



Ordinary Meeting of Council Minutes

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

www.yarracity.vic.gov.au

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

1.A Vale – Leo Berry

The Mayor acknowledged on behalf of Council the passing of Leo Berry, who passed away on Wednesday 15 July at the age 89. Leo Berry was the owner of the iconic Leo Berry's Richmond Boxing Club. Leo was a boxing trainer and former boxer of approximately 50 fights. His gym has also been a valuable base for underprivileged and disadvantaged youth in the area for many years.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Coleman

That the Mayor on behalf of Council write to the Berry family expressing Council's condolences.

CARRIED UNANIMOUSLY

2. Attendance, apologies and requests for leave of absence

Attendance

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 Waldock (Assistant 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)

Nil

4. Confidential business reports

Item

- 4.1 The item was withdrawn

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Fristacky

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

CARRIED

6. Petitions and joint letters

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13. Urgent business

Nil

6. Petitions and joint letters

6.1 Permit Parking Spaces for Butler Street, Richmond

Record No: D15/100553

A petition containing 14 signatures has been received from residents of Butler Street, Richmond requesting that Council change the 2 hour parking zone that is on one side of the street to a Permit parking zone.

Shoppers from Victoria Street and staff from the nearby schools are parking in the 2 hour zone all day, leaving residents struggling to look for car spaces.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Coleman

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

CARRIED

6.2 Street Tree Planting for Brighton Street, Richmond

Record No: D15/101267

A petition containing 15 signatures has been received from residents of Brighton Street, Richmond requesting that Council provide a native Australian eucalyptus species in front of 155 Brighton Street instead of another jacaranda or ornamental pear tree.

Residents would like Council to approve this tree in the Tree Planting Programme for the section of Brighton Street between Yorkshire Street and the southern end of Brighton Street.

Lead petitioner, Jeremy Maslin addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Huggins

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

CARRIED

7. Public question time

7.1 Mr Herschel Landes - President Bridge Road Main Street Inc. - Real Estate Signage

Question:

The number of real estate boards that are being erected around the municipality for sale, lease etc. is increasing and the issue from time to time is that real estate agents are being very enthusiastic with the amount of signage, how big that signage should be and how long they tend to leave them there.

Our intention is to not have this signage as it doesn't make street visually appealing.

Can Council support our endeavours to try and ensure that the rules with respect to these signage boards are attended to and hopefully taken down within seven days after they have over stepped the mark?

Response:

The CEO took the question on notice.

7.2 Ms Susan Zietz - Planning Decisions

Question:

What processes are in place within the Planning Department to ensure consistency between the decisions of recommendations of Planning Officers, the most recent report overrides the heritage considerations of the previous report and says it's not relevant but gives no reasons, and so I raise this as a process issue internally for Council to consider?

What processes are occurring with the planning department that ensures consistency of approach when dealing with planning matters and in particular I would like to know why there was a change?

The Conciliation Conference that was attended by the objectors last week, our representative arrived 10 minutes early, when she entered the room there was the Council representative, the solicitor for the other side and the conciliator in friendly discussion. I have to say it's not a good look when you're an objector and see Council representatives in friendly discussion with the people that are supposed to be promoting an application and Council officers are supposed to be opposing it. What confidence can objectors have that Council is actually going to see that an appropriate objection is promoted before consistent with Council decision?

Response:

The Director Planning and Place Making advised that:

- (a) Council's position will be rigorously defended and as I understand is a refusal that will be a rigorous defence and Council will be aware of that through other matters that have been refused or overturned and officer recommendations that have been overturned at IDAC;*
- (b) in terms of the merits of the matter, I can't comment other than every application that is lodged must be considered on its merits and if an 11 story proposal is before Council, it needs to be assessed against various provisions of the planning scheme;*
- (c) in relation to the consistency topic, the Manager and three Coordinators meet regularly, a couple of times a week in terms of working through topics and*

discussion over major planning applications, so happy for that to be enquired, happy to enquire if that happened with this case but I'm sure it did;

- (d) accept that it is not a good look that officers are in friendly discussions, it is true that advocates that go to the tribunal frequently attend, they do know each other so I would imagine that it was just a general conversation, but I am happy to take this up with the manager;*
- (e) there are many planning provisions in the planning scheme, whether it be car parking, heritage and others, heritage is one input to that process, so it is not necessarily an overriding factor, heritage is a major consideration but not an overriding factor; and*
- (f) all these matters will be looked into and reported back to Councillors and the resident.*

7.3 Mr Chris Newey - former member of Citizens Park Users Group - Citizens Park

Question:

How satisfied is Council with the quality of these proceedings and the effectiveness of these proceedings and what assurances can you give us that this has been done in a judicious manner?

