



Ordinary Meeting of Council Minutes

**held on Tuesday 17 October 2017 at 7.00pm
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."

1.A. Vale - Paul Farren

I raise a motion of condolence to mark the death of legendary bicycle historian and collector in the City of Yarra, Paul Farren, who died on Thursday 5th October, after a 5 year struggle with cancer.

With his wife Charlie, Paul Farren was a legendary collector of vintage bicycles known not only in Australia, but world-wide. The Paul & Charlie Farren bicycle collection housed in Richmond is one of the top 5 vintage bicycle collections in the world, with over 200 bicycles, all pre-dating 1905. This invaluable collection of vintage bikes, acquired and restored from world-wide sources, was the subject of a recent book ***"The Bicycle through Time, the Farren Collection"***.

On very rare occasions, the Paul and Charlie Farren private bike collection in Richmond has been opened to the public for a few hours.

Farren, who never wore a helmet, was often seen cycling in a bowler hat to match his vintage clothing and one or other of his vintage bikes.

Yarrabug honoured Paul Farren with a 3CR feature on his life, and a Paul Farren film night. A further celebration of his life will be held at The Terrace tearooms in the Botanic Gardens on 22 November.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor McEvoy

That Council notes the extraordinary contribution of Paul Farren to the promotion and heritage of cycling and that the Mayor write to Abbotsford Cycles asking that Council's condolences be passed on to his widow, Charlie Farren, his family, and friend at Abbotsford Cycles and the Vintage Cycle Club.

CARRIED

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

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

Apology

- Cr Misha Coleman

Leave of absence

Councillor Chen Yi Mei requested leave of absence on Tuesday 31 October and Tuesday 21 November 2017.

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

Councillor Nguyen declared a conflict of interest on items 11.2 and 11.3.

Councillor Stone declared a conflict of interest on items 11.3.

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Matters prejudicial to Council and/or any person
- 4.3 Matters relating to the security of Council property

Confidential business reports

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

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

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

CARRIED

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

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

That the minutes of the Ordinary Council Meeting held on Tuesday 3 October 2017 be confirmed.

CARRIED

6. Petitions and joint letters

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6.2	Petition - Support Hoddle Street Retail: Stop the 24/7 Hoddle Street Clearway	7	7

7. Public question time

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8. General business

Nil

9. Delegates' reports

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10. Questions without notice

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12. Notices of motion

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Petition - Objection to the development at 16A-17A, 64 Balmain Street, Cremorne - PLN17/0389

Reference: D17/163213

A petition containing 162 from residents of Cremorne are objecting to the overdevelopment of mixed use/commercial property where it abuts residential zones in Cremorne including the proposed 9 storey office at 16A-17A, 64 Balmain Street, Cremorne.

Residents are requesting that Council consider a balance between the rights of developers and the rights of residents to retain reasonable amenity, including sunlight, privacy and access to safe pedestrian, cycling and vehicle access to residential homes and on-street parking.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Chen Yi Mei

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

CARRIED

6.2 Petition - Support Hoddle Street Retail: Stop the 24/7 Hoddle Street Clearway

Reference: D17/163207

A petition containing 20 signatures from local business owners and residents wish to inform the City of Yarra that they oppose the VicRoads 24/7 Clearway proposal for a number of reasons including:

- The timeline of the project and its outcomes is insufficient for the local community and local businesses to adjust their parking requirements
- The level of consultation with local residents and business owners has been insufficient
- The financial impact of the proposed changes on local businesses has not been considered
- The proposal is blanket approach that has not adequately investigated traffic conditions within each sub-section of Hoddle Street and has simply labelled it as a traffic issue in all directions and intersections at all times, that is simply not the case.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Bosler

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

CARRIED

7. Public question time

7.1 Mr Herschel Landes - Open Space/ FOI Request/ Parking Sensor Data

Question:

In 2016, Council transferred approximately \$17mil from a restricted reserve for public open space and transferred it to its general reserve. Documents received under FOI showed that the opening balance for the reserve that year was \$12mil and annual contributions of \$5mil left \$17 mil at the end of 2015/16 and this amount was put in Council's general reserve without full and transparent explanation.

I have sought an FOI application to receive reports that pertain to the Council \$17mil transfer and I disagree with the decision that these documents should not be made available due to some form of privilege and am of the view that this documentation is of public interest.

Will Council release these documents?

Can Council please provide the open source data from the parking sensors so that we can understand what's happening in Bridge Road?

