report.

**CARRIED**

## **10. Questions without notice**

### 10.1 Councillor McEvoy - LATMS 9 Progress

Question:

I know that we resolved last year to trial a 30 kilometre per hour in LATM9 which I think is in the Fitzroy area.

I would like to know, what the progress of that this?

*Response:*

*The Director City Works and Assets advised that the trial is still proceeding this financial year but would provide further detailed information to Councillors.*

### 10.2 Councillor McEvoy - Graffiti Management Plan

Question:

In the Graffiti Management framework under Action 1.9, relates to seeking entrepreneurial innovative solutions and enterprises, and looking for innovative ways to tackle this problem.

What the outcomes of that action at the moment?

*Response:*

*The Director City Works and Assets advised that Council can provide graffiti cleansing kits to businesses and homes so that people can action the graffiti themselves as Council cannot deal with the problem alone. The kits also include environmentally friendly solvents so it also encourages people to avoid using stronger chemicals.*

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**11.1 Emma Street, Collingwood Heritage Update**

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Trim Record Number: D17/6992

Responsible Officer: Senior Coordinator Strategic Planning

**RECOMMENDATION**

1. That Council:
  - (a) note the report regarding the Council request for a further report regarding Emma Street, Collingwood;
  - (b) note the officer recommendations not to pursue any further heritage amendments based on the information contained in the officer report; and
  - (c) resolve to not pursue any further heritage controls regarding Emma Street, Collingwood.

**COUNCIL RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note the report regarding the Council request for a further report regarding Emma Street, Collingwood;
  - (b) note the officer recommendations not to pursue any further heritage amendments based on the information contained in the officer report; and
  - (c) resolve to not pursue any further heritage controls at this time regarding Emma Street, Collingwood.

**CARRIED**

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**11.2 Amendment C214 - Doonside Heritage Amendment - Summary of Submissions**

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Trim Record Number: D16/185300

Responsible Officer: Director Planning and Place Making

[Help](#)

**RECOMMENDATION**

1. That Council:
  - (a) notes the Officer Report regarding exhibition of Amendment C214 relating to the Doonside precinct, North Richmond.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C214:
  - (a) to consider both submissions to Amendment C214, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 1 to this report;
  - (b) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions to an independent panel appointed by the Minister for Planning;
  - (c) requests the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C214 and all submissions received; and
  - (d) notifies submitters of the Council resolution.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) notes the Officer Report regarding exhibition of Amendment C214 relating to the Doonside precinct, North Richmond.
2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C214:
  - (a) to consider both submissions to Amendment C214, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 1 to this report;
  - (b) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer the submissions to an independent panel appointed by the Minister for Planning;
  - (c) requests the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C214 and all submissions received; and
  - (d) notifies submitters of the Council resolution.

**CARRIED**

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### 11.3 Amendment C210 - Special Building Overlay

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Trim Record Number: D16/184173

Responsible Officer: Coordinator Strategic Planning

#### RECOMMENDATION

1. That Council notes:
  - (a) the Officer report regarding exhibition of Amendment C210 relating to changes to the Special Building Overlay in the Yarra Planning Scheme; and
  - (b) the submissions received in respect to the exhibition period of Amendment C210.
2. That Council resolves to:
  - (a) consider all submissions to Amendment C210, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 1 and Attachment 2 to this report;
  - (b) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;
  - (c) request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C210 and all submissions received; and
  - (d) advise submitters of the Council resolution.

#### Public Submissions

*The following people addressed Council on the matter:*

*Mr Bill Forrest;*

*Ms Belinda Formby;*

*Mr Michael Glynatsis; and*

*Ms Kerrie Homan and Mr Keith Boniface of Melbourne Water.*

#### COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

That the meeting be extended for a further 30 minutes.

**CARRIED UNANIMOUSLY**

## COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor McEvoy

1. That Council notes:
  - (a) the Officer report regarding exhibition of Amendment C210 relating to changes to the Special Building Overlay in the Yarra Planning Scheme; and
  - (b) the submissions received in respect to the exhibition period of Amendment C210.
2. That Council resolves to:
  - (a) consider all submissions to Amendment C210, in accordance with section 22 of the *Planning and Environment Act 1987* as detailed in Attachment 1 and Attachment 2 to this report;
  - (b) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;
  - (c) request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C210 and all submissions received and advise submitters of the Council resolution; and
  - (d) refer submissions suggesting potential overland flow mitigation works including on public land to Melbourne Water to investigate and advise Council on their feasibility and potential costs and benefits, followed by Council meeting with residents who submitted in writing to discuss the relative impacts on potential inundation.

