



# Minutes

## Council Meeting

7.01pm, Tuesday 21 December 2021

Ms Teams

## 1. Statement of recognition of Wurundjeri Woi-wurrung Land

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

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

### Attendance

#### Councillors

- |                          |              |
|--------------------------|--------------|
| • Cr Sophie Wade         | Mayor        |
| • Cr Edward Crossland    | Deputy Mayor |
| • Cr Gabrielle de Vietri | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Claudia Nguyen      | Councillor   |
| • Cr Bridgid O’Brien     | Councillor   |
| • Cr Amanda Stone        | Councillor   |

#### Council officers

- |                    |  |
|--------------------|--|
| • Chris Leivers    | Interim Chief Executive Officer                                    |
| • Brooke Colbert   | Group Manager Advocacy and Engagement                              |
| • Ivan Gilbert     | Group Manager Chief Executive’s Office                             |
| • Lucas Gosling    | Director City Works and Assets and<br>Director Community Wellbeing |
| • Gracie Karabinis | Group Manager People and Culture                                   |
| • Diarmuid McAlary | Director Corporate, Business and Finance                           |
| • Bruce Phillips   | Director Planning and Place Making                                 |
| • Rhys Thomas      | Senior Governance Advisor  |
| • Mel Nikou        | Governance Officer   |

#### Municipal Monitor

- |                  |                   |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

#### Leave of absence

- |                   |            |
|-------------------|------------|
| • Cr Anab Mohamud | Councillor |
|-------------------|------------|

## 3. Announcements

No announcements were made.

#### 4. Declarations of conflict of interest (Councillors and staff)

No declarations were made.

#### 5. 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 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

##### **COUNCIL RESOLUTION**

**Moved:** Councillor de Vietri

**Seconded:** Councillor Nguyen

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

**CARRIED UNANIMOUSLY**

##### **Item**

##### **5.1 Borrowing from Treasury Corporation of Victoria**

This item is to be considered in closed session to allow consideration of private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains information that has been submitted on a commercial in confidence basis as part of a tender process.

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

## 6. Confirmation of minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Stone

That the minutes of the Council Meeting held on Tuesday 7 December 2021 be confirmed.

**CARRIED**

## 7. Public question time

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## 8. Council business reports

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## 9. Notices of motion

Item	Page	Res. Page
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9.2 Notice of Motion No. 17 of 2021 - Burnley Golf Course	22	22

## 10. Petitions and joint letters

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## 11. Questions without notice

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## 13. General business

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13.1 Councillor O'Brien - Heritage	31

## 14. Urgent business

Nil

## 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. A recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

<b>Questioner</b>	<b>Question</b>	<b>Refer to</b>
Virginia Noonan	When will Council stop paying lip-service to myself and the community regarding heritage issues and start working with us to ensure that we go to VCAT hearings with a reasonably collective voice and thus reduce the cost for rate payers and individuals?	The Mayor provided a response.  The Director Planning and Place Making also provided a response.

## 8.1 Elizabeth Street Protected Bike Lanes Trial

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<b>Reference</b>	D21/197506
<b>Author</b>	Simon Exon - Unit Manager Strategic Transport
<b>Authoriser</b>	Director Planning and Place Making

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### RECOMMENDATION

**Start time: 7.13pm**

1. That Council:
  - (a) notes the contents of the officers report on the Elizabeth Street protected bike lanes pilot and trial; and
  - (b) notes the options outlined for Council consideration, including abandoning the trial, or continuing with the trial at this stage for a further period in order to assess its performance with additional data.
2. That Council, having noted the officer report and options presented, now determine a course of action regarding the current pilot and trial protected bike lanes in Elizabeth Street, Richmond in order to provide direction to Council officers.
3. That, if this pilot and trial of protected bike lanes on Elizabeth Street is to continue for a further period of time, Council resolve as follows:
  - (a) to retain the current layout and configuration of the project as it currently exists including the specific width of the cycling lanes to provide lanes with maximum safety and passing manoeuvres on a strategic cycling route;
  - (b) to authorise the Director, Planning and Place Making to instruct staff to make minor adjustments to the trial, where appropriate, until Council forms an opinion on its future;
  - (c) that officers continue with the program of data collection and survey work to inform future Council decisions;
  - (d) that officers arrange a further pop up engagement event in the street in February 2022 targeted at the CALD community to gather further community opinions;
  - (e) to continue to run and monitor the *Your Say Yarra* web page regarding this trial; and
  - (f) note that officers will continue to provide updates to Councillors once further survey results are received.

