



Ordinary Meeting of Council Minutes

**held on Tuesday 7 March 2017 at 7.05pm
Fitzroy Town Hall**

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.”

1A. Vale

The Mayor payed tribute to the passing of three community activists:

Glenda Lindsay, who was often at Council meetings and was a passionate advocate for growing food in urban areas and particularly passionate about the benefits of sharing growing food as a community development activity, she was very generous, she was very colourful and she gave a lot of her time and energy to the people of Yarra.

Julianne Bell, who was a long standing and tireless advocate for public open space and she spent many hours in our Council meetings holding Council to account for our stewardship for open space, she was very persistent and spent the latter of her life to protecting open space for the community.

Josip Linger, who was a long term public housing resident next to Atherton Gardens and a community leader for many years and reached all cultural groups in Atherton Gardens, he was president of the residents association, he was patient, wise and a mentor to many and despite battling ill health for many years he maintained that community leadership position and attending Council meetings as recently as late last year and a respected member of the community.

Councillor Searle also passed on his condolences on behave of Council on the recent passing of Jeff Cheverton, who was an active member and made a significant contribution on Yarra’s Health and Wellbeing Plan Advisory Group.

1B. Retirement

The Mayor also acknowledged the retirement of Kerry Walker, Director Neighbourhood Justice Centre after serving 10 years in community justice.

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)
- Joanne Murdoch (Director - Advocacy and Engagement)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Mel Nikou (Governance Officer)

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

Nil

4. Confidential business reports

Nil

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

That the minutes of the Ordinary Council Meeting held on Tuesday 21 February 2017 be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

That the minutes of the Special Council Meeting held on Tuesday 21 February 2017 be confirmed.

CARRIED

6. Petitions and joint letters

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13. Urgent business

Nil

6. Petitions and joint letter

6.1 Plane Tree Removal on Rathdowne Street, Carlton North

Reference: D17/29007

A petition containing 42 signatures from residents of Rathdowne Street are requesting that Council remove the existing London Plane Trees and replace them with Linden Trees from MacPherson Street to Park Street.

The residents have also provided the following concerns with the Plane tree as an allergenic health hazard, tree roots damage footpath creating a danger to pedestrians and potential damage to the foundations of homes as well as being a nuisance with the seeds and leaves blocking roof gutters.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor McEvoy

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

CARRIED

7. Public question time

7.1 Ms Jenny Port - Smith Street Structure Plan Update

Question:

What is happening with the Smith Street to Wellington Street Local Area Plan? I believe consultants were to be engaged to produce some work in this area and am following up on the progress.

As you know there is quite a lot of development proposed for the Wellington Street area and fear that September will be too late. Is there some way the study can be speed up?

Response:

The Director Planning and Place Making advised that there was some difficulty in finding consultants for the project however officers have advised that the procurement matter is almost ready so that would mean the built form analysis study for that area should be back in the office around September. Unfortunately the study is unable to be speed up as we are only now in the process of procuring consultants for this work. The work will cover a vast area from Smith Street to Brunswick Street and to clarify to Ms Port, this also incorporates the west side of Wellington Street.

7.2 Mr Stephen Zafir - 24-28 Stanley Street Collingwood Development - PLN16/0753

Question:

I have been a resident of Stanley Street Collingwood for the past years and have fought two adjoining developments in that time. With the current development of 24-28 Stanley Street Collingwood, during the planning process I was away, however I did not receive any papers in my mailbox and the planning process went through without my knowledge. It looks like the development is complete with lights on and ready for people to move in however they have made no consideration for any privacy for the adjoining residents and no effort to putting up any privacy structures or frosting of windows. The building is 1.6 meters from my property and will no longer have any privacy as people will be able to look into my bedroom and bathroom.

(Mr Zafir showed Councillors a series of photographs taken from this property ref: D17/29746)

Is Council aware of this development and when can I expect a resolution to this matter in regard to the lack of privacy for me and my wife and other residents? Before the development we enjoyed having our balcony as an extension to our living area but now have obstructed views and no privacy.

