



Ordinary Meeting of Council Minutes

**held on Tuesday 10 September 2019 at 7.03pm
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 Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Rhys Thomas (Acting Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Leave of absence

- Cr Jackie Fristacky

Apology

- Cr Stephen Jolly

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

Nil

4. Confidential business reports

Nil

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Searle

That the amended minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019 be confirmed.

CARRIED

6. Petitions and joint letters

Item	Page	Res. Page
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7. Public question time

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This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

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8. Delegates' reports

Nil

9. General business

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10. Questions without notice

Nil

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Petition - Regarding the eighteen plane trees recently planted in Wellington Street, Collingwood

Reference: D19/159785

A petition containing 80 signatures from residents requesting that Council consider removing the trees recently planted in Wellington Street, Collingwood as soon as possible and replaced with a species that is more appropriate for the local environment, one that does not impact on human health, includes the impact on public health as a key principle in any subsequent consideration regarding the urban forest, especially in the urban forest strategy.

Residents also request that Council adhere to the requirement to consult widely with the community that is mentioned in the Yarra City Council's Urban Forest Strategy.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Coleman

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

CARRIED UNANIMOUSLY

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the names of questioners, the subject matter of questions, the name of the person providing a response and whether or not an answer was provided. An audio recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting.

7.1 Maurice Sheehan - Bridge Road Tram Stop 17

Question:

In relation to tram stop 17 (Waltham Street and Bridge Road) , an elevated tram stop, fifty percent of the battens delineating the elevation have been knocked down for at least two weeks and no action has taken place to repair this potentially disastrous site. Two weeks ago at 8.30am in peak traffic I saw a car that had missed the separation and had the left side up high and the driver's side low. The car was almost half way along the elevation when the driver realized, stopped and was able to reverse. The cars behind realized and no accident occurred as they reversed to make room.

This has happened previously at the beginning of the year and when I took the matter to a Council meeting. The CEO addressed and resolved the matter with VicRoads but I ask the question. Why should the CEO have to fix it? Surely there is a system with the City of Yarra to address, recognize the problem and have PTV act.

I called Council's Customer Service and was told that it was the responsibility of PTV, I called PTV a week ago and no action as at 12 noon today. What about the

safety of the community? What is the City of Yarra doing? Do I have to go to the Minister or media? It is not good enough. The City of Yarra has to take responsibility in being proactive.

Response:

The Director Planning and Place Making advised that on receiving the question this afternoon I followed up with Yarra Trams and VicRoads. I received an email from the Regional Director at VicRoads and from Yarra Trams and can confirm that it is the responsibility of VicRoads, not Yarra Trams. I will also provide Mr Sheehan's details with his approval to the Regional Director at VicRoads so direct contact can be made. In future, we will keep an eye on it if any bollards need replacement.

7.2 Clinton Kitt - Fitzroy Junior Football Club - Electronic Scoreboards

Question:

There are no electronic scoreboards at Ramsden Street. I am aware that the Fitzroy Junior Football Club has the funds to provide the scoreboard, but the issue appears to be with the City of Yarra getting the works sorted. We have gone through another season where we don't have the ability to see where the scores are at, not only for the spectators but the coaches and players.

Why is there a hold on the ability to get the electronic scoreboard in place?

Response:

The Director City Works and Assets advised that the funding provided by the 'Pick My Project Funding', that was awarded to the club. That project and the other projects that were funded to the club were not part of our works program for the year. We have done a lighting project at Ramsden Oval and at Brunswick Street Oval, we are working on a scoreboard at Brunswick Street Oval and all of this has been additional to our normal program so we are seeking to work with the club to deliver the projects, but we also have limited resources in being able to do that.

Cr Coleman requested a timeline on the project at Ramsden Street.

The Director City Works and Assets took the question on notice.

7.3 Dorothy James - Soft Plastics and Malt House Development

Question:

I did bring to the Council's attention a program that was run by Boroondara Council to collect soft plastic and I am hoping that somebody has looked into that because we clearly have a much more serious problem with recycling and many Council's did not have any recycling so clearly I feel it is important that the Council is proactive with this and just doesn't wait until the contract finishes. I would also like to bring to the attention of whoever is responsible at Council that the people that do the recycling, almost leave more rubbish on the street than they take with them.

Has Council done anything with the soft plastic?

Can Council please follow-up with the recycling contractors to bring them up to scratch with the collections?

As a long term resident I am disappointed and wonder why our local Councillors have not been proactive in notifying residents of the huge development that is to go on at the Malt House?