Response:

The Mayor and Chief Executive Officer responded to the first question.

The Acting Director Corporate Business and Finance responded to the second question.

7.2 Ms Helen Foley - Station Street Closure

Question:

Yarra City Council Officers have recommended that Station Street not be closed between Princess Street and Station Street. Yarra Council has rejected that recommendation and voted to continue the proposal subject to local community support. Council have considered other traffic management options for Station Street apart from the ineffective, unfair and costly closure at Station Street and Princess Street, a view based on a GTI report, Yarra Officers and a lot of the local residents in Station Street.

Response:

The Mayor and Chief Executive Officer responded

7.3 Mr Raymond Brooks - Station Street Closure

Question:

Yarra Council has rejected the evidence based recommendation of its officers to not close Station Street at its intersection with Princess Street, to what is called a traffic diversion experiment.

Will Council confirm firstly that all residents living within the North Carlton precinct will be included in the consultation process and secondly sufficient information will be provided relating to the benefits and costs that are expected to flow from the closure, as well as information indicating expenditure to date on the experiment at this stage estimated to be an additional \$30k over and above the \$50k already spent?

Response:

The Chief Executive Officer responded.

8. General business

Nil

9. Delegates' reports

9.1 Room to Create Panel

Committee	Room to Create Panel
Appointed Councillors	Cr McEvoy, Cr Chen Yi Mei (apology)
Date of Meeting	10 October 2017
Date of Report	17 October 2017
Report Author	Cr McEvoy

The Room to Create Program offers support for creative organisations to stay in Yarra. Through advocacy, grants and including a charitable fund (Room to Create fund charitable fund account of the Lord Mayor's Charitable Foundation) various forms of support are offered to the creative sector to face the challenges of the changing Yarra landscape.

A number of events, projects and additions to the Room to Create program have supported the local sector and raised the profile of the program.

- Recently Council has partnered with the Lord Mayor's Charitable Foundation and Dancehouse to provide funding to undertake works at Dancehouse to create a new dance studio known as Skylab. The studio has proven to be a well-used addition to the venue which is Victoria's home of contemporary dance.
- A Room to Create awareness raising event at Bus Projects also assisted the gallery, part of the Rokeby Street precinct.
- The new Room to Create Responsive Grant Program is now open and provides funds for goods and/or services that will assist creative space to operate in Yarra.

A new artist residency program is being piloted, activating under-utilised Council venue spaces to provide short term working spaces for artists. Spaces within: Hugo Wertheim Studio One, Williams Reserve and Florence Peel Centre are currently being trialled. Artists involved range in art forms including film making, Indigenous artefact workshops and mixed media.

The Room to Create Fund which was launched by Council in 2014, is a charitable fund of the Lord Mayors Charitable Foundation. The Fund currently has \$30,000 interest accrued and this interest is available for granting. The panel has agreed to distribute this as a strategic allocation, either as a single grant or two grants to ensure it creates greater impact, legacy and partnership. The panel directed officers to develop proposals for consideration.

The panel also discussed fundraising opportunities and ways to build the fund and develop donor relationships.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Fristacky

That Council note this Delegates' Report.

CARRIED UNANIMOUSLY

9.2 Waste and Recycling Working Group

Committee	Waste & Recycling Working Group
Appointed Councillors	Cr Mike McEvoy
Date of Meeting	17 August 2017 & 5 October 2017
Date of Report	17 October 2017
Report Author	Cr Mike McEvoy

The Waste & Recycling Working Group was established as a subcommittee of the Yarra Environment Advisory Committee earlier this year. After terms of reference were developed, a small, passionate group of Yarra community members with an interest and expertise in waste and recycling matters first met on August 2017.

The committee has already provided Council officers with valuable feedback and insight into the organic waste recycling trial that is soon to commence.

A group of 400 households has been identified in Abbotsford and are now being invited to become a 'food scraps champion' and take part in phase one of the trial – a weekly food scraps recovery service. This area has been identified as a representative sample of the Yarra community – a mini Yarra if you like. It comprises a mix of housing types and a mix of demographics.

Tubs will be delivered to the selected households on Saturday November 11 and collection of food scraps will commence on Tuesday November 14. There is an information session at Gahan Reserve in Abbotsford on Saturday October 28 and residents will receive contact from Council staff to prepare them for the trial.