**CARRIED**

Councillors Coleman, Bosler and Jolly abstained

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**11.4 2018 General Revaluation - Notice of Intention to cause a Return**

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Trim Record Number: D17/2510

Responsible Officer: Chief Financial Officer

**RECOMMENDATION**

1. That:
  - (a) Council resolves to cause a General Valuation (Revaluation) to be made of all properties within the Municipal District of the Yarra City Council and that the general valuation is to be returned no later than 30 April, 2018;
  - (b) the General Valuation (Revaluation) be carried out pursuant to the provisions of the *Valuation of Land Act 1960*; and
  - (c) notice of the resolution is given to the Valuer-General and every other rating authority interested in the General Valuation (Revaluation) as required by Section 6 of the *Valuation of Land Act 1960*.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That:
  - (a) Council resolves to cause a General Valuation (Revaluation) to be made of all properties within the Municipal District of the Yarra City Council and that the general valuation is to be returned no later than 30 April, 2018;
  - (b) the General Valuation (Revaluation) be carried out pursuant to the provisions of the *Valuation of Land Act 1960*; and
  - (c) notice of the resolution is given to the Valuer-General and every other rating authority interested in the General Valuation (Revaluation) as required by Section 6 of the *Valuation of Land Act 1960*.

**CARRIED**

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## 11.5 Amendment to Live Music Grant Program Guidelines

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Trim Record Number: D16/173278

Responsible Officer: Director Community Wellbeing

### RECOMMENDATION

1. That:
  - (a) Council endorse the amendment of the Live Music Venues Grants guidelines, extending the eligibility criteria of the program, opening it up to a wider range of creative spaces in Yarra (as per Attachment 1); and
  - (b) Council endorse a change to the title of the grants program to 'Room to Create Responsive Grant Program' to reflect its broader scope.

### COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

That the meeting be extended for a further 10 minutes.

**CARRIED**

### COUNCIL RESOLUTION

**Moved:** Councillor McEvoy

**Seconded:** Councillor Chen Yi Mei

1. That:
  - (a) Council endorse the amendment of the Live Music Venues Grants guidelines, extending the eligibility criteria of the program, opening it up to a wider range of creative spaces in Yarra (as per Attachment 1) with an addition of the words "for example" between "creative space to stay in Yarra" and "Funds can be used for" on page 36; and
  - (b) Council endorse a change to the title of the grants program to 'Room to Create Responsive Grant Program' to reflect its broader scope.

**CARRIED**

*Councillor Coleman left the meeting at 11.30pm*

*Councillor Jolly left the meeting at 11.32pm*

## 11.6 Community Partnership Grants 2017/21 Initiation Report

Trim Record Number: D17/3975

Responsible Officer: Group Manager - People, Culture and Community

*Councillor Nguyen left the meeting due to a conflict of interest.*

### RECOMMENDATION

1. That Council endorse the:
  - (a) Community Partnership Grants Program Logic as outlined in Attachment One;
  - (b) The following 12 recommended programs be invited to re-apply to the next round of Community Partnership Grants 2017/21:
    - (i) Cohealth - Aboriginal Engagement Program;
    - (ii) Cohealth - Billabong Coordinator;
    - (iii) Cohealth - Refugee and Asylum Seeker Support Program;
    - (iv) Cohealth - Yarra Drug and Health Forum;
    - (v) Collingwood Children's Farm - Young Farmer's Program;
    - (vi) Collingwood Toy Library - Collingwood Toy Library, Community through Play 2012 -15;
    - (vii) Fitzroy Legal Service - Access to Justice Volunteer Program; Free Night Legal Advice Service-Monday to Friday;
    - (viii) Launch Housing - Indigenous Recreation Program;
    - (ix) MAYSAR /Whitelion - MAYSAR Culture, Training & Engagement Program;
    - (x) Princes Hill Community Centre - Community Involvement through Music, Art, Seniors Games Group, Sewing/craft, Sustainability talks, and History groups;
    - (xi) Richmond Toy Library Richmond Toy Library - Removing the Lid of the Toybox; and
    - (xii) Save the Children - Fitzroy Toy Library; and
  - (c) Community Partnership Grants 2017/21 Guidelines as outlined in Attachment Four; and
  - (d) allocation of \$442,945 in 2017/18 to the Community Partnership Grants 2017/21 pending 2017/18 budget approval.