Response:

The Director City Works and Assets advised that if there are streets or circumstances where people are leaving litter in the street we would like to know about it so we can follow-up with the contractors. In relation to the Boroondara program, we did look at that however that program is no longer operating. Boroondara have changed recycling contractors in recent weeks and as a result of that change, the program is not offered. The current processes operating in Victoria do not have a way of processing soft plastics and as mentioned before soft plastics can be taken to supermarkets where they take those soft plastics to a company called Replas that make them into recycled furniture, recycled bollards etc. Visy and Polytrade that do the Victorian kerbside recycling processing do not have the ability to process soft plastics.

The Director Planning and Place Making took the question on notice that related to the development.

Cr Searle advised that in relation to the site at 45 Gibdon Street, Burnley, residents have been notified by the applicant of the VCAT case. Council's position is a position of refusal for that development so letters would not be sent to residents for a consultation.

7.4 Herschel Landes - Richmond Moon Lantern Festival

I would like to thank the City of Yarra for their generous contribution to Victoria Street traders towards their lantern festival that will be held on 22 September. An important initiative for Richmond traders given the negative publicity, so we welcome this event to put in some much needed positive energy back into the community.

I would also like to thank Simon Osborne (Senior Project Officer – Retail, Tourism and Marketing) for his assistance in delivering this outcome.

7.5 Judy Ryan, Residents for Victoria Street Drug Solutions - Medically Supervised Injecting Facility

Question:

The Residents for Victoria Street Drug Solutions and other residents have met tonight outside Richmond Town Hall to show their support for the medically supervised injecting room trial in North Richmond. After fourteen months of saving lives and reducing overdoses in public places and lessening the impact on emergency services vehicles in our community, the injecting room is now in the second year of the trial period.

The community needs more leadership from the Yarra Council and the state government towards ongoing investment in an improved local amenity; particularly for families and children on the public housing estate, Victoria Street businesses where we shop eat and socialize and the broader community.

Apart from ensuring that ongoing street cleaning and syringe collection is a recurrent item in future budgets, what initiatives can the Council fast track to ensure the urgent improvement of the public housing estate and revitalization of Victoria Street?

Response:

The Mayor advised that the City of Yarra will continue to support traders in Victoria Street as well as the other activity centres. I am also on the Richmond Revitalization

panel that I have talked about which is about bringing together business and bringing together the state government and local council to make sure that we are doing everything we can, even down to the practical things i.e. planning approvals, permit approvals for seating outside cafes and how we can speed up things like that so that cafes can have seating on the footpath.

Families and children on the estate, this is something that I am personally interested in and personally committed to however we have less control over the estate. Mr Gosling speaks to DHS on a regular basis because we have so many residents in public housing across Yarra that we want to support.

The Director Community Wellbeing advised that Council has provided \$185k for the development of a Youth Hub inside the Richmond Housing Estate and also our ongoing commitment to \$170k for Annual Grants for Youth Spaces and a further \$200k for Victoria Street furniture upgrades and as the Mayor mentioned the work on beautifying shop fronts in addition to previous allocations around roller shutters. The intent moving forward is to look at some additional programs around the Youth Hub, particularly when that opens, likely around March. We have also just completed a lighting audit along Victoria Street and some surrounding areas, particularly around some of the train stations. We have put in a funding submission for \$250k for lighting and graffiti sensors along Victoria Street. We have the Moon Lantern Festival coming up on Victoria Street and we are pleased to support that initiative and that is in addition to the funding we have for \$35k the Victoria Street Festival each year. Primarily one of the things we can do on a daily basis is to work closely with our colleagues in the various departments, certainly Education, Human Services and Justice and increasingly that will be the department of transport who have primary responsibility over the estates, and we are committed to try and leverage those as much as possible to receive additional resources.

7.6 Jim Castles, School Council President Richmond West Primary School

Question:

The school is located near the housing estate and that's an area with a lot of disadvantage and the school is already doing a lot of heavy lifting around those disadvantage people, the kids on that estate, we take them in without prejudice on merit and face value and give them a change to break that cycle that is currently Victorian government policy that has been our practice for a long time at the school, that is the link between disadvantage and educational outcomes, that's the lifting the school is already doing around helping kids in that estate. The second point I would like to make, during the last couple of years there has been a lot of discussion at the school about the injecting room and school has chosen to focus its energy on its primary task which is thriving children, that's what we are all about, but we are continually getting petitioned and provoked to take a position and we have taken the view on the school council that, that is not going to be in the benefit of the children.

Is Council able to provide some sort of interim support for a community discussion to just hear some of the perspectives and take it away from the school. The school wants the politics out of the school and we want the school out of the politics.

I didn't mean to imply that the Council is doing nothing, the Council is doing some great work. I just want to emphasize the urgency as it is a very difficult situation, a lot of people are under a lot of pressure and it is having an impact on the school. It is taking the very limited resources of the principle as instead of focusing on the main agenda, she is being distracted by a range of external issues.