During the course of this first trial Council officers will be collecting a range of data and feedback from participating and non-participating residents in order to understand what measures will make City-wide food waste collection most successful if and when we roll it out in the future.

Given that food waste makes up almost 50% of household waste, the Food Know How program and this recovery and recycling project has the potential to save households money, and significantly reduce the greenhouse gas emissions that are generated from both the transport and disposal of food waste in landfill.

The members of the Waste and Recycling Working Group are very excited to see this first important step occurring.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Bosler

That Council note the Delegates' Report.

CARRIED UNANIMOUSLY

10. Questions without notice

10.1 Cr Searle - Urban Agriculture Position

Question:

The Urban Agriculture Facilitator position is currently vacant and has been for a while now and wondering at what stage of the process is this at when we can expect it to be filled?

Response:

The Director Planning and Place Making advised it is currently being worked through with the Assistant Director Planning and Place Making who is dealing with the matter and would confirm the details with Councillors.

10.2 Cr Fristacky - Princes Hill Traffic Safety

Question:

In light of representations on 13 October to Nicholls Ward Councillors by a resident of Princes Hill who was nearly hit by a speeding car on McPherson Street, Princes Hill, could advice be provided to Ward Councillors regarding action taken on the following road safety measures approved by Council at its 2 February 2016 Council meeting:

- Additional 40km/h signage and pavement markings on McPherson Street;
- Request to Victoria Police for enforcement of the 40 km/h speed maximum;
- Innovative features such as painted T deviations for a 12 month trial on McPherson Street;
- Representations to VicRoads to reduce the speed limit from 60km/h to 50 km/h on Lygon Street;
- Request to Yarra Trams to improve safety improvements at tram stops on Lygon Street, Princes Hill/North Carlton;
- Request to Moreland to improve crossing safety for the Capital City Trail at Lygon Street; and
- Request to Melbourne City Council to install a priority crossing for the Capital City Trail at Bowen Crescent.

Response:

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

10.3 Cr McEvoy - Toilets in Edinburgh Gardens

Question:

I know that over summer we hire porter loos for Edinburgh Gardens. I was at the gardens on the weekend and there were large ques for the toilets. When this year can we expect the porter loos to be placed in the gardens?

Response:

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

11.1 Amendment C191 - Swan Street Activity Centre

Trim Record Number: D17/156154

Responsible Officer: Senior Coordinator Strategic Planning

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the Swan Street Activity Centre;
 - (b) note the supporting Swan Street Heritage Built Form Review prepared by GJM Heritage and the Traffic, Access and Movement Review prepared by Traffix;
 - (c) endorse the Swan Street Activity Centre Built Form Framework as a basis for Amendment C191;
 - (d) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the Design and Development Overlay Schedule 17 on an interim basis; and
 - (e) seek authorisation from the Minister for Planning to prepare Amendment C191 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if authorisation is received from the Minister for Planning, Council exhibit Amendment C191 in accordance with Section 19 of the Act.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Nguyen

1. That Council:
 - (a) note the officer report on the Swan Street Activity Centre;
 - (b) note the supporting Swan Street Heritage Built Form Review prepared by GJM Heritage and the Traffic, Access and Movement Review prepared by Traffix;
 - (c) endorse the Swan Street Activity Centre Built Form Framework as a basis for Amendment C191;
 - (d) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*, to introduce the Design and Development Overlay Schedule 17 on an interim basis; and
 - (e) seek authorisation from the Minister for Planning to prepare Amendment C191 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if authorisation is received from the Minister for Planning, Council exhibit Amendment C191 in accordance with Section 19 of the Act.
3. That subject to clause 2 above, note that the community consultation during the exhibition and consideration of the proposed amendment will include:
 - (a) public exhibition of the proposed amendment for 6 weeks in accordance with the requirements of the *Planning and Environment Act 1987*;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;

- (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
- (e) consideration of community submissions with a report provided to Council;
- (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
- (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

CARRIED UNANIMOUSLY

11.2 Investing in Community Grants 2018-2020 Recommendations Report

Trim Record Number: D17/121162

Responsible Officer: Community Partnerships Unit Manager

Councillor Nguyen left the meeting at 8.09pm due to a conflict of interest

RECOMMENDATION

1. That Council:
 - (a) endorse the recommendations of the Community Panel for the Investing in Community Grants 2018-2020 as outlined in Attachment 1; and
 - (b) formally thank the Investing in Community panel for their voluntary contribution to the grants assessment process.