Cr Jolly had forwarded me the response he had received and it only mentioned that they would uphold the approved plans. I received this information on Friday. It was also mentioned that the development wasn't finished yet.

Response:

The Director Planning and Place Making advised that he would follow up the matter this week and forward the Planning Permit and or the extract of the endorsed plans to the resident and Councillors.

7.3 Ms Margaret O'Brien - Heritage/Urban Consultants

Question:

Councillors and Executives are aware that the use of consultants for heritage advice, especially in relation to statutory planning decisions has been a matter of concern for some time. Specifically concerns on the public perception of conflict of interest potentially arising where advisors consult for both Council and developers.

Will Council please provide publicly it's policy and evidence of Council's governance practises to avoid conflicts of interest and details on how it manages the risks of Council using consultants for heritage advice, for urban design advice and also traffic management advice?

Will Council also include the details of processes to monitor for cross referencing in instances where consultants work in the City of Yarra either for Council or developers on planning matters?

Response:

The Director Planning and Place Making advised that with contractual arrangements, heritage consultants need to declare any conflicts of interest and that process is managed by the contract manager and in this instance the Manager Statutory Planning. These are detailed questions and will need to take the questions on notice to make enquires.

Cr Jolly – the reality is that only a small number of consultants do this work and like it or not work for developers at times and Council at other times. Would it be possible in the preparation of the report for the next Council meeting for Mr Gilbert to give some thought to the idea of e.g. in Brisbane City Council, as a matter of Council policy, all planning applications, all relevant documents are online, not just the heritage advice but all the reports i.e. heritage, urban, officers report etc., not for small applications but for the larger ones. Can we look into something like this to cut across this kind of problem? Also in relation to the Queen Parade development and to the officers credit gave a lot more information to residents that is what is usually received.

The Group Manager Chief Executive's Office advised that I don't believe providing the information would be a problem as it is part of the assessment process and from a governance perspective quite reasonable to have the reports available to the report as attachments.

Cr Jolly – can you please comment on this in your heritage report, the report you will be will providing Council? The Group Manager Chief Executive's Office agreed.

7.4 Mr Brad Marsh - Queens Parade Built Form Report

Question:

Can Council request changes to the Queens Parade Clifton Hill Built Form Review, prepared by Hansen Partnership to correct some serious omissions and faulty inclusions that I will point out potentially distort the subject area and recommendations given? I appreciate that the DDO has already gone in, however this report is likely be referred to by decision makers in the future so it is important that it accurately reflects the area and Yarra's planning scheme.

The omissions that are of concern, fail to identify some relevant and important strategies in Yarra's Local Policy Planning Framework:

- Strategy 26.2 in Yarra LPP 21.05-3: "Maintain the dominance of the avenue trees over built form along boulevards"; This has not been noted or addressed in the report and should be considered in determining the maximum heights and setbacks along Queens Parade.
- Strategy 14.6: "protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of build form both within places and from adjoining areas". The report notes this and appears to address it for Newry Street, but fails to address it for Coleman Street as if it is not in the Heritage Overlay, which it is. I note that Council did pick up on this and resolved to amend the Interim DDO to address this, but should it not also be corrected in the report that informs Council and others.
- Objective 17 Protect Yarra's low rise...urban form" and specifically relevant Strategy 17.2 which states that "development on Strategic development sites or within activity centres should generally be no more than 5-6 stories"; While the report mentions this in its introduction, it provides no justification for deviating from this and yet it does quite significantly. I would have thought 5-6 stores would be the starting point, with justifications given for areas where this can be deviated.
- Possibly the leap in height can be explained by what has been included in the report and I refer to this page 24 showing 6 buildings. Only one of these actually exists. Why are they showing buildings that don't exist in the built form review? Half of these aren't even approved and we have to assume until they are that they may not be approved. What are they doing in the built form review?
- Related is the complete absence of photos like this in the report which do exist and are typical and relevant to the built form of the areas.
- "Planning Permits" table under the heading Queens Parade built form review indicating some very large developments; Only 3 of the 12 listed are approved and none of these are anywhere near the precinct that controls were being considered for, these were all at the other end which will have controls pending.
- These should not be included in a built form review because they aren't built, aren't approved and may not be. If it was ok to include applications, then I could put in an application for 50 stories then get an independent built form review which would say well there has been an application for 50 stories so it must be ok. Do you see how absurd this logic is?
- The absence of recent development that is relevant from 54 to 88 Queens Street, including this one. 4 storey street front, with 15m setback to the 6th storey. I think this is relevant to inform the proposed controls.

