



Ordinary Meeting of Council Minutes

**held on Tuesday 16 December 2014 at 7.00 pm
at the Richmond Town Hall**

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land. Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

1A. Announcement

The Mayor called for a minute silence in respect of the terrorist incident in Martin Place, Sydney.

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Phillip Vlahogiannis (Mayor)
- Cr Jackie Fristacky
- Cr Geoff Barbour
- Cr Roberto Colanzi
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Ivan Gilbert (Executive Manager Chief Executive’s Office)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Margaret Elvey (Governance Officer)
- Mel Nikou (Governance Officer)

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

Nil

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Matters prejudicial to Council and/or any person

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 Colanzi

Seconded: Councillor Barbour

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) contractual matters; and
 - (b) matters prejudicial to Council and/or any person.
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

Refer to Minutes of the Special Meeting of Council held on Monday 15 December 2014.

6. Petitions and joint letters

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8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

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12. Notices of motion

Nil

13. Urgent business

Nil

6. Petitions and joint letters

6.1 Special Charge to property owners abutting Perry Street, Alphington

D14/171421

A petition containing 33 signatures has been received from residents requesting that Council bear the full cost of infrastructure works for the repair and/or reconstruction of Perry Street. Residents do not believe that Council should impose a special levy for the works needed to property owners who own land or abut Perry Street.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the petition be received and referred to the appropriate Officer for action.

CARRIED

6.2 Zoning Status of Stafford Street, Abbotsford

D14/171426

A petition containing 49 signatures has been received from residents requesting that Council zone Stafford Street as a 'Neighbourhood Residential Zone' status and not 'General Residential Zone' status as is proposed in the new planning scheme.

Residents believe that Stafford Street is identical in neighbourhood character and heritage value as the rest of the neighbourhood.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the petition be received and referred to the appropriate Officer for action.

CARRIED

7. Public question time

7.1 Ms Rose Elliot - Site on the corner of Brunswick and Westgarth Streets

Question:

Can Council defer anyone occupying this site so that the area can either be developed as a seating area and/or for any sculptured artworks?

Response:

The Executive Manager Chief Executive's Office took the question on notice.

7.2 Mr Richard Konarik - Signs on parking meters

Question:

Can Council install signage on parking meters to advise of the tow away costs (tabled sample signage)?

Response:

The Director Corporate and Financial Services took the question on notice.

7.3 Mr Richard Konarik - Conversation with Councillor Jolly

Mr Richard Konarik referred to a verbal interaction between himself and Councillor Jolly during the recent State Election campaign in respect of :

- (a) Councillor Jolly's election posters being placed around the municipality during the State Election Campaign;
- (b) an alleged incident about a bomb threat;
- (c) allegations about him serving alcohol to underage persons and requested that Councillor Jolly withdraw his remarks.

The Mayor invited Councillor Jolly to respond.

Councillor Jolly refuted the allegations.

The Mayor drew the matter to a close.

7.4 Mr Maurice Sheehan - Bridge Road Tram Stops

Question:

What are the additional markings on Bridge Road between Church and Lennox Streets, on either side of the tram tracks?

Response:

The Director City Development advised that VicRoads were installing Pram Stops.

7.5 Mr Herschel Landes - President, Bridge Road Main Street Inc - Bridge Road Issues

Question:

Will Council now urgently seek a meeting between VicRoads and PTV to seek an outcome?

Will Council contribute to an outcome for the traffic lights in Bridge Road?

Response:

The Director City Development took the questions on notice.

7.6 Dr Sharon Harrison - Street Closures

Question:

Is it acceptable for streets near construction sites to be closed with no notice provided to residents and will Council continue to allow this to occur?

Response:

The Manager Construction Management advised that if a street is blocked for more than 15 minutes then a permit is required.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Jolly

Seconded: Councillor Colanzi

That Public Question time be extended a further 5 minutes.

CARRIED

7.7 Mr Max Brayshaw - Melbourne Water Carlton Sewer Upgrade

Question:

Why did our Council roll over to the Scotchmer Street option?