### Public Submissions

*The following people addressed Council on the matter:*

*Helen Nguyen (with the assistance of a translator);*

*Diana I;*

*Tran Cuc (with the assistance of a translator);*

*Adam Promnitz;*

*Theresa Saldanha; and*

*Quang Truong (read by Rhys Thomas).*

## MOTION

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) notes the contents of the officers report on the Elizabeth Street protected bike lanes pilot and trial; and
  - (b) notes the options outlined for Council consideration, including abandoning the trial, or continuing with the trial at this stage for a further period in order to assess its performance with additional data.
2. That Council, having noted the officer report and options presented, now determine a course of action regarding the current pilot and trial protected bike lanes in Elizabeth Street, Richmond in order to provide direction to Council officers.
3. That, if this pilot and trial of protected bike lanes on Elizabeth Street is to continue for a further period of time, Council resolve as follows:
  - (a) to authorise the Director, Planning and Place Making to instruct staff to:
    - (i) make the following changes to the trial to allow both dedicated bike lanes and parking on both sides of Elizabeth St, until Council forms an opinion on its future; and
    - (ii) make the bike lane widths 1.7m east of Lennox St and 1.5m west of Lennox St; buffer width 0.6m east of Lennox St and 0.5m west of Lennox St; traffic lane to be 3.0m except for east bound on west side of Lennox St where it will be 2.9m; parking lane to be 2.1m; and noting the curb-to-curb width west of Lennox St is 14.1m and east of Lennox St is 14.8m;
  - (b) that officers continue with the program of data collection and survey work to inform future Council decisions;
  - (c) that officers arrange a further pop up engagement event in the street in February 2022 targeted at the CALD community to gather further community opinions;
  - (d) to continue to run and monitor the *Your Say Yarra* web page regarding this trial; and
  - (e) note that officers will continue to provide updates to Councillors once further survey results are received.

**LOST**

## CALL FOR A DIVISION

**For:** Councillors Jolly and O'Brien

**Against:** Councillors Stone, Crossland, de Vietri, Nguyen, Landes and Wade

## COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Crossland

1. That Council:
  - (a) notes the contents of the officer's report on the Elizabeth Street protected bike lanes pilot and trial; and
  - (b) notes the options outlined for Council consideration, including abandoning the trial, or continuing with the trial at this stage for a further period in order to assess its performance with additional data.
2. That Council notes the pilot trial is on a strategic cycling route to and from the central business district.

3. That Council note the significantly changed travel patterns in Melbourne over the past 18 months caused by the various COVID pandemic lockdowns, and acknowledges that this has impacted on the ability of the organisation to properly judge and assess the performance and usage of the protected bike lanes in Elizabeth Street, Richmond.
4. That Council resolve to extend the pilot trial and protected bike lanes in Elizabeth Street for a period of a further 12 months in order to enable a full and proper evaluation in a period of time that is less impacted by the changed travel patterns.
5. That Council further resolves, as follows:
  - (a) to retain the layout and configuration of the project as it currently exists including the specific width of the cycling lanes to provide lanes with maximum safety and passing manoeuvres on a strategic cycling route;
  - (b) to authorise Council officers to assess the suitability of establishing a temporary and or permanent (post trial) pedestrian crossing at Shelley Street, and to liaise with senior officers at the Department of Transport seeking to facilitate as deemed appropriate;
  - (c) to authorise Council officers to assess the suitability of improving lighting to both Regent Street and Shelley Street, between Elizabeth Street and Victoria Street, and to either facilitate this or engage with/ advocate to the responsible authority to facilitate this, if and as deemed appropriate;
  - (d) to authorise Council officers to liaise with senior State Government officials regarding the pending North Richmond Master Plan, which includes Elizabeth Street, and other relevant committees to advocate for improvements to local streets in this area regarding safety and amenity, as well as broader public realm enhancements;
  - (e) to authorise the Director, Planning and Place Making to instruct staff to make minor adjustments to the trial, where appropriate, until Council forms an opinion on its future;
  - (f) that officers continue with the program of data collection and survey work to inform future Council decisions;
  - (g) that officers arrange a further pop up engagement event in the street in February 2022 targeted at the CALD community to gather further community opinions;
  - (h) to continue to run and monitor the *Your Say Yarra* web page regarding this trial; and
  - (i) note that officers will continue to provide updates to Councillors once further survey results are received.

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Stone, Crossland, de Vietri, Nguyen, Landes and Wade

**Against:** Councillors Jolly and O'Brien

*The Mayor adjourned the meeting at 8.34pm*

*The meeting returned at 8.40pm*

*Councillor Landes left the meeting due to a conflict of interest on item 8.2.*

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## 8.2 Amendment C291yara - Bridge Road and Victoria Street built form provisions - Consideration of submissions

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**Reference** D21/159747  
**Author** Leonie Kirkwood - Project and Planning Coordinator  
**Authoriser** Director Planning and Place Making

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**RECOMMENDATION** **Start time: 8.41pm**

1. That Council:
  - (a) notes the officer report in relation to Amendment C291yara and the submissions received in relation to the exhibition stage;
  - (b) receives, notes and formally considers all submissions received in response to the public notice of Draft Amendment C291yara, completed in accordance with Stage 1 of the *Yarra Activity Centres Standing Advisory Committee* Terms of Reference dated 10 June 2021;
  - (c) notes and endorses the officer responses to the issues raised by submissions as outlined in this report and Attachments 2 and 3;
  - (d) adopts the recommended changes to draft Amendment C291yara, as outlined in this report and Attachments 2, 3, 4 and 5 for the purposes of Council's advocacy position before the *Yarra Activity Centres Standing Advisory Committee*;
  - (e) refers all submissions, including new or modified submissions in response to the further notice described in paragraph (f), response to those submissions and preferred version of draft Amendment C291yara as outlined in (c) and (d) above, to the Minister for Planning with a request to refer the draft amendment to the Standing Advisory Committee in accordance with clause 28 of the *Yarra Activity Centres Standing Advisory Committee* Terms of Reference dated 10/06/2021;
  - (f) writes to all land owners and occupiers directly affected by the recommended changes depicted in paragraph (c) to the DDO schedules and to all submitters to:
    - (i) advise of Council's decision to request the Minister for Planning to refer Draft Amendment C291yara to the *Yarra Activity Centres Standing Advisory Committee*;
    - (ii) advise of Council's position as stated in paragraph (c); and
    - (iii) advise that if they make a submission in relation to the recommended changes depicted in paragraph (c) prior to the Standing Advisory Committee commencing its hearing into the draft Amendment C291yara, the new or varied submission will be referred to the Minister with a request that it be referred to the Standing Advisory Committee; and
  - (g) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report.
2. That Council authorises the CEO to make any minor adjustments required to meet the intent of the above resolution.

