



Ordinary Meeting of Council Agenda

**to be held on Tuesday 4 August 2015 at 7.00pm
Richmond Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager – CEO’s Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Jane Waldo (Acting Director - Planning and Place Making)
- Guy Wilson-Browne (Director – City Works and Assets)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 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.

RECOMMENDATION

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 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.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 21 July 2015 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Questions should not relate to items listed on the agenda. (Council will consider submissions on these items separately.)

Members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their questions to the chairperson;
- (c) ask a maximum of two questions;
- (d) speak for a maximum of five minutes;
- (e) refrain from repeating questions that have been asked previously by themselves or others; and
- (f) remain silent following their question unless called upon by the chairperson to make further comment.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Memorandum of Understanding with Melbourne and Olympic Parks Trust	7	9	Malcolm McCall – Coordinator Social Policy
11.2	Proposed Discontinuance of Road Abutting 1 Gough Place, Cremorne 3121	16	19	Phil Mason – Chief Financial Officer
11.3	Proposed Discontinuance of Road Abutting 61-71 Wellington Street and 37-39 Langridge Street, Collingwood	32	35	Phil Mason – Chief Financial Officer
11.4	Assigning a Name to Koormiel Lane, North Fitzroy	50	52	Ivan Gilbert – Group Manager CEO's Office
11.5	Appointment of Authorised Officer - Planning and Environment Act 1987	54	55	Ivan Gilbert – Group Manager CEO's Office
11.6	Instrument of Delegation and Terms of Reference for IMAP	56	57	Ivan Gilbert – Group Manager CEO's Office
11.7	Location of September 2015 Council Meetings	65	66	Ivan Gilbert – Group Manager CEO's Office

Public submissions procedure

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

When the chairperson invites verbal submissions from the gallery, members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their submission to the chairperson;
- (c) speak for a maximum of five minutes;
- (d) confine their remarks to the matter under consideration;
- (e) refrain from repeating information already provided by previous submitters; and
- (f) remain silent following their submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Memorandum of Understanding with Melbourne and Olympic Parks Trust

Trim Record Number: D15/93842

Responsible Officer: Director Planning and Place Making

Purpose

1. To seek Council endorsement for the proposed Memorandum of Understanding between the City of Yarra the Melbourne and Olympic Parks Trust.

Background

2. Yarra Council is currently developing Memorandums of Understanding (MOUs) with key large businesses and institutions that deliver benefits to the wider Yarra community. The first MOU to be entered into was with the Australian Catholic University, signed by delegates on 20 June 2015.
3. The Melbourne and Olympic Parks Trust (MOPT) is a Statutory Authority, established to be the custodians and managers of the Melbourne and Olympic Parks precinct. The MOPT was established on 5 October 1995 pursuant to the provisions of *The Melbourne and Olympic Parks Act 1985* (as amended). It was created by the merger of the National Tennis Centre Trust (established 13 Nov 1985) and the Olympic Park Committee of Management (formed originally in 1909). The Act is jointly administered by both the Premier of Victoria and the Minister for Sport and Recreation.
4. Melbourne and Olympic Parks hosts an extensive range of events such as the Australian Open tennis Grand Slam, national and international rugby union, rugby league, football, netball and basketball, as well as high profile music concerts and family shows. The site includes Rod Laver Arena, AAMI Park, Hisense Arena, Margaret Court Arena, Melbourne Park Function Centre, Gosch's Paddock & Olympic Park Oval and Westpac Centre. In addition, the MOPT is the administrative and training home to various sporting organisations and professional clubs.
5. While the site itself is not located in Yarra, Melbourne and Olympic Parks attracts over three million people each year to over 600 events, many of whom travel to events along Bridge Road or Swan Street or use Richmond Station. Therefore, Yarra Council has a clear interest in ensuring that there are open lines of communication between the two organisations and seeks a collaborative approach to planning in order to smooth the pedestrian flow to and from the precinct. This includes consultation on way-finding between the MOPT venues and key gateways into Yarra.
6. There are significant economic benefits for local businesses that benefit from the large numbers of patrons attending events held at the Melbourne and Olympic Parks.

Proposed MOU

7. The proposed MOU reflects a vision for both organisations working in unison to maximise benefits for the wider Yarra community and manage and monitor any negative impacts on residents.
8. The proposed MOU includes the following commitments:
 - (a) *enhancing connectivity between MOPT and City of Yarra: The MOPT and City of Yarra will continue to discuss the redevelopment of the site and the implications of these developments for the Yarra community;*

- (b) *work together to improve way-finding from the City of Yarra to the MOPT and from the MOPT to the City of Yarra: Way-finding encompasses all of the ways in which people orient themselves in physical space and navigate from place to place. Signs, maps and other graphic methods are used to convey location and directions to travellers. Both parties will also explore ways to enhance way-finding for visitors to the area to ease crowd flow-through and to encourage positive pedestrian and vehicular experience when crossing between the MOPT precinct and City of Yarra;*
- (c) *improving traffic and pedestrian flows: Both parties will ensure that issues arising from the major movement of traffic and people flowing from MOPT activities are addressed by the appropriate governance bodies and are informed by accurate data and mutually-beneficial solutions;*
- (d) *sharing information and data: The City of Yarra and MOPT will share data that is pertinent to the improvement of public space, infrastructure and recreational facilities that impact on both MOPT and City of Yarra;*
- (e) *participating in information networks: The City of Yarra and MOPT will continue to participate in forums involving key stakeholders including the City of Melbourne, Victoria Police, Major Projects Victoria to enable effective forward planning for upcoming events can take place; and*
- (f) *monitoring amenity of local area: The City of Yarra and MOPT will continue to monitor issues for residents in surrounding streets frequented by visitors to MOPT and seek solutions to enhance liveability and safety.*

Consultation

9. Consultation has taken place with the Strategic Planning and Economic Development Units in City Strategy and also with Open Space and Recreation. Both areas support the development of the MOU and see potential areas for collaboration.

Financial Implications

10. There will be no additional operational or capital costs incurred to Yarra in delivering the MOU. There will be an in-kind contribution through the deployment of existing human resources.

Economic Implications

11. There are potential economic advantages for Yarra businesses flowing from a more co-ordinated relationship with the MOPT, especially improved signage between the venue and the Swan Street shopping strip.

Sustainability Implications

12. Improvements in linkages between the venue and the public transport hubs (Richmond Station and Swan Street/Batman Avenue trams) will reduce reliance on cars to the venue.
13. Solutions to enhance liveability and safety will include the continued support for promoting sustainable transport options and monitoring the reduction of parking available for local residents; while wherever possible, steps to increase the permeability of the site to maximise opportunities for Yarra residents will also be explored.

Social Implications

14. The MOU would facilitate processes that will realise social benefits for Yarra residents living close to the site by facilitating increased capacity for a shared focus on the amenity of the area.

15. The MOPT supports two charities: Alkira, an organisation that supports people with a disability, and Whitelion, which works with young people who have been, or are at risk of, being involved in the juvenile justice system. The MOPT has demonstrated good social citizenship. It is useful that Yarra City Council taps into this good will for the benefits of residents.

Human Rights Implications

16. There are no human rights implications considered in this report.

Communications with CALD Communities Implications

17. There has been no consultation with CALD communities for this initiative. Processes and actions through the MOU implementation may require CALD consultation.

Council Plan, Strategy and Policy Implications

18. The Council Plan commits Council to establish MOUs with community partners. This is the second MOU, and follows the first MOU established with the Australian Catholic University in June 2015.

Legal Implications

19. There are no legal implications as the MOUs are statements of intent, not legally binding documents.

Other Issues

20. While the Master Plan for the MOPT redevelopment does not have any statutory planning or service implications for the City of Yarra, major events held within the site will continue to have an impact on traffic, parking and pedestrian movement in Yarra. The proposed MOU expresses a commitment to ensure that MOPT and City of Yarra regularly share information and work collaboratively about potential changes in the precinct and implications for Yarra residents and businesses.
21. The commitment to share information and data between the organisations would be of particular benefit for Yarra's Night-time Economy Strategy, the Swan Street Structure Plan and any future redevelopment of the Richmond Station.

Conclusion

22. This MOU continues the work of Yarra in formalising strategic partnerships with key institutions that can leverage valuable community benefit.

RECOMMENDATION

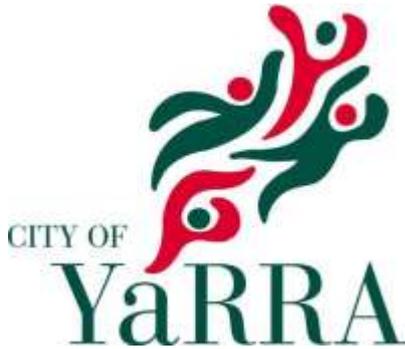
1. That Council endorse the attached draft Memorandum of Understanding (MOU) with the Melbourne and Olympic Park Trust and note the benefits of entering into this MOU.
2. That Council endorses the attached MOU with the Melbourne and Olympic Park Trust.

CONTACT OFFICER: Belinda Robson
TITLE: Senior Policy Advisor
TEL: 9205 5093

Attachments

- 1 MOU - Yarra and MOPT

Attachment 1 - MOU - Yarra and MOPT



(MOPT logo to go here)

Memorandum of Understanding

PARTIES

Between Melbourne and Olympic Park Trusts (MOPT), GPO Box 4611,
Melbourne, VIC 3001

and [City of Yarra] (the **Council**), PO Box 168, Richmond, VIC 3121

1. Preamble

The City of Yarra is host to a number of large businesses which make significant economic, social and cultural contributions to the community's well-being. The City of Yarra Council Plan (2013-17) recognises the value of these organisations and the importance of developing partnerships to achieve community benefits. Large organisations offer resources that attract large numbers of people to the area every day, and Council recognises that these resources could be used more strategically to further improve the quality of life of Yarra's diverse residents. Such partnerships will enhance the core business of both parties and ensure that existing as well as proposed services and facilities are designed to fulfil multiple community needs.

Melbourne and Olympic Parks Trust (MOPT) comprises approximately 40 hectares and is governed by the *Melbourne and Olympic Park Act (1985)*. MOPT hosts a number of Melbourne's international sports and entertainment events such as the Australian Open tennis Grand Slam, national and international rugby, football, rugby league, netball and basketball, as well as high profile music concerts and family shows. The area has about 3 million visitors per year visiting iconic venues such as Rod Laver and Hisense Arena (Melbourne Park) and AAMI Park, Westpac Centre, Olympic Park Oval and Gosch's Paddock (Olympic Park). The MOPT envisages the area as a human scale development that provides community facilities for use beyond these major events and as a porous precinct through which people can swiftly and safely travel. It shares with Council a commitment to ensuring that visitors to these events can flow safely through the area and in particular the

Attachment 1 - MOU - Yarra and MOPT

intersections involving Richmond Station, Swan Street and Batman Ave arterials as well as other economic and residential areas in the City of Yarra.

2. Purpose

- 2.1. The aim of this Memorandum of Understanding (MOU) is to record an understanding between City of Yarra and the Melbourne and Olympic Park Trust.
- 2.2. The City of Yarra is committed to delivering innovative planning, urban design, landscape, architecture, recreational and cultural projects that improve the safety and amenity of the public domain; and provide opportunities for community health and wellbeing.
- 2.3. MOPT is a state-wide destination site that attracts millions of visitors each year, many of whom use businesses and infrastructure located in Yarra. It is a highly valuable asset that benefits the City of Yarra's business and residents and Council wishes to build strong links on issues of common purpose.
- 2.4. The City of Yarra and MOPT wish to collaborate to develop a variety of areas which impact on the residents and businesses of the City of Yarra including: improving community safety for pedestrians and motorists; enhancing the connectivity between MOPT and the surrounding areas in Yarra, and formalising the mechanisms for information exchange between Yarra and MOPT.

3. Terms and Scope

The objectives of this MOU are to:

- Strengthen the relationship between the Council and the MOPT to ensure there is high-level strategic co-ordination between the two organisations;
- Facilitate the development and management of joint projects which realise broad community benefits;
- Enable Council and MOPT to achieve resource efficiencies by streamlining communication pathways; and
- Collaborate to promote key initiatives undertaken by the MOPT and the City of Yarra under this MOU.

The broad objectives of collaborative work in each of these areas of focus are listed below.

- 3.1. *Enhancing connectivity between MOPT and City of Yarra:* The MOPT and City of Yarra will continue to discuss the redevelopment of the site and the implications of these developments for the Yarra community. While the Master Plan for the site redevelopment does not have any statutory planning or service implications for the City of Yarra, major events held within the site will continue to have an impact on traffic, parking and pedestrian movement. This MOU expresses a commitment to ensure that MOPT and City of Yarra regularly share information about potential changes in the precinct and implications for Yarra residents and businesses.