Response:

The Director Planning and Place Making advised that:

- (a) the process is being worked through and have a prototype of signs that are going to be put up in Citizens Park hopefully by end of this week;*
- (b) the process has been looked at objectively, as part of the overall consultation there were four sessions held with representatives with the community that included people from the sporting clubs, dog walkers and the general public. Recommendations from those meetings will be put forward;*
- (c) the intention is to seek comment from the public on the four options put forward and responses back by 28 August;*
- (d) officers will present a report to Council at Council's Meeting on 15 September 2015;*
- (e) Local Laws Officers have been speaking with park uses regarding dog on-lead and off lead rules;*
- (f) in relation to the Citizens Park group meetings, I wasn't part of the those meetings so will take the question on notice with the process and participant input; and*
- (g) Council's dog declaration for Citizens Park and Victoria Park, says that when a sporting event or training is on, the whole park is a dog on-lead park.*

The Group Manager CEO's Office advised that:

- (a) the dog declaration is on the Government Gazette, so it can't be changed with a Council resolution. It was put in the gazette some years ago, it's a formal process and not easily addressed. It is best that Council continue with consultation that is in progress and bring back a fairly early result, and then Council can make a formal determination and have that gazetted and move on from there;*

- (b) *the provisions of the order will be checked so that whatever comes back to Council enables Council to make an appropriate decision either in the interim measure or long term and check the legal aspects so we don't go off the wrong track. It would be good to come to a decision as soon as possible on whatever Council wants to do with Citizens Park so we can implement something that is of a long term permanent nature; and*
- (c) *provide a report on various options.*

7.4 Mr Sam Alant - Citizens Park - Enforcement

Question:

Why are some policies being actively enforced and others not?

Does the football club using temporary gates not suggest that the gates being put back on maybe are a logical way to best manage the use of the ground?

Response:

The Director Planning and Place Making advised that:

- (a) *have recently been made aware that some kind of barrier has been padlocked to the existing fence and my understanding that it has been put on by somebody else, certainly not Council;*
- (b) *cannot confirm who has put this on and my instructions are that this be taken off at this stage; and*
- (c) *there are many stakeholders involved so we need to follow through with the process, it has been a long process but we need to hear all input from all stakeholders on the recommendations that have been put forward.*

7.5 Ms Theresa Saldanha - Citizens Park

Question:

Residents are frustrated with the Citizens Park process. A petition was signed by 800 residents to put the gates back on Citizens Park and I understand that Council is working through the process, however the process is taking too long and it is causing contention.

When is Council going to listen to the 800 responses, mostly from dog owners? We only see decisions that help the sporting clubs.

Response:

The Director Planning and Place Making advised that:

- (a) *it is a complicated matter and we have many different views and we do need to work through that process and honour that process;*
- (b) *there may be 800 dog walkers registered but there is also the sporting clubs that have a view; and*
- (c) *it is up to Council to make a decision when the report is put forward to Council on 15 September, it is not an officer's decision.*

8. General business

8.1 Strategic Planning Mechanisms

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Barbour

1. That Council request Officers to provide a report to a Council meeting in October 2015 that:
 - (a) provides a strategic overview of development pressures that the city is currently experiencing and also the anticipated locations of specific development pressure;
 - (b) outlines a process, and a timeline, whereby councillors will be able to engage in considering these development pressures with a view to developing priorities for action for appropriate strategic planning mechanisms to manage the activity in key locations; and
 - (c) outlines possible planning scheme mechanisms, and any other mechanisms, that would be available for Council to seek to manage these development pressures.

CARRIED UNANIMOUSLY

9. Delegates' reports

9.1 Councillor Misha Coleman - Interstate Meetings and Conference

ALGWA Meeting, South Australia, ALGWA Meeting, Canberra & ALGA Conference¹, Canberra on 16 June 2015

Opportunities and areas of interest for the City of Yarra were explored in detail through strategic meetings with Councillors from other municipalities and with State and Federal MPs at the three meetings listed above.