Why was there not full disclosure to the residents and businesses that these works were to take place?

Response:

The Manager Construction Management advised that :

- (a) Melbourne Water considered other options and advised that Scotchmer Street was its preferred option;*
- (b) discussions between Yarra officers and Melbourne Water started eight months ago; and*
- (c) the initial project was for 8 shafts, which Yarra officers considered to be too great of an impact and Melbourne Water came back to Council with a 2 shaft option.*

The CEO advised that the CEO of Melbourne Water has provided commitments for each question raised by Council officers and noted that a letter drop is planned to provide further information to the residents and businesses which will include details of a dedicated contact person at Melbourne Water for this project.

The CEO also advised that additional noise mitigation measures were in place on 11 December and that the last day for drilling on the site is today and that the site will be made safe for the Christmas period.

The CEO noted that Melbourne Water advised that under the Water Act, compensation is available if people incur a direct loss.

The CEO noted that Yarra City Council does not have provision to offer rate relief except under hardship grounds.

8. General business

Nil

9. Delegates' reports

Nil

10. Questions without notice

10.1 Councillor Robert Colanzi - Trees in Edinburgh Gardens

Question:

What was the health of the Elm tree in Edinburgh Gardens?

What is the health of the other trees in Edinburgh Gardens?

Response:

The Director City Development advised that the trees were assessed in June 2014 and the Elm tree was assessed as having no cavities, however there was evidence of decay in the central root system.

The Director City Development also advised that Officers are checking the health of the other trees in Edinburgh Gardens.

10.2 Councillor Roberto Colanzi - Councillors' Expenses

Question:

Can you advise when the July/December Councillors' Expenses will be published on the website?

Response:

The Executive Manager Chief Executive's Office advised that the July/September expenses would be published within the week and the October/December period would be published in the New Year.

11.1 Darling Gardens Master Plan

Trim Record Number: D14/130494

Responsible Officer: Manager Recreation and Open Space

RECOMMENDATION

1. That Council:
 - (a) notes the report of officers on the Darling Gardens Master Plan following the public exhibition period;
 - (b) notes the submissions received from the public and officer recommendations for amendments to the Draft Master Plan;
 - (c) adopts the Darling Gardens Master Plan (Attachment 1); and
 - (d) thank submitters for their contribution and provide them with the link to the document under Council's website.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

1. That Council:
 - (a) notes the report of officers on the Darling Gardens Master Plan following the public exhibition period;
 - (b) notes the submissions received from the public and officer recommendations for amendments to the Draft Master Plan;
 - (c) notes in particular, community comments including:
 - (i) that there were considered to be insufficient responses to the initial consultation to draw conclusions proposed in the Report as now presented, noting the following examples:
 - circular running path;
 - gym fitness stations; and
 - sustainable irrigation water options;
 - (ii) that stakeholders were not sufficiently well informed of the framework and constraints in which decisions were being made, especially budgetary constraints which impact on such as:
 - Darling Gardens low ranking in terms of access to water sustainability funding; and
 - timing of removal of Maternal and Child Health (MCH) building; and
 - (iii) the seeking of additional time to further assess the draft Master Plan in order to provide additional feedback now that specific information has been revealed; and
 - (d) having regard to the above outlined issues, provide further time for the community to provide additional feedback and to resolve other outstanding community concerns, and to report back to the Council in the first quarter of 2015.

