



Ordinary Meeting of Council Agenda

to be held on Tuesday 19 November 2013 at 7.00 pm
at the Fitzroy 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

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

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

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

4. Confidential business reports

Item

- 4.1 Matter relating to legal advice
- 4.2 Matter prejudicial to Council
- 4.3 Property matter
- 4.4 Matter relating to legal advice

5. Confirmation of minutes

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 12 November 2013 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	Access and Inclusion Plan 2014 - 2017 (Final)	8	13	Adrian Murphy - Manager Aged and Disability Services
11.2	Wellington Street Copenhagen Lanes Advisory Group Report	14	21	Jane Waldoock - Manager Strategic Transport and Sustainability
11.3	North Carlton Foyer Feasibility Study Report	22	25	Margherita Barbante - Manager Library Services
11.4	Proposed Discontinuance of Road abutting 10 Richardson Street, Carlton North.	26	28	Bill Graham - Coordinator Valuations
11.5	Proposed Discontinuance of Roads adjacent to the Richmond Shopping Centre	29	32	Bill Graham - Coordinator Valuations
11.6	Proposed Discontinuance of Road abutting 452-456 Bridge Road, Richmond	33	35	Bill Graham - Coordinator Valuations
11.7	In Principle Support for Melbourne Bike Share	-	-	Jane Waldoock - Manager Strategic Transport and Sustainability
	This item will be distributed separately			

Public submissions procedure

Council may extend an invitation for members of the public to make verbal submissions (but not ask questions or engage in debate) regarding items on the agenda.

If 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

4. 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:
 - (a) Matters relating to legal advice
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.

11.1 Access and Inclusion Plan 2014 - 2017 (Final)

Trim Record Number: D13/97942

Responsible Officer: Co-ordinator Services & Planning

Purpose

1. To present to Council the final Access and Inclusion Plan 2014 – 2017 ('the Plan') entitled *Inclusion for All*, for adoption.

Background

2. At the Council meeting on 17 September 2013, Council approved the release of the draft Plan for public exhibition prior to its adoption following the consideration of feedback, and its review by the Disability Advisory Committee and Council.
3. The process of developing the new Plan included a number of steps.
 - (a) evaluation of the previous four year Plan - *Difference is More* Disability Action Plan 2010 - 2013;
 - (b) consultation with community members through a one-day community forum (held in November 2012 for residents with disability and their family/carers);
 - (c) commissioning of a research paper on intersecting attributes affecting people with disability in diverse communities;
 - (d) internal consultation with Council officers in meetings with staff in 17 Branches;
 - (e) development of a paper on the demographics of disability and caring in Yarra; and
 - (f) advice and guidance from the Disability Advisory Committee at every stage of the development of the Plan.

Consultation

4. The Plan was placed on public exhibition between 23 September and 23 October 2013. The full document, its summary and the feedback form, were distributed for public comment through:
 - (a) Yarra's website, advertorials in the Leader newspaper and on Twitter;
 - (b) community networks including Disability Advisory Committee members' networks, MetroAccess networks and Info-exchange;
 - (c) support agencies and community organisations including Health Centres, Disability Employment Services, Summer Foundation, Abbotsford Convent and many others;
 - (d) participants of the community forum;
 - (e) the 'Turtle Group' – a group for people with disability in the Vietnamese community. The summary of the draft Plan and the feedback form, were translated into the Vietnamese language;
 - (f) hard copies were available from Richmond Town Hall, Yarra customer centre in Collingwood, Yarra Libraries and Neighbourhood Houses.
5. Twelve submissions were received via on-line feedback forms, emails or discussions. One submission was anonymous, three were received from individual residents, and nine submissions were made by different organisations/groups. These included other councils, Aboriginal interest groups, and disability support/advocacy agencies. The Disability Advisory Committee made a submission as well.
6. Compared to the previous Plan, there was greater scope and detail in the responses to the new Plan. The range of submitters was more varied, with responses being made by government and non-government organisations as well as community members. This

pleasing result indicates a higher level of community awareness on disability rights and greater engagement and expectations in the field. The process of public exhibition has reinforced Council's prominence in planning on disability access and inclusion.