Response:

The Director Planning and Place Making advised, I believe the Hansen report cannot be changed, the process on Queens Parade is still continuing and to answer Mr Marsh it is appropriate that the consultant look at what's approved in the area but not built because that is what the panel committee or VCAT would seek. It is true they may or may not be built but the approvals in place is a relevant topic. Officers will look at the report and any work that embellishes the work will certainly be looked at and discussed.

7.5 Mr Ross Cooper, Jack Dyer Pavilion Users Group - Budget

Question:

Have provisions been made for improvements needed to the Jack Dyer Pavilion at Citizens Park oval to accommodate the growing number of people, in particular women and girls now participating with sports clubs based at the pavilion?

What is the timeframe and process for the budget?

Response:

The Director Planning and Place Making advised that it is on the list of possible capital works, however there is no priority order finalised at this stage and Council will need to agree or disagree with what is the priority. The budget is not finalised and the decision will be up to Council over the next couple of months.

The Director Corporate, Business and Finance advised that we are in the process of finalising the budget, that will then come to Council in early April as a draft budget and that will go out for public consultation for a month. This will give the public the opportunity to make submissions in writing and also the opportunity to come to Council in May to make verbal submissions.

8. General business

8.1 Flagpoles at Town Halls

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Jolly

1. That Council request Officers to report back to the next meeting cycle on the capacity to install an additional flagpole (i.e. a fourth flagpole) at each of the Richmond, Fitzroy and Collingwood Town Halls, such report to include:
 - (a) the estimated costs and any other considerations / implications in erecting additional flagpoles;
 - (b) the most suitable position for locating such additional flagpoles at each Town Hall; and
 - (c) any other issues (e.g. protocol implications) regarding flying community flags in conjunction with the Australian flag.

CARRIED

8.2 2017 Palm Sunday Walk for Justice for Refugees

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

1. “That Council:

- (a) reference its commitment (resolution of 20 July 2010) to being a “Refugee Welcome Zone”, and to the displaying of its renowned Town Hall banners to Welcome Refugees;
- (b) reference its commitment (resolution of 23 August 2016) to not do business with companies who derive profit from contracts in the detention centre industry;
- (c) note the request made to Yarra City Council to support the Palm Sunday initiative in 2017;
- (d) note its support for the goals of the Melbourne 2017 Palm Sunday Rally;
- (e) thank those involved with the Refugee Advocacy Network and the 2017 Palm Sunday Organising Committee, for the extensive voluntary effort and commitment to trying to achieve more humane policies for people seeking asylum and refugee status; and
- (f) request Council officers to prepare a statement of support inclusive of the City of Yarra logo and forward same to the Palm Sunday Rally Facebook page prior to 9 April, 2017.”

CARRIED

8.3 King's Cross Medically Supervised Injecting Facility

BACKGROUND

Australia’s first and only Medically Supervised Injecting Centre (MSIC) was established in King’s Cross in 2001, in the context of King’s Cross having at that time the highest concentration of people dying from drug overdose in Australia.

The facility was opened as a trial, with its trial status extended by the NSW parliament 3 times. Following three evaluations over 10 years, demonstrating positive benefits of the Centre, and two reports showing no adverse outcomes, the trial status of the facility was terminated in 2010 and the Centre now runs on an ongoing basis. It celebrated 15 years of running successfully in May last year.