Attachment 1 - MOU - Yarra and MOPT

- 3.2. *Work together to improve way-finding from the City of Yarra to the MOPT and from the MOPT to the City of Yarra:* Way-finding encompasses all of the ways in which people orient themselves in physical space and navigate from place to place. Signs, maps and other graphic methods are used to convey location and directions to travellers. Both parties will also explore ways to enhance way-finding for visitors to the area to ease crowd flow-through and to encourage positive pedestrian and vehicular experience when crossing between the MOPT precinct and City of Yarra.
- 3.3. *Improving traffic and pedestrian flows:* Both parties will ensure that issues arising from the major movement of traffic and people flowing from MOPT activities are addressed by the appropriate governance bodies and are informed by accurate data and mutually-beneficial solutions.
- 3.4. *Sharing information and data:* The City of Yarra and MOPT will share data that is pertinent to the improvement of public space, infrastructure and recreational facilities that impact on both MOPT and City of Yarra. This particularly applies to building evidence to inform the input from both parties into the redevelopment of the Richmond Station, the Swan Street Structure Plan and Yarra's Night-time Economy Strategy.
- 3.5. *Participating in information networks:* The City of Yarra and MOPT will continue to participate in forums involving key stakeholders including the City of Melbourne, Victoria Police, Major Projects Victoria to enable effective forward planning for upcoming events can take place.
- 3.6. *Monitoring amenity of local area:* The City of Yarra and MOPT will continue to monitor issues for residents in surrounding streets frequented by visitors to MOPT and seek solutions to enhance liveability and safety. This will include the continued support for promoting sustainable transport options and monitoring the parking available for local residents. Wherever possible, steps to increase the permeability of the site to maximise opportunities for Yarra residents will also be explored.

4. Principles of MOU Projects

- 4.1. This Memorandum of Understanding is based on the following shared commitments:
 - Understanding and respect for each party's specific commercial and legislative mandates and responsibilities;
 - Shared focus on outcomes for the local community;
 - Open and timely communication and consultation; and
 - Understanding of the resource capacities of each sphere.

Attachment 1 - MOU - Yarra and MOPT

5. Governance

- 5.1. The parties will meet regularly to oversee, co-ordinate and report on initiatives and projects commenced pursuant to this MOU.
- 5.2. The meeting will include:
 - 5.2.1. **MOPT:** Chief Executive Officer (or nominees); and
 - 5.2.2. **Yarra Council:** The CEO (or nominees).
- 5.3. The meeting will be provided with administrative support by the Council and the MOPT. This will include the provision of meeting venues.
- 5.4. The meeting will meet at least once a year to review the status of the various projects and initiatives commenced in line with the objectives of this MOU.

6. Intellectual Property

- 6.1. Nothing in this MOU is intended to affect the intellectual property rights of the parties, including future intellectual property.
- 6.2. Where a project or activity is likely to create intellectual property, the parties will agree to the ownership of the intellectual property in writing before the project or activity is commenced.

7. Relationship of Parties

- 7.1. Neither party may use the name or logo of the other party unless with the prior written consent of the other party. Each party must use best endeavours to secure agreement in writing from the other party before making or permitting any public statements about this MOU and or any activities conducted pursuant to it.
- 7.2. Nothing in this MOU creates any relationship whereby a party incurs any liability or obligation on behalf of the other party.
- 7.3. This MOU is not intended to create binding or legal obligations on either party.

8. Privacy

- 8.1. Each party agrees that no personal information (as defined in the *Privacy Act 1988* (Cth)) will be exchanged in the carrying out of activities under this MOU.
- 8.2. If it becomes necessary for personal information to be exchanged between the parties, the parties agree to enter into a binding agreement to govern the use of that personal information.

Attachment 1 - MOU - Yarra and MOPT

9. Disclosure of information

- 9.1. The parties agree not to disclose any confidential information under this MOU.
- 9.2. Each party agrees that they must sign a confidentiality deed before they are provided with any confidential information by the other party.

10. Dispute resolution

- 10.1. Any disputes arising between the parties to the MOU will be addressed firstly through an informal resolution process involving the leadership team, and then if the issue cannot be resolved, will be escalated to the Chief Executive Officers. If required, variations in the scope of the project or MOU will need to be discussed and then formally acknowledged by the signatories of the MOU.

11. Term and Termination

- 11.1. This MOU commences on the date of the execution by both parties and continues until the earlier of:
 - 11.1.1. The expiration of 3 years, unless otherwise agreed by the parties; and
 - 11.1.2. One party gives the other party 3 months' notice of termination.
- 11.2. On termination of this MOU, all projects and activities commenced under this MOU will cease unless otherwise agreed. For the avoidance of doubt, this clause does not apply to any separate agreements made by the parties in relation to projects undertaken in connection to the MOU.

12. Review

The operation of this agreement will be reviewed annually by the Chief Executive Officer of the City of Yarra and the MOPT.

SIGNED for and on behalf of:

Melbourne and Olympic Park Trust

.....
Chief Executive Officer

.....
Full name

.....
Date

Attachment 1 - MOU - Yarra and MOPT

SIGNED for and on behalf of
the City of Yarra

.....

Chief Executive Officer

.....

Full name

.....

Date

11.2 Proposed Discontinuance of Road Abutting 1 Gough Place, Cremorne 3121

Trim Record Number: D15/97121

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road abutting 1 Gough Place, Cremorne 2131, which is shown as cross hatched on the plan in Attachment 1 to this report (**Road**), being part of the land contained in certificate of title volume 1383 folio 552, should be discontinued pursuant to the *Local Government Act* 1989 (**Act**), and sold or retained by Council.

Background

2. Andrew Harnett (**Owner**) is the registered proprietor of the property known as 1 Gough Place, Cremorne 3121 (**Owner's Property**), being the land marked 'Lot 1' on the plan of re-establishment in Attachment 2 to this report, which abuts the southern boundary of the Road.
3. The Road only abuts the Owner's Property and is currently fenced into the Owner's Property.
4. Council was approached by the Owner to discontinue the Road and sell the discontinued Road to the Owner, on the basis that it is fenced into the Owner's Property and there are improvements constructed on the Road.
5. The Owner has agreed to pay Council market value for the discontinued Road. The Owner has also agreed to pay Council's costs and disbursements associated with the proposed road discontinuance, and the transfer of the discontinued Road to the Owner.
6. At its meeting on 3 February 2015, Council resolved to commence the statutory procedures and give notice pursuant to sections 207A and 223 of the Act of its intention to discontinue the Road, and either sell to the Owner or transfer title to the Road to Council.

Consultation

Discussion

Public Notice

7. The required public notice was placed in the Melbourne Times Weekly on 18 February 2015 and in the Melbourne Leader on 23 February 2015.
8. A copy of the public notices is included in Attachment 3 to this report.

Submissions

9. No submissions were received by Council in response to the publication of the public notices.

Road Status

10. It is established that the Road is a road which Council has the power to consider discontinuing pursuant to the Act. Upon being discontinued, the Road will vest in the Council.

Site Inspection

11. A site inspection of the Road was conducted by DML Land Survey on 14 October 2014. The site inspection report notes that:
 - (a) the Road is fenced in to the Owner's Property and therefore does not provide pedestrian or vehicular access to the public;
 - (b) there are no service pits in the Road; and
 - (c) the Road is constructed of bluestone.
12. A copy of the site inspection report is included in Attachment 4 to this report.

Public Authorities

13. The following statutory authorities have been advised of the proposed Road discontinuance and have been asked to respond to the question of whether they have any existing assets in the Road, which should be saved under section 207C of the Act:
 - (a) City West Water;
 - (b) Melbourne Water;
 - (c) Citipower;
 - (d) APA Group;
 - (e) Telstra;
 - (f) Optus; and
 - (g) Yarra City Council.
14. APA Group, Telstra, Optus, Melbourne Water, Citipower and Yarra City Council have advised they have no assets in or above the Road and no objection to the proposed discontinuance of the Road.
15. City West Water has advised that it has sewer assets in close proximity to the Road, however, does not object to the proposed discontinuance of the Road provided the following conditions are adhered to:
 - (a) sewer mains and surface fittings must be accessible to City West Water for maintenance and operational purposes at all times;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of existing City West Water sewer assets;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to place or build over a sewer asset will require City West Water's written consent, in the form of a 'Build-Over Application' approval).
16. A copy of the relevant correspondence from City West Water is included in Attachment 5 to this report.

Financial Implications

17. The owner has agreed to acquire the Road for its market value (plus GST). The market value will be determined in accordance with the Act.
18. In addition the market value (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Economic Implications

19. The Owner has agreed to acquire the Road for its market value (plus GST). If Council proposes to transfer the Road, a valuation will need to be obtained.
20. The costs associated with the proposed discontinuance and sale of the Road will be met by the Owner.

Sustainability Implications

21. No Sustainability implications.

Social Implications

22. No Social implications.

Human Rights Implications

23. No Human rights issues.

Communications with CALD Communities Implications

24. All Council correspondence in relation to this matter was referred to the *Yarralink Interpreter Service* to assist members of the CALD communities whom may have interest in this matter.

Council Plan, Strategy and Policy Implications

25. No other implications considered.

Legal Implications

26. The Road discontinuance process is guided by the Act.

Other Issues

27. No other issues.

Options

28. No other options.

Conclusion

29. Council must now determine whether the Road is reasonably required for public use, and consider whether or not to discontinue the Road pursuant to clause 3 of schedule 10 of the Act.
30. Given that the Road is not currently capable of being used as a road, it is proposed that Council resolve to discontinue the Road pursuant to clause 3 of schedule 10 of the Act, and sell the Road to the Owner.
31. If the Road is discontinued, Council will require the Owner to consolidate the title to the Road and the title to the Owner's Property within six months of the date of the transfer of the Road to the Owner, at the Owner's expense.

RECOMMENDATION

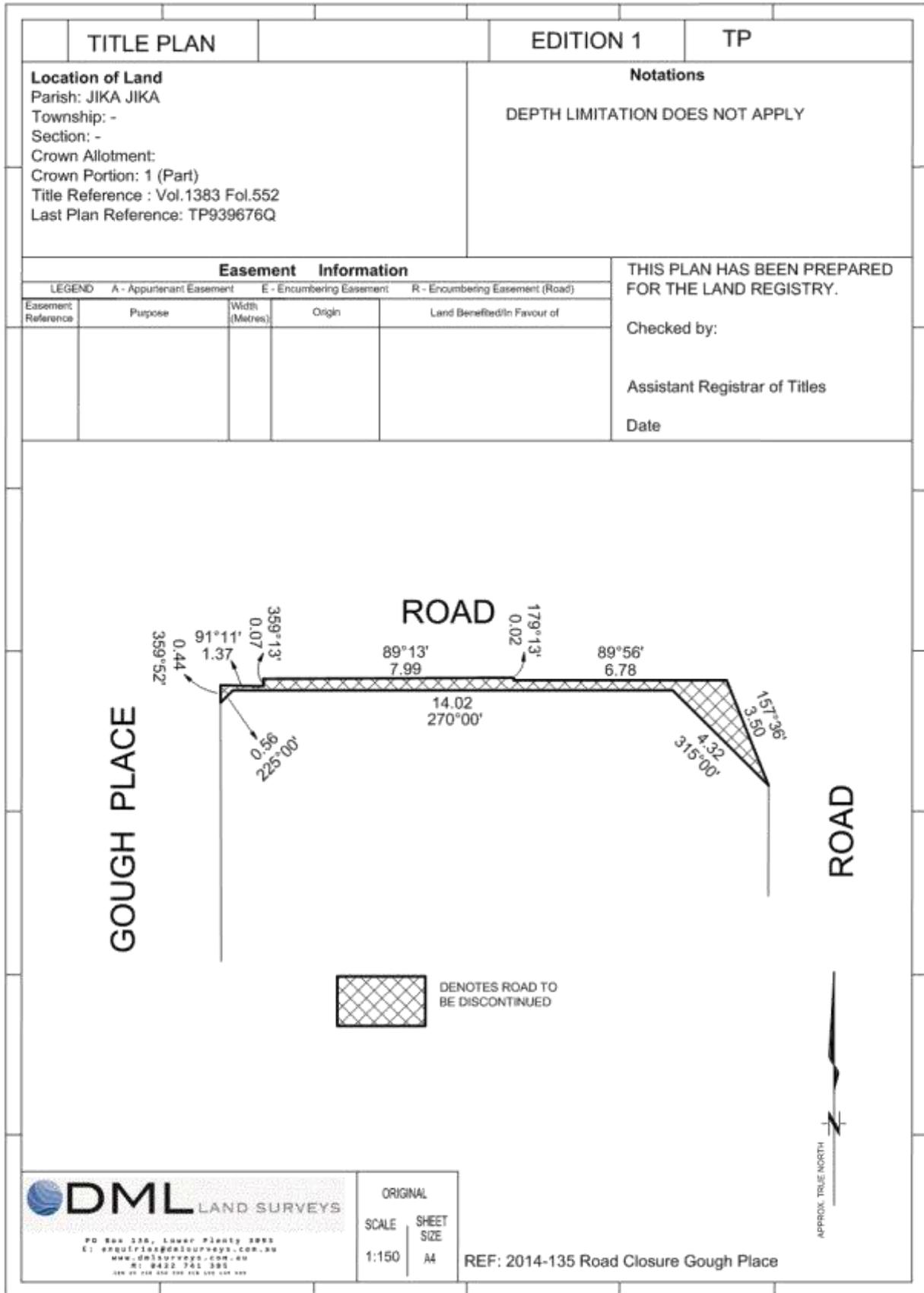
1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that once having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under Schedule 10 clause 3 of the Act, and being of the opinion that the road abutting 1 Gough Place, Cremorne 3121 which is shown shaded as cross hatched on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in certificate of title volume 1383 folio 552, is not reasonably required for public use, to discontinue 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 sold to the Owner;
 - (d) directs that the right, power and interest of City West Water is saved over the Road pursuant to section 207C of the Act, in respect of existing sewerage assets, which must not be affected by the discontinuance and sale;
 - (e) directs that the CEO sign any transfer of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent sale to the Owner; and
 - (f) directs that the Owner be required to consolidate the title to the Road with the title to 1 Gough Street, Cremorne following the transfer by no later than 6 months after the transfer date.