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Bosler

1. That Council endorse the:
  - (a) Community Partnership Grants Program Logic as outlined in Attachment One;
  - (b) The following 12 recommended programs be invited to re-apply to the next round of Community Partnership Grants 2017/21:
    - (i) Cohealth - Aboriginal Engagement Program;
    - (ii) Cohealth - Billabong Coordinator;
    - (iii) Cohealth - Refugee and Asylum Seeker Support Program;



- (iv) Cohealth - Yarra Drug and Health Forum;
  - (v) Collingwood Children's Farm - Young Farmer's Program;
  - (vi) Collingwood Toy Library - Collingwood Toy Library, Community through Play 2012 -15;
  - (vii) Fitzroy Legal Service - Access to Justice Volunteer Program; Free Night Legal Advice Service-Monday to Friday;
  - (viii) Launch Housing - Indigenous Recreation Program;
  - (ix) MAYSAR /Whitelion - MAYSAR Culture, Training & Engagement Program;
  - (x) Princes Hill Community Centre - Community Involvement through Music, Art, Seniors Games Group, Sewing/craft, Sustainability talks, and History groups;
  - (xi) Richmond Toy Library Richmond Toy Library - Removing the Lid of the Toybox; and
  - (xii) Save the Children - Fitzroy Toy Library; and
- (c) Community Partnership Grants 2017/21 Guidelines as outlined in Attachment Four; and
- (d) allocation of \$442,945 in 2017/18 to the Community Partnership Grants 2017/21 pending 2017/18 budget approval.

**CARRIED**

*Councillor Nguyen returned to the meeting.*

## 11.7 Multicultural Partnerships Plan 2015-18 Second Year Report

Trim Record Number: D17/2691

Responsible Officer: Community Partnerships Unit Manager

### RECOMMENDATION

1. That Council:
  - (a) notes the progress report detailing the second year implementation of the Multicultural Partnerships Plan 2015-2018;
  - (b) endorses the actions proposed for the third year of the Multicultural Partnerships Plan 2015-2018, taking place in 2017; and
  - (c) notes the review of the Yarra Multicultural Advisory Group;
  - (d) endorses the following recommendations from the Yarra Multicultural Advisory Group review:
    - (i) Yarra Multicultural Advisory Group meetings to be held bimonthly instead of quarterly;
    - (ii) Yarra Multicultural Advisory Group meetings to be held during the day (business hours) rather than in the evenings in order to keep costs down and ensure Council staff and other service providers are able to attend meetings;
    - (iii) continue the current structure of the Yarra Multicultural Advisory Group (open invitation to participants, Councillor as Chair);
    - (iv) continue to expand attendance to include younger members and diverse cultural backgrounds; and
    - (v) review Terms of Reference with Yarra Multicultural Advisory Group members at the February meeting 2017.

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) notes the progress report detailing the second year implementation of the Multicultural Partnerships Plan 2015-2018;
  - (b) endorses the actions proposed for the third year of the Multicultural Partnerships Plan 2015-2018, taking place in 2017; and
  - (c) notes the review of the Yarra Multicultural Advisory Group;
  - (d) endorses the following recommendations from the Yarra Multicultural Advisory Group review:
    - (i) Yarra Multicultural Advisory Group meetings to be held bimonthly instead of quarterly;
    - (ii) Yarra Multicultural Advisory Group meetings to be held during the day (business hours) rather than in the evenings in order to keep costs down and ensure Council staff and other service providers are able to attend meetings;
    - (iii) continue the current structure of the Yarra Multicultural Advisory Group (open invitation to participants, Councillor as Chair);
    - (iv) continue to expand attendance to include younger members and diverse cultural backgrounds; and

- (v) review Terms of Reference with Yarra Multicultural Advisory Group members at the February meeting 2017.