Response:

The Mayor advised that I was visiting your schools afternoon program today and there were 45 kids running around as it was a nice day and had a great time and as I walked away from the school, I was almost in tears at what a beautiful school it is and I want to support and protect that as much as we can so the kids there are safe and protected.

I attended a bunch of community consultation which happened at the factory where there were all the different parties involved and I seek to keep my conversations around two things that Council has control over the amenity and the relationship we have with DHS. We put a letter to Minister Foley and thank Councilor Stone for her work in urging that to happen, seeking a community forum for us to be able to have conversations about the North Richmond Community, and that letter has returned from Minister Foley about a North Richmond Community building initiative which is based on the social landlord model that has been adopted at some of the other public housing estates across Victoria and it will include not just housing tenants but the broader community as well. I am hoping that a forum like that will provide space for us to all be able to have the conversation.

The Director Community Wellbeing advised that ongoing dialogue with the community is critically important and certainly we have been talking with department colleagues for some time about exactly that kind of forum, not just because of the motion that Council put forward but obviously as part of that ongoing community dialogue. We work very closely with RWPS and we have been working with them for many years and certainly before the injecting room was in place and as the Mayor mentioned the department are committed to that idea and part of our advocacy is about making sure that social landlord framework for example which will deliver some good outcomes isn't just focused on the housing estate but the community more broadly.

The Mayor also advised that a general business item will be tabled tonight by Councilor Stone on the North Richmond Community and that will include some of the initiatives and what we can do next and would be happy to discuss the matter in person.

7.7 Elizabeth Ogilvy - Medically Supervised Injecting Room

Question:

As we have heard there has been some adverse impacts on the school and I would like to mention that there has also been adverse impacts on other residents of the area.

What is the Council able to do and what is it planning to do? I think there is a real need for some positive information and some advert positive optimistic proper gander if you want to call it that or some activity. I think the lantern festival is a fantastic thing, but what else can the Council do because as I understand it Council is unanimously in favour of having the MSIR and you have to recognize that there has been some difficult impacts or effects on local residents and I live in York Street, which is not far away. So what can Council do to make people feel less scared or less impacted and what can or will the Council do to counter some of the negative information that's been passed around on social media and other places. When there has been statistics that 96% of the community voted to have the room moved, I certainly wasn't consulted and I'm part of the community. So if there are published

figures that are actually not accurate, what can the Council do about providing some accurate figures? How the room operates, how many people's lives have been saved, how many times ambulances have been called to the room, how many times have they been called to places not the room, because there have been a lot of negative publicity particularly on Facebook. As a long term resident it makes my blood boil when I hear people putting down the place where I live and saying what a terrible, dangerous, dirty, unsafe place it is when that's not the way I see it and that's not the way a lot of people who live in the area see it and yet we don't hear these positive stories very often.

What proactive strategies is the Council taking given that we called for the Medical Supervised Injecting Room and given that it's now in our area, what can the Council do urge the state government to make it a place that really works effectively and doesn't impinge on the amenity of the local residents?

Response:

The Mayor advised that in terms of the information that we are putting out, Council is seeking really hard to focus on the amenity and community services. An article was put in Yarra News that went out to all residents and businesses which was about what is happening in the medically supervised injecting facility and we are constantly putting out communications like letters to the local community, particularly around syringe collection, cleansing etc. We are seeking to keep it factual evidence based and honest.

The Mayor also advised that this is a trial that goes on until the middle of next year and leave it up to Professor Margaret Hamilton for her recommendations about what we need to do next in this space and I focus on that amenity impact and what we can do better in that area.

8. Delegates' reports

Nil

9. General Business

9.1 Councillor Stone - North Richmond Community Amenity

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note its request for a Taskforce convened by the state government to address issues surround the Medically Supervised Injecting Facility;
 - (b) note the response received from the Minister for Health, Martin Foley, last week referring this request to the North Richmond Community Capacity Building Initiative known as the Social Landlord Framework;
 - (c) further note that whilst this Initiative incorporates the immediate neighbourhood of the Richmond Housing Estate, there is no timeline for its implementation and staff are still being appointed; and
 - (d) note the ongoing and increasing tension in the local neighborhood around these issues.
2. That Council request Officers bring forward a report to Council to 8th October

Council Meeting outlining:

- (a) actions taken to date by Council on addressing the many amenity issues raised by residents and traders in the North Richmond/Abbotsford precinct;
- (b) further actions which could be taken and any timeline for these; and
- (c) interim measures which Council could undertake in place of the requested Taskforce, to provide a forum where resident issues can be raised and addressed, and which could inform the North Richmond Community Capacity Building Initiative when it is finally established.