CONTACT OFFICER: Philip Mason
TITLE: Chief Financial Officer
TEL: 9205 5449

Attachments

- 1 Plan of Road
- 2 Plan of Owner s Property
- 3 Public Notices
- 4 Site inspection report
- 5 Correspondence from City West Water

Attachment 1 - Plan of Road

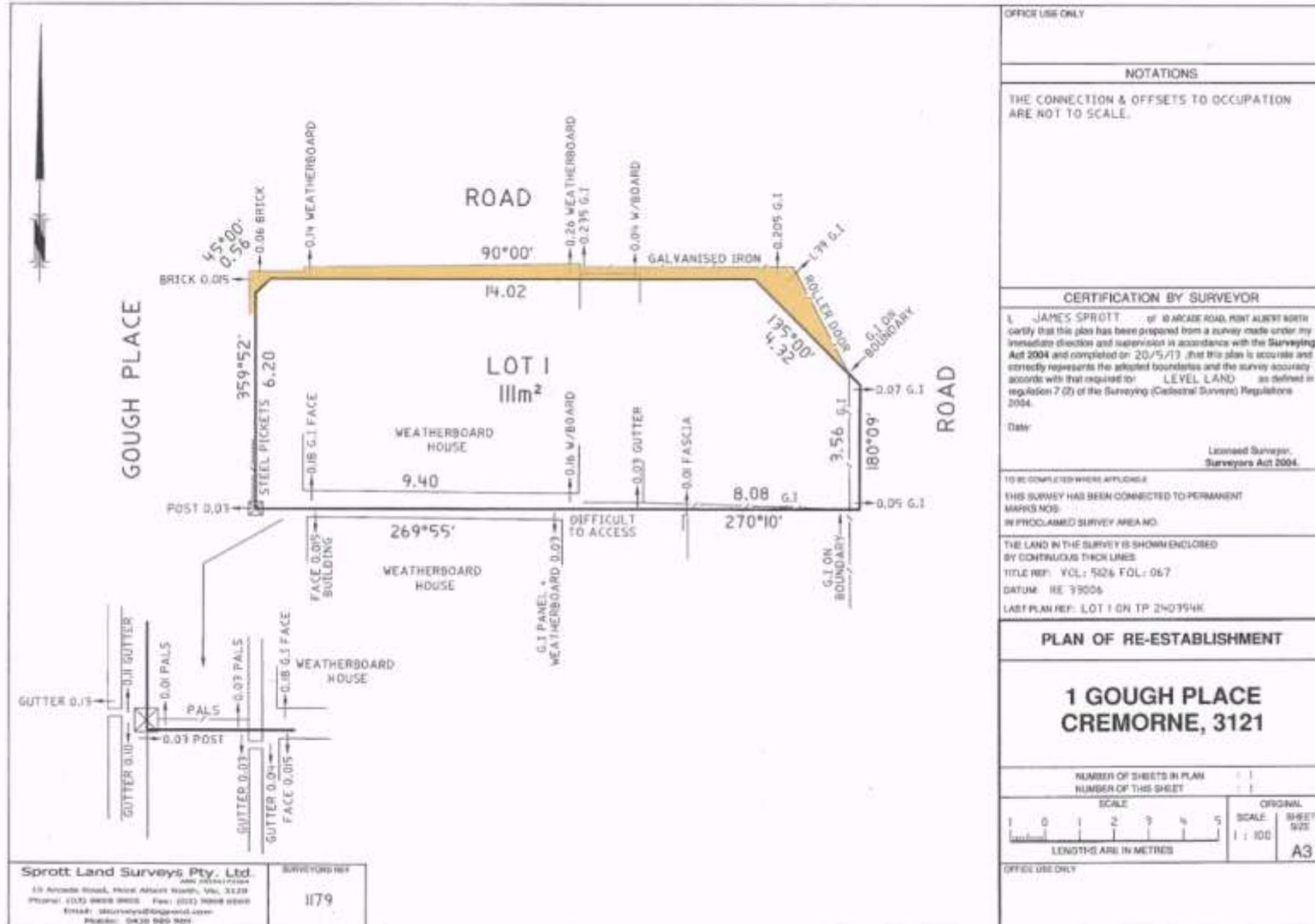


DML LAND SURVEYS
 PO Box 316, Lower Plenty 3088
 E: enquiri@dmlland surveys.com.au
 www.dmlland surveys.com.au
 M: 9422 742 395
 120 21 242 200 416 570 124 124

ORIGINAL
 SCALE SHEET SIZE
 1:150 A4

REF: 2014-135 Road Closure Gough Place

Attachment 2 - Plan of Owner s Property



Attachment 3 - Public Notices

Melbourne Times Weekly 18/02/15

Melbourne Leader 23/02/15

General Notices

Public Notices and Event

YARRA CITY COUNCIL
PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING SUBMISSIONS
UNDER SECTION 223

Yarra City Council (Council), acting under clause 3 of schedule 10 to the Local Government Act 1989 (Act), proposes to discontinue the road abutting 1 Gough Place, Cremorne shown as lot 1 on the plan below, being part of the land contained in certificate of title volume 1383 folio 552 (Road).

The proposal is that Council discontinue the Road and either sell the Road to an adjoining owner or transfer the Road to itself.

Any person may make a submission on the proposal.

Any person wishing to make a submission under section 223 of the Act must do so in writing by 18 March 2015.

All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond 3121 or posted to the following address:

Vijaya Vaidyanath
 Chief Executive Officer
 Yarra City Council
 PO Box 168
 RICHMOND VIC 3121

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or its committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

Following consideration of submissions Council may resolve not to discontinue the Road or any part of it or to discontinue the Road or any part of it and either sell the Road to an adjoining owner or transfer the Road to itself.

Vijaya Vaidyanath
 Chief Executive Officer
 Yarra City Council

1173082-A02M08-15

Public Notices

YARRA CITY COUNCIL
PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223

Yarra City Council (Council), acting under clause 3 of Schedule 10 to the Local Government Act 1989 (Act), proposes to discontinue the road abutting 1 Gough Place, Cremorne shown as lot 1 on the plan below, being part of the land contained in certificate of title volume 1383 folio 552 (Road).

The proposal is that Council discontinue the Road and either sell the Road to an adjoining owner or transfer the Road to itself.

Any person may make a submission on the proposal.

Any person wishing to make a submission under section 223 of the Act must do so in writing by 23rd March 2015.

All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond 3121 or posted to the following address:

Vijaya Vaidyanath
 Chief Executive Officer
 Yarra City Council
 PO Box 168
 RICHMOND VIC 3121

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or its committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

Following consideration of submissions Council may resolve not to discontinue the Road or any part of it or to discontinue the Road or any part of it and either sell the Road to an adjoining owner or transfer to Road to itself.

Vijaya Vaidyanath
 Chief Executive Officer
 Yarra City Council

Attachment 4 - Site inspection report



Maddocks

Ref: MAN:MVP:6193199

Maddocks
Lawyers
140 William Street
MELBOURNE 3000

**Yarra City Council
Proposed discontinuance of road abutting 1 Gough Place, Cremorne**

DATE OF INSPECTION: 14 / 10 /2014

PHOTOGRAPHS OF THE ROAD: AERIAL PHOTO & 4 SITE PHOTOS (No.) Enclosed

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes No

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Services*#	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	(# Including fire hydrants/plugs.)		

* Provide Details: From my on site inspection of the subject area of road/laneway intending on being discontinued, the area is currently occupied by fencing and the house at No.1 Gough Place, Cremorne, whom will be the eventual beneficiary of the subject road discontinuance and subsequent land transfer.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input type="checkbox"/> Bitumen
<input checked="" type="checkbox"/> Bluestone	<input type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input checked="" type="checkbox"/> Nil	<input type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input type="checkbox"/> Other <u>Occupied by fencing & house of No.1 Gough Place</u>

TYPE OF TRAFFIC:

Pedestrian Vehicular Animal Nil

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops
<input checked="" type="checkbox"/> Other <u>No.1 Gough Place, Cremorne</u>	

[6193199: 13586588_1]

Attachment 4 - Site inspection report



Maddocks

@ Specify which properties

Not Applicable

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

Not Applicable

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

Initial investigations indicate no significant encroachment from abutting properties into the subject road/laneway, accept for the subject No.1 Gough Place, Cremorne, which will be resolved from this road discontinuance

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?
OTHER OBSERVATIONS:

Yes No

As mentioned above the proposed section of road closure is quite small and we envisage that this will have little to no effect on how the road/laneway is currently used. The existing sewer infrastructure would still be easily accessible for maintenance and operational after the proposed road closure

Signed: Dean Loney (Surveyors Board of Vic. Reg. No.1927) Date: 15/10/2014

Title/Position: Licensed Land Surveyor Company: DML Land Surveys Pty. Ltd.

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

[B193199: 13586588_1]

Attachment 4 - Site inspection report



PO Box 136, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
M: 0422 741 385
ABN 65 540 050 590 ACN 148 148 688

AERIAL PHOTO



Attachment 4 - Site inspection report

PHOTO 1



PHOTO 2



Attachment 4 - Site inspection report

PHOTO 3



PHOTO 4



Attachment 5 - Correspondence from City West Water



15 August 2014

MARISSA PAPAS
MADDOCKS
140 WILLIAM STREET
MELBOURNE VIC 3000

City West Water Corporation
ABN: 70 066 902 467
1 McNab Avenue
Footscray Vic 3011 Australia
Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine
citywestwater.com.au
Telephone (03) 9313 8422
Facsimile (03) 9313 8417

Dear Marissa,

Re: PROPOSED ROAD DISCONTINUANCE
Location: 1 GOUGH PLACE, CREMORNE
CWW Reference: 14/257

I refer to your email received by City West Water (CWW) regarding the proposed discontinuance at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's conditions for working in the vicinity of water and sewer assets and a plan of the general area. As you will see on the plan provided, CWW has sewer assets in close proximity the proposed area to be discontinued.

Please note that CWW will not object to this proposal subject to the following:

- Sewer mains and surface fittings must be accessible to CWW for maintenance and operational purposes at all times.
- Any proposed fences must be located a minimum distance of 800mm clear of existing CWW sewer assets.
- Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
- Any proposal to place or build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).

Should you require any further information, please do not hesitate to contact me on 9313 8754.