**CARRIED**

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**11.8 Aboriginal Partnership Plan 2nd year report**

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Trim Record Number: D16/181644

Responsible Officer: Aboriginal History Fitzroy Project Officer

**RECOMMENDATION**

1. That Council:
  - (a) notes the second year report on the implementation of the Aboriginal Partnerships Plan 2015-2018; and
  - (b) endorses the third year action plan for the Aboriginal Partnerships Plan 2015-2018.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) notes the second year report on the implementation of the Aboriginal Partnerships Plan 2015-2018; and
  - (b) endorses the third year action plan for the Aboriginal Partnerships Plan 2015-2018.

**CARRIED**

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**11.9 Councillor Attendance at ALGWA 2017 Biennial National Conference**

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Trim Record Number: D17/6315  
Responsible Officer: Chief Executive Officer

**RECOMMENDATION**

1. That Council pursuant to Council's Expense Entitlement Policy, approve attendance by Councillor/s Misha Coleman and .....at the ALGWA Biennial National Conference on 11 - 13 April 2017 and grant a leave of absence for the Council Meeting on 11 April 2017.

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky                      **Seconded:** Councillor Nguyen

1. That Council pursuant to Council's Expense Entitlement Policy, approve attendance by Councillor Misha Coleman at the ALGWA Biennial National Conference on 11 - 13 April 2017 and grant a leave of absence for the Council Meeting on 11 April 2017.

**CARRIED**

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**11.10 Mayoral and Councillor Allowances and Support**

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Trim Record Number: D16/177869

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATION**

1. That Council retain the current setting of the Mayoral allowance and Councillor allowance at the top of the permissible range, plus an additional amount equivalent to the Superannuation Guarantee Levy (currently being a Mayoral Allowance of \$83,790.50 and a Councillor Allowance of \$27,079.35 per annum).

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That Council retain the current setting of the Mayoral allowance and Councillor allowance at the top of the permissible range, plus an additional amount equivalent to the Superannuation Guarantee Levy (currently being a Mayoral Allowance of \$83,790.50 and a Councillor Allowance of \$27,079.35 per annum).

**CARRIED**

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**11.11 Update of the Delegations of the Inner Melbourne Action Plan (IMAP) Implementation Committee**

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Trim Record Number: D17/2717

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATION**

1. That Council:
  - (a) revokes the current Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee authorised by a resolution of Council on 4 August 2015 effective immediately following the passing of this resolution by Council;
  - (b) reaffirms the establishment of a Special Committee called the Inner Melbourne Action Plan Implementation Committee, pursuant to section 86 of the Local Government Act 1989;
  - (c) by Instrument of Delegation pursuant to section 86 of the Local Government Act 1989, delegates to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee governance arrangements in accordance with the Instrument of Delegation in **Attachment 1**;
  - (d) authorises the Instrument of Delegation to be signed and sealed; and
    - (i) to come into force immediately once the common seal of Council is affixed to the Instrument; and
    - (ii) to remain in force until Council determines to vary or revoke it.
  - (e) adopts the Terms of Reference for the Special Committee as detailed in **Attachment 2**;
  - (f) appoints as voting members of the Special Committee the persons from time to time holding the positions of:
    - (i) Deputy Mayor, Maribyrnong City Council for all meetings occurring prior to 1 November 2017 (with the membership to then revert to the Mayor unless the Maribyrnong City Council resolves otherwise);
    - (ii) Chairman of the City of Melbourne Future Melbourne (Planning) Committee;
    - (iii) Mayor, City of Port Phillip;
    - (iv) Mayor, City of Stonnington;
    - (v) Mayor, City of Yarra;
    - (vi) Chief Executive Officer, Maribyrnong City Council;
    - (vii) Director City Strategy and Place, City of Melbourne;
    - (viii) Chief Executive Officer, City of Port Phillip;
    - (ix) Chief Executive Officer, City of Stonnington; and
    - (x) Chief Executive Officer, City of Yarra.
  