CARRIED UNANIMOUSLY

9.2 Councillor O'Brien - Tree Planting Advisory Committee

Public Submissions

The following people addressed Council on the matter:

Anne Horrigan-Dixon;

Louise Elliot;

Carlos Arribas; and

Tamara Carpenter, Friends of Andrews Reserve Native Vegetation.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Coleman

That Council seek an Officer's report on the need for the City of Yarra implementing a tree planting advisory committee and if the need is found, propose options for the establishment of such an advisory committee.

CARRIED UNANIMOUSLY

Councillor Nguyen arrived to the meeting at 8.07pm

10. Questions without notice

Nil

11.1 Yarra Volunteer Strategy 2019-2023

Trim Record Number: D19/77688

Responsible Officer: Group Manager People, Culture and Community

RECOMMENDATION

1. That:
 - (a) Council adopts the Yarra Volunteer Strategy 2019-2023 and Year One Action Plan.

Councillor Coleman left the meeting at 9.00pm

Councillor Coleman returned to the meeting at 9.05pm

Councillor O'Brien left the meeting at 9.00pm

Councillor O'Brien returned to the meeting at 9.09pm

Public Submission

Maurice Sheehan addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Stone

1. That:
 - (a) Council adopts the Yarra Volunteer Strategy 2019-2023 and Year One Action Plan.

CARRIED UNANIMOUSLY

11.2 Yarra Planning Scheme Amendment C191 - Swan Street Activity Centre - Response to submissions

Reference: D19/130262

Authoriser: Director Planning and Place Making

RECOMMENDATION

1. That Council:

- (a) receives and notes submissions received following the exhibition of Amendment C191;
- (b) notes the officer report and attachments in relation to the current interim Yarra Planning Scheme provisions and officer response to submissions on Amendment C191 and endorses for the purposes of advocacy before a panel the recommended changes to the amendment including the preferred version of the DDO schedules attached to the report as attachments 6 and 7;
- (c) adopts as its submission to the panel the position of support for Amendment C191 subject to the recommended proposed changes as identified in this report and attachments 4, 6 and 7;
- (d) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C191 in accordance with Section 23 of *the Planning and Environment Act 1987*;
- (e) writes to all landowners and occupiers directly affected by Amendment C191 and to all submitters to advise:
 - (i) of the Council resolution;
 - (ii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iii) that any new or varied submission made in relation to the recommended changes to Amendment C191, including the preferred version of the DDO schedules, will be referred directly to the planning panel; and
 - (iv) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;
- (f) writes to all landowners and occupiers of and abutting the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to advise:
 - (i) of the Council resolution;
 - (ii) of the Council's position of support for the recommended rezoning of the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to the Commercial 1 Zone;
 - (iii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iv) that any new or varied submission made in relation to the recommended changes to Amendment C191 will be referred directly to the planning panel; and
 - (v) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council; and
- (g) refer all submissions, including new or modified submissions in response to the further notice as in paragraph (e) and (f) above to the panel.

2. That Council:

- (a) requests the Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20A of the *Planning and Environment Act 1987*, to extend the expiry date of Schedule 17 to the Design and Development Overlay (DDO17) and the following interim heritage controls until 30 December 2020:
 - (i) HO524: Swan Street West Heritage Precinct (30-42 Swan Street, Cremorne);
 - (ii) HO522: 273A Swan Street, Richmond;
 - (iii) HO523: 323-325 Swan Street, Richmond; and
 - (iv) HO501: Swan Street Heritage Precinct (223-239 Swan Street, Richmond); and
- (b) authorises officers to prepare the relevant amendment documentation, under section 20A of the *Planning and Environment Act 1987*, for submission to the Minister for Planning, seeking an extension of the dates of the interim planning controls.

Public Submissions

The following people addressed Council on the matter:

Judith Smart, Royal Historical Society Victoria Heritage Committee;

Hubert Algje, Solicitor Kellehers Australia;

Nick Armstrong; and

Anne Horrigan-Dixon, Queens Parade Heritage Planning and Traders Group.