CARRIED

Councillor Barbour abstained

11.2 Annual Audit Committee Report 2014/15

Trim Record Number: D14/159110

Responsible Officer: Director Corporate and Financial Services

RECOMMENDATION

1. That Council notes the Audit Committee's Annual Report to Council for the audit year ending 31 October 2014.

Public Submission

Mr Maurice Sheehan addressed Council regarding this matter.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Colanzi

1. That Council notes the Audit Committee's Annual Report to Council for the audit year ending 31 October 2014.

CARRIED

CALL FOR A DIVISION

For: Councillors Barbour, Colanzi, Fristacky, Gaylard, Huggins, Stone and Vlahogiannis

Against: Councillor Coleman

Abstained: Councillor Jolly

11.3 Amendment C183 - Heritage Gaps - Central Richmond

Trim Record Number: D14/157803

Responsible Officer: Coordinator Strategic Planning

RECOMMENDATION

1. That:
 - (a) Council note the report from officers relating to a further heritage gaps amendment;
 - (b) Council seeks authorisation from the Minister for Planning to prepare Amendment C183 to the Yarra Planning Scheme pursuant to section 9 of the *Planning and Environment Act 1987* (the Act); and
 - (c) if authorisation is granted, Council prepares and exhibits Amendment C183 in accordance with the provisions of the Act.

Public Submission

Dr Sharon Harrison addressed Council regarding this matter.

COUNCIL RESOLUTION

Moved: Councillor Barbour

Seconded: Councillor Gaylard

1. That:
 - (a) Council note the report from officers relating to a further heritage gaps amendment;
 - (b) Council seeks authorisation from the Minister for Planning to prepare Amendment C183 to the Yarra Planning Scheme pursuant to section 9 of the *Planning and Environment Act 1987* (the Act); and
 - (c) if authorisation is granted, Council prepares and exhibits Amendment C183 in accordance with the provisions of the Act.

CARRIED

11.4 Draft Yarra Heritage Strategy 2015-2018 - Consideration of Submissions and the Adoption of the Strategy

Trim Record Number: D14/153951
Responsible Officer: Coordinator Strategic Planning

Councillor Coleman left the meeting at 9:15pm.

Councillor Coleman returned to the meeting at 9:18pm.

Councillor Jolly left the meeting at 9:18pm.

Councillor Jolly returned to the meeting at 9:19pm.

RECOMMENDATION

1. That Council:
 - (a) after considering the submissions received and post-consultation changes made to the strategy, adopt the Draft Yarra Heritage Strategy 2015-2018 as outlined in Attachment 2; and
 - (b) Council adopts the first year implementation plan for the heritage strategy as outlined in Attachment 3.

Councillor Coleman left the meeting at 9:58pm.

Councillor Coleman returned to the meeting at 9:59pm.

Public Submissions

The following people addressed Council regarding this matter:

Mr Martin Leckey of the Disability Advisory Committee;

Mr David Brant of the Disability Advisory Committee;

Ms Karen Cummings;

Ms Sue Wheatley;

Ms Rosa Simonelli;

Mr Andrew Kelly;

Mr Maurice Sheehan; and

Ms Margaret O'Brien.

COUNCIL MOTION

Moved: Councillor Gaylard

Seconded: Councillor Barbour

1. That Council:
 - (a) after considering the submissions received and post-consultation changes made to the strategy, adopt the Draft Yarra Heritage Strategy 2015-2018 as outlined in Attachment 2;
 - (b) Council adopts the first year implementation plan for the heritage strategy as outlined in Attachment 3;

- (c) refer the appointment of a Heritage Project Manager to the 2015/2016 Budget for consideration;
- (d) establish a Heritage Strategy Steering Committee to monitor the implementation of the Heritage Strategy. The Steering Committee will report to the Heritage Advisory Committee (HAC) and will comprise:
 - (i) two HAC Councillors;
 - (ii) Director of City Development; and
 - (iii) two members of HAC; and
- (e) receive a report in March outlining the ways for skilled volunteers to work with officers on the implementation of Year 1 Actions, such report to include the Terms of Reference to be considered by the Heritage Advisory Committee;
- (f) receive a further report in March on the Planning Departments work priorities and the potential for delivering two Year 1 Action scoping studies for consideration in the 2015/2016 Budget; and
- (g) officers further consider disability issues by consulting with the Heritage Advisory Committee and the Disability Advisory Committee for possible future amendment of the Heritage Strategy.