7. Detailed comments provided in the submissions, and actions taken in their response, are recorded in the Attachment 1.
8. Four aspects were highlighted across the submissions and these are discussed below.

Support

9. Approval and support for the Plan were explicitly expressed in nine submissions. Expressions such as 'impressed with your thoughtfulness', 'fantastic work!', 'I am delighted and extremely grateful', 'great to see Council's commitment' and 'congratulations on all of these actions', demonstrate community satisfaction and appreciation of Council's endeavours in empowering people with disability and recognising their voice.

Issues

10. Issues raised in four submissions referred to some barriers to accessibility. All of these issues were noted and the authors of the relevant submissions were given contact details of a responsible Council officer to discuss concerns and assess any improvements that can be made. The issues include:
 - (a) Difficult access on footpaths for people with mobility aids (i.e. walking frames, scooters, wheelchairs) and for people with young children in prams. For example, people using scooters feel unsafe when travelling along streets/roads to move around, due to many footpaths not being accessible to them (i.e. too narrow, uneven surface, steep gradient, etc.).
 - (b) Insufficient number of public toilets on streets and in shopping centres; and poor accessibility to public toilets in Yarra. For example, ground floor toilet access is often not available in places licenced to serve food/drinks with sit-down capacity. Access to toilets located upstairs is not possible for people with mobility issues.
 - (c) Dangerous cyclists on shared paths. Concern was expressed that some cyclists are speeding, ignore the shared path rules and are hostile towards pedestrians (or wheelchair/scooter users).

Suggestions

11. A number of suggestions were made for consideration in enhancing the disability access and inclusion in Yarra; from partnerships with support organisations through to meeting communication needs of people with disability; from provision of community buses on weekends and adequate supports for people with disability to participate in sport and recreation, through to providing work experience for people with disability across Council Branches. Details of these suggestions and corresponding responses are outlined in Attachment 1.

Amendments to the draft Plan

12. Following consultation with relevant Council Branches, three additional actions have been proposed for inclusion in the Plan in response to the submissions. Two actions were recommended by the Disability Advisory Committee. The third action was recommended by the Chief Executive Officer of Disability Sport and Recreation. The additional actions are highlighted within Attachment 2. The three additional actions are:

- (a) Action 3.12: Expand the Good Access is Good Business Project across identified, key retail precincts in Yarra.

Measurable outcomes: By June 2014, Project Manager has been appointed and precincts identified; By December 2015 Project is completed (p. 23).

- (b) Action 5.10: Review the criteria for community grants to include a requirement for accepting and promoting companion cards at the events and activities funded by these grants.

Measurable outcome: Criteria for community grants include a requirement for applicants to accept and promote companion cards at the events and activities that they seek funding for (p. 28).

- (c) Action 5.11: Continue to provide advice to Council and advocate on issues of independently accessible public transport in collaboration with Strategic Transport.

Measurable outcomes: Strategic Transport consulted DAC on issues of accessible transport projects instigated by the Department of Transport that involve Yarra; Examples of Council's advocacy for independently accessible public transport (p. 28).

Financial Implications

13. The financial implications of the Plan were considered at the draft stage and are noted within the Plan. Most of the actions in the Plan will be funded from existing resources with some subject to consideration for New Initiatives. As a whole-of-Council Plan all Branches have responsibilities to allocate resources in their budget processes or seek additional resources to meet action outcomes. Actions are reported on by the relevant Manager in Council's Interplan system.
14. The three proposed amendments to the Plan can be achieved within existing resources.

Economic Implications

15. As demonstrated in the report of the Productivity Commission, people with disability are amongst the most economically disadvantaged people within Australia. This effect is multiplied for people who have a number of conditions or attributes as well as impairments. One of the two top priorities in the Plan - to focus on improving access to employment opportunities - has the potential to remove a significant economic barrier in people's lives and lead to improved economic security and enjoyment of life.
16. Actions which remove barriers to participation will increase local business activity by increasing the customer base.