MOTION

Moved: Councillor Searle

Seconded: Councillor Nguyen

1. That Council:

- (a) receives and notes submissions received following the exhibition of Amendment C191;
- (b) notes the officer report and attachments in relation to the current interim Yarra Planning Scheme provisions and officer response to submissions on Amendment C191 and endorses for the purposes of advocacy before a panel the recommended changes to the amendment including the preferred version of the DDO schedules attached to the report as attachments 6 and 7;
- (c) adopts as its submission to the panel the position of support for Amendment C191 subject to the recommended proposed changes as identified in this report and attachments 4, 6 and 7;
- (d) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C191 in accordance with Section 23 of the *Planning and Environment Act 1987*;
- (e) writes to all landowners and occupiers directly affected by Amendment C191 and to all submitters to advise:
 - (i) of the Council resolution;
 - (ii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iii) that any new or varied submission made in relation to the recommended changes to Amendment C191, including the preferred version of the DDO schedules, will be referred directly to the planning panel; and
 - (iv) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;
- (f) writes to all landowners and occupiers of and abutting the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to advise:

- (i) of the Council resolution;
 - (ii) of the Council's position of support for the recommended rezoning of the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to the Commercial 1 Zone;
 - (iii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iv) that any new or varied submission made in relation to the recommended changes to Amendment C191 will be referred directly to the planning panel; and
 - (v) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council; and
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2. That Council:

- (a) requests the Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20A of the *Planning and Environment Act 1987*, to extend the expiry date of Schedule 17 to the Design and Development Overlay (DDO17) and the following interim heritage controls until 30 December 2020:
 - (i) HO524: Swan Street West Heritage Precinct (30-42 Swan Street, Cremorne);
 - (ii) HO522: 273A Swan Street, Richmond;
 - (iii) HO523: 323-325 Swan Street, Richmond; and
 - (iv) HO501: Swan Street Heritage Precinct (223-239 Swan Street, Richmond); and
- (b) authorises officers to prepare the relevant amendment documentation, under section 20A of the *Planning and Environment Act 1987*, for submission to the Minister for Planning, seeking an extension of the dates of the interim planning controls.

Councillor Nguyen suggested some amendments to the motion in seconding. The mover did not accept the amendments so Councillor Nguyen withdrew as seconder.

MOTION

Moved: Councillor Searle

Seconded: Councillor Bosler

1. That Council:

- (a) receives and notes submissions received following the exhibition of Amendment C191;
- (b) notes the officer report and attachments in relation to the current interim Yarra Planning Scheme provisions and officer response to submissions on Amendment C191 and endorses for the purposes of advocacy before a panel the recommended changes to the amendment including the preferred version of the DDO schedules attached to the report as attachments 6 and 7;
- (c) adopts as its submission to the panel the position of support for Amendment C191 subject to the recommended proposed changes as identified in this report and attachments 4, 6 and 7;
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- (e) writes to all landowners and occupiers directly affected by Amendment C191 and to all submitters to advise:
 - (i) of the Council resolution;

- (ii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
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 - (iv) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;
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 - (iii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iv) that any new or varied submission made in relation to the recommended changes to Amendment C191 will be referred directly to the planning panel; and
 - (v) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council; and
- (g) refer all submissions, including new or modified submissions in response to the further notice as in paragraph (e) and (f) above to the panel.

2. That Council:

- (a) requests the Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20A of the *Planning and Environment Act 1987*, to extend the expiry date of Schedule 17 to the Design and Development Overlay (DDO17) and the following interim heritage controls until 30 December 2020:
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 - (ii) HO522: 273A Swan Street, Richmond;
 - (iii) HO523: 323-325 Swan Street, Richmond; and
 - (iv) HO501: Swan Street Heritage Precinct (223-239 Swan Street, Richmond); and
- (b) authorises officers to prepare the relevant amendment documentation, under section 20A of the *Planning and Environment Act 1987*, for submission to the Minister for Planning, seeking an extension of the dates of the interim planning controls.

AMENDMENT

Moved: Councillor O'Brien

That Precinct 2 Heritage area be excluded from this resolution until C231 Queens Parade precinct issue is resolved and that Councilors be invited to a site inspection

The amendment was not accepted by the mover.

AMENDMENT

Moved: Councillor Nguyen

Seconded: Councillor Chen Yi Mei

1. (h) Note, in preparing C191 Council acknowledge that there was a strategic justification to maintain the current C1 Zoning at 493-497 Swan Street Richmond.

2. (c) Refer Submission 21 to officers for further advice as to the opportunity to include properties at 493-497 Swan St Richmond into DD017.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Bosler

1. That Council:

- (a) receives and notes submissions received following the exhibition of Amendment C191;
- (b) notes the officer report and attachments in relation to the current interim Yarra Planning Scheme provisions and officer response to submissions on Amendment C191 and endorses for the purposes of advocacy before a panel the recommended changes to the amendment including the preferred version of the DDO schedules attached to the report as attachments 6 and 7;
- (c) adopts as its submission to the panel the position of support for Amendment C191 subject to the recommended proposed changes as identified in this report and attachments 4, 6 and 7;
- (d) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C191 in accordance with Section 23 of *the Planning and Environment Act 1987*;
- (e) writes to all landowners and occupiers directly affected by Amendment C191 and to all submitters to advise:
 - (i) of the Council resolution;
 - (ii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iii) that any new or varied submission made in relation to the recommended changes to Amendment C191, including the preferred version of the DDO schedules, will be referred directly to the planning panel; and
 - (iv) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;
- (f) writes to all landowners and occupiers of and abutting the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to advise:
 - (i) of the Council resolution;
 - (ii) of the Council's position of support for the recommended rezoning of the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to the Commercial 1 Zone;
 - (iii) of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;
 - (iv) that any new or varied submission made in relation to the recommended changes to Amendment C191 will be referred directly to the planning panel; and