Public Submissions

The following people addressed Council on the matter:

Georgina Kiriakakis;

Dylan Cross;

Rob Thomason;

Robyn Darby;

Aaron Roozenburg;

Victoria Chipperfield;

David Young; and

Georgina Kyiakopoulos.

**COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Nguyen

1. That Council:

- (a) notes the officer report in relation to Amendment C291yara and the submissions received in relation to the exhibition stage;
- (b) receives, notes and formally considers all submissions received in response to the public notice of Draft Amendment C291yara, completed in accordance with Stage 1 of the *Yarra Activity Centres Standing Advisory Committee Terms of Reference* dated 10 June 2021;
- (c) notes and endorses the officer responses to the issues raised by submissions as outlined in this report and Attachments 2 and 3;
- (d) adopts the recommended changes to draft Amendment C291yara, as outlined in this report and Attachments 2, 3, 4 and 5 for the purposes of Council's advocacy position before the *Yarra Activity Centres Standing Advisory Committee* with the following changes to apply to:
  - (i) In DDO44, in the Legend to Plan 2 – Access and Movement, delete the words 'Access not preferred' but retain the existing text which reads 'Burnley Street access may be considered depending on size of car park and discussions with Department of Transport'.
  - (ii) In DDO41-50, retain the requirement in 'Street wall requirements' that requires development to consider providing a corner splay at minimum of 1 x 1 metre at along the site's corner boundaries in locations where heritage is not a constraint, as exhibited.
  - (iii) In DDO41-50, amend 'Design Quality Requirements' to include the following: "New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes."
- (e) refers all submissions, including new or modified submissions in response to the further notice described in paragraph (g), response to those submissions and preferred version of draft Amendment C291yara as outlined in (c) and (d) above, to the Minister for Planning with a request to refer the draft amendment to the Standing Advisory Committee in accordance with clause 28 of the *Yarra Activity Centres Standing Advisory Committee Terms of Reference* dated 10/06/2021;

- (f) requests the Minister for Planning to ask the Standing Advisory Committee to consider the means of establishing greater clarity of what must be facilitated when preferred heights are exceeded and the appropriateness of the following criteria to vary discretionary height limits:
    - (i) Require or encourage applications that are a significant departure from the preferred height to be subject to the OVGA State Design Review Panel or a Council design review panel; and
    - (ii) address housing affordability.
  - (g) writes to all land owners and occupiers directly affected by the recommended changes depicted in paragraphs (c) and (d) to the DDO schedules and to all submitters to:
    - (i) advise of Council's decision to request the Minister for Planning to refer Draft Amendment C291yara to the *Yarra Activity Centres Standing Advisory Committee*;
    - (ii) advise of Council's position as stated in paragraph (c) and (d); and
    - (iii) advise that if they make a submission in relation to the recommended changes depicted in paragraph (c) and (d) prior to the Standing Advisory Committee commencing its hearing into the draft Amendment C291yara, the new or varied submission will be referred to the Minister with a request that it be referred to the Standing Advisory Committee; and
  - (h) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report.
2. That Council authorises the CEO to make any minor adjustments required to meet the intent of the above resolution.

**CARRIED**

*The Mayor adjourned the meeting at 9.43pm*

*The meeting resumed at 9.50pm*

*Councillor Landes returned to the meeting at 9.50pm*

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## 8.3 Amendment C293yara - Collingwood South DDO23 - Consideration of Submissions

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**Reference** D21/199723  
**Author** Joerg Langeloh - Project and Policy Coordinator  
**Authoriser** Director Planning and Place Making

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**RECOMMENDATION** **Start time: 9.50pm**

1. That Council:
  - (a) notes the officer report regarding Amendment C293yara in relation to the Collingwood South area;
  - (b) receives, notes and formally considers all submissions received in response to the public notice of draft amendment C293yara completed in accordance with Stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
  - (c) notes and endorses the officer response to the issues raised by submissions as outlined in this report and Attachments 1 and 2;
  - (d) adopts the recommended changes to draft Amendment C293yara, as outlined in this report and Attachments 1, 2 and 3 for the purposes of Council's advocacy position before the Yarra Activity Centres Standing Advisory Committee;
  - (e) refers all submissions, response to those submissions and preferred draft Amendment C293yara as outlined in (d) above to the Minister for Planning with a request to refer the draft amendment to the Standing Advisory Committee in accordance with Clause 28 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
  - (f) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report; and
  - (g) authorise the CEO to make any minor adjustments required to meet the intent of Resolution 1 of this report.