Independent analyses have demonstrated no adverse impacts locally of the facility running in Kings Cross, including economically, and many positive outcomes for clients, with no overdose deaths in those 15 years.

I visited the Centre last week to learn more about its day to day operation, how it has addressed a range of issues, the positive working relationship it has with the local police, the wide range of outreach services provided by the Centre and the success it has had in assisting long term drug users to improve their health and their lives in general.

Yarra Council has been a long-term advocate for establishing a medically supervised injecting facility to prevent the high rate of drug overdose deaths resulting from the entrenched street-based drug taking in the Victoria Street precinct. . The recent Victorian Coroner's Report on the drug overdose death of a young woman in 2016 recommended that the Victorian Government trial a supervised injecting facility for this precinct. The government has not supported that recommendation at this point.

With the current context in Victoria Street resembling that in King's Cross at the time the MSIC was established, the merits of establishing a supervised injecting facility into this precinct were made clear from my visit.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Fristacky

1. That this report be noted.
2. That Council note the positive impacts of the King's Cross MSIC over many years, the lives saved through preventing drug overdoses, the referrals provided to clients to health, counselling and treatment services, the resources saved by preventing ambulance call outs and hospital admissions and the demonstrated lack of negative impacts on the local area.
3. That Yarra Council reaffirm its long term support for the establishment of a Supervised Injecting Facility in the vicinity of Victoria Street Richmond/Abbotsford as part of a range of measures to address the harms caused by entrenched street drug use to both users and the community.
4. That Council calls on the state government to implement the Coroner's recommendation for a trial SIF in order to prevent a repeat of the 34 overdose deaths that occurred in Richmond in 2016.
5. That Council make a submission to the parliamentary inquiry into Drug Law Reform restating its support for harm minimisation measures in relation to illicit drug use and its support for a Supervised Injecting Facility as part of that package.

CARRIED UNANIMOUSLY

8.4 Land Tax

Councillor Fristacky submitted the above general business motion relating to the subject of land tax however following a brief discussion with Councillors determined to withdraw the item and refer it to the next meeting.

9. Delegates' reports

9.1 Yarra Arts Advisory Committee (YAARTS)

Councillor Chen Yi Mei reported the following:

The Yarra Arts Advisory Committee discussed a range of issues relating to Arts and Culture in Yarra.

In particular it noted the progress of the **Stolen Generations Marker**, and commended staff on the **Comedy Gala** which raised \$15,000. The committee noted that \$20,000 has been raised for the Stolen Generations Project to date.

The committee reviewed the current Annual Grants program, including the **Small Project Grant** program, where the funding pool has already been exhausted. The Committee recognised the demand from the community for this responsive \$1,000 grant opportunity, which services both emerging and established creatives and community organisations. The Committee formally requests Council consider increasing the funding pool for this grant program be increased in the order of \$25,000, to a total pool of \$50,000.

The committee also noted the progress of Council's visionary **Room to Create Program** and the future opportunities for embedding creative spaces in Yarra in initiatives such as the Collingwood Arts Precinct and the Room to Create Grants Program. It noted a new studio has been created at Dancehouse through this Council initiative.

The committee noted that a new public artwork is been commissioned for Bargoonga Nganjin and this will be the first civic public artwork commissioned by Council's 2015 adopted **Percentage for Public Art Scheme**.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor McEvoy

1. That Council note the Delegates' report.

CARRIED

9.2 MAV

Councillor Searle reported the following:

As the delegate, I forwarded to Councillors this afternoon an email of the election results of the MAV president and board members. Mary Lalios was the successful candidate for president who was the first popular elected woman MAV president.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That Council accept the delegates' report and also formally write to Mary Lalios congratulating her on behalf of Council.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Councillor McEvoy - Booking Procedures

Question:

At the moment Council requires around two weeks' notice for community groups or art practitioners to book a meeting room or rehearsal venue in Yarra. I am aware of the introduction of new software in terms of venue booking systems and this should produce an opportunity to reduce the turnaround time for bookings and simplify things. When will the new booking system be available and what will be the turnaround time for community groups looking to book our venues?