Councillor Jolly left the meeting at 8.12pm

Councillor Jolly returned to the meeting at 8.14pm

COUNCIL RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Fristacky

1. That Council:
 - (a) endorse the recommendations of the Community Panel for the Investing in Community Grants 2018-2020 as outlined in Attachment 1; and
 - (b) formally thank the Investing in Community panel for their voluntary contribution to the grants assessment process.

CARRIED UNANIMOUSLY

11.3 Annual Grants 2018 Recommendations Report

Trim Record Number: D17/154121

Responsible Officer: Community Partnerships Unit Manager

Councillor Stone left the meeting at 8.15pm due to a conflict of interest.

Councillor Searle assumed the Chair.

RECOMMENDATION

1. That Council:
 - (a) endorse the recommendations of the Annual Grants 2018 Community Panels for the allocation of funding to eligible organisations for a total amount of \$842,374 as outlined in Attachment 1; and
 - (b) formally thank the Annual Grants Community Panels for their voluntary contribution to the grants assessment process.

Public Submission

Mr Andrew Tran addressed Council on the matter.

MOTION

Moved: Councillor Jolly

Seconded: Councillor Bosler

That the item be deferred to the next Council meeting.

LOST

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) endorse the recommendations of the Annual Grants 2018 Community Panels for the allocation of funding to eligible organisations for a total amount of \$842,374 as outlined in Attachment 1; and
 - (b) formally thank the Annual Grants Community Panels for their voluntary contribution to the grants assessment process.

CARRIED

Councillor Stone and Cr Nguyen returned to the meeting at 8.32pm

11.4 Update on Council's Syringe Management Services

Trim Record Number: D17/128333

Responsible Officer: Community Partnerships Unit Manager

RECOMMENDATION

1. That Council:
 - (a) notes that although the number of syringes collected via sweeps has almost doubled, this is offset by the decrease in the number of syringes collected via community request, and that the overall increase in syringes collected is around 11%;
 - (b) notes the current activity in this space, including Department of Health & Human Services' contract with cohealth and the installation of CCTV along Victoria and Lennox Streets, is impacting or is likely to impact on Council's syringe management services;
 - (c) notes that given the current activity in this space, it is inadvisable to make any changes to Council's syringe management services contract at this point in time; and
 - (d) notes that the contract manager will continue to monitor the situation and update Council as needed.

Public Submission

Mr Alan Choong addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Chen Yi Mei

1. That Council:
 - (a) notes that although the number of syringes collected via sweeps has almost doubled, this is offset by the decrease in the number of syringes collected via community request, and that the overall increase in syringes collected is around 11%;
 - (b) notes the current activity in this space, including Department of Health & Human Services' contract with cohealth and the installation of CCTV along Victoria and Lennox Streets, is impacting or is likely to impact on Council's syringe management services and data collection;
 - (c) notes that given the current activity in this space, it is inadvisable to make any changes to Council's syringe management services contract at this point in time;
 - (d) notes that the contract manager will continue to monitor the situation and update Council as needed; and
 - (e) Officers provide an update on of this report to Council in 6 months following the completion of the installation and operation of CCTV.

CARRIED

11.5 Proposed Discontinuance of Road abutting the rear of 27 Rushall Crescent, Fitzroy North

Trim Record Number: D17/149584

Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road at the rear of 27 Rushall Crescent Fitzroy North, which is shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review, the Age, Council's social media and each Adjoining Owner;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owners of the land known as 27 Rushall Crescent, Fitzroy North for market value (plus GST); and
 - (d) authorises the Valuations Co-ordinator Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 233 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act, is to be published in the *Victoria Government Gazette*.
 - (c) Directs that, once discontinued, the Road be transferred to the owners of the land known as 27 Rushall Crescent, Fitzroy North, for no less than the market value (plus GST) as determined by the Act;
 - (d) Directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners; and
 - (e) That any easements, rights or interests required to be created or saved over the Road by any authority, be done so and not be affected by the discontinuance and sale.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Bosler

1. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road at the rear of 27 Rushall Crescent Fitzroy North, which is shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review, the Age, Council's social media and written notice to each adjoining owner;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owners of the land known as 27 Rushall Crescent, Fitzroy North for market value (plus GST); and
 - (d) authorises the Valuations Co-ordinator Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 233 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act, is to be published in the *Victoria Government Gazette*.
 - (c) Directs that, once discontinued, the Road be transferred to the owners of the land known as 27 Rushall Crescent, Fitzroy North, for no less than the market value (plus GST) as determined by the Act;
 - (d) Directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners; and
 - (e) That any easements, rights or interests required to be created or saved over the Road by any authority, be done so and not be affected by the discontinuance and sale.
3. That should submissions be received that Council receive a report and hear submissions.