AMENDMENT

Moved: Councillor Colanzi

- (d) establish a Heritage Strategy Steering Committee to monitor the implementation of the Heritage Strategy. The Steering Committee will report to the Heritage Advisory Committee (HAC) and will comprise:
 - (i) two HAC Councillors;
 - (ii) Director of City Development;
 - (iii) two members of HAC; and
 - (iv) member of Disability Advisory Committee; and

AMENDMENT

Moved: Councillor Fristacky

- (a) after considering the submissions received and post-consultation changes made to the strategy, adopt the Draft Yarra Heritage Strategy 2015-2018 as outlined in Attachment 2, subject to:
 - (i) to any amendments to the Foreword, to be proposed by the Mayor; and
 - (ii) amend clause 3.3.1 to cover heritage training across Council;

AMENDMENT

Moved: Councillor Stone

- (a) after considering the submissions received and post-consultation changes made to the strategy, adopt the Draft Yarra Heritage Strategy 2015-2018 as outlined in Attachment 2, subject to:
 - (i) to any amendments to the Foreword, to be proposed by the Mayor;
 - (ii) adding as a key priority under "Protecting and Managing Our Heritage" (p170); Investigate the inclusion of the Yarra River Corridor on the National Heritage list for its cultural, social and environmental attributes; and

- (iii) amend clause 3.3.1 to cover heritage training across Council;
- (b) Council adopts the first year implementation plan for the heritage strategy as outlined in Attachment 3, with the addition of a “2.1.7 - Investigate the inclusion of the Yarra River Corridor on the National Heritage list for its cultural , social and environmental attributes” (page 190);

As the amendments were acceptable to the mover and seconder, they were incorporated into the substantive motion. It was then put and carried as indicated below.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Barbour

1. That Council:

- (a) after considering the submissions received and post-consultation changes made to the strategy, adopt the Draft Yarra Heritage Strategy 2015-2018 as outlined in Attachment 2, subject to:
 - (i) to any amendments to the Foreword, to be proposed by the Mayor;
 - (ii) adding as a key priority under “Protecting and Managing Our Heritage” (p170); Investigate the inclusion of the Yarra River Corridor on the National Heritage list for its cultural, social and environmental attributes; and
 - (iii) amend clause 3.3.1 to cover heritage training across Council;
- (b) Council adopts the first year implementation plan for the heritage strategy as outlined in Attachment 3, with the addition of a “2.1.7 - Investigate the inclusion of the Yarra River Corridor on the National Heritage list for its cultural , social and environmental attributes” (page 190);
- (c) refer the appointment of a Heritage Project Manager to the 2015/2016 Budget for consideration;
- (d) establish a Heritage Strategy Steering Committee to monitor the implementation of the Heritage Strategy. The Steering Committee will report to the Heritage Advisory Committee (HAC) and will comprise:
 - (v) two HAC Councillors;
 - (vi) Director of City Development;
 - (vii) two members of HAC; and
 - (viii) member of disability advisory committee; and
- (e) receive a report in March outlining the ways for skilled volunteers to work with officers on the implementation of Year 1 Actions, such report to include the Terms of Reference to be considered by the Heritage Advisory Committee;
- (f) receive a further report in March on the Planning Departments work priorities and the potential for delivering two Year 1 Action scoping studies for consideration in the 2015/2016 Budget; and
- (g) officers further consider disability issues by consulting with the Heritage Advisory Committee and the Disability Advisory Committee for possible future amendment of the Heritage Strategy.

CARRIED

11.5 Johnston Street Local Area Plan

Trim Record Number: D12/59830

Responsible Officer: Coordinator Strategic Planning

RECOMMENDATION

1. That:
 - (a) Council notes the officer's report on the formulation of the draft Johnston Street Local Area Plan;
 - (b) Council notes the various submissions received on the previous draft Local Area Plan for Johnston Street and also the planning framework for this precinct as outlined in the officer's report;
 - (c) Council having considered submissions from the community and key stakeholders, Council adopt the Johnston Street Local Area Plan 2014 as shown in Attachment 3; and
 - (d) officers proceed to prepare an implementation plan that includes an amendment to the Yarra Planning Scheme that incorporates the land use and built form recommendations contained within the Plan.