Yours Sincerely,

Mark Abraham
Technical Officer, Other Authorities Works

Attachment 5 - Correspondence from City West Water

City West Water
 QES Management System
 Issue Date: 17/09/2012



City West Water
 A.B.N 70 066 902 467
 Locked Bag 350
 Sunshine Vic 3020
 Phone: 9313 8422
 Fax: 9313 8417

CITY WEST WATER'S REQUIREMENTS WHEN WORKING IN THE VICINITY OF WATER AND SEWER ASSETS

IMPORTANT INFORMATION

The attached plans have been provided by City West Water (CWW) in response to your request for the location of CWW assets. Please read all the information and conditions below and any notice on the plans.

1. The assets referred to in this document are sewer and water assets owned and/or controlled by CWW. Please note that some assets may belong to Melbourne Water, South East Water and Yarra Valley Water.
2. Due to the nature, depth and age of CWW's assets and records, it is impossible to ascertain the exact location of all underground assets. CWW does not guarantee and makes no representation or warranty as to the accuracy or scale of information provided.
3. If asset relocation or protection works are undertaken by CWW as part of the required solution, payment for the cost of this work shall be borne by the principal developer, council, client or contractor requiring these works.
4. Unless otherwise stated in this document, all water and sewerage works must be carried out in accordance with the Water Code of Australia WSA 03-2011-3.1 (MRWA Edition) and the Sewerage Code of Australia 02-2003-2.1 (MRWA Edition).

DUTY TO AVOID DAMAGE

1. It is the responsibility of the owner and any consultant engaged by the owner (including, but not limited to; architect, building surveyor, consulting engineer, contractor and the developer) to ensure that all CWW's underground assets are protected from the impact of any works.
2. It is the responsibility of the owner or person/s constructing the works to:
 - a. obtain 'Dial Before You Dig' plans showing CWW's assets in the vicinity of the proposed works no more than 30 days prior to commencement of works
 - b. locate all underground assets that may be damaged or interfered with by the proposed works via non-destructive or hand excavation prior to commencement of works
 - c. contact CWW's Network Operations Department (Ph. 9313 8211) if any of CWW's assets will be affected or interfered with in any way by the proposed works
3. If any damage is caused to CWW's assets as a result of works, or if any of CWW's assets are interfered with (including being built over, buried, altered or if any cover or support is removed) without CWW's consent, CWW will seek recovery for the costs of repairing such damage or interference.
4. There are statutory offences under the *Water Act 2007* and the *Road Management Act 2004* for damaging or interfering with CWW's assets and for building over or removing cover or support of CWW's assets without prior written consent.

Attachment 5 - Correspondence from City West Water

City West Water

QES Management System
Issue Date: 17/09/2012

STANDARD WORK CONDITIONS AND REQUIREMENTS

1. When undertaking works in the vicinity of CWW's underground assets, the minimum clearances and cover in the table below must be maintained at all times:

Clearance	Conditions	
150mm	Water main ≤ DN375 Sewer main (any size)	Vertical clearance when crossing an asset
500mm	Water main > DN375	
300mm	Water main < DN225	Horizontal clearance when running beside an asset
600mm	Water main ≥ DN225 Sewer main (any size)	
600mm	Water and sewer	Depth of cover when operating vibrating equipment e.g. jackhammers/vibrating plates
1000mm	Water main	Depth of cover when operating mechanical excavators and vibrating equipment e.g. sheep's-foot roller
1500mm	Sewer main	
300mm	Clearance from the back of kerb to the outer wall of the asset. No CWW asset is to be located underneath a roadway kerb and channel without prior written approval from CWW.	

Minimum cover over assets

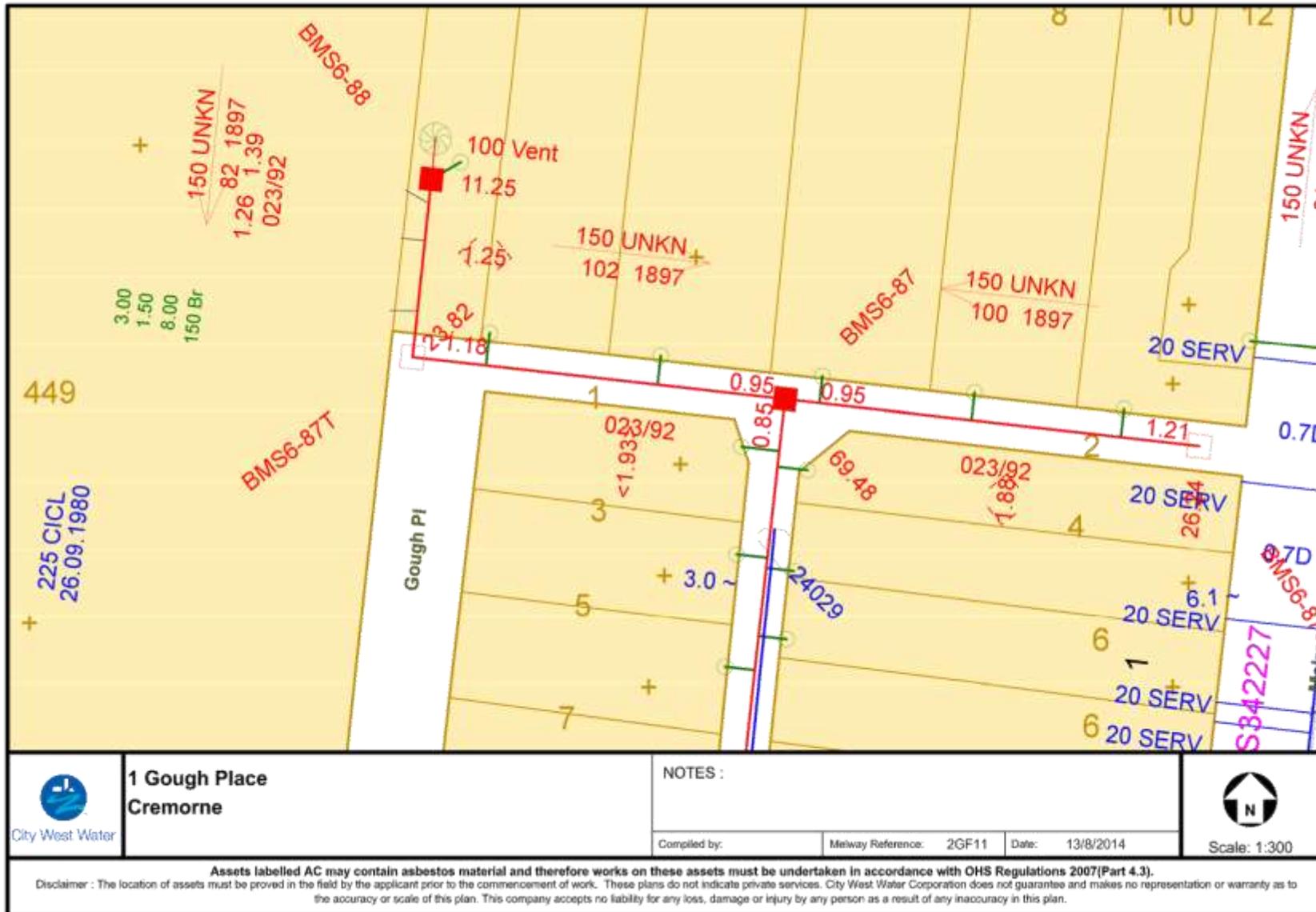
1200mm	VicRoads roadways (assessed on an individual basis)
750mm	Major roadways (assessed on an individual basis)
600mm	Sealed roadways
450/600mm	Nature strip, reserve (Residential/Commercial)

IMPORTANT: CWW's Network Operations Department (Ph. 9313 8211) must be contacted 14 days prior to any works in the vicinity of water mains 300mm or greater in diameter as additional work conditions may apply.

- All new and existing surface fittings (i.e. manhole covers, valve covers, hydrants, etc.) must match the proposed finished surface level.
- No hydrants are to be located in road pavements without prior written approval from CWW. Hydrants must be converted below ground and relocated clear of the roadway.
- No water main which is currently located in a nature/median strip is to be relocated underneath any pavement without prior written approval from CWW.
- All water and sewerage works must be undertaken by CWW or accredited consultants and contractors listed at: www.citywestwater.com.au. All CWW procedures and applications remain applicable.
- Should any of CWW's assets be exposed during the course of the works, 150mm of embedment material similar to existing (unless otherwise specified by CWW) must be placed around the pipe and the trench backfilled and compacted in accordance with requirements relating to asset location.
- CWW have a target for planned water supply interruptions to be completed in less than **150 minutes**. It is the expectation of CWW that consultants and contractors will assist in decreasing the disruption times and thus reduce the impact of works.

NOTE: If you feel that any of these requirements cannot be met, please contact City West Water on 131 691 for advice on how best to resolve the situation.

Attachment 5 - Correspondence from City West Water



11.3 Proposed Discontinuance of Road Abutting 61-71 Wellington Street and 37-39 Langridge Street, Collingwood

Trim Record Number: D15/96912

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989 (Act)* to consider discontinuing the road abutting 61-71 Wellington Street and 37-39 Langridge Street, Collingwood shown as Lot 1 on the title plan attached as Attachment 1 to this report, and shown hatched on the plan attached as Attachment 2 to this report (**Site Plan**), being part of the land contained in certificate of title volume 10280 folio 920 (**Road**).

Background

2. Business Options Pty Ltd ACN 114 519 158 (**Owner**) is the registered proprietor of the property known as 37-39 Langridge Street, Collingwood, being the land shaded orange on the Site Plan (**Owner's Property**), which includes the Road.
3. The Road also abuts the following properties (together **Adjoining Properties**), as shown coloured blue on the Site Plan:
 - (a) 41-43 Langridge Street, Collingwood; and
 - (b) 61-71 Wellington Street, Collingwood.
4. The sole director of the Owner, Jeffrey Andrew Bobik, also owns the Adjoining Properties as tenant in common with Craig John Rayner.
5. The Owner requested that Council discontinue the Road and sell the discontinued Road to the Owner.
6. The Road is currently fenced into the Owner's Property and Adjoining Properties.
7. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road.

Consultation

Road

8. The Road is shown on title as a 'road' and historically has been used as a right of way. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing.
9. Upon being discontinued, the Road will vest in Council.

Adjoining Owners

10. The Adjoining Properties are owned by individuals associated with the Owner. Council is satisfied that all the owners of the Adjoining Properties need not be further consulted.

Site Inspection

11. A site inspection of the Road was conducted by Dean Loney of DML Land Surveys, on 16 January 2015. The site inspection report notes that:
 - (a) the Road is obstructed by large steel gates at its southern end, where it abuts Derby Street, and at its northern end;
 - (b) the Road is used for pedestrian and vehicular access to the Owner's Property and the Adjoining Properties, which are accessible by a number of doors that open onto the Road. These properties all have alternate access to main roads and street frontages to main roads;
 - (c) there are a number of obstructions over the road, including parked cars, gates, air-conditioning units, downpipes and a Perspex pergola, all of which access or service the Owner's Property and Adjoining Properties; and
 - (d) the Road is not required for public access.
12. A copy of site inspection report is attached as Attachment 3 to this report.

Public Authorities

13. The following statutory authorities have been advised of the proposed discontinuance of the Road and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, APA Group, Telstra, Optus and Yarra City Council.
14. Melbourne Water, CitiPower, APA Group, Optus and Yarra City Council have advised that they have no assets in or above the road and no objection to the proposed discontinuance of the Road.
15. In a letter dated 4 December 2014, Telstra advised that it has assets in the near vicinity to the Road, however does not object to the proposed discontinuance of the Road.
16. In a letter dated 16 December 2014, City West Water (**CWW**) advised that it did not object to the proposed discontinuance and sale of the Road subject to the following conditions:
 - (a) an easement in favour of CWW must be created over the sewer main in this location;
 - (b) the sewer main and surface fittings (including the existing sewer vent and inspection shaft) must remain accessible to CWW for maintenance and operational purposes at all times;
 - (c) any proposed fences must be located a minimum distance of 800mm clear of existing CWW underground sewer assets;
 - (d) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (e) any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).
17. Copies of the correspondence from CWW and Telstra are attached as Attachment 4 to this report.

Public Notice

18. Before proceeding with the discontinuance, Council must give public notice of the proposed discontinuance in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of public of the public notice, lodge a written submission regarding the proposed discontinuance.

19. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
20. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Financial Implications

21. The Owner has agreed to acquire the Road for its market value (plus GST).
22. In addition to the market value of the Road (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Economic Implications

23. No other issues other than the considerations above.

Sustainability Implications

24. No Sustainability issues.

Social Implications

25. No Social issues.

Human Rights Implications

26. No Human Rights issues.

Communications with CALD Communities Implications

27. No further issues considered.

Council Plan, Strategy and Policy Implications

28. No further issues considered.

Legal Implications

29. The Road discontinuation process is guided by the Act.

Other Issues

30. No Other issues.

Options

31. No Other Options.

Conclusion

32. If the Road is discontinued and sold to the Owner, Council will require the Owner to:
 - (a) create a sewerage easement in favour of City West Water (this can be effected as part of the transfer of land); and
 - (b) agree to observe City West Water's conditions in respect of the Road; and
 - (c) consolidate the title to the former Road with the title to the Owner's Property within 6 months of the date of transfer of the Road to the Owner, at the Owner's expense.
33. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue and sell the Road abutting 61-71 Wellington Street and 37-39 Langridge Street, Collingwood.

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 abutting 61-71 Wellington Street and 37-39 Langridge Street, Collingwood which is shown marked '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 "Melbourne Leader" and "Melbourne Times Weekly" newspapers;
 - (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; and
 - (d) authorises Mr Bill Graham, Coordinator Valuations, 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.

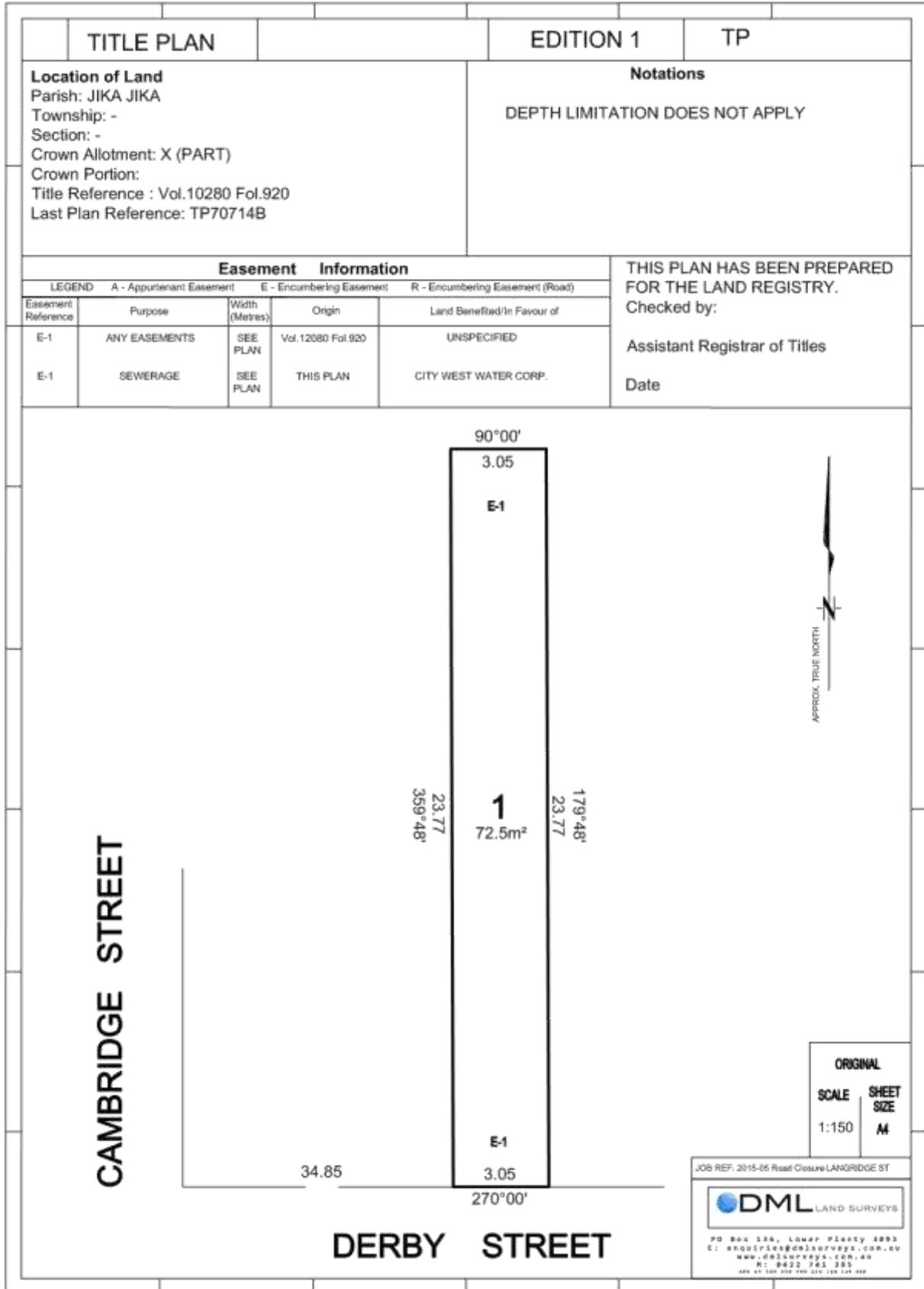
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 233 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road, is not reasonably 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 Business Options Pty Ltd ACN 114 519 158 (**Owner**) for no less than the market value as determined by the Act; and
 - (d) directs that the Chief Executive Officer 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.

CONTACT OFFICER: Philip Mason
TITLE: Chief Financial Officer
TEL: 9205 5449

Attachments

- 1 Title Plan of Road
- 2 Site Plan
- 3 City West Water Response
- 4 Telstra response
- 5 Site Inspection Report

Attachment 1 - Title Plan of Road



Attachment 2 - Site Plan



Attachment 3 - City West Water Response



City West Water™

16 December 2014

JONATHON MEEHAN
MADDOCKS
140 WILLIAM STREET
MELBOURNE VIC 3000

City West Water Corporation

ABN: 70 066 902 467

1 McNab Avenue
Footscray Vic 3011 Australia

Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine

citywestwater.com.au

Telephone (03) 9313 8422

Facsimile (03) 9313 8417

Dear Jonathon,

Re: PROPOSED DISCONTINUANCE OF RIGHT OF WAY
Location: ADJACENT 37-39 LANGRIDGE STREET, COLLINGWOOD
CWW Reference: 14/404

I refer to your email and plan received by City West Water (CWW) regarding the proposed discontinuance at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's conditions for working in the vicinity of water and sewer assets and a plan of the general area. As you will see on the plan provided, CWW has sewer assets within the proposed area to be discontinued.

Please note that CWW will not object to this proposal subject to the following:

1. An easement in favour of CWW must be created over the sewer main in this location.
2. **The sewer main and surface fittings (including the existing sewer vent and inspection shaft) must remain accessible to CWW for maintenance and operational purposes at all times.**
3. Any proposed fences must be located a minimum distance of 800mm clear of existing CWW underground sewer assets.
4. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
5. Any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).

Should you require any further information, please do not hesitate to contact me on 9313 8754.

Yours Sincerely,

Mark Abraham
Technical Officer, Other Authorities Works

Attachment 3 - City West Water Response

City West Water
 QES Management System
 Issue Date: 17/09/2012



City West Water
 A.B.N 70 066 902 467
 Locked Bag 350
 Sunshine Vic 3020
 Phone: 9313 8422
 Fax: 9313 8417

CITY WEST WATER'S REQUIREMENTS WHEN WORKING IN THE VICINITY OF WATER AND SEWER ASSETS

IMPORTANT INFORMATION

The attached plans have been provided by City West Water (CWW) in response to your request for the location of CWW assets. Please read all the information and conditions below and any notice on the plans.

1. The assets referred to in this document are sewer and water assets owned and/or controlled by CWW. Please note that some assets may belong to Melbourne Water, South East Water and Yarra Valley Water.
2. Due to the nature, depth and age of CWW's assets and records, it is impossible to ascertain the exact location of all underground assets. CWW does not guarantee and makes no representation or warranty as to the accuracy or scale of information provided.
3. If asset relocation or protection works are undertaken by CWW as part of the required solution, payment for the cost of this work shall be borne by the principal developer, council, client or contractor requiring these works.
4. Unless otherwise stated in this document, all water and sewerage works must be carried out in accordance with the Water Code of Australia WSA 03-2011-3.1 (MRWA Edition) and the Sewerage Code of Australia 02-2003-2.1 (MRWA Edition).

DUTY TO AVOID DAMAGE

1. It is the responsibility of the owner and any consultant engaged by the owner (including, but not limited to; architect, building surveyor, consulting engineer, contractor and the developer) to ensure that all CWW's underground assets are protected from the impact of any works.
2. It is the responsibility of the owner or person/s constructing the works to:
 - a. obtain 'Dial Before You Dig' plans showing CWW's assets in the vicinity of the proposed works no more than 30 days prior to commencement of works
 - b. locate all underground assets that may be damaged or interfered with by the proposed works via non-destructive or hand excavation prior to commencement of works
 - c. contact CWW's Network Operations Department (Ph. 9313 8211) if any of CWW's assets will be affected or interfered with in any way by the proposed works
3. If any damage is caused to CWW's assets as a result of works, or if any of CWW's assets are interfered with (including being built over, buried, altered or if any cover or support is removed) without CWW's consent, CWW will seek recovery for the costs of repairing such damage or interference.
4. There are statutory offences under the *Water Act 2007* and the *Road Management Act 2004* for damaging or interfering with CWW's assets and for building over or removing cover or support of CWW's assets without prior written consent.

Attachment 3 - City West Water Response

City West Water

QES Management System
Issue Date: 17/09/2012

STANDARD WORK CONDITIONS AND REQUIREMENTS

1. When undertaking works in the vicinity of CWW's underground assets, the minimum clearances and cover in the table below must be maintained at all times:

Clearance	Conditions	
150mm	Water main ≤ DN375 Sewer main (any size)	Vertical clearance when crossing an asset
500mm	Water main > DN375	
300mm	Water main < DN225	Horizontal clearance when running beside an asset
600mm	Water main ≥ DN225 Sewer main (any size)	
600mm	Water and sewer	Depth of cover when operating vibrating equipment e.g. jackhammers/vibrating plates
1000mm	Water main	Depth of cover when operating mechanical excavators and vibrating equipment e.g. sheep's-foot roller
1500mm	Sewer main	
300mm	Clearance from the back of kerb to the outer wall of the asset. No CWW asset is to be located underneath a roadway kerb and channel without prior written approval from CWW.	

Minimum cover over assets

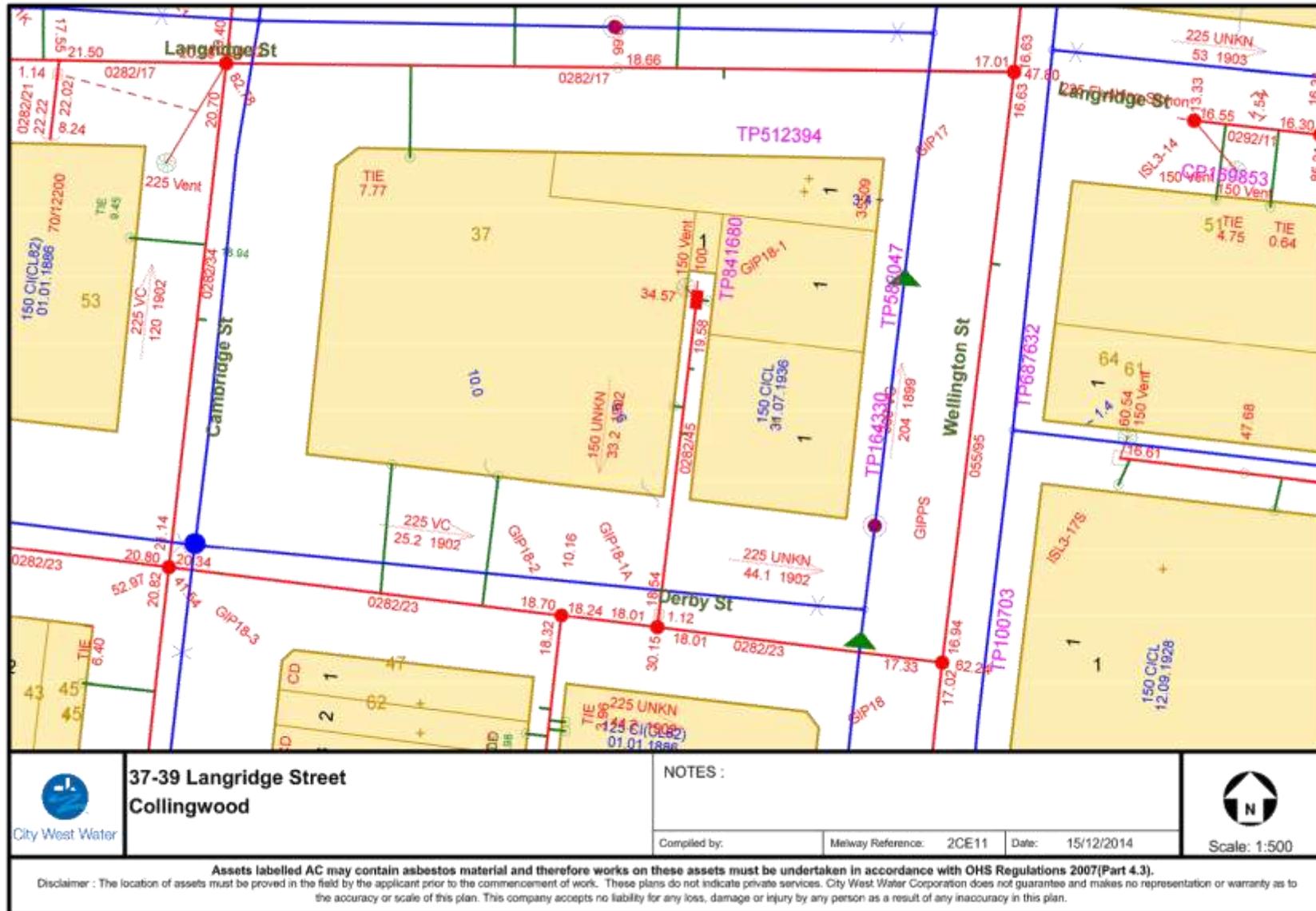
1200mm	VicRoads roadways (assessed on an individual basis)
750mm	Major roadways (assessed on an individual basis)
600mm	Sealed roadways
450/600mm	Nature strip, reserve (Residential/Commercial)

IMPORTANT: CWW's Network Operations Department (Ph. 9313 8211) must be contacted 14 days prior to any works in the vicinity of water mains 300mm or greater in diameter as additional work conditions may apply.