- (v) that officers' will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council; and
- (g) refer all submissions, including new or modified submissions in response to the further notice as in paragraph (e) and (f) above to the panel; and
- (h) note, in preparing C191 Council acknowledge that there was a strategic justification to maintain the current C1 Zoning at 493-497 Swan Street Richmond.

2. That Council:

- (a) requests the Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20A of the *Planning and Environment Act 1987*, to extend the expiry date of Schedule 17 to the Design and Development Overlay (DDO17) and the following interim heritage controls until 30 December 2020:
 - (i) HO524: Swan Street West Heritage Precinct (30-42 Swan Street, Cremorne);
 - (ii) HO522: 273A Swan Street, Richmond;
 - (iii) HO523: 323-325 Swan Street, Richmond; and
 - (iv) HO501: Swan Street Heritage Precinct (223-239 Swan Street, Richmond);
- (b) authorises officers to prepare the relevant amendment documentation, under section 20A of the *Planning and Environment Act 1987*, for submission to the Minister for Planning, seeking an extension of the dates of the interim planning controls; and
- (c) Refer Submission 21 to officers for further advice as to the opportunity to include properties at 493-497 Swan St Richmond into DDO17.

CARRIED

11.3 Rushall Reserve - Update Report

Reference: D19/149704

Authoriser: Director Planning and Place Making

Councillor Nguyen left the meeting at 10.23pm

Councillor Nguyen returned to the meeting at 10.25pm

RECOMMENDATION

1. That Council:
 - (a) note the officer report in relation to Rushall Reserve in response to the Council resolutions in March 2019;
 - (b) direct officers to continue to undertake the following minor works to Rushall Reserve during this financial year (including specific community consultations):
 - (i) revegetation of the creek environs;
 - (ii) tree planting; and
 - (iii) holding a community planting day;
 - (c) resolve not to conduct further broad consultation in relation to Rushall Reserve due to the pending consultation of a new open space strategy later in 2019;
 - (d) resolve to retain the existing asphalt path in Rushall Reserve as is to provide all abilities and maintenance access into the reserve, and the path not be extended due to site constraints and the priority to protect the native habitat and fauna; and
 - (e) authorise Council officers to proceed with stencils and signage as necessary to:
 - (i) communicate that the path into Rushall Reserve from the northern end is a dead end;
 - (ii) provide park naming signage, communicate that Rushall Reserve is a dog off lead park, and provide standard council information including wildlife rescue contact details; and
 - (iii) provide cultural heritage interpretation signage as per the Cultural Heritage Management Plan (2016) recommendation.

Public Submissions

The following people addressed Council on the matter:

Clinton Kitt; and

Anne Horrigan-Dixon.

MOTION

Moved: Councillor Coleman

Seconded: Councillor O'Brien

1. That Council:
 - (a) note the officer report in relation to Rushall Reserve in response to the Council resolutions in March 2019;
 - (b) re-iterate previous resolutions of 21 July 2015 and 20 March 2019 requesting Council consultation on whether the existing asphalt path should be improved and extended to the Creek, and seek a report back to Council on actions taken in furtherance of this option, noting community support for path improvements and that further consultation is required which includes community users and ward councillors on improvements to the

existing path and track to the creek taking into account gradients and other sensitivities through best practice landscaping with potential curving/stepping to protect the creek, native flora and fauna

- (c) follow up a response to Council's letter to VicTrack dated 13 May 2019 referring concerns raised regarding members of the public accessing VicTrack land and requesting that VicTack deal with these risks by appropriate safety mechanisms including protections along the escarpment;
- (d) authorise Council officers to proceed with stencils and signage as necessary to:
 - (i) communicate that the path into Rushall Reserve from the northern end is a dead end;
 - (ii) provide park naming signage, communicate that Rushall Reserve is a dog off lead park, and provide standard council information including wildlife rescue contact details;
 - (iii) provide cultural heritage interpretation signage as per the Cultural Heritage Management Plan (2016) recommendation; and
 - (iv) given dampness and flooding risks, that new Rushall Reserve signage use recycled plastic in line with Council's motion of 24 April 2018 on using such recycled plastic for outdoor furniture, as well Council endeavours to embed sustainability into its actions and practices and for Council to be a sustainability change agent and to support a circular economy;
- (e) direct officers to continue to undertake the following minor works to Rushall Reserve during this financial year (including specific community consultations):
 - (i) revegetation of the creek environs;
 - (ii) tree planting; and
 - (iii) holding a community planting day; and
- (f) resolve not to conduct further broad consultation in relation to Rushall Reserve due to the pending consultation of a new open space strategy later in 2019.