Public Submissions

The following people addressed Council regarding this matter:

Mr Raymond Endean; and

Ms Janet Taylor – Collingwood Historical Society

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That Council note that:
 - (a) community consultation on a draft Johnston Street Local Area Plan was conducted 2 years ago and that the revised draft plan is significantly different from that consulted on; and
 - (b) some key assumptions in the Plan have changed and may change further with a recent change of state government (e.g. East West Link, Metro Rail).
2. That Council defer consideration of the Johnston Street Local Area Plan to enable:
 - (a) further consideration of, and input by, the community on this revised Plan;
 - (b) interested Councillors to meet with officers to clarify elements of the plan;
 - (c) consideration of the changing character and emerging uses of Johnston Street;
 - (d) clarification of State Government direction in relation to transport strategy, planning and housing policy and resolution of residential zones; and
 - (e) consideration of Yarra's Business and Industrial Land Strategy which recommended master planning for Trenerry Crescent properties.
3. That a further report be brought to Council in 2015 when a determination on further consultation and/or the adoption of the Plan will be made.

CARRIED

11.6 Consideration of Management Options at Citizens' Park, Richmond

Trim Record Number: D14/162086

Responsible Officer: Director City Development

RECOMMENDATION

1. That Council:
 - (a) notes the contribution from the sports clubs and the outcomes of the park user survey (Attachment 3) in relation to Citizens' Park;
 - (b) endorses Option 3 as the preferred management option for Citizens' Park, that is:
 - (i) amend existing conditions to reinstate the double gate at the Church Street end of the oval - number 5 in Attachment 1 - and maintain existing conditions under the Local Laws and Council Order under the *Domestic Animals Act 1994*;
 - (c) endorses the provision of free dog obedience training at Citizens' Park for local residents in 2015, to assist dog owners to control their pets;
 - (d) enforces the current arrangements where no dogs are allowed on ovals when training or matches are underway and authorise the erection of signage enforceable under the Local Law;
 - (e) note the need for additional signage and/or stencils to advise park users of their obligations; and
 - (f) notes the need for additional turf maintenance in order to further minimise the impact of holes on the oval left by dogs.

Public Submissions

The following people addressed Council regarding this matter:

Mr Craig Lake - Junior Football Club and Auskick;

Mr John Greene – Richmond Union Cricket Club;

Mr James Little;

Mr Kevin Solomon – Richmond Harriers;

Mr Marshall Kelaher;

Ms Jane Stevens;

Ms Nancy Iaconou;

Mr Scott Meech;

Mr Robert Hutton;

Ms Katherine Knox;

Ms Belinda Donaldson;

Mr Ross Couper; and

Ms Charlotte Little.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Stone

1. That Council:
 - (a) notes the contribution from the sports clubs and the outcomes of the park user survey (Attachment 3) in relation to Citizens' Park;
 - (b) enforces the current arrangements where no dogs are allowed on ovals when training or matches are underway and authorise the erection of signage enforceable under the Local Law;
 - (c) notes the need for additional signage and/or stencils to advise park users of their obligations, including temporary signage during training and matches;
 - (d) notes the need for additional turf maintenance in order to further minimise the impact of holes on the oval left by dogs;
 - (e) endorses the provision of free dog obedience training at Citizens' Park for local residents in 2015, to assist dog owners to control their pets;
 - (f) immediately commence community consultation to gauge community opinions and establish a community users group to consult on:
 - (i) the construction of a "dog run" at a suitable location on the Park; and
 - (ii) changes to the off-leash status of the park;
ensuring that CALD communities are pro-actively consulted in each matter.
2. That whilst the abovementioned consultation is being undertaken, Council temporarily endorses management option 3 and amend existing conditions to reinstate the double gate at the Church Street end of the oval - number 5 in Attachment 1 - and maintain existing conditions under the Local Laws and Council Order under the *Domestic Animals Act 1994*.
3. That Council refer to the budget the requirement for more enforcement of Local Laws at Citizens' Park.
4. That at the conclusion of the process and given the multitude of uses at Citizens' Park, develop a risk management plan.