- All new and existing surface fittings (i.e. manhole covers, valve covers, hydrants, etc.) must match the proposed finished surface level.
- No hydrants are to be located in road pavements without prior written approval from CWW. Hydrants must be converted below ground and relocated clear of the roadway.
- No water main which is currently located in a nature/median strip is to be relocated underneath any pavement without prior written approval from CWW.
- All water and sewerage works must be undertaken by CWW or accredited consultants and contractors listed at: www.citywestwater.com.au. All CWW procedures and applications remain applicable.
- Should any of CWW's assets be exposed during the course of the works, 150mm of embedment material similar to existing (unless otherwise specified by CWW) must be placed around the pipe and the trench backfilled and compacted in accordance with requirements relating to asset location.
- CWW have a target for planned water supply interruptions to be completed in less than **150 minutes**. It is the expectation of CWW that consultants and contractors will assist in decreasing the disruption times and thus reduce the impact of works.

NOTE: If you feel that any of these requirements cannot be met, please contact City West Water on 131 691 for advice on how best to resolve the situation.

Attachment 3 - City West Water Response



Attachment 4 - Telstra response



Telstra Plan Services

Level 18, 275 George Street
Brisbane, QLD 4000

Postal Address:
Locked Bag 3820
Brisbane, QLD 4000

Date : **04/12/2014**

Your Ref: MAN:JOM:6430469
Our Ref: **MF161937-1**

Jonathon Meehan
Jonathon.meehan@maddocks.com.au

Email: F0501488@team.telstra.com

Dear Jonathon,

Re: Proposed Discontinuance –Langridge St –Collingwood.

Thank you for your original communication dated **02/12/14** in relation to the location specified above.

Telstra's plant records indicate that there are **Telstra assets in the near vicinity**. Subject to your compliance with the below conditions however, **Telstra has NO OBJECTIONS** to the Permanent Road Closure.

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, we note that all individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructor's/land owner's responsibility to anticipate and request the nominal location of Telstra plant via **Dial Before You Dig "1100" number** in advance of any construction activities in the vicinity of Telstra's assets.

On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for obtaining a Telstra accredited Asset Plant Locator to perform cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work. Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

For information on current services connected to a property and organizing new connections please contact sales on 13 22 03.

Telstra would also appreciate due confirmation in the event that you contemplate divesting your interest or control of this land so that Telstra may update its **Cadastre** records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

Queensland
Telstra - Cadastre Updates
PO Box 102
Toormina NSW 2452
Attention: - Sally Cameron
F1103453@team.telstra.com
F1103452@team.telstra.com

Attachment 4 - Telstra response

Please pass all information contained in this communication to all parties involved in this proposed process. If you have any difficulties in meeting the above conditions or if you have any questions relating to them, please do not hesitate to contact us at F0501488@team.telstra.com.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MS', with a small flourish at the end.

Megan Smith
Telstra Telstra Plan Services

Attachment 5 - Site Inspection Report



Ref: MAN:JOM:6340469

Maddocks
Lawyers
140 William Street
MELBOURNE 3000

**Yarra City Council
Proposed discontinuance right of way abutting 37-39 Langridge Street, Collingwood**

DATE OF INSPECTION: 16/01/2015

PHOTOGRAPHS OF THE ROAD: Attached in following pages

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes No

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Services**	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	(* Including fire hydrants/plugs.)		

* Provide Details: The Road is currently occupied by a large steel gate at both the southern end abutting Derby Street and the northern end, which restricts access for the general public. The Road is concrete throughout and is situated in between two large brick warehouse buildings at No.37-39 Langridge Street (towards West) and No.61-71 Wellington Street (towards East). Both of these properties have a number of doorways that directly access the Road. The Road is littered with a number of air conditioner units, downpipes and small pits and is enclosed by a perspex pergola roof through majority of the subject area.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input checked="" type="checkbox"/> Other <u>concrete</u>

EVIDENCE OF THE ROAD BEING USED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input checked="" type="checkbox"/> Other <u>a couple cars parked in Road</u>

TYPE OF TRAFFIC:

<input checked="" type="checkbox"/> Pedestrian	<input checked="" type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input type="checkbox"/> Nil
--	---	---------------------------------	------------------------------

[6340469: 14044410_1]

Attachment 5 - Site Inspection Report



WHAT IS THE ROAD PROVIDING ACCESS TO?

- Adjoining properties [Ⓜ] Reserve/Park
- Main Road Shops
- Other _____

[Ⓜ] Specify which properties

No.37-39 Langridge Street (towards West) and No.61-71 Wellington Street (towards East).

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

The adjacent properties to the subject Road mentioned above both have access and frontages to main roads.

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

There is no significant encroachment into the Road by either of the adjacent abutting properties.

IS THE ROAD REQUIRED FOR PUBLIC ACCESS? Yes No

OTHER OBSERVATIONS:

Signed: Dean Loney (Surveyors Board of Vic. Reg. No.1927) Date: 20/01/2015

Title/Position: Licensed Surveyor Company: DML LAND SURVEYS

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

Attachment 5 - Site Inspection Report



PO Box 136, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
M: 0422 741 385
ABN 65 540 850 290 ACN 148 148 688

AERIAL PHOTO & PHOTO POSITIONS

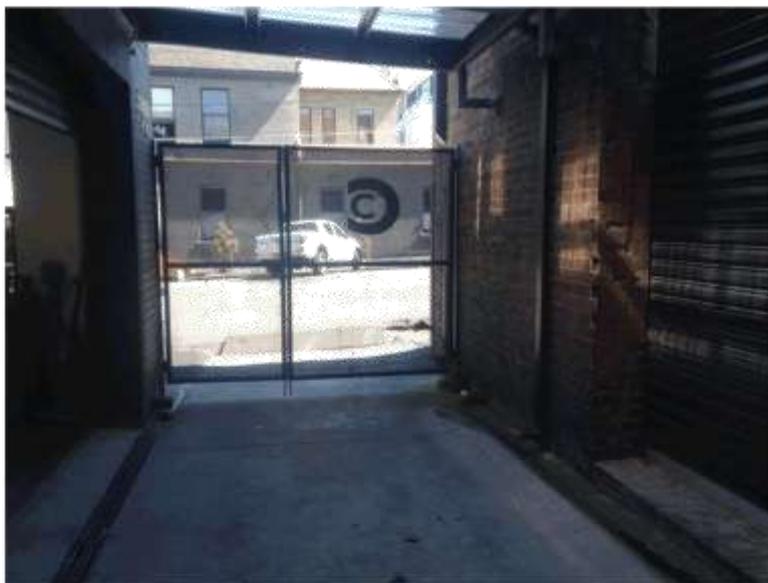


Attachment 5 - Site Inspection Report

PHOTO 1



PHOTO 2



Attachment 5 - Site Inspection Report

PHOTO 3



PHOTO 4



Attachment 5 - Site Inspection Report

PHOTO 5



11.4 Assigning a Name to Koormiel Lane, North Fitzroy

Trim Record Number: D15/98428

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. For Council to consider submissions and finalise the process to formally name a currently unnamed right of way abutting properties in McKean Street, Michael Street and Queens Parade, North Fitzroy (site plan – Attachment 1) as Koormiel Lane, North Fitzroy.

Background

2. Council received a request in early 2014 to have the right of way named. Construction of new dwellings at the rear of a property fronting McKean Street had commenced, thus requiring the assignment of a suitable property address. Council's Coordinator Valuations had confirmed the assignment of one street name would be sufficient for the whole length of the Right of Way.
3. After the implementation of the process prescribed by Council's Street Naming Policy and at the close of submissions, Council considered three alternative submissions (Koormiel Lane, Allira Lane and Goodenough Lane) resolved its intention to assign the name "Koormiel Lane" to the right of way. Koormiel is a Woiwurrung word meaning snake, reflective of the way the lane snakes around the neighbouring properties.
4. Following this resolution, Council officers advertised Council's intention to name the unnamed right of way, "Koormiel Lane" in the Leader and wrote to all abutting property owners and residents. Council invited submissions within 28 days of the notice. Following this process, two submissions were received from local residents.
5. **Submission No 1** came from the owner of five units at the rear of a McKean Street property that will have a Koormiel Lane address. Their submission reads in full "We support this naming."
6. **Submission No 2** came from the owners of a residential property currently being developed which will have a Koormiel Lane address. The submitters support the use of a name of Aboriginal origin, but express their disappointment in the choice of Koormiel. The reason for their objection is that they believe Koormiel is difficult to pronounce and too long. The submitter had previously suggested the name "Allira" which is claimed to mean "clear crystal quartz" and come from an aboriginal language from the Melbourne area. The Wurundjeri Land Council advise the word is not of Woiwurrung origin. While not forming part of their submission, investigation revealed that the submitter owns an overseas property named "Allira", giving that name a personal connection to an individual landowner, something which is to be avoided where possible.
7. Council officers have considered the submissions and recommend that Council proceed with the naming of Koormiel Lane. Given the objection set out in Submission No 2, Council officers provide the following specific advice:
 - (a) the Victorian State Government's Guideline for Geographic Names 2010 provides guiding principles in relation to the pronunciation and length of place names. It states: *"Geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters. An exception to this is in the use of Australian Indigenous languages when it is accepted that traditional names appearing at first to be complex will, over time, become familiar and easy to use within the community."*;
 - (b) with two words (including road type), four syllables and 12 letters, Council officers believe that "Koormiel Lane" is not too long and is comparable in length to many other street names throughout the municipality; and

- (c) Koormiel, like most words in the Woiwurrung language, is pronounced phonetically. The three syllables are: “Koor” (rhymes with “tour”), “mi” (rhymes with “bee”) and “el” (rhymes with “bell”). Emphasis is placed on the first syllable.

Consultation

- 8. Council officers initiated consultation and received a naming suggestion on the naming proposal from the Wurundjeri Land Council, in line with the Naming Policy.
- 9. Consultation was also undertaken with affected stakeholders via:
 - (a) direct contact with each of the four local Historical Societies (Carlton, Collingwood, Fitzroy and Richmond);
 - (b) preliminary advertising and call for suggestions on the Council website and in Council’s advertorial notice in the Melbourne Times Newspaper and the Leader Newspaper;
 - (c) direct mail to all owners and residents of properties bounded by McKean Street, Michael Street, Queens Parade and Delbridge Street, North Fitzroy advising of Council’s intention to name “Koormiel Lane”;
 - (d) notice on the Council website and in Council’s advertorial notice in the Melbourne Leader advising of Council’s intention to name “Koormiel Lane”; and
 - (e) two periods for receipt of formal submissions (following the preliminary advertising, and following Council’s formal resolution of its intent to name “Koormiel Lane”).