Response:

The Director Community Wellbeing advised that a new booking system, called 'Ungerboeck' which is a much automated system than the system we had, has recently been implemented. Ungerboeck allows users to see what is available similar to booking meetings through Outlook. The turnaround time is within two weeks with two weeks being the maximum time it would take officers to respond to a booking enquiry. However, the majority of bookings are turned around much quicker. We expect that the new system will reduce the turnaround time to confirm bookings. There is a difference between first time bookings and bookings for repeat users, normally bookings for repeat users are faster.

11.1 Global Covenant of Mayors for Climate and Energy

Trim Record Number: D17/2107

Responsible Officer: Environment Coordinator

RECOMMENDATION

1. That the Officer report regarding the Global Covenant of Mayors for Climate and Energy be noted.
2. That Council, noting the benefits of the Covenant, determine to join the Global Covenant of Mayors for Climate and Energy.
3. That the CEO arranges for the appointment of an appropriate external consultant to assist staff in meeting the registration and compliance aspects required for joining the Global Covenant of Mayors for Climate and Energy as noted in this report (before the end of March this year).

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

1. That the Officer report regarding the Global Covenant of Mayors for Climate and Energy be noted.
2. That Council, noting the benefits of the Covenant, determine to join the Global Covenant of Mayors for Climate and Energy.
3. That the CEO arranges for the appointment of an appropriate external consultant to assist staff in meeting the registration and compliance aspects required for joining the Global Covenant of Mayors for Climate and Energy as noted in this report (before the end of March this year).

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Stone, Chen Yi Mei, McEvoy, Searle and Bosler

Against: Councillors Jolly and Nguyen

Abstained: Councillor Fristacky

11.2 Amendment C185 - 462-482 Swan Street Richmond - Consideration of Panel Report

Trim Record Number: D17/15943

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the report in relation to Amendment C185 regarding the rezoning of land for the property concerning 462-482 Swan Street, Richmond, the application of a Design and Development Overlay (DDO14) and an Environmental Overlay over the land;
 - (b) note the findings of the independent C185 Planning Panel that considered the amendment and heard submitters; and
 - (c) note that any change to the amendment that departs from the panel recommendation would require justification or it may not be supported by DELWP officers or the Minister for Planning.
2. That Council note that in officer's opinion there is strategic justification, for a variation to the Panel's recommendation as outlined below:
 - (a) the adopted Swan Street Structure Plan (2015) identifies the site for 10 to 12 storey development and the C185 Planning Panel supported a planning permit of part 10 and part 12 storeys;
 - (b) a mandatory maximum building height provides increased certainty to the community; and
 - (c) a mandatory maximum building height of 12 storeys was supported by an external urban designer.
3. That in the context of the above, Council resolve to:
 - (a) amend DDO14 prepared by the C185 Planning Panel in Attachment 4 to include a mandatory maximum building height of 12 storeys and the following changes (as per Attachment 5):
 - (i) alter the text in Clause 2.0 Buildings and Works to make the building heights a mandatory control as follows:

"Buildings and works ~~should~~ must be constructed in accordance with the following requirements:

Building Heights:

 - *The building heights ~~should~~ must not exceed a maximum of 42 metres.*
 - *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment."*
 - (ii) amend text in Clause 3.0 Permit Requirements by deleting the words "specified height" from the first sentence;
 - (iii) add the following text in Clause 3.0 Permit Requirements:

"A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the building height requirements in Clause 2.0."
 - (iv) remove the following text from sub point 4 in Clause 3.0:

"including the adjoining streets, the Burnley Station, public places and the

residential properties along Madden Grove”; and

- (v) make any other necessary changes to the version of DDO14 in Attachment 5 to introduce a mandatory maximum building height of 12 storeys.
- (b) adopt the changes to the planning permit recommended by the C185 Planning Panel in Attachment 6;
- (c) adopt Amendment C185 with these changes and submit the amendment for approval by the Minister for Planning in accordance with the Planning and Environment Act; and
- (d) authorise the CEO to amend as necessary, sign and execute the draft Section 173 Agreement in Attachment 7 to secure the provision of 5% affordable housing in the development of the site at 462 – 482 Swan Street, Richmond.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the report in relation to Amendment C185 regarding the rezoning of land for the property concerning 462-482 Swan Street, Richmond, the application of a Design and Development Overlay (DDO14) and an Environmental Overlay over the land;
 - (b) note the findings of the independent C185 Planning Panel that considered the amendment and heard submitters; and
 - (c) note that any change to the amendment that departs from the panel recommendation would require justification or it may not be supported by DELWP officers or the Minister for Planning.
2. That Council note that in officers opinion there is strategic justification, for a variation to the Panel’s recommendation as outlined below:
 - (a) the adopted Swan Street Structure Plan (2015) identifies the site for 10 to 12 storey development and the C185 Planning Panel supported a planning permit of part 10 and part 12 storeys;
 - (b) a mandatory maximum building height provides increased certainty to the community; and
 - (c) a mandatory maximum building height of 12 storeys was supported by an external urban designer.
3. That in the context of the above, Council resolve to:
 - (a) amend DDO14 prepared by the C185 Planning Panel in Attachment 4 to include a mandatory maximum building height of 12 storeys and the following changes (as per Attachment 5):
 - (i) alter the text in Clause 2.0 Buildings and Works to make the building heights a mandatory control as follows:

“Buildings and works ~~should~~ must be constructed in accordance with the following requirements:

Building Heights:

 - *The building heights ~~should~~ must not exceed a maximum of 42 metres.*
 - *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.”;*
 - (ii) amend text in Clause 3.0 Permit Requirements by deleting the words “specified

height” from the first sentence;

(iii) add the following text in Clause 3.0 Permit Requirements:

“A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the building height requirements in Clause 2.0.”;

(iv) remove the following text from sub point 4 in Clause 3.0:

“including the adjoining streets, the Burnley Station, public places and the residential properties along Madden Grove”; and

(v) make any other necessary changes to the version of DDO14 in Attachment 5 to introduce a mandatory maximum building height of 12 storeys.

(b) adopt the changes to the planning permit recommended by the C185 Planning Panel in Attachment 6;

(c) adopt Amendment C185 with these changes and submit the amendment for approval by the Minister for Planning in accordance with the Planning and Environment Act; and

(d) authorise the CEO to amend as necessary, sign and execute the draft Section 173 Agreement in Attachment 7 to secure the provision of 5% affordable housing in the development of the site at 462 – 482 Swan Street, Richmond.

CARRIED

Councillor Jolly abstained

11.3 Proposed Discontinuance of Road abutting the rear of 203-205 Fitzroy Street, Fitzroy

Trim Record Number: D17/14188

Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the rear of 203-205 Fitzroy Street, Fitzroy which is shown marked 'Lot1' on the title plan attached as Attachment 1 to the report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Melbourne Weekly, The Age and Council's social media.
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owners for market value (plus GST); and
 - (d) authorises Council's Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the Owner for no less than the market value (plus GST) as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner; and
 - (e) that any easement, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the rear of 203-205 Fitzroy Street, Fitzroy which is shown marked 'Lot1' on the title plan attached as Attachment 1 to the report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Melbourne Weekly, The Age and Council's social media;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owners for market value (plus GST); and
 - (d) that at the commencement of the discontinuance process land owners and occupiers that may be affected property owners, as determined by the Coordinator Valuations, be notified;
 - (e) authorises Council's Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3 (a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the Owner for no less than the market value (plus GST) as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner; and
 - (e) that any easement, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale.