CARRIED

11.6 Proposed Discontinuance of Road between 2 and 6 Fitzgibbon Street, Cremorne

Trim Record Number: D17/152678

Responsible Officer: Chief Financial Officer

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act* 1989 (**Act**):
 - (a) resolves that the required statutory procedures be commenced to discontinue the road between 2 and 6 Fitzgibbon Street, Cremorne, which is shown marked as lot 1 on the title plan attached as Attachment 1 to the report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review, The Age and Council's social media;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the Adjoining Owner for market value (plus GST); and
 - (d) appoints the Valuations Coordinator Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the Owner for no less than its market value (plus GST);
 - (d) directs that the CEO signs any transfer of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner; and
 - (e) that any easements, rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance and sale.

COUNCIL RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road between 2 and 6 Fitzgibbon Street, Cremorne, which is shown marked as lot 1 on the title plan attached as Attachment 1 to the report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Weekly Review, The Age and Council's social media and written notice to each adjoining owner;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the Adjoining Owner for market value (plus GST); and
 - (d) appoints the Valuations Coordinator Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the Owner for no less than its market value (plus GST);
 - (d) directs that the CEO signs any transfer of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner; and
 - (e) that any easements, rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance and sale.
3. That should submissions be received that Council receive a report and hear submissions.

CARRIED UNANIMOUSLY

11.7 Annual Report of the Yarra City Council 2016/17

Trim Record Number: D17/154502

Responsible Officer: Group Manager Chief Executive's Office

RECOMMENDATION

1. That Council:
 - (a) receive the Annual Report of the Yarra City Council 2016/17, provided here as Attachment 1; and
 - (b) note the lodgement of the audited 2016/17 Performance Statement and Governance and Management checklist data contained in the Annual Report with the Department of Environment Land, Water and Planning in accordance with the Local Government Performance Reporting Framework requirements.

REVISED OFFICER RECOMMENDATION

1. That Council:
 - (a) receive the Annual Report of the Yarra City Council 2016/17, provided here as Attachment 1;
 - (b) endorse the Annual Report as attached, incorporating a replacement page 135 as tabled at this meeting and minor typographical and administrative changes; and
 - (c) note the lodgement of the audited 2016/17 Performance Statement and Governance and Management checklist data contained in the Annual Report with the Department of Environment Land, Water and Planning in accordance with the Local Government Performance Reporting Framework requirements.

COUNCIL RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

1. That Council:
 - (a) receive the Annual Report of the Yarra City Council 2016/17, provided here as Attachment 1;
 - (b) endorse the Annual Report as attached, incorporating a replacement page 135 as tabled at this meeting and minor typographical and administrative changes; and
 - (c) note the lodgement of the audited 2016/17 Performance Statement and Governance and Management checklist data contained in the Annual Report with the Department of Environment Land, Water and Planning in accordance with the Local Government Performance Reporting Framework requirements.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 20 of 2017 - Celebrating Richmond Football Club's 2017 AFL Grand Final Win

Trim Record Number: D17/160667

Responsible Officer: Group Manager Chief Executive's Office

MOTION

Moved: Councillor Nguyen

Seconded: Councillor Bosler

1. That Yarra City Council:

- (a) extend special congratulations to the Richmond Football Club on its winning of the 2017 AFL Grand Final;
- (b) as a signature to the Club's community supported premiership achievement after many years, enact the permanent placement of banners at the Richmond Town Hall, through to commencement of the 2018 AFL Final Series; and
- (c) request Officers to report back to Council, including any other options for commemorating the achievement.

LOST

CALL FOR A DIVISION

For: Councillors Jolly, Chen Yi Mei, Bosler and Nguyen

Against: Councillors Fristacky, Stone, McEvoy and Searle

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor McEvoy

1. That Yarra City Council:

- (a) extend special congratulations to the Richmond Football Club on its winning of the 2017 AFL Grand Final; and
- (b) request Officers to report back to Council, including any other options for commemorating the achievement.

CARRIED

Conclusion

The meeting concluded at 9.23pm.

Confirmed Tuesday 31 October 2017

Mayor