Financial Implications

- 10. There are no financial implications associated with the preparation of this report beyond the minor administrative costs associated with notifications and the cost of signage installation. These costs can be met within the adopted 2015/2016 Annual Budget.

Economic Implications

- 11. There are no economic implications associated with the preparation of this report.

Sustainability Implications

- 12. There is no sustainability implications associated with the preparation of this report.

Social Implications

- 13. The assignment of a name to the right of way will play a positive role in further strengthening community identification by City of Yarra residents, who reside along the right of way.

Human Rights Implications

- 14. There are no Human Rights implications associated with the preparation of this report.

Communications with CALD Communities Implications

- 15. Although there was no targeted communications for our culturally and linguistically diverse communities, greater reliance was placed on a site plan to present and capture the interest of all residents on Council’s website in accordance with the Street Naming Policy.

Council Plan, Strategy and Policy Implications

- 16. Council officers have complied with Council’s Naming of Roads, Features and Localities Policy. The features of this Policy are its compliance with the Victorian Guidelines for Geographic Names 2010 and its strong emphasis on communication with key stakeholders, including the Wurundjeri community (via the Wurundjeri Land Council), local Historical Societies and the wider Yarra community.

Legal Implications

- 17. There are no legal implications associated with the preparation of this report.

Other Issues

18. When assessing the respective naming suggestions, Council officers have adopted the approach to match the name which is considered most reflective of the location, in terms of its natural features and/or of its related historical past.

Options

19. Council can accept the officer's recommendation or determine not to proceed with the naming proposal. Alternatively, Council could identify another name and declare its intention in that respect and undertake a further exhibition and submission process.

Conclusion

20. It is recommended that Council support the Council officer's assessment and endorse the assignment of the name "Koormiel Lane" to the unnamed right of way, abutting properties in McKean Street, Michael Street and Queens Parade, North Fitzroy.

RECOMMENDATION

1. That having considered submissions following its declaration of intent to name the unnamed right of way, bounded by McKean Street, Michael Street and Queens Parade, North Fitzroy and shown in Attachment 1 as "Koormiel Lane", Council:
 - (a) assign the name "Koormiel Lane" to this right of way;
 - (b) request the Chief Executive Officer to:
 - (i) notify the Registrar for Geographic Place Names of Council's decision; and
 - (ii) notify both submitters of Council's decision, including details of how they can appeal Council's decision to the Registrar for Geographic Place Names.
2. That following notification from the Registrar for Geographic Place Names that the naming proposal has been approved, Council request the Chief Executive Officer to:
 - (a) notify all relevant parties (such as residents, property owners, emergency services, Australia Post); and
 - (b) arrange for installation of appropriate signage where Koormiel Lane intersects with McKean Street and with Michael Street.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

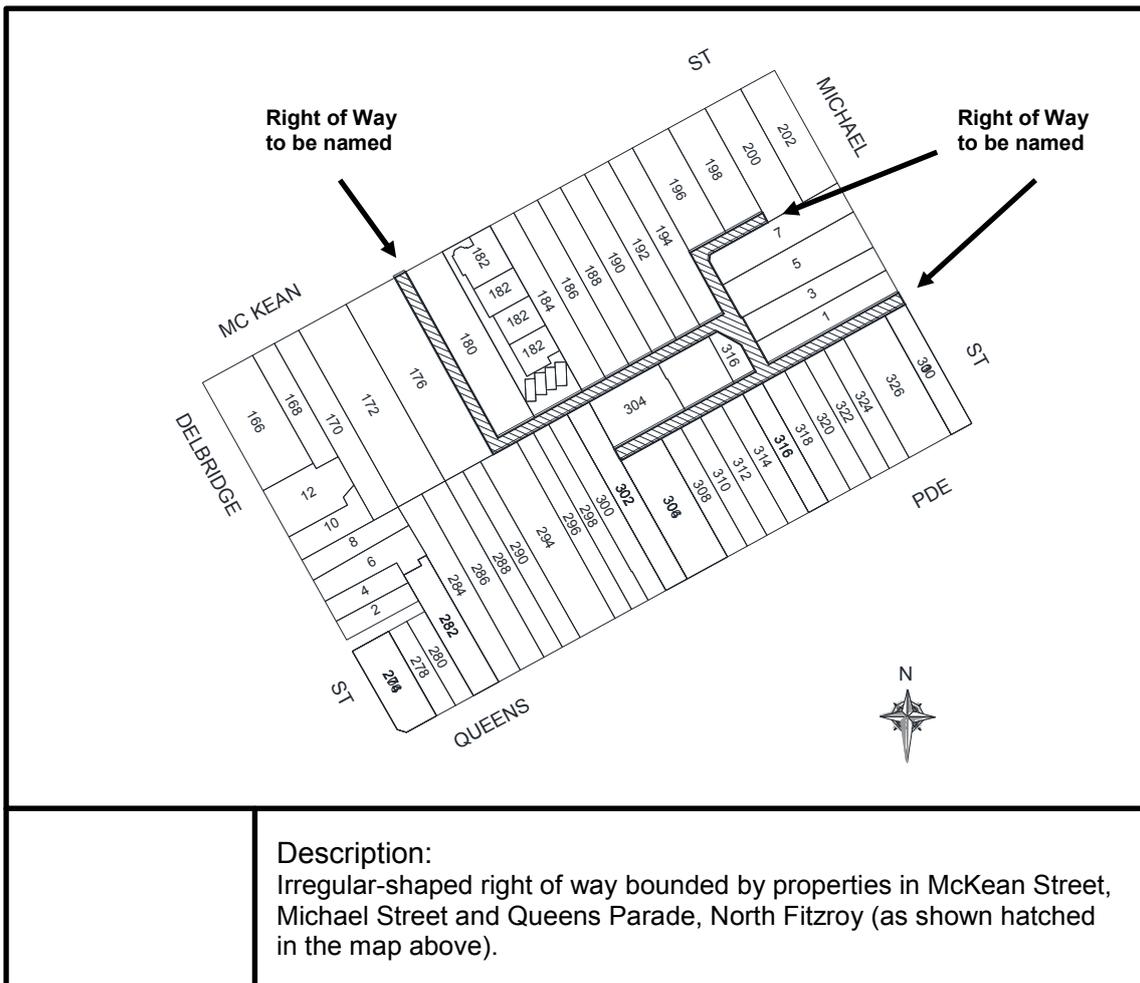
Attachments

- 1 Site Plan of Unnamed Right of Way, North Fitzroy

Attachment 1 - Site Plan of Unnamed Right of Way, North Fitzroy

Naming Suggestions Invited For Unnamed Right of Way, North Fitzroy

Council is seeking to assign a name to the unnamed right of way which abuts properties in Mc Kean Street, Michael Street and Queens Parade, North Fitzroy (refer map below).



11.5 Appointment of Authorised Officer - Planning and Environment Act 1987

Trim Record Number: D15/96514

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. In order to undertake the duties of office, the below named staff member should be appointed as an Authorised Officer pursuant to the above referred legislation.

Consultation

3. Not applicable.

Financial Implications

4. There are no direct financial implications arising from the appointment of an authorised officer.

Economic Implications

5. This report has no economic implications.

Sustainability Implications

6. This report has no sustainability implications.

Social Implications

7. This report has no direct social implications.

Human Rights Implications

8. This report has no Human Rights implications.

Communications with CALD Communities Implications

9. Not applicable.

Council Plan, Strategy and Policy Implications

10. This report is an example of this Council's positive action, in demonstrating its commitment to its legislative obligations.

Legal Implications

11. Appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

Other Issues

12. Not applicable.

Options

13. Not applicable.

Conclusion

14. That Council formally appoint officers; Matthew O'Meara as an authorised officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*. The Instrument of Appointment and Authorisation document be signed and sealed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. That Council:
 - (a) formally appoints **Matthew O'Meara** as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*; and
 - (b) requests that the Instrument of Appointment and Authorisation for Matthew O'Meara be signed and sealed accordingly by the Chief Executive Officer.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.

11.6 Instrument of Delegation and Terms of Reference for IMAP

Trim Record Number: D15/96582

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. A recent minor realignment of positions at the City of Melbourne requires an update of the instrument of delegation to Council's Inner Melbourne Action Plan Implementation Committee (IMAP).
2. The Melbourne representative – the Director City Planning and Infrastructure is now titled the Director City Operations. This requires a change to the representatives named in the IMAP Terms of Reference. The Terms of Reference are specifically identified in the sealed instrument of delegation, meaning the instrument now needs to be formally revoked and reissued to reflect the new arrangements.

Background

3. The Inner Melbourne Action Plan contains 11 Strategies and 57 Actions. Approved in 2006, it is now in its ninth year of the implementation program.
4. IMAP is a partnership between the Cities of Maribyrnong, Melbourne, Port Phillip, Stonnington and Yarra with five Special Committees meeting as one, bound by identical Council delegations and Terms of Reference. Its primary function is to oversee the implementation of actions through cross council teams and associated partners.
5. Council last updated the IMAP delegations and Terms of Reference on 25 June 2013.
6. The City of Melbourne has recently undergone a minor organisational realignment which has resulted in some changes to titles in their organisation. Their nominated staff representative on IMAP, Mr Geoff Lawler, who was the Director City Infrastructure and Planning, is now Director City Operations. At the City of Melbourne's Council meeting on 30 June 2015, the Council formally resolved to change the membership of their Inner Melbourne Action Plan Implementation Committee to reflect Mr Lawler's new title.
7. The membership of IMAP is set out in the Terms of Reference attached to the formal instrument of delegation of each of the five Council Special Committees. All member Councils of IMAP now need to formally resolve on this membership change.
8. This update also reflects some minor changes in the membership of the associate members to include recent State Government department name changes and inclusion of the Metropolitan Planning Authority representative.

Consultation

9. Consultation has occurred with the Executive Officer of IMAP to clarify the legal requirements related to the change.

Financial Implications

10. There are no financial implications arising from this report.

Economic Implications

11. There are no economic implications arising from this report.

Sustainability Implications

12. There are no sustainability implications arising from this report.

Social Implications

13. There are no social implications arising from this report.

Human Rights Implications

14. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

15. There are no implications arising from this report requiring community consultation.

Council Plan, Strategy and Policy Implications

16. The Yarra 2013-17 Council Plan contains a Strategic Objective of Leading *Local Government*. Among the focus areas forming part of that Strategic Objective is a commitment to “*enhance internal systems and processes, and their integration, to improve community service delivery and governance support*”.
17. The proposed change is designed to ensure the ongoing legal status of IMAP, and is consistent with this Strategic Objective.

Legal Implications

18. The recommended action will ensure continued compliance with Council’s obligations under section 86 of the *Local Government Act 1989* in relation to the valid establishment of Special Committees.

Other Issues

19. There are no further issues arising from this report.

Options

20. A failure to update the current instrument of delegation to IMAP could leave open to a legal questions as to whether the Committee is validly constituted under the Local Government Act 1989.

Conclusion

21. That Council reaffirm the delegations of the IMAP Special Committee and adopt the instrument of delegation and Terms of Reference documents as attached.

RECOMMENDATION

1. That Council:
 - (a) by instrument of delegation sealed by the Council under section 86 of the *Local Government Act 1989*, delegates to the Special Committee, the powers, duties and functions relevant to the Inner Melbourne Action Plan Implementation Committee governance arrangements in accordance with the Instrument of Delegation in Attachment 1 and revokes the existing instrument of delegation to the Inner Melbourne Action Plan Committee dated 25 June 2013;
 - (b) adopts the updated Terms of Reference for the Inner Melbourne Action Plan Committee as detailed in Attachment 2; and
 - (c) in addition to the existing members, appoints the person from time to time holding the position of Director City Operations, City of Melbourne as a voting member of the Special Committee and revokes the appointment of the Director City Planning & Infrastructure, City of Melbourne.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

- 1 Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

Attachment 1



Instrument of Delegation

INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE

Pursuant to section 86(3) of the Local Government Act 1989 ("Act"), Yarra City Council ("Council") delegates to the special committee established by resolution of Council and known as the "Inner Melbourne Action Plan Implementation Committee" ("the Committee"), the powers, duties and functions set out in the accompanying Schedule and Terms of Reference (dated 7 February 2006 and its subsequent reviews), and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 4 August 2015;
2. this delegation:
 - 2.1. comes into force on 4 August 2015;
 - 2.2. remains in force until Council resolves to vary or revoke it; and
 - 2.3. is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. the Committee is not authorised by this Instrument to:
 - 3.1. enter into any contracts, or incur expenditure, for an amount which exceeds the approved budget; and
 - 3.2. exercise the powers which, by force of section 86 of the Act, cannot be delegated, as follows:
 - 3.2.1. this power of delegation;
 - 3.2.2. to declare a rate or charge;
 - 3.2.3. to borrow money;
 - 3.2.4. to enter into contracts for an amount exceeding an amount previously determined by the Council;
 - 3.2.5. to incur any expenditure exceeding an amount previously determined by the Council; and
 - 3.2.6. any prescribed power.