2. That Council reaffirms the appointment of the Mayor and the Chief Executive Officer to the Inner Melbourne Action Plan Implementation Committees of the:
  - (a) Maribyrnong City Council;
  - (b) City of Melbourne;
  - (c) Port Phillip City Council; and
  - (d) Stonnington City Council.
  
3. That pursuant to section 81(2A)and (2B) of the Local Government Act 1989, Council:

- (a) resolves to exempt the non-Yarra City Council members of Council's Inner Melbourne Action Plan Implementation Committee from being required to submit a Primary or an Ordinary Return; and
- (b) notes that all members of Council's Inner Melbourne Action Plan Implementation Committee will be asked by their respective Councils to voluntarily disclose any property interests in the IMAP municipalities that are not required to be disclosed on their Primary or Ordinary Returns.

## COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Nguyen

1. That Council:

- (a) revokes the current Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee authorised by a resolution of Council on 4 August 2015 effective immediately following the passing of this resolution by Council;
- (b) reaffirms the establishment of a Special Committee called the Inner Melbourne Action Plan Implementation Committee, pursuant to section 86 of the Local Government Act 1989;
- (c) by Instrument of Delegation pursuant to section 86 of the Local Government Act 1989, delegates to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee governance arrangements in accordance with the Instrument of Delegation in **Attachment 1**;
- (d) authorises the Instrument of Delegation to be signed and sealed; and
  - (i) to come into force immediately once the common seal of Council is affixed to the Instrument; and
  - (ii) to remain in force until Council determines to vary or revoke it.
- (e) adopts the Terms of Reference for the Special Committee as detailed in **Attachment 2**;
- (f) appoints as voting members of the Special Committee the persons from time to time holding the positions of:
  - (i) Deputy Mayor, Maribyrnong City Council for all meetings occurring prior to 1 November 2017 (with the membership to then revert to the Mayor unless the Maribyrnong City Council resolves otherwise);
  - (ii) Chairman of the City of Melbourne Future Melbourne (Planning) Committee;
  - (iii) Mayor, City of Port Phillip;
  - (iv) Mayor, City of Stonnington;
  - (v) Mayor, City of Yarra;
  - (vi) Chief Executive Officer, Maribyrnong City Council;
  - (vii) Director City Strategy and Place, City of Melbourne;
  - (viii) Chief Executive Officer, City of Port Phillip;
  - (ix) Chief Executive Officer, City of Stonnington; and
  - (x) Chief Executive Officer, City of Yarra.

2. That Council reaffirms the appointment of the Mayor and the Chief Executive Officer to the Inner Melbourne Action Plan Implementation Committees of the:

- (a) Maribyrnong City Council;
- (b) City of Melbourne;



- (c) Port Phillip City Council; and
  - (d) Stonnington City Council.
3. That pursuant to section 81(2A)and (2B) of the Local Government Act 1989, Council:
- (a) resolves to exempt the non-Yarra City Council members of Council's Inner Melbourne Action Plan Implementation Committee from being required to submit a Primary or an Ordinary Return; and
  - (b) notes that all members of Council's Inner Melbourne Action Plan Implementation Committee will be asked by their respective Councils to voluntarily disclose any property interests in the IMAP municipalities that are not required to be disclosed on their Primary or Ordinary Returns.

**CARRIED**

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**11.12 Appointment of Authorised Officers - Planning and Environment Act 1987**

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Trim Record Number: D17/2440

Responsible Officer: Group Manager Chief Executive's Office

**RECOMMENDATION**

1. That Council:
  - (a) formally appoints Alan Harrison 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 Fristacky

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) formally appoints Alan Harrison 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**

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**11.13 Queens Parade MFB Guidelines**


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Trim Record Number: D17/8306

Responsible Officer: Manager City Strategy

### RECOMMENDATION

1. That Council:
  - (a) note this report which considers whether there is a basis for an amendment to the Yarra Planning Scheme to incorporate the MFB Fire Safety Guidelines;
  - (b) note that there are 46 Metropolitan Fire Brigade Fire Safety Guidelines, 45 of which relate to building or other non-planning matters;
  - (c) note that consultation has occurred with the Cities of Whitehorse, Moreland, Banyule and Port Phillip and Metropolitan Fire Brigade;
  - (d) note the current accepted practices that emergency services access requirements under the Building Control Act is considered through the building permit application process; and
  - (e) in the context of the above, resolve not to seek an amendment to include Guideline 27 *GL 27: Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District* into the Yarra Planning Scheme.