Container deposit legislation (CDL) and plastic bag reduction

1. A briefing attended by 12 Councillors' was held at Parliament House on Monday 15th June, and some of the economic arguments AGAINST container deposit legislation were debunked.
2. Essentially, the value of containers in kerbside recycling CAN be retained, as long as the contracts are structured to do so
3. Other elements of Container Deposit Legislation discussed were:

¹ The Mayor and Cr Colanzi also attended ALGA Conference in Canberra

- (a) the focus on machines in NSW which was seen to be highly problematic;
 - (b) the report undertaken in Victoria called *Turning Rubbish into Money* (by Greens NSW MP Colleen Hartland); and
 - (c) the Senate Inquiry into packaging and the findings.
4. Briefing also given re the National Campaign for Plastic-bag-free July (noting that Manly Council are in partnership with Coles for this initiative this year, and was launched and supported by Mike Baird).

Renewable energy micro-grids

- 5. Presentations were given describing solar-based micro-grids that are being installed across the country.
- 6. The installations have occurred in new residential developments, commercial/retail centres and are being planned for suburb-wide and city-wide scales.
- 7. The renewables entities from which we had presentations were coincidentally highlighted on ABC's 4 Corners during the ALGA Conference on 15.6.15.
- 8. These entities originated in South Australia but are now rolling out renewable micro-grids in new Victorian residential developments, and the potential application to new sites is apparently supported by the current Victorian Government.

Garage Sale Trail

- 9. Note that Yarra was one of the participating Councils, for the first time, last year, and as such, shares in the Banksia Award which the Garage Sale Trail has recently won.
- 10. Note that the objective of the initiative is re-use and recycling, as opposed to waste reduction.
- 11. Advantages include the opportunities for Councils to cross-promote other waste initiatives
- 12. The initiative offers great potential (as yet unrealized in Yarra) for business engagement
- 13. Contrary to concerns by Council Officers that hard waste would essentially be generated by participation in the Garage Sale train (due to unsold goods); this concern is not supported by the evidence that was presented.

Funding of local government and constitutional recognition

- 14. See details about the intergovernmental "retreat" about Federation and taxation reform here <http://www.lgfocus.com.au/editions/2015-05/coag-leaders-retreat-adds-momentum-to-federation-debate.php>
- 15. Note that there does not currently seem to be strong representation by Local Government at this important meeting about Federation

Addressing corruption and malpractice

- 16. Several Councillors discussed the inadequacies of existing mechanisms available to local government Councillors' to raise complaints and to achieve useful and well-conducted investigations of malpractice and corruption.
- 17. Councillors were encouraged to ask their State and Federal Members of Parliament to raise these issues in their respective Parliaments, and to have such issues documented in Hansard.

18. Inter-relationship between forced amalgamations, democracy and planning:
 - (a) Meetings with NSW Councillors' from a variety of shires explained lessons learnt in NSW related to rate-capping and forced amalgamations:
 - (i) green bans movements;
 - (ii) Planning, Environment and Assessment Act has been eroded over time;
 - (iii) increasing influence of developers;
 - (iv) much reduced level of involvement of residents; and
 - (v) note 'gateway' processes where decisions basically made being closed doors at the state Government level

Impending NSW Amalgamations

19. Proponents think they'll be able to halve Council staff numbers
20. Need to be able to capture empirical evidence and case studies to counter the mis-information that has been peddled
21. Note that NSW Councils have to have "Fit for the Future" submissions in by 30th June, 2015.

Housing and Rates

22. Note that the Federal Government has dropped the pensioner rebate for rates – which has resulted in cost-shifting to local councils and has resulted in year to year uncertainty for pensioners.
23. Note the debate at the Federal levels about negative gearing
24. Note the use of rent control in other countries
25. Councillors discussed the pressure from retirement villages for differential rates (which Vic State Government has allowed)
26. Low cost housing at caravan parks in jeopardy due to gentrification of coastal areas.
27. Other issues discussed included: Renters rights, first home buying, affordability; crisis housing – noting that these issues figured strongly in 3 recent state elections in NSW.