CARRIED

**11.7 132 - 172 Smith Street and 63 - 71 Little Oxford Street, Collingwood - Permit
PL03/1407 - Endorsement of Urban Art Strategy - Verandah Screen**

Trim Record Number: D14/161544

Responsible Officer: Director City Development

RECOMMENDATION

1. That Council approve the verandah urban art installation (as shown in Attachment 1) in accordance with conditions 7 & 8 of planning permit PL03/1407.

Public Submissions

The following people addressed Council regarding this matter:

Ms Christina McRae; and

Ms Andy Dinan – MARS Gallery.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Barbour

1. That Council approve the verandah urban art installation (as shown in Attachment 1) in accordance with conditions 7 & 8 of planning permit PL03/1407.

CARRIED

11.8 Proposed Discontinuance of Road Between 10 Victoria Crescent and 32-68 Mollison Street, Abbotsford

Trim Record Number: D14/165317
Responsible Officer: Manager Finance

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 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 shown as Lot 1 on the title plan attached as Attachment 1 to this report (Road), being part of the land contained in certificate of title volume 9762 folio 254, 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 A H Meydan (Property) Pty Ltd ACN 007 206 402 (Owner) for no less than the market value as determined by the Act; and
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 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 shown as Lot 1 on the title plan attached as Attachment 1 to this report (Road), being part of the land contained in certificate of title volume 9762 folio 254, 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 A H Meydan (Property) Pty Ltd ACN 007 206 402 (Owner) for no less than the market value as determined by the Act; and
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner.

CARRIED

11.9 Proposed Discontinuance of Subterranean Road under Coles Terrace, Richmond

Trim Record Number: D14/166762

Responsible Officer: Manager Finance

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Act):
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion the road shown hatched on the plans attached as Attachment 2 to this report (Road), being part of the land contained in certificate of title volume 2659 folio 751, 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 discontinued Road be transferred to Victoria Gardens Developments Pty Ltd ACN 074 177 405 (Owner) for no less than the market value of the Road as determined by the Act, subject to the Owner:
 - (i) attending to the consolidation of the title to the discontinued Road with the title to that part of the Owner's land to be created as common property and which abuts the Road, within six months of the date of transfer of the Road to the Owner, at the Owner's expense;
 - (ii) entering into an agreement pursuant to Section 173 of the *Planning and Environment Act 1989* in respect of the Road; and
 - (iii) agreeing to observe City West Water's conditions in respect of the Road;
 - (d) agrees to enter into licence with the Owner in respect of that part of Coles Terrace to which the Owner requires access, in order to construct the Tunnel; and
 - (e) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner, including the licence to the Owner.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Act):
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion the road shown hatched on the plans attached as Attachment 2 to this report (Road), being part of the land contained in certificate of title volume 2659 folio 751, 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 discontinued Road be transferred to Victoria Gardens Developments Pty Ltd ACN 074 177 405 (Owner) for no less than the market value of the Road as determined by the Act, subject to the Owner:
 - (i) attending to the consolidation of the title to the discontinued Road with the title to that part of the Owner's land to be created as common property and which abuts

the Road, within six months of the date of transfer of the Road to the Owner, at the Owner's expense;

- (ii) entering into an agreement pursuant to Section 173 of the *Planning and Environment Act 1989* in respect of the Road; and
- (iii) agreeing to observe City West Water's conditions in respect of the Road;
- (d) agrees to enter into licence with the Owner in respect of that part of Coles Terrace to which the Owner requires access, in order to construct the Tunnel; and
- (e) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner, including the licence to the Owner.