CARRIED

**11.4 Neighbourhood Houses and Learning Centres Partnerships Strategy 2014 - 2017
Annual Progress Report**

Trim Record Number: D16/176781

Responsible Officer: Community Partnerships Unit Manager

RECOMMENDATION

1. That Council:
 - (a) note the progress report for 2016 of the Neighbourhood Houses and Learning Centres Partnerships Strategy and Action Plan 2014 – 2017; and
 - (b) endorse the Neighbourhood Houses and Learning Centres Partnerships Strategy and Third Year Action Plan.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Nguyen

1. That Council:
 - (a) note the progress report for 2016 of the Neighbourhood Houses and Learning Centres Partnerships Strategy and Action Plan 2014 – 2017; and
 - (b) endorse the Neighbourhood Houses and Learning Centres Partnerships Strategy and Third Year Action Plan.

CARRIED

11.5 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D17/25275

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) formally appoints Claire Abakumenko, Rachelle Bingham, Rosemary Brundell, Samantha Hall, Grant Kelly and Daniel Ketteringham as Authorised Officers 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 McEvoy

1. That Council:
 - (a) formally appoints Claire Abakumenko, Rachelle Bingham, Rosemary Brundell, Samantha Hall, Grant Kelly and Daniel Ketteringham as Authorised Officers 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

12.1 Notice of Motion No. 5 of 2017 - City of Melbourne Proposed Local Law

Trim Record Number: D17/25778

Responsible Officer: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Chen Yi Mei

1. That Yarra City Council:

- (a) make a formal written submission on Melbourne City Council's Local Law amendments by Friday 17 March, it be circulated to Councillors before being submitted and set out general opposition to the Local Law amendments, including the following arguments:
 - (i) the changes cast homeless people themselves as the problem, while doing nothing to address the root causes of homelessness;
 - (ii) if the fear generated by the proposal drives people away from the public realm, serious safety implications may arise;
 - (iii) homelessness service providers, peak bodies and legal community centres oppose the changes; and
 - (v) it is already an offence under the Local Law at part 2.1 to obstruct the footpath in a public place; as such the case for the amendments in relation to changing the definition of camping has not been made; and
- (b) acknowledge the work of City of Melbourne's staff over many years to respond to people experiencing homelessness in constructive, compassionate, inclusive and respectful ways and note that these proposed changes to the local law contradict this good work; and
- (c) offer to work collaboratively with the City of Melbourne to:
 - (i) share best practice for more compassionate responses to people experiencing homelessness; and
 - (ii) coordinate an advocacy campaign to State and Federal Governments to address the root causes of homelessness.

CARRIED UNANIMOUSLY

12.2 Notice of Motion No. 6 of 2017 - Richmond High School and Melbourne Girls College

Trim Record Number: D17/23858

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Ms Elvie Sievers addressed Council on the matter.

MOTION

Moved: Councillor Nguyen

Seconded: Councillor Jolly

1. That Yarra City Council:

- (a) congratulate and extend its appreciation to:
 - (i) the State Government and the Member for Richmond for supporting the campaign for and now proceeding with the construction of the new Richmond High School (interim name) at Highett / Griffiths Street Richmond;
 - (ii) the community of Richmond and beyond who have for many years, arduously campaigned for the re-establishment of a Secondary College in Richmond following the closure in 1992 of the former Richmond High School (later named Richmond Secondary College) at the site of the now Melbourne Girls College;
- (b) express its strong concern that as a consequence of the new Richmond High School opening its doors next year:
 - (i) the Government is introducing new zone boundaries for Melbourne Girls School in Richmond and which will significantly shrink the current zone and result in zoning-out many Richmond families, excluding most residences west of Burnley Street Richmond, including sections of Richmond's Public housing estates, from accessing the prestigious secondary girls school, whilst still including some parts of Kew, Hawthorn and Toorak; and
 - (ii) the de-zoned areas of Richmond will remove the potential for girls from that area having access to a local state-run girls only educational facility; and
- (c) request the Mayor and Chief Executive Officer to urgently seek meetings with the Member for Richmond and the Minister for Education, to have the proposed zone changes reversed so as to ensure students being residents of Richmond, Cremorne and Burnley and including public housing estates in those areas, have access to either of the Richmond High School or the Melbourne Girls College.