Public Submissions

*The following people addressed Council on the matter:*

*Alison Burkhardt and John Burkhardt;*

*Virginia Fazio;*

*Andrew Coles;*

*David Skitt;*

*Heather Shale; and*

*Sean Keogh.*

## MOTION

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

1. That Council:

- (a) notes the officer report regarding Amendment C293yara in relation to the Collingwood South area;
- (b) receives, notes and formally considers all submissions received in response to the public notice of draft amendment C293yara completed in accordance with Stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
- (c) notes and endorses the officer response to the issues raised by submissions as outlined in this report and Attachments 1 and 2;
- (d) adopts the recommended changes to draft Amendment C293yara, as outlined in this report and Attachments 1, 2 and 3 for the purposes of Council's advocacy position before the Yarra Activity Centres Standing Advisory Committee, with the following further changes to Attachment 3:
  - (i) Amend Map 1 to remove the block east of Oxford Street Reserve and bounded by Langridge, Cambridge and Derby Streets from Area 3 and include it in Area 2;
  - (ii) Amend Map 1 to reduce the maximum building height of the block referred to in paragraph (d) (i) from 27 metres to 14 metres to ensure it is more responsive to the lower scale heritage context along the south side of Derby Street, west of Cambridge Street; and
  - (iii) Amend Map 1 to reduce the maximum building height on land between and inclusive of 23-31 Derby Street, Collingwood, from 20 metres to 14 metres to ensure it is more responsive to the lower scale heritage context along the south side of Derby Street, west of Cambridge Street;
- (e) refers all submissions, response to those submissions and preferred draft Amendment C293yara as outlined in (d) above to the Minister for Planning with a request to refer the draft amendment to the Standing Advisory Committee in accordance with Clause 28 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
- (f) writes to all land owners and occupiers directly affected by the recommended changes depicted in paragraph (d) and to all submitters to:
  - (i) advise of Council's decision to request the Minister for Planning to refer Draft Amendment C293yara to the Yarra Activity Centres Standing Advisory Committee;
  - (ii) advise of Council's position as stated in paragraph (d); and
  - (iii) advise that if they make a submission in relation to the recommended changes depicted in paragraph (d) prior to the Standing Advisory Committee commencing its hearing into the draft Amendment C293yara, the new or varied submission will be referred to the Minister with a request that it be referred to the Standing Advisory Committee; and
- (g) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report; and
- (h) authorise the CEO to make any minor adjustments required to meet the intent of Resolution 1 of this report.

**LOST**

## CALL FOR A DIVISION

**For:** Councillors Jolly, Stone, O'Brien and de Vietri

**Against:** Councillors Crossland, Nguyen, Landes and Wade

*The Mayor used her casting vote against the motion.*

**LOST**

## COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor de Vietri

1. That Council:
  - (a) notes the officer report regarding Amendment C293yara in relation to the Collingwood South area;
  - (b) receives, notes and formally considers all submissions received in response to the public notice of draft amendment C293yara completed in accordance with Stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
  - (c) notes and endorses the officer response to the issues raised by submissions as outlined in this report and Attachments 1 and 2;
  - (d) adopts the recommended changes to draft Amendment C293yara, as outlined in this report and Attachments 1, 2 and 3 for the purposes of Council's advocacy position before the Yarra Activity Centres Standing Advisory Committee;
  - (e) refers all submissions, response to those submissions and preferred draft Amendment C293yara as outlined in (d) above to the Minister for Planning with a request to refer the draft amendment to the Standing Advisory Committee in accordance with Clause 28 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021; and requests the panel's attention to the issues raised in the large number of submissions relating to heights, which request the following changes;
    - (i) Amend Map 1 to remove the block east of Oxford Street Reserve and bounded by Langridge, Cambridge and Derby Streets from Area 3 and include it in Area 2;
    - (ii) Amend Map 1 to reduce the maximum building height of the block referred to in paragraph (e) (i) from 27 metres to 14 metres to ensure it is more responsive to the lower scale heritage context along the south side of Derby Street, west of Cambridge Street;
    - (iii) Amend Map 1 to reduce the maximum building height on land between and inclusive of 23-31 Derby Street, Collingwood, from 20 metres to 14 metres to ensure it is more responsive to the lower scale heritage context along the south side of Derby Street, west of Cambridge Street; and
  - (f) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report; and
  - (g) authorise the CEO to make any minor adjustments required to meet the intent of Resolution 1 of this report.

**CARRIED**

*The Mayor adjourned the meeting at 10.49pm*

*The meeting returned at 10.53pm*

**COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Wade

**Seconded:** Councillor de Vietri

That the meeting be further extended by 30 minutes.

**CARRIED**

## 8.4 Long Term Use of 12 Peel Street, Collingwood

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**Reference** D21/199071  
**Author** George Vass - Senior Coordinator Property Services  
**Authoriser** Group Manager Chief Executive's Office

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**RECOMMENDATION** **Start time: 10.53pm**

1. That Council:
  - (a) note the report; and
  - (b) authorises officers to commence a two (2) stage request for expressions of interest/ selective bid process for the 12 Peel Street building; inviting not for profit organisations (with or without capital funding) to participate.

Public Submission

*Jane Tonkin, Fitzroy Learning Network addressed Council on the matter.*

**COUNCIL RESOLUTION**

**Moved:** Councillor de Vietri **Seconded:** Councillor Jolly

1. That Council:
  - (a) note the report; and
  - (b) authorises officers to commence a two (2) stage request for expressions of interest/ selective bid process for the 12 Peel Street building; inviting not for profit organisations (with or without capital funding) to participate.