#### Public Submissions

*The following people addressed Council on the matter:*

*Mr John Hayhoe;*

*Mr Graham Merrett; and*

*Mrs Maria Hayhoe.*

### COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council:
  - (a) note this report which considers whether there is a basis for an amendment to the Yarra Planning Scheme to incorporate the MFB Fire Safety Guidelines;
  - (b) note that there are 46 Metropolitan Fire Brigade Fire Safety Guidelines, 45 of which relate to building or other non-planning matters;
  - (c) note that consultation has occurred with the Cities of Whitehorse, Moreland, Banyule and Port Phillip and Metropolitan Fire Brigade; and
  - (d) note the current accepted practices that emergency services access requirements under the Building Control Act is considered through the building permit application process.
2. That Council directs officers to draft a right of way policy during the review of the Yarra planning scheme, with a view to potential inclusion in the scheme.
3. That the CEO write to the Secretary of Department of Environment, Land, Water and Planning urging that access provisions for emergency vehicles should be included as a mandatory requirement for development in the State Section of Planning Schemes.

**CARRIED**

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## 11.14 Amendment C229 - Queens Parade Interim Planning Controls

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Trim Record Number: D17/7912  
 Responsible Officer: Manager City Strategy

### RECOMMENDATION

1. That Council:
  - (a) note the completion of the urban design and heritage analysis for the precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade, North Fitzroy (Stage 1 and Stage 2);
  - (b) receive a further report following the completion of the urban design and heritage analysis for the other parts of Queens Parade (Stage 3); and
  - (c) request that the Minister for Planning urgently introduce an interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the *Planning and Environment Act 1987* to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work.

#### Public Submissions

*The following people addressed Council on the matter:*

*Mr Glen McCallum;*

*Mr Simon Evans;*

*Mr Bill Robb;*

*Mr Graham Merrett;*

*Mr John Hayhoe; and*

*Mr Greg Spark.*

*Councillor Jolly left the meeting at 9.26pm*

*Councillor Jolly returned to the meeting at 9.29pm*

*The Mayor adjourned the meeting for 2 minutes.*

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council:
  - (a) note the completion of the urban design and heritage analysis for the precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade, North Fitzroy (Stage 1 and Stage 2) and noting the articulate and well researched evidence provided by the community in its submissions to Council on 7 February 2017;
  - (b) receive a further report following the completion of the urban design and heritage analysis for the other parts of Queens Parade (Stage 3); and
  - (c) note the strategic justification for an 8 storey mandatory maximum height limit for Precinct 2A, 26-56 Queens Parade as follows:

- (i) a 10 storey height was informed by the assessment of the Gasometer site streetwall. However, this is a much larger strategic development site of some 4 hectares on a main arterial road, compared with 26-56 Queens Parade of some 0.8 hectares;
  - (ii) the 26-56 Queens Parade strategic development site is constrained in being surrounded by NRZ or need for an appropriate transition in building scale from 1-2 storey heritage fabric adjacent, i.e. low scale fine grain surrounding land use with some higher development in this area at 5-6 storeys. This contrasts with the less constrained island nature of the Gasometer site;
  - (iii) the 26-56 Queens Parade site is not in a Major Activity Centre, not serviced by a rail station or directly on a tram line. The adjacent Brunswick Street tram service is at capacity and there is an absence of east west public transport services;
  - (iv) a transition in building scale from adjacent 1-2 storey, the heritage façade on Queens Parade, and the Queens Parade Boulevard would seem to be more appropriately met by a more gradual 3 storey transition to 5 to 8 storey than 3 to 8 to 10; and
  - (v) apart from sensitivity to views from Newry Street and the Edinburgh Gardens, there needs to be sensitivity to views from Coleman Street, where existing 1 storey cottages are required to comply with sightlines of non-visibility on extensions, compromised by a 10 storey structure visible and dominantly so from Coleman Street; and
- (d) amend the DDO 16 in Attachment 4 to include:
- (i) a new design objective under Clause 1.0 Design objectives for Precinct 2a as follows:  
*“To encourage permeability within and through the site.”*
  - (ii) an alteration to the mandatory building height in column 2 of Table 2 to “maximum 25m (8 storeys)”;
  - (iii) an alteration to the mandatory upper level setback from front of building in column 2 of Table 2 above the heritage façade to “minimum of 8m setback from 10m (3 storeys) to 16m (5 storeys)” and “minimum of 11m setback from 16m (5 storeys)”;
  - (iv) an alteration to the mandatory upper level setback from front of building in column 2 of Table 2 above new street wall (where no heritage façade exists) to “minimum of 5m setback from 10m (3 storeys) to 16m (5 storeys)” and “minimum of 8m setback from 16m (5 storeys)”;
  - (v) alterations to the mandatory controls for the setbacks in column 2 of Table 2 to reflect the amended mandatory maximum building height of 25m (8 storeys);
  - (vi) the following alteration to the text in Table 3:  
*“Façade design treatments and the articulation of new buildings should respect the detailing of heritage buildings.”*  
*“Any part of a building above a non-heritage street wall height should use materials at the upper levels of the building that are recessive in finish and colour.”*  
*“Incorporate fenestration patterns and solid to void ratios that respect heritage facades.”*
  - (vii) changes to the built form outcomes in Table 2, Clause 2.0 Application requirements and Clause 4.0 Decision guidelines to ensure consideration of the visual dominance of development on the skyline when viewed from Coleman Street;