Councillor Coleman decided to remove clause 1. (b) from her motion.

AMENDMENT

Moved: Councillor Stone

1. (c) (iii) provide cultural heritage interpretation signage as per the Cultural Heritage Management Plan (2016) recommendation with the wording of the signage recognizing the "Batman Treaty" be developed in conjunction with the Wurrundjeri Council to reflect the current understanding of treaty, and incorporate truth telling in accordance with Council's Aboriginal Partnership's Plan; and

The amendment was accepted by mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor O'Brien

1. That Council:

- (a) note the officer report in relation to Rushall Reserve in response to the Council resolutions in March 2019;
- (b) follow up a response to Council's letter to VicTrack dated 13 May 2019 referring concerns raised regarding members of the public accessing VicTrack land and requesting that VicTack deal with these risks by appropriate safety mechanisms

including protections along the escarpment;

- (c) authorise Council officers to proceed with stencils and signage as necessary to:
 - (i) communicate that the path into Rushall Reserve from the northern end is a dead end;
 - (ii) provide park naming signage, communicate that Rushall Reserve is a dog off lead park, and provide standard council information including wildlife rescue contact details; and
 - (iii) provide cultural heritage interpretation signage as per the Cultural Heritage Management Plan (2016) recommendation with the wording of the signage recognizing the “Batman Treaty” be developed in conjunction with the Wurrundjeri Council to reflect the current understanding of treaty, and incorporate truth telling in accordance with Council’s Aboriginal Partnership’s Plan; and
 - (iv) given dampness and flooding risks, that new Rushall Reserve signage use recycled plastic in line with Council’s motion of 24 April 2018 on using such recycled plastic for outdoor furniture, as well Council endeavours to embed sustainability into its actions and practices and for Council to be a sustainability change agent and to support a circular economy;
- (d) direct officers to continue to undertake the following minor works to Rushall Reserve during this financial year (including specific community consultations):
 - (i) revegetation of the creek environs;
 - (ii) tree planting; and
 - (iii) holding a community planting day; and
- (e) resolve not to conduct further broad consultation in relation to Rushall Reserve due to the pending consultation of a new open space strategy later in 2019; and
- (f) establish an advisory committee which could advise on any proposed changes or improvements to the Rushall Reserve including a potential master plan and the potential renaming of the reserve.

CARRIED

11.4 Size of Apartments

Trim Record Number: D19/59355

Responsible Officer: Director Planning and Place Making

RECOMMENDATION

1. That Council:
 - (a) note the report of officers responding to the Council resolution from April 2019, regarding size of apartments and other aspects;
 - (b) note the current review of the Better Apartments Design Standards by the State Government and note that a report will be presented to Council on 24 September, 2019 seeking a Council position for submission; and
 - (c) consider the size of apartments matter further at the 24 September Council meeting.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) note the report of officers responding to the Council resolution from April 2019, regarding size of apartments and other aspects;
 - (b) note the current review of the Better Apartments Design Standards by the State Government and note that a report will be presented to Council on 24 September, 2019 seeking a Council position for submission; and
 - (c) consider the size of apartments matter further at the 24 September Council meeting.

CARRIED UNANIMOUSLY

Councillor Coleman left the meeting at 10.46pm

Councillor Coleman returned to the meeting at 10.47pm

Councillor O'Brien left the meeting at 10.47pm

11.5 2018/19 Annual Financial Statements, Performance Statement, and LGPRF Reports adoption 'in principle'.

Trim Record Number: D19/135112

Responsible Officer: Director Corporate, Business and Finance

RECOMMENDATION

1. That Council:
 - (a) notes the accompanying 2018/19 Annual Financial Statements and LGPRF Reports (including the Performance Statement), and receives the endorsement of Council's Audit Committee;
 - (b) adopts the 2018/19 Annual Financial Statements and Local Government Performance Reporting Framework Reports (including the Performance Statement), 'in principle' prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
 - (c) nominates the Mayor and Audit Committee member Councillor Danae Bosler, and Audit Committee member Councillor James Searle, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
 - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office; and
 - (e) designates Angelica Marshall, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Bosler