AMENDMENT

Moved: Councillor Searle

- (b)(iii) there will be increased pressure placed on Gleadell Street, Highett Street and Griffiths Street and on the facilities at Citizen's Park and Jack Dyer Pavilion
- (c) request the Mayor and Chief Executive Officer to urgently seek meetings with the Member for Richmond and the Minister for Education, to:
 - (i) have the proposed zone changes reversed so as to ensure students being residents of Richmond, Cremorne and Burnley and including public housing estates in those areas, have access to both the Richmond High School or the Melbourne Girls College.”;
 - (ii) focus the new Richmond High School on becoming a benchmark for other co-education schools, where leadership opportunities for girls and young women are advanced; and

- (iii) have the State Government contribute financially to improving the pedestrian and active transport infrastructure at Gleadell Street, Highett Street and Griffiths Street, and the sporting and recreation infrastructure at Citizen's Park and Jack Dyer Pavilion, including consideration of the using the new Leo Berry Gym building proposed at 7 – 13 Gleadell Street to assist the clubs currently occupying Jack Dyer Pavilion

The amendments were accepted by the mover and seconder and incorporated into the substantive motion.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Jolly

1. That Yarra City Council:

- (a) congratulate and extend its appreciation to:
 - (i) the State Government and the Member for Richmond for supporting the campaign for and now proceeding with the construction of the new Richmond High School (interim name) at Highett / Griffiths Street Richmond;
 - (ii) the community of Richmond and beyond who have for many years, arduously campaigned for the re-establishment of a Secondary College in Richmond following the closure in 1992 of the former Richmond High School (later named Richmond Secondary College) at the site of the now Melbourne Girls College;
- (b) express its strong concern that as a consequence of the new Richmond High School opening its doors next year:
 - (i) the Government is introducing new zone boundaries for Melbourne Girls School in Richmond and which will significantly shrink the current zone and result in zoning-out many Richmond families, excluding most residences west of Burnley Street Richmond, including sections of Richmond's Public housing estates, from accessing the prestigious secondary girls school, whilst still including some parts of Kew, Hawthorn and Toorak;
 - (ii) the de-zoned areas of Richmond will remove the potential for girls from that area having access to a local state-run girls only educational facility; and
 - (iii) there will be increased pressure placed on Gleadell Street, Highett Street and Griffiths Street and on the facilities at Citizen's Park and Jack Dyer Pavilion
- (c) request the Mayor and Chief Executive Officer to urgently seek meetings with the Member for Richmond and the Minister for Education, to:
 - (i) have the proposed zone changes reversed so as to ensure students being residents of Richmond, Cremorne and Burnley and including public housing estates in those areas, have access to both the Richmond High School or the Melbourne Girls College.”;
 - (ii) focus the new Richmond High School on becoming a benchmark for other co-education schools, where leadership opportunities for girls and young women are advanced; and
 - (iii) have the State Government contribute financially to improving the pedestrian and active transport infrastructure at Gleadell Street, Highett Street and Griffiths Street, and the sporting and recreation infrastructure at Citizen's Park and Jack Dyer Pavilion, including consideration of the using the new Leo Berry Gym building proposed at 7 – 13 Gleadell Street to assist the clubs currently occupying Jack Dyer Pavilion

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Jolly, Stone, Chen Yi Mei, McEvoy, Searle and Nguyen

Against: Councillor Bosler

Conclusion

The meeting concluded at 9.20pm.

Confirmed Tuesday 21 March 2017

Mayor