The **COMMON SEAL** of the **YARRA**)
CITY COUNCIL was affixed hereto)
 in the presence of :)

Mayor
 Cr Philip VLAHOGIANNIS

Chief Executive Officer
 Vijaya VAIDYANATH

Date 4 August 2015

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

SCHEDULE

INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE

Powers and functions

The powers, duties and functions directly relating or ancillary to the following primary responsibilities:

1. develop and prioritise a rolling Three Year Implementation Program of Inner Melbourne Action Plan (January 2006 and subsequent reviews) actions, to be updated and approved annually;
2. oversee implementation of the IMAP in accordance with the agreed Three Year Implementation Program;
3. make recommendations to the Council and other IMAP member Councils on budget allocations (refer Terms of Reference) to effect the implementation of IMAP actions;
4. progress individual initiatives in accordance with the annualised Three Year Implementation Program;
5. review and recommend adjustments to the Three Year Implementation Program as required;
6. monitor and report annually to IMAP member Councils on the progress of the implementation of IMAP actions; and
7. perform all other functions that are set out in the Terms of Reference (attached) that are not otherwise listed above.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

- enter into any contracts, or incur expenditure, for an amount which exceeds the approved budget; or
- exercise the powers which, by force of section 86 of the Act, cannot be delegated.

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015



TERMS OF REFERENCE

INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE

15 August 2015

Preamble

The Cities of Melbourne, Port Phillip, Stonnington, Yarra and Maribyrnong have each set up identically constituted section 86 special committees, in accordance with the Local Government Act 1989, to provide a coordinated decision-making process to facilitate the implementation of the Inner Melbourne Action Plan (IMAP) dated January 2006 (and subsequent reviews), as adopted by member Councils in December 2005.

The name of each of the section 86 special committees will be "Inner Melbourne Action Plan Implementation Committee" (described jointly as "the Committee").

Any of the member Councils may terminate its section 86 special committee at any time. Where no more than one member Council terminates its committee, it is the intention that the Committee will continue to operate, subject to modification of this Terms of Reference to reflect the altered membership structure.

Purpose

Generally, the purpose of the Committee will be to oversee the implementation of regionally based actions identified in the Inner Melbourne Action Plan (IMAP) January 2006 (and subsequent reviews), as adopted by member Councils in December 2005.

Objectives

The IMAP project scope is to provide for the development of regional actions to deliver agreed regional outcomes. The broad outcome is to ensure the continued development and liveability of the inner region of Melbourne into the future.

The IMAP project is distinctive in bringing together key government stakeholders to develop and deliver regionally based actions.

The Committee will provide:

- regional decision-making necessary to implement agreed IMAP actions, which is binding on the member Councils; and
- impetus for the coordination and commitment of all partner organisations.

Role and Functions

The Committee will, with respect to:

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

Programming

- develop and approve a rolling Three Year Implementation Program to implement the actions “agreed” to in the IMAP and its subsequent reviews. This Program is to be updated and approved annually by the Committee;
- approve individual “Project Briefs” developed to progress specific IMAP actions in accordance with the Implementation Program;
- monitor the progress of individual IMAP actions; and
- establish the IMAP Leadership Forums (Executive Forum and the Annual Forum) to provide strategic input to the identification of regional priorities and development of the annualised Three Year Implementation Program.

Budgeting

- from such monies as are allocated in each member Council’s budget, determine the amount that member Councils will contribute annually for the cost of coordination and administration;
- be authorised to seek on behalf of the member Councils external funding for IMAP actions; and
- make recommendations to the member Councils of budget allocations required to effect the implementation of specific IMAP actions, to enable consideration in each Council’s annual budgeting process. Each member Council’s budget is expected to reflect necessary resources to deliver on commitments agreed in the Plan. The budget of each member Council would be specific to meeting the IMAP actions relevant to that respective municipality. The recommended budget allocation is to be based on the perceived benefits and/or capacity of each member Council.

Procedures Protocol

- develop a protocol to be adopted by the Committee to provide the basis for the working relationships between the member Councils in respect to matters within the Committee’s Terms of Reference (including the role, relationships and operational processes of the Leadership Forums and the IMAP Executive Officer) and for the resolution of any issues that arise between member Councils in respect to IMAP.
- provide advice, from time to time, to the member Councils on the governance arrangements of the Committee.

New Members

Neighbouring Councils can be admitted as full members of the IMAP Implementation Committee upon the recommendation of the IMAP Implementation Committee and following approval by resolution of all partner Councils, on the following basis:

- That the new member Council establishes a special committee named the “Inner Melbourne Action Plan Implementation Committee” under section 86 of the Local Government Act which mirrors the “constitution” of the existing member Councils as set out in the IMAP Delegations and Terms of Reference
- That the new member Council agrees to adopt the provisions of the existing Inner Melbourne Action Plan and any future reviews
- That the new member Council agrees to provide annual funding through their budget process on the same basis as the other IMAP Councils

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

- That, where possible, new member Councils commence their membership at the start of a financial year with approved funding in place
- That, unless resolved otherwise by the 4 original member Councils, the new member Council is entitled to the benefit of all actions and projects already completed or undertaken by IMAP **except for** the intellectual property in the IMAP Visitor Map and including any revenue and/or sale proceeds derived from the Map.

Structure

Each IMAP member Council's special committee is constituted in accordance with section 86 of the Local Government Act 1989 and its decision-making powers are subject to an Instrument of Delegation of the relevant IMAP member Council.

The Committee will consist of 10 voting members, being:

- one councillor and the Chief Executive Officer (or specified executive Director) from each of the following municipalities:
 - City of Yarra;
 - City of Melbourne;
 - City of Port Phillip;
 - City of Stonnington, and
 - City of Maribyrnong

A quorum for the Committee will be six, which is a majority of the persons appointed to the Committee.

Decision-making will be by a show of hands. For a motion to be successful it must be carried with the support of the members from at least four of the Councils listed above, excepting that the annual approval of the rolling Three Year Implementation Program must be carried unanimously.

The Chairperson and Deputy Chairperson shall be appointed from the councillor members of the Committee on a rotational basis for each meeting.

The Committee will set meeting dates and shall meet at least quarterly or at such other intervals as agreed by the Committee.

Two representatives from each of the following associate partners:

- Department of Environment, Land, Water and Planning (DELWP); and
- Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

One representative from each of the following associate partners:

- Metropolitan Planning Association
- VicRoads

will be invited to attend the meetings of the Committee. Associate partner representatives will not be members of the Committee or entitled to vote, but can participate in any discussion. The associate partners may change from time to time.

Reporting

The business of the Committee shall be recorded in proper minutes that shall be distributed to member Councils and included in the Register available for public inspection.

The Committee shall provide an annual report to the member Councils.

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

Administration

An IMAP Executive Officer will be appointed to provide administrative support to the Committee.

The IMAP Executive Officer will undertake a Co-ordination/Project Management role to:

- ensure the timely and coordinated delivery of the overall annual IMAP program; and
- provide the day to day oversight of the IMAP program and specific actions.

The Executive Officer will provide to the Committee:

- quarterly briefings at meetings; and
- six monthly progress reports.

Leadership Forums

The Committee will establish two Leadership Forums:

1. an Executive Forum; and
2. an Elected Representatives Forum of Councillors from the member Councils [Annual Forum].

The forums will meet as required, with the role of the Forums being to:

- determine and drive strategic regional priorities;
- provide advice to the Committee on annual priorities and the review of the Three Year Implementation Program;
- facilitate liaison, partnerships and co-ordination with the State Government and its Agencies, including identifying project synergies and opportunities arising from State or Local Government programs; and
- receive progress reports and an annual report from the Committee on the implementation program.

Forum meetings will be recorded by minutes for formal tabling and consideration by the Committee.

Project Task Groups

The Committee is able to establish Project Task Groups to undertake individual project actions.

The Project Task Groups would be formulated to deliver individual IMAP actions in response to the annual work program. The composition and funding of the Groups would be needs based.

The budget for specific project actions (including external funding where obtained) could be centralised in one partner Council's budget (ie the 'project lead' Council) or, alternatively, each partner Council could make project payments as required. The method of budget administration will be determined on an individual project needs basis.

Day to day co-ordination and integration of the Project Task Groups would be managed by the IMAP Executive Officer.

Individual 'Project Briefs' would need to be approved by the Committee.

Attachment 1 - Attachment 1 and 2 - IMAP Instrument of Delegation and Terms of Reference - August 2015

Membership

The Inner Melbourne Action Plan Implementation Committee will comprise the following members:

- **City of Melbourne:**
 - Chair, Future Melbourne (Planning) Committee; and
 - Director City Operations
- **City of Port Phillip:**
 - Mayor; and
 - Chief Executive Officer.
- **City of Stonnington:**
 - Mayor; and
 - Chief Executive Officer.
- **City of Yarra:**
 - Mayor; and
 - Chief Executive Officer.
- **City of Maribyrnong:**
 - Mayor; and
 - Chief Executive Officer.

11.7 Location of September 2015 Council Meetings

Trim Record Number: D15/98167

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To alter the adopted Council Meeting Schedule to enable the relocation of the Ordinary Meetings of Council scheduled for 1 and 15 September 2015 to be held at Richmond Town Hall rather than Fitzroy Town Hall.

Background

2. On Wednesday 15 July 2015, a number of rooms at Fitzroy Town Hall were damaged as the result of a water leak after a fire sprinkler pipe was damaged during the installation of new lights on Level 4. This resulted in an estimated 35,000 litres of water leaking into multiple levels of the building.
3. While the clean-up from this damage is now complete and repairs are underway, the need to relocate furniture and close some rooms during repair works mean the full use of the facility cannot be guaranteed in time for the Ordinary Council meetings scheduled for September 2015.
4. It is proposed to relocate the September 2015 meetings to Richmond Town Hall to ensure they are not disrupted by the repair works and can otherwise go ahead as scheduled.

Consultation

5. Internal consultation has occurred with relevant Council officers to ensure the appropriate administrative arrangements can be put in place in relation to the change.

Financial Implications

6. There are relatively minor costs associated with the relocation of the Council meetings due to the need to publish a public notice of the meeting location. Costs associated with hosting the meetings at each Town Hall are comparable.

Economic Implications

7. There are no economic implications arising from this report.

Sustainability Implications

8. There are no sustainability implications arising from this report.

Social Implications

9. There are no social implications arising from this report.

Human Rights Implications

10. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

11. There are no implications arising from this report requiring community consultation.

Council Plan, Strategy and Policy Implications

12. Council's Strategic Objective 5: leading local government - includes a leadership focus; and reinforces that Council is working closely with its community to represent and advocate for the rights and needs of such a community. It is therefore vital that the community is well informed of when Council conducts its formal meetings.

Legal Implications

13. Section 89(4) of the *Local Government Act* 1989, generally provides that a Council must give at least 7 days' notice when holding an Ordinary or Special Council Meeting. Where urgent or extraordinary circumstances prevent Council from complying with section 89(4), Council is required to give such public notice as is practicable and specify the urgent or extraordinary circumstances which prevented normal notice in the Minutes.
14. Further, Clause 36 of Council's Meeting Procedures Local Law 2011, provides that – "the date, time and place for all Ordinary Meetings and Special Committee Meetings shall be fixed by the Council from time to time".

Other Issues

15. There are no other issues arising from this report.

Options

16. Council can accept the Officer's recommendation or amend, vary, or defer the matter, pending receipt of other required information.

Conclusion

17. If adopted, the recommendation means the meetings on 1 and 15 September 2015 will be relocated to Richmond Town Hall, with Council meetings returning to Fitzroy Town Hall as scheduled in November 2015.

RECOMMENDATION

1. That:
 - (a) the Ordinary Council Meetings currently scheduled for 1 September 2015 and 15 September 2015 be relocated to Richmond Town Hall, commencing at 6.30pm for closed sessions and 7.00pm for public sessions;
 - (b) the Chief Executive Officer ensure that public notice is given of the changed location in accordance with section 89(4) of the *Local Government Act* 1989; and
 - (c) the Chief Executive Officer ensure details of the changed location are posted on Council's website and that an appropriate sign advising of the change is erected at Fitzroy Town Hall on the dates of the meetings.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.