1. That Council:
 - (a) notes the accompanying 2018/19 Annual Financial Statements and LGPRF Reports (including the Performance Statement), and receives the endorsement of Council's Audit Committee;
 - (b) adopts the 2018/19 Annual Financial Statements and Local Government Performance Reporting Framework Reports (including the Performance Statement), 'in principle' prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
 - (c) nominates the Mayor and Audit Committee member Councillor Danae Bosler, and Audit Committee member Councillor James Searle, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
 - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office; and
 - (e) designates Angelica Marshall, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

CARRIED UNANIMOUSLY

11.6 2018/19 Annual Plan Quarterly Progress Report - June 2019

Trim Record Number: D19/153879

Responsible Officer: Manager Corporate Planning and Performance

RECOMMENDATION

1. That Council note the end-of-year result as reported in the 2018/19 Annual Plan Quarterly Progress Report - June 2019.
2. That Council note the end-of-year result as reported in the 2018/19 Capital Adjustments and Capital Works Carried Forward reports.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

1. That Council note the end-of-year result as reported in the 2018/19 Annual Plan Quarterly Progress Report - June 2019.
2. That Council note the end-of-year result as reported in the 2018/19 Capital Adjustments and Capital Works Carried Forward reports.

CARRIED UNANIMOUSLY

12.1 Notice of Rescission No. 1 of 2019 - Management of Plane Trees

Reference: D19/151249

Authoriser: Group Manager Chief Executive's Office

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Searle

1. That Council's resolution of 27 August 2019, being:

1. *That Council:*

- (a) *Note that this report was requested for the March/April 2019 meeting cycle;*
- (b) *Utilise the report commissioned by the City of Yarra, entitled "Plane Tree Review: an arboricultural assessment and report" (Tree Logic 2019), to inform and guide the City of Yarra's management of plane trees, effective immediately;*
- (c) *Update the City of Yarra Street Tree Policy (last reviewed in November 2014) before the end of 2019, utilising the above-mentioned report, and ensuring complementarity between the new Street Tree Policy and the current Urban Forest Strategy;*
- (d) *Introduce a new requirement into both the Urban Forest Strategy and the reviewed Street Tree Policy, to enshrine that the percentage of plane trees (as a proportion of our total street tree stock) not exceed a maximum percentage of 10%;*
- (e) *Halt new planting of all plane trees species until such time as the City of Yarra reduces its total plane tree stock to beneath 10%; and*
- (f) *A Council report in a year's time to assess the impact of this halt to plane tree planting.*

2. *That the CEO ensure that this resolution is circulated and explained to all staff involved in Yarra's tree planting, including any contractors and sub-contractors.*

be rescinded.

CARRIED

CALL FOR A DIVISION

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

Against: Councillors Coleman, Nguyen and O'Brien

Councillor Nguyen left the meeting at 8.30pm

Councillor Nguyen returned to the meeting at 8.33pm

12.2 Notice of Motion No. 14 of 2019 - Management of Plane Trees

Reference: D19/151257

Authoriser: Group Manager Chief Executive's Office

Public Submissions

The following people addressed Council on the matter:

Louise Elliot;

Carols Arribas;

Peter Tregloan; and

Peter Crawford.

Councillor O'Brien suggested an amendment to clause (g) "for review at a Council meeting at the earliest possible date", which was accepted by the mover and seconder.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Searle

1. That Council:

- (a) note the Officer report and the Tree Logic attachment regarding Plane trees;
- (b) note that the target percentage in the Urban Forest Strategy of no species being more than 5-10% of total tree stock is largely for ecological reasons in case of the incursion of any disease;
- (c) note that Plane trees in the municipality do provide a very significant positive impact to canopy cover but that the Plane tree species does at times cause property damage and does cause some health issues to some persons in the months of August to October;
- (d) notes that the target of 10% Plane tree population in Yarra is likely to be achieved by 2024/25 through the increase in tree plantings largely with other species;
- (e) notes that new plantings of Plane trees will only occur in key locations, with a net reduction in Plane tree numbers each year due to a greater number of removals than new plantings;
- (f) notes the alternate tree species to Plane trees for street planting, but not limited to those listed in the Tree Replacement Palette, will be planted throughout the streets of Yarra in new locations and also where existing Plane trees have been removed and it is not considered desirable to be replaced with a Plane tree; and
- (g) request officers to prepare an updated Street Tree Policy for review at a Council meeting at the earliest possible date which responds to concerns raised, and confusion expressed, in submissions on this report, and which more closely aligns with the Urban Forest Strategy 2017.

CARRIED

CALL FOR A DIVISION

For: Councillors Stone, Chen Yi Mei, Searle, Bosler, Nguyen and O'Brien

Against: Councillor Coleman

Conclusion

The meeting concluded at 10.55pm.

Confirmed Tuesday 24 September 2019

Mayor