- (viii) the following alteration to the text in Table 1 regarding precinct 1B: maximum of 2 storeys for the rear laneway site known as Lot 1 on Title plan TP806921; and
- (ix) other changes to the DDO necessary to reflect these amendments; and
- (e) request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the *Planning and Environment Act 1987* to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and
- (f) that the resolution, full report and attachments be forward to the Minister for Planning.

**CARRIED**

Councillor Searle abstained

### **CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Jolly, Stone, McEvoy, Bosler and Nguyen

**Against:** Councillor Chen Yi Mei

**Abstained:** Councillor Searle

*Councillor Bosler left the meeting at 10.08pm*

*Councillor Bosler returned to the meeting at 10.10pm*

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**12.1 Notice of Motion No 1 of 2017 - Australia Day**

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Trim Record Number: D17/12389

Responsible Officer: Group Manager Chief Executive's Office

Public Submissions

*The following people addressed Council on the matter:*

*Mr Ted Lapkin; and*

*Mr Damian O'Keefe.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

That Council commence discussions with the Wurundjeri Council and Yarra's Aboriginal Advisory Group on the future of Yarra's Australia Day event and a process for determining and recommending any changes to be made at the local level.

**CARRIED UNANIMOUSLY**

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**12.2 Notice of Motion No 2 of 2017 - Overshadowing of Solar Panels**

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Trim Record Number: D17/12395

Responsible Officer: Group Manager Chief Executive's Office

Public Submissions

*The following people addressed Council on the matter:*

*Ms Jenny Port; and*

*Mr Glen McCallum.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That Council request the Minister for Planning to investigate ways to resolve the contradiction in planning policy to ensure protection for existing solar panels from overshadowing, and to support citizens who are taking action to reduce their own energy footprints as encouraged by state and local policies.

**CARRIED UNANIMOUSLY**



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**12.3 Notice of Motion No 3 of 2017 - Surplus Government Properties in Alexandra Parade Clifton Hill**

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Trim Record Number: D17/12400

Responsible Officer: Group Manager Chief Executive's Office

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

1. That Yarra City Council:

- (a) acknowledges the housing crisis in Melbourne, comprising rising numbers of rough sleepers, decreased affordability of housing in general and the lack of suitable and available public and social housing close to services in inner Melbourne;
- (b) also acknowledges the many newly arrived cultural groups who work to preserve and build their community but need facilities to do this; and
- (c) writes to the Minister for Roads and the Minister for Housing, urging them to retain one of the surplus properties along Alexandra Parade for use by the African community as a multi-function community centre and to consider making the larger suitable properties available for public and social housing projects to address the urgent and rising housing affordability crisis.

**CARRIED**

**Conclusion**

The meeting concluded at 11.36pm.

Confirmed Tuesday 21 February 2017

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Mayor