Trans Pacific Partnership agreement

28. A briefing was provided at Parliament House on for interested Councillors on the impacts on Councils if the Trans Pacific Partnership is approved.
29. Note that many Councils, including City of Yarra, have passed motions rejecting the TPPA and calling for the text to be made public.
30. We were briefed that although most Federal Parliamentarians of countries who are parties to the agreement have not been allowed to see the text, that 600 corporations have been allowed to see the text.
31. At the time of writing this report, the agreement was stalled in US Congress.
32. However, whenever any bilateral or multilateral trade agreement is being negotiated by the Federal Government, Councils should ensure that the ISDS (Investor-State Dispute Settlement) is not included due to the limits it places on the ability of Councils to undertake processes such as local procurement of goods and service.

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Gaylard

That the delegates report be noted.

CARRIED

9.2 Councillor Jackie Fristacky - Fitzroy Community School

Councillor Fristacky reported the following:

On 22 July 2015, I attended the Fitzroy Community School (FCS) at 597-599 Brunswick Street, North Fitzroy for the launch of its history written by the School's remarkable founders, Faye Berryman and Philip O'Carroll.

The authors provided a signed copy to present to Council and I formally do so at this Council meeting.

This is an inspiring book of a highly successful community school established in 1976 as an independent, not for profit primary school, run on the motto "People before things". Commencing with 12 children in the Class of 1977, the school has run since then to the present, 38 years later. FCS is famed for its 80 story books known collectively as "The Fitzroy Readers" and "The Fitzroy Method" of teaching. FCS started in the Brunswick Street home of its founders who later formally transferred their home to the FCS which also purchased the adjacent building on Brunswick Street. The FCS remains small with 65 students in 2015, but in 2014, expanded into a 2nd campus with the opening of a new FCS in Thornbury.

The FCS founders inspired John Marsden to establish his own Candlebark Community School in Romsey in 2004, opening in 2006. Candlebark literature declares that it is "Strongly influenced by Fitzroy Community School".

The FCS retains ongoing links, sharing and exchanging programs with John Marsden's Candelbark.

The FCS also inspired maths teacher, Bob Morgan to establish a Community Secondary School, Alia College (76 students) in Tooronga Road, Hawthorn, when their oldest child reached Grade 6 at FCS.

In conclusion, I present this copy of the "Fitzroy Community School" with the recommendation that it is an excellent read on learning and education.

But I take the opportunity to read an insightful passage from page 74.

"One thing you learn when dealing with bureaucracies is that they have no manners. Worse than that, their tone is often menacing ... It makes me feel like running a course in *Manners Training For People Who Serve the Public.*"

Author Faye Berryman hastens to say at page 81, "we found those associated with the City of Fitzroy consistently helpful and supportive, especially the Mayor." The City of Yarra is mentioned further in good light.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Colanzi

That this report be noted and that the Mayor write, congratulating the Fitzroy Community School on its history and role in our municipality.

CARRIED UNANIMOUSLY

9.3 Councillor Amanda Stone - Active Aging Advisory Group

Councillor Stone reported the following:

On Tuesday 21 July, the Active Aging Advisory Group organised a full day forum called "Dying Matters: You Only Die Once" at the Richmond Town Hall. The purpose of the session was to encourage older Yarra residents and interested others to start thinking and talking about what is a 'good death'. The forum was a great success, with more than 90 people participating.

I would like to acknowledge the work the Active Aging Advisory Group and volunteers did to organise the speakers and program for the forum. It was incredibly well received and a real thirst to talk about these issues with the community.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Vlahogiannis

That the delegates report be noted.

CARRIED

10. Questions without notice

10.1 Councillor Jackie Fristacky - Shared Paths

At the Yarra Council meeting on 22 July 2015, many questions were raised by submitters on Rushall Reserve regarding the use of shared paths by cyclists, pedestrians and others.

Issues raised were signage, education, enforcement and a Code of Conduct for cyclists.

Royal Park has a Code of Conduct for Considerate Cycling on their website:

<https://www.royalparks.org.uk/park-management/park-regulations-and-policies/cycling-in-the-royal-parks/the-pathway-code-of-conduct-considerate-cycling>

The Amy Gillett Foundation with VicRoads, TAC and the Cycling Promotion Fund, worked on a Code of Conduct covering drivers and cyclists which could be adapted for shared paths: <https://www.vicroads.vic.gov.au/safety-and-road-rules/cyclist-safety/sharing-the-road#.Va8X9Ckg438.mailto>

The City of Port Phillip has undertaken considerable work on shared paths given issues on well used Beach Road, Elwood, Bay Trail, Sandridge Trail and the St Kilda Promenade. City of Port Phillip has developed a package of measures including path improvements, signage with an annual education program targeting both pedestrians and cyclists on Shared paths and small flyers handed out to these users. Copies of these are tabled.