**CARRIED UNANIMOUSLY**

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## 8.5 Burnley Gardens Cottage - Community Consultation on Review of Future Use of the Premises

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**Reference** D21/202853  
**Author** Ivan Gilbert - Group Manager Chief Executive's Office  
**Authoriser** Group Manager Chief Executive's Office

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### **RECOMMENDATION**

**Start time: 11.02pm**

1. That Council:
  - (a) note the report;
  - (b) having regard to the strong indication of community support, determine to proceed with an Expression of Interest process to seek formal proposals on re-purposing of the building;
  - (c) in accordance with Council's 2019 resolution, appoint Councillors and some key stakeholders to join with Officers to:
    - (i) review the submissions and other outcomes of the initial consultation process; and then;
    - (ii) co-develop an expression of interest, for possible future use of the building;
  - (d) in respect of key stake-holders, appoint a group of twelve and to select nine community representatives who reside locally and regularly use or may be impacted by the park's function with the further three positions, included to ensure heritage (two positions) and environmental perspectives (one position) are considered;
  - (e) appoint the three Melba Ward Councillors to listen to and take part in discussion, but not participate in final decisions on community recommendations; and
  - (f) report back to Council on the final co-developed process and proposed way forward for possible re-purposing of the Burnley Cottage building.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) note the report;
  - (b) having regard to the strong indication of community support, determine to proceed with an Expression of Interest process to seek formal proposals on re-purposing of the building;
  - (c) in accordance with Council's 2019 resolution, appoint Councillors and some key stakeholders to join with Officers to:
    - (i) review the submissions and other outcomes of the initial consultation process; and then;
    - (ii) co-develop an expression of interest, for possible future use of the building;
  - (d) in respect of key stake-holders, appoint a group of twelve and to select nine community representatives who reside locally and regularly use or may be impacted by the park's function with the further three positions, included to ensure heritage (two positions) and environmental perspectives (one position) are considered;
  - (e) appoint the three Melba Ward Councillors to listen to and take part in discussion, but not participate in final decisions on community recommendations; and
  - (f) report back to Council on the final co-developed process and proposed way forward for possible re-purposing of the Burnley Cottage building.

**CARRIED UNANIMOUSLY**

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## 9.1 Notice of Motion No. 16 of 2021 - Requirement for Councillors Attending Council Meetings to be Fully Vaccinated

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<b>Reference</b>	D21/203378
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### **RECOMMENDATION**

**Start time: 11.08pm**

1. That Council:

- (a) note correspondence from The Minister for Local Government advising:
  - (i) that the Victorian state Parliament has passed a motion requiring all Members of Parliament to be fully vaccinated in order to attend Parliament as a further measure in a suite of actions to keep Victorians as safe as possible during this global pandemic; and
  - (ii) that Councils are able to pass resolutions on this matter in accordance with Division 2 of Part 3 of the Local Government Act 2020 and encourages all Councils to act in the best interests of their staff and communities by requiring all Councillors attending Council Meetings to be fully vaccinated;
- (b) confirms that:
  - (i) the current Yarra COVID-19 Vaccination Policy specifically covers Councillors working from Council facilities to be fully vaccinated; and
  - (ii) the proposed Yarra COVID-19 Workplace Vaccination Policy requires members of the public accessing facilities, including Council Meetings to be fully vaccinated; and
- (c) expresses support for the above policies.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor de Vietri

1. That Council:

- (a) note correspondence from The Minister for Local Government advising:
  - (i) that the Victorian state Parliament has passed a motion requiring all Members of Parliament to be fully vaccinated in order to attend Parliament as a further measure in a suite of actions to keep Victorians as safe as possible during this global pandemic; and
  - (ii) that Councils are able to pass resolutions on this matter in accordance with Division 2 of Part 3 of the Local Government Act 2020 and encourages all Councils to act in the best interests of their staff and communities by requiring all Councillors attending Council Meetings to be fully vaccinated;
- (b) confirms that:
  - (i) the current Yarra COVID-19 Vaccination Policy specifically covers Councillors working from Council facilities to be fully vaccinated; and
  - (ii) the proposed Yarra COVID-19 Workplace Vaccination Policy requires members of the public accessing facilities, including Council Meetings to be fully vaccinated; and
- (c) expresses support for the above policies.

**CARRIED UNANIMOUSLY**

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## 9.2 Notice of Motion No. 17 of 2021 - Burnley Golf Course

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**Reference** D21/203431  
**Author** Ivan Gilbert - Group Manager Chief Executive's Office  
**Authoriser** Group Manager Chief Executive's Office

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### RECOMMENDATION

**Start time: 11.10pm**

1. That Council:
  - (a) write to the local State Member for Richmond, The Hon Richard Wynne, and the Victorian Minister for Community Sport, The Hon Ros Spence, and The Hon Lily D'Ambrosio, the Victorian Minister for Energy, Environment and Climate Change:
    - (i) explaining the background, as outlined below; and
    - (ii) requesting that the State Government assist Council in funding the necessary works to ensure that the Burnley Golf Course no longer poses a serious and unacceptable risk from balls being hit beyond the boundary of the Golf Course and support the continuing role of Council as the Committee of Management for the Burnley Golf Course; and
  - (a) request a further report from Council Officers once a response from the State Government is received.