CARRIED

Councillor Coleman left the meeting at 11:25pm.

Councillor Coleman returned to the meeting at 11:28pm.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Gaylard

That the meeting resume into the confidential session.

CARRIED

11.10 Amcor Development Plan

Trim Record Number: D14/168461

Responsible Officer: Director City Development

RECOMMENDATION

1. That Council:
 - (a) note the Officer report on the draft Development Plan proposed for the former Amcor site;
 - (b) authorise the exhibition and referral of the proposed “*Alphington Park Development Plan*” subject to the finalisation of reports to comply with the requirements of the DPO schedule, subject to final approval by the Chief Executive Officer;
 - (c) notes that this endorsement is procedural in order to enable exhibition and consultation with the community and that there has been no detailed assessment of the merits of the proposed draft Development Plan and further, that Council forms no particular opinion on the proposal at this point in time;
 - (d) endorse the proposed consultation and engagement strategy; and
 - (e) notes that following exhibition, all submissions will be considered by council as part of the detailed assessment of the proposal.

Councillor Coleman left the meeting at 10:56pm.

Councillor Coleman returned to the meeting at 11:02pm.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Stone

Seconded: Councillor Barbour

That the meeting be extended by 30 minutes.

CARRIED

Public Submission

Ms Melissa Thyer – APMAG, addressed Council regarding this matter.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Barbour

1. That Council:
 - (a) note the Officer report on the draft Development Plan proposed for the former Amcor site;
 - (b) authorise the exhibition and referral of the proposed “*Alphington Park Development Plan*” subject to the finalisation of reports to comply with the requirements of the DPO schedule, subject to final approval by the Chief Executive Officer;
 - (c) notes that this endorsement is procedural in order to enable exhibition and consultation with the community and that there has been no detailed assessment of the merits of the proposed draft Development Plan and further, that Council forms no particular opinion on the proposal at this point in time;

- (d) endorse the proposed consultation and engagement strategy and also incorporate that:
- (i) information sessions be held locally in Alphington (e.g. local primary school or the bowls club) to encourage as many residents as possible to attend, in addition to any information sessions that are held at the Collingwood Town Hall;
 - (ii) details about where to find out more information about the development plan be advertised in the local newspapers advertised on Council's noticeboard in Alphington Park, at Alphington and Fairfield Railway Stations, on the Real Estate Boards – at such as corner of Chandler Highway and Heidelberg Road and at the corner of Yarralea Street and Heidelberg Road;
 - (iii) as residents north of the Hurstbridge railway line are also affected by this development they should also be notified in writing by Yarra Council; (i.e. the area bounded by Station Street, Separation Street, Yarana Street, the Railway line, thence along the Darebin Creek to Fairfield Park, Yarra River to Heidelberg Road thence easterly to Station Street);
 - (iv) the Council and/or Glenwill produce a brochure/information for residents to explain the basic facts about the Amcor draft development plan to include such as; the display locations, how to provide feedback, cut-off date of submissions, when/where the Council and developer community sessions will be held, background to the development plan and any other salient points;
- (e) request that information material provided through the consultation include details regarding:
- (i) the diversity of housing stock as referenced in the DPO Schedule 11;
 - (ii) the impact of the proposal to include 20,000 square metres of retail space in the complex; and
 - (iii) how the proposal to create a new Riverside Park will achieve an appropriate interface with the Yarra River that enhances the bushland character of the river corridor; protects significant stands of remnant and native vegetation and integrates with planting along the Yarra River wetlands, as referenced in the DPO Schedule 11;
- (f) notes that following exhibition, all submissions will be considered by council as part of the detailed assessment of the proposal; and
- (g) consider the allocation of funds towards the preparation of a Service Plan and review of the community needs analysis submitted as part of the Development Plan to be developed by Council in conjunction with a working group comprising Councillors, Council Officers and key stakeholders within the community.

CARRIED

Conclusion

The meeting concluded at 11:46pm.

Confirmed Tuesday 3 February 2015

Mayor