Question:

Can the issue of shared paths and development of a simple Code of Conduct be referred to IMAP and IMAP Councils for further consideration together with shared signage, tools and interchange of information on shared path issues?

Response:

The CEO advised that she would take it up with IMAP to consider and will also speak with the CEO's group.

Cr Gaylard requested feedback for the Bicycle Advisory Committee.

11.1 Memorandum of Understanding with Melbourne and Olympic Parks Trust

Trim Record Number: D15/93842

Responsible Officer: Director Planning and Place Making

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.

Councillor Jolly left the meeting at 8.05 pm.

Public Submission

Mr Brian Morris – CEO, Melbourne and Olympic Parks addressed Council on this matter.

MOTION

Moved: Councillor Coleman

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.

AMENDMENT

Moved: Councillor Gaylard

1. That Council endorse the attached Memorandum of Understanding (MOU), with the Melbourne and Olympic Park Trust, subject to corrections and note the benefits of entering into this MOU.
2. That Council note that future Memoranda of Understanding should emphasise and affirm Council's policies regarding environmental sustainability, and sustainable transport goals, articulated through a preamble, and realised where appropriate within the terms and scope of the MOU.

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

COUNCIL RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Gaylard

1. That Council endorse the attached Memorandum of Understanding (MOU), with the Melbourne and Olympic Park Trust, subject to corrections and note the benefits of entering into this MOU.
2. That Council note that future Memoranda of Understanding should emphasise and affirm Council's policies regarding environmental sustainability, and sustainable transport goals, articulated through a preamble, and realised where appropriate within the terms and scope of the MOU.

CARRIED UNANIMOUSLY

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

Trim Record Number: D15/97121

Responsible Officer: Director Corporate, Business and Finance

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 at 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 Chief Executive Officer 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.

COUNCIL RESOLUTION**Moved:** Councillor Huggins**Seconded:** Councillor Barbour

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that 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 at 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 Chief Executive Officer 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.

CARRIED UNANIMOUSLY

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

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.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act* 1989 **(Act)**:
 - (a) resolves that 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.

CARRIED UNANIMOUSLY

11.4 Assigning a Name to Koormiel Lane, North Fitzroy

Trim Record Number: D15/98428

Responsible Officer: Group Manager Chief Executive's Office

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.

COUNCIL RESOLUTION**Moved:** Councillor Huggins**Seconded:** Councillor Barbour

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.

CARRIED UNANIMOUSLY

11.5 Appointment of Authorised Officer - Planning and Environment Act 1987

Trim Record Number: D15/96514

Responsible Officer: Group Manager Chief Executive's Office

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.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

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.

CARRIED UNANIMOUSLY

11.6 Instrument of Delegation and Terms of Reference for IMAP

Trim Record Number: D15/96582

Responsible Officer: Group Manager Chief Executive's Office

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.

COUNCIL RESOLUTION

Moved: Councillor Huggins

Seconded: Councillor Barbour

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.

CARRIED UNANIMOUSLY

11.7 Location of September 2015 Council Meetings

Trim Record Number: D15/98167

Responsible Officer: Group Manager Chief Executive's Office

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.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Colanzi

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.

CARRIED UNANIMOUSLY

12.1 Notice of Motion No 7 of 2015 - Strategic Planning Mechanisms for Bridge Road

Trim Record Number: D15/101762

Responsible Officer: Group Manager Chief Executive's Office

Public Submission

Mr Herschel Landes – President, Bridge Road Main Street Inc. addressed Council on this matter.

COUNCIL RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Huggins

1. That Council request Officers to bring a report to the first Council meeting in October 2015, providing advice on the merits, timing, estimated costs and any other appropriate considerations pertaining to the preparation of a structure plan or other strategic planning mechanisms for Bridge Road.

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 9.33pm.

Confirmed Tuesday 18 August 2015

Mayor