### COUNCIL RESOLUTION

**Moved:** Councillor de Vietri

**Seconded:** Councillor Crossland

1. That Council:
  - (a) write to the local State Member for Richmond, The Hon Richard Wynne, and the Victorian Minister for Community Sport, The Hon Ros Spence, and The Hon Lily D'Ambrosio, the Victorian Minister for Energy, Environment and Climate Change:
    - (i) explaining the background, as outlined below; and
    - (ii) requesting that the State Government assist Council in funding the necessary works to ensure that the Burnley Golf Course no longer poses a serious and unacceptable risk from balls being hit beyond the boundary of the Golf Course and support the continuing role of Council as the Committee of Management for the Burnley Golf Course; and
  - (b) request a further report from Council Officers once a response from the State Government is received.

**CARRIED**

## 10. Petitions and joint letters

### 10.1 Petition – Support of Planting of Street Trees in Strode Street, Richmond

Start time: 11.18pm

Reference: D21/205195

A petition from residents of Richmond containing 30 signatures are seeking:

Council plant street trees in Strode Street to provide amenity, enhance the street aesthetics and benefit the environment and that Council consider Strode Street in the next available planting cycle.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Landes

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

**CARRIED**

## 11. Questions without notice

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. A recording of the Council Meeting (including Questions Without Notice) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

### 11.1 Councillor Stone – Planning Scheme Amendment Update

Start time: 11.20pm

Question:

A lot of the submissions that we read tonight on both DDOs talked about increasing building sustainability and there is a lot of reference to that. Is there an update on the timeline for the planning scheme amendment on zero carbon on buildings?

*Response:*

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

## 12. Delegates' reports

### 12.1 Councillor O'Brien - Heritage Advisory Committee (HAC)

Start time: 11.24pm

<b>Committee</b>	Heritage Advisory Committee
<b>Appointed Councillors</b>	O'Brien, Crossland and Mohamud
<b>Date of Committee Meeting</b>	16 December 2021
<b>Date of Report</b>	21 December 2021
<b>Report Author</b>	Bridgid O'Brien

#### DELEGATES REPORT

The Committee met on 16 December 2021. Cr O'Brien and Cr Crossland were in attendance and provide this report to Council.

Agenda items for this meeting included:

1. Real estate agencies to include owner's obligations in Heritage Overlays

A paper was circulated to HAC prior to the previous meeting of 14.09.2020 and referring to the paper (attached), the following proposal was recommended:

**Yarra City Council writes to all real estate agencies operating in Yarra to note pre-sale works must be undertaken in accordance with Heritage Overlay requirements. Permits must be sought for works as required**

HAC agreed with the above proposal and deliberated further on the topic. HAC further recommended:

- Yarra City Council (YCC) write to all real estate agencies as suggested above, as soon as possible.
- YCC consider preparing Dos and Don'ts for various aspects of works on heritage properties citing good and bad examples to guide the community about what should be done and what is a good practice.
- Council include a regular small column on heritage in Yarra News and/or Yarra's E-newsletter. HAC members volunteered to prepare small regular contributions.

AA volunteered to write the first article.

2. Parliamentary Committee Enquiry on Local Planning – including heritage

IW provided a general overview and a point wise response to each topic under the terms of reference of the enquiry.

HAC's general view was the that the terms of reference for the enquiry are too broad.

**HAC's response and recommendation on each topic are as below:**

(a) *The adequacy of current criteria and processes for heritage protection*

The current criteria have been negotiated over some time and now seem to be working well, however, there is a need to improve the process of heritage protection. The level of documentation that is required in the statements of significance (SoS), in order to list a place in the planning scheme needs to be reviewed. Currently the SoS gets referred to and picked apart at the tribunal and if an item is not mentioned in a SoS, it's significance is often not considered in the decision making. This also

greatly inflates the cost of heritage studies to the point where they are becoming unaffordable.

(b) *Possible Federal involvement in heritage protection*

- There is a need that Federal government sets the standard for heritage protection so that similar standards are followed by each state and territory.
- Currently, the Federal government is managing places of national and world heritage significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Under this act, onus of referral of the matter to the Federal government is with the proponent of the development which in many cases has impacted the decision-making process. This process must be updated. Further, this process is exclusive and unrelated to the state and local planning permit processes. This adds another layer of complexity to the decision making. These processes must be reviewed and revised.

(c) *Separating heritage protection from the planning administration*

HAC does not support separating heritage protection from planning administration. Instead HAC recommends:

- There is need to improve the planning process. Many times there are differences between Heritage Victoria's (HV) position and Council's position on planning matters. These differences should be avoided before the matter is referred to or is being presented to VCAT.
- Where HV responds to a referral, HV should also be party to the proceedings of the VCAT Hearing.

(d) *Establishing a heritage tribunal to hear heritage appeals*

Instead of an independent Specialist Heritage Tribunal, heritage expert members should sit on hearings involving heritage issues. Members of the Heritage Council of Victoria's Appeals Committees could also be appointed to be a part of the pool of VCAT members.

(e) *The appointment of independent local and state heritage advisers*

- HAC was concerned about the quality and uptake of heritage adviser's advice when they are independent and not a part of the council; and recommend that councils should be encouraged to employ their own inhouse heritage advisers like planners and ESD advisers.
- When the heritage advisory service was first set up, this service was provided by Heritage Victoria (HV) and it might be well worth considering reverting to this model. When independent advisors were funded by HV (through heritage grants) and were administered by councils, HV had some control over the quality of the service and some protection to the independence of the advisor. HV should be able to provide funding for heritage advisers at least in regional and outer suburban areas.

