



Ordinary Meeting of Council Minutes

**held on Tuesday 20 February 2018 at 7.05pm
Richmond 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."

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

- Bruce Phillips (Acting Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Justin Hanrahan (Acting Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters; AND Matters relating to legal advice
Matters relating to legal advice

Confidential business reports

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

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

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

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the minutes of the Ordinary Council Meeting held on Tuesday 6 February 2018 be confirmed.

CARRIED UNANIMOUSLY

6. Petitions and joint letters

Nil

7. Public question time

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| 7.1 | Mr Herschel Landes - FOI Application - Open Space Reserve | 6 |
| 7.2 | Ms Alice Wong - Parking Permits | 6 |

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

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| 10.1 | Councillor Stone - Excessive Street Tree Pruning | 7 |
| 10.2 | Councillor Jolly - Northumberland Street Collingwood - Zoning | 7 |
| 10.3 | Councillor Fristacky - Northumberland Street Collingwood - Zoning | 8 |
| 10.4 | Councillor Fristacky - Clean Up Australia Day | 8 |

11. Council business reports

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| 11.1 | Amendment C218 (Trenerry Crescent) Consideration of Panel Report | 9 | 10 |
| 11.2 | Amendment C219 (Trenerry Crescent) Consideration of Panel Report- <i>withdrawn</i> | 11 | - |
| 11.3 | Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission | 12 | 13 |

12. Notices of motion

Nil

13. Urgent business

Nil

6. Petitions and joint letters

Nil

7. Public question time

7.1 Mr Herschel Landes - FOI Application - Open Space Reserve

Question:

Why did I have to go to VCAT to achieve a report that should have been part of the public record?

Response:

The Mayor responded

7.2 Ms Alice Wong - Parking Permits

Question:

The Mayor read out the submitters question:

I have appealed many times and many years with nil luck.

I am requesting that all Councillors to vote to abolish the 10 December 2003 Policy.

I submitted herewith a letter to your councillors meeting on 20 February 2018 at 7pm. Please consider seriously abolishing this policy; please vote to cancel this ridiculous policy.

Instead you should build more multi-storey parking buildings around City of Yarra boundary. It is happening now. Thus, the 15 years old, 10 December 2003 policy should go!!

Response:

The Mayor responded

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

10.1 Councillor Stone - Excessive Street Tree Pruning

Question:

What advocacy are we or can we take to try and have excessive tree pruning modified and/or to have overhead powerlines either bundled and insulated or progressively placed underground?

Response:

The Acting Director Planning and Place Making advised that officers prune towards powerline clearances and the like and both for high voltage on an annual program and low voltage on every other year program of works.

Pruning is done to allow for regrowth so that the day the works are done, it allows for the 12 month or 24 month cycle before services return the area. It is also done for other reasons like clearances from building lines.

The Urban Forest Strategy that Council endorsed last year identifies advocacy in terms of undergrounding electrical supply and/or bundled cabling, but both activities are the remit of the power distribution businesses. If Council's have a specific request to bundle cable, it will come at that Council's expense.

At the moment, we haven't done a detailed analysis to determine whether bundling cables, and in the long term benefiting from the increased canopy, is a sound economic decision for this Council. However, there has been some broader work done out the University of Melbourne, Burnley that has placed the value on the trees that suggests that it may well be justified. A critical thing at this time is finding the capital, either by the power distribution businesses or State or Local Governments to fund the works.

10.2 Councillor Jolly - Northumberland Street Collingwood - Zoning

Question:

Officers sent letters to residents last year to inform them they were living in breach of the zoning.

Can officers please give Council a brief update on where this is at?

Residents have advised that they are seeking an amendment to the planning scheme. Has Council or Urbis received such a request and if not I will pass it on?

Response:

The Acting Chief Executive Officer advised that some premises are being used as dwellings which is not legal in that zone. There have been a number of site inspections by Council's compliance team and certainly the Municipal Building Surveyor and correctly letters were sent out last year to those occupiers indicating that they could not continue in those dwellings. The solicitor representing the group of occupiers has approached the Strategic Planning Unit to enquire about a rezoning possibility. As Council would know, rezoning in theory can be entertained by Council, my understanding at this time there is no formal request, whether that comes in or not remains to be seen. At this stage there is a compliance topic that needs to be resolved. If rezoning is formally applied for, it will be presented to Council for consideration. To my knowledge we have not received a formal request, but happy to confirm this tomorrow.

10.3 Councillor Fristacky - Northumberland Street Collingwood - Zoning

Question:

I was contacted by one of the residents that said that a planning permit had been issued that allowed a residence to be built, so if that is correct how do we reconcile that approval with what the zone is?

Response:

The Acting Chief Executive Officer advised that a planning permit was issued in 2008 or 2009 for a number of caretaker dwellings and a caretaker dwelling is not a dwelling, it's a separate matter. People have purchased and moved in for permanent dwellings not caretakers and there's a differentiation in that and hence the topic.

10.4 Councillor Fristacky - Clean Up Australia Day

Question:

Clean Up Australia Day is on the 4 March and I wanted to know what Yarra is doing in the community in regards to schools etc. for Clean Up Australia Day? In the past, Councillors have been advised and there's been a system to assist with Clean Up Australia Day.