(f) *The role of Councils in heritage protection*

Councils clearly have a very important role in the protection of heritage and overall, councils have done well in protection of heritage in the past. However, in recent years there seem to have been a change in attitude partly emanating from the State planning department itself. Until a few years ago, the default assumption was that a place on the heritage overlay would remain largely intact. This may still be true in most residential areas but no longer applies in other zones. The practice note tells us that internal

controls should be used sparingly but the lawyers seem to have convinced the tribunal that if there are no internal controls only what you can see from the street matters so if it is a parapeted terrace or shop-house only the front façade matters! This was certainly not the intention.

(g) *Penalties for illegal demolitions and tree removals*

- The recent amendment to the planning scheme that allows the minister to require reconstruction of buildings illegally demolished was supported.
- There are discussions about the need for preparation of a model local law on demolition by neglect. A priority should be given to introducing such a law in Yarra.
- In the absence of such a law at the State level, some councils (Geelong and Whittlesea) have introduced local laws. YCC should consider modifying its local laws to include penalties for demolition due to neglect during its next revision.
- Council can also investigate introducing differential rates, where people who do not maintain their heritage property have to pay a rate increase and those who maintain it well, get the benefit of a rate reduction.
- In addition to these topics, it was suggested that in view of the variable quality of municipal studies noted in the Heritage Council's review of local heritage that studies might be better commissioned by Heritage Victoria.
- It was noted that there is a discussion paper being prepared on a review of Res- Code and neighbourhood character which is likely to have serious implications.

3. Victorian Heritage Restoration Fund

RS informed that she has been working to prepare revised VHRF funding guidelines for Yarra's portion of the funds to focus towards maintaining and protecting heritage qualities of Yarra's activity centres in order to improve and revitalise YCC's activity centres in the post Covid-19 context.

EC mentioned that he has undertaken a comparative analysis of various funding models of different councils and has provided the report to RS. Simplifying the funding and including additional items such as painting and lighting etc. as done in case of City of Boroondara would help improve the heritage qualities of activity centres and would enhance its sense of place.

RS explained that the new model would focus on utilising YCC's contributions (general pool and the strategic projects) towards revitalisation of activity centres for at least next two years. She also mentioned that this program would benefit if YCC's contribution in the coming year is increased from \$80,000 annually to \$100,000 at least as the VHRF contributions also incorporate a component of admin and assessment fee to the National Trust for the management of the funds.

4. Future use of Burnley Cottage

TN requested clarification if there is a threat of demolition of the Burnley Cottage.

IG clarified that there is no threat to its demolition. In the past consultation, almost 90% of consultation responses have indicated their preference that the cottage should be repurposed. Council is therefore proactively looking for an option to reuse the cottage in the future and avoid any demolition. Early in the new year there will be an EoL for the reuse of the cottage.

Two heritage specialists will be involved in the committee. There will also be a café element in the proposal.

LC informed that the site has the potential of having some unlisted archaeological objects. Appropriate measures will have to be in place during the works.

*That council make a note that potential archaeological objects may be found on the site.*

5. Updates:

Yarra's Heritage Officer provided an update on following items:

- The planning scheme amendment Am 269
- Yarra's Budget 2022-23 consultation

6. Other Matters:

*Interpretation strategy and signage design for the Gas and Fuel site*

HAC recommended that Council include HAC representatives and a local community member Glenn McCallum (who is a part of the local group on Gas and Fuel site) in the discussions for the development of an interpretation strategy and signage design for the Gas and Fuel site.

## **COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Crossland

1. That Council:

- (a) note this Delegate's Report; and
- (b) thank the Heritage Advisory Committee members for their expertise and advice.

**CARRIED UNANIMOUSLY**

## **ATTACHMENT**

HAC 14.09.2021

### **Agenda item 8 – Unpermitted works within heritage overlays prior to property sales**

**Recommendation:** Yarra City Council writes to all real estate agencies operating in Yarra to note pre-sale works must be undertaken in accordance with Heritage Overlay requirements. Permits must be sought for works as required.

#### **Context/Background**

Works are quickly organized for properties pre-sale by real estate agencies (or vendors) to improve the aesthetic appearance of a property, particularly where the property has previously been leased to tenants.

From a rudimentary survey of Richmond in 2020/21, permits are often avoided for these works, due to cost, time involved, and sometimes lack of knowledge about the requirement to seek a permit (usually by owner-occupiers rather than agents). Examples in attached photos.

Ranges from minor (repainting in like or same colours) to significant (damage to fabric; removal of doors, destruction of tuckpointing etc.).

#### **Implications**

- Inconsistency and non-compliance with the Heritage Overlay.

- Work can be conducted by non-specialist maintenance/handyman who conduct general maintenance for property managers, without a proper assessment or expertise.
- Damage to property, and use of inappropriate materials, causing further damage. E.g. cement mortar on soft brick; poor repointing on original roof tiles; unpainted surfaces painted with acrylic; instant mortar used as sealant. This also creates further issues in undoing inappropriate work, and masking any significant property issues.
- Disincentive for other residents in seeking permits.