Earth Day is on the 22 April and I just wondered if we got those on the notice, at least in terms of PR or on the website?

Response:

The Acting Chief Executive Officer took question on notice.

11.1 Amendment C218 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20568

Responsible Officer: Senior Coordinator Strategic Planning

RECOMMENDATION

1. That Council notes:
 - (a) the report of officers in relation to the Panel's findings in relation to Amendment C218;
 - (b) the findings and recommendations of the Panel regarding Amendment C218; and
 - (c) the letter to Council stating an intention to undertake public realm upgrades related to a future planning permit application and improvements as outlined in the 18-62 Trenerry Crescent Public Realm Concept, prepared by Tract Consultants, dated 15 December 2017 (Attachment 8).
2. That Council:
 - (a) having considered the report of the Planning Panel, adopts Amendment C218 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
 - (b) adopts the Statement of Significance (citation) for 18-62 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 6 and 7 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
 - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel recommendations as outlined in the officer report.
4. That officers notify submitters to Amendment C218 of Council's decision.

Public Submissions

The following people addressed Council on the matter:

Ms Janet Taylor, Collingwood Historical Society;

Mr Will Fowles, Piper Communications; and

Mr Peter Doyle, SJB Planning.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That Council notes:
 - (a) the report of officers in relation to the Panel's findings in relation to Amendment C218;
 - (b) the findings and recommendations of the Panel regarding Amendment C218; and
 - (c) the letter to Council stating an intention to undertake public realm upgrades related to a future planning permit application and improvements as outlined in the 18-62 Trenerry Crescent Public Realm Concept, prepared by Tract Consultants, dated 15 December 2017 (Attachment 8).
2. That Council:
 - (a) having considered the report of the Planning Panel, adopts Amendment C218 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
 - (b) adopts the Statement of Significance (citation) for 18-62 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 6 and 7 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
 - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel recommendations as outlined in the officer report.
4. That officers notify submitters to Amendment C218 of Council's decision.

CARRIED

CALL FOR A DIVISION

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

Against: Councillors Chen Yi Mei and Bosler

11.2 Amendment C219 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20571

Responsible Officer: Senior Coordinator Strategic Planning

ITEM WITHDRAWN

11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission

Trim Record Number: D18/29538

Responsible Officer: Senior Coordinator Strategic Planning

Councillor Coleman left the meeting at 8:15pm.

Councillor Coleman returned to the meeting at 8:20pm.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report in relation the Amendment C244 which seeks to rezone the land at 64 Alexandra Parade, Clifton Hill from General Residential Zone (GRZ4) to Mixed Use Zone; and apply Schedule 19 to the Design and Development Overlay;
 - (b) notes the process being undertaken by the Department of Treasury and Finance including to the sale of 64 Alexandra Parade, Clifton Hill and proposing site-specific planning provision changes via Planning Scheme Amendment C244;
 - (c) adopts a position on Amendment C244 generally in accordance with the officer's response contained in this report and Attachment 3;
 - (d) submits a written submission to the Advisory Committee on the proposed planning provision changes (Amendment C244) for lodgement with the Victorian Government prior to 23 February 2018;
 - (e) requests to be heard at the Public Hearing to advocate for Council's adopted position; and
 - (f) pursue an agreement with the land owner of 64 Alexandra Parade, Clifton Hill, under Section 173 of the *Planning and Environment Act 1987*, requiring a least 5% of the overall number of dwellings on the site to be affordable housing, in partnership with a Registered Housing Association or a Registered Housing Provider.

Public Submission

Ms Janet Taylor, Collingwood Historical Society addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

1. That Council:

- (a) notes the officer report in relation the Amendment C244 which seeks to rezone the land at 64 Alexandra Parade, Clifton Hill from General Residential Zone (GRZ4) to Mixed Use Zone; and apply Schedule 19 to the Design and Development Overlay;
- (b) notes the process being undertaken by the Department of Treasury and Finance including to the sale of 64 Alexandra Parade, Clifton Hill and proposing site-specific planning provision changes via Planning Scheme Amendment C244;
- (c) adopts a position on Amendment C244 generally in accordance with the officer's response contained in this report and Attachment 3;
- (d) submits a written submission to the Advisory Committee on the proposed planning provision changes (Amendment C244) for lodgement with the Victorian Government prior to 23 February 2018;
- (e) requests to be heard at the Public Hearing to advocate for Council's adopted position; and
- (f) pursue an agreement with the land owner of 64 Alexandra Parade, Clifton Hill, under Section 173 of the *Planning and Environment Act 1987*, requiring a least 10% of the overall number of dwellings on the site to be affordable housing, in partnership with a Registered Housing Association or a Registered Housing Provider together with amendments to attachment 3 clause 2 (i) Application requirement clause regarding affordable housing replace at least 5% with at least 10 % (ii) and under the amenity clause regarding overshadowing deletion of the words, "and north ".

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Coleman

That the meeting resume in confidential session.

CARRIED

Conclusion

The meeting concluded at 9.24pm.

Confirmed Tuesday 6 March 2018

Mayor