#### Issues for consideration

- Processing delays. There is a protracted processing time to apply for a planning permit from Yarra Council. Residents also have a perception that permits are for revenue raising; and requests for information are a mechanism for council to delay processing due to understaffing. If all potential sales in Yarra began applying for permits through YCC, what is the workload implication?  
*Potential mitigation: could expedited permits be possible for some HO properties for basics like paint in precincts or properties with a colour scheme? Council could prepare guidance including “do not paint unpainted surfaces”, etc.? E.g. if repainting in same colour; if repainting in line with the Victorian colour guide <https://vicsmartguide.com.au/vicsmart-planning-permit/application-forms-checklists/heritage-house-style-and-paint-colour-schemes>, accompanied by a statutory declaration.*
- Perceived impact on vendors. The Heritage Overlay process already deals with this; seeking permits is already a requirement.

#### Example 1.



Sold June 2021. New fence, repainted, new front path.

#### Example 2.





Property going to sale in October 2021 (advised by vacated tenants). Paint controls in place, but property is being repainted. This roof ‘repointing’ was ‘done’ with cement mix in 35 minutes. This property also has the only original verandah/frontage on this side of the street (former estate), and the metal frame has been repainted.

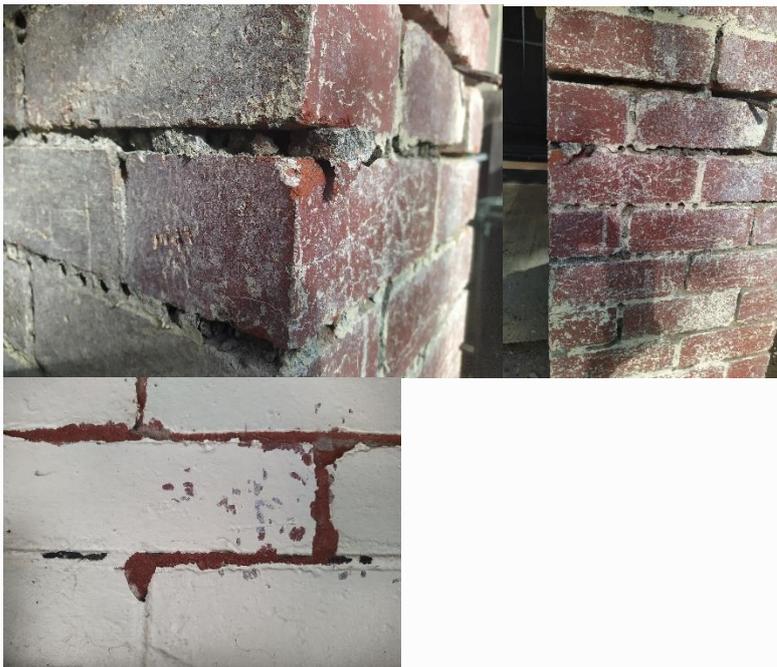
Example 4.



Clifton Hill. Sold July 2021. HO316

Example 5.

Damage to brickwork from application of acrylic paint on limewashed brick, and over existing tuckpointing. Paint controls in place. Lime mortar gaps patched with cement. Painted prior to sale in 2018. Gate latch also drilled into original brick pillar on verandah.



## 13. General Business

### 13.1 Councillor O'Brien - Heritage

Start time: 11.29pm

#### MOTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Crossland

1. That in relation to the following items referenced in the Heritage Advisory Committee Delegate's December 2021 report, Council:
  - (a) Re Owner's Obligations in Heritage Overlay Areas:
    - (i) writes to all real estate agencies operating in Yarra to note that pre-sale works must be undertaken in accordance with Heritage Overlay requirements, including that permits must be sought for works as required;
    - (ii) YCC prepares a "Dos and Don'ts" for various aspects of works on heritage properties citing good and bad examples to guide the community about what should be done and what is good practice; and
    - (iii) Council include a regular column on heritage in Yarra News and / or Yarra's E-newsletter.
  - (b) Re Parliamentary Committee Enquiry on Local Planning – including heritage:
    - (i) Include HAC's recommendations in Yarra's submission for each topic under the terms of reference of the enquiry.
  - (c) Re Burnley Cottage:
    - (i) Put in place appropriate measures during any works undertaken at the cottage, to manage any unlisted archaeological objects that may be discovered.
  - (d) Re Interpretation strategy and signage design for the Gas and Fuel site:
    - (i) Advocate for HAC representatives and a local community member to be included in discussions for the development of an interpretation strategy and signage design for the Gas and Fuel site.

#### AMENDMENT

**Moved:** Councillor Wade

Removing clauses (a), (c), (d) and rewording (b).

1. That in relation to the following items referenced in the Heritage Advisory Committee Delegate's December 2021 report, Council:
  - (a) Re Parliamentary Committee Enquiry on Local Planning – including heritage:
    - (i) In the submission by Council officers in respect to the terms of reference of the enquiry, that officers also make mention of the Yarra City Councils Heritage Advisory Committee (HAC) comments in relation to the various topics as outlined in the Delegates Report.

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

**COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Crossland

1. That in relation to the following items referenced in the Heritage Advisory Committee Delegate's December 2021 report, Council:
  - (a) Re Parliamentary Committee Enquiry on Local Planning – including heritage:
    - (i) In the submission by Council officers in respect to the terms of reference of the enquiry, that officers also make mention of the Yarra City Councils Heritage Advisory Committee (HAC) comments in relation to the various topics as outlined in the Delegates Report.

**CARRIED UNANIMOUSLY**

**Conclusion**

The meeting concluded at 11.35pm.

Confirmed Tuesday 25 January 2022

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Mayor