Sustainability Implications

17. Social sustainability is addressed in the Plan through the actions related to sustainable housing as part of the Liveable Housing design guidelines. These include investigation of inclusion of disability accessible design in the review of Yarra Planning Scheme and through inclusion of accessibility requirements in the planning permit process.

Social Implications

18. The Plan demonstrates an integrated planning approach for all Council activities. Its actions address the structures, both environmental and social that prevent people with disabilities from participating fully and equally in everyday life. Discriminatory attitudes and physical barriers are progressively being removed by many strategies in the Plan. In the words of the Disability Advisory Committee members: "This DAP, with all the actions in it can bring solid and lasting change. It would have a positive and direct impact on people with a disability and expands on what we achieved and learned from".
19. The Plan will deliver better social outcomes through, for example:-
 - (a) Adopting a number of strategies to improve Council's accessible employment practices;
 - (b) Developing guidelines on how to carry out capital works on Council buildings that meet enhanced standards (i.e. higher than minimum access standards);
 - (c) Improving information to events promoters on how to make events and festivals more accessible, and to disseminate this information on the website in an accessible word format;
 - (d) Reviewing Council's consultation and engagement policy to ensure that all consultation includes the voices of people with disabilities; and
 - (e) Continuing to up-grade accessible parking bays.

Human Rights Implications

20. The Plan references the United Nations Convention on the Rights of Persons with Disabilities (ratified by Australia in 2008), that recognises a number of human rights to education, employment, health, adequate living conditions, freedom of movement and equal recognition before the law. The human rights approach is very important to people with disability because of the history of incarceration and disenfranchisement resulting from institutionalisation, and the endemic discrimination that still exists today.

Council Plan, Strategy and Policy Implications

21. Council Plan actions referenced in the Plan which will further access and inclusion are:
 - (a) Reviewing Council's Consultation and Engagement Policy Plan: action 1.1.
(References Council Plan Strategic Objective 5, strategy 5: build community engagement to inform Council's policy development and decision making).
 - (b) Conduct a review of the recruitment policy and guidelines to include equitable provisions for improved access to employment by people with disability: action 2.1.
(References Council Plan Strategic Objective 2, strategy 5: Support Yarra's disadvantaged community into employment through direct recruitment, social procurement or development of social enterprises; also strategy 2: Encourage and support a workforce that reflects our community's diversity; and Initiative (b) Develop and Adopt Employment Diversity Strategy, encompassing Council's employment of people with disabilities, older and younger residents, those from culturally and linguistically diverse backgrounds, women and Aboriginal people).
 - (c) Upgrade prioritised disability access parking bays in commercial strip shopping areas, including provision of street signage: action 3.7.
(References Council Plan Strategic Objective 3, Initiative (e) update Yarra's Parking Strategy including the needs of our diverse population).
 - (d) Investigate the inclusion of disability access provisions in the revised Municipal Strategic Statement that provides guidance on accessible housing design and on balancing disability access and inclusion and heritage protection: action 3.1

(References Council Plan Strategic Objective 3: Liveability statement: Design excellence which respects and complements heritage while providing universal access will help protect the city's qualities whilst allowing access for all).

- (e) Advocate for increased social and affordable housing in Yarra, including a minimum of 5% of apartments designed to be wheelchair accessible and comply with DDA standards action 3.12.24. *(References Council Plan Strategic Objective 1, strategy 9 {as read}).*
- (f) New strategies and plans to consider disability access and inclusion: action 1.2. *(References Council Plan Strategic Objective 2, Strategy 9: implementation of the new Disability Action Plan continuing our focus on the empowerment of residents with a disability; Measure of success {as read}).*

Legal Implications

- 22. State legislation: the Plan will meet Council's obligations under the State Government *Disability Act 2006* to develop Disability Action Plans and report progress on implementation in its Annual Plan. It also assists Council to comply, as a public authority, with the requirements of the *Victorian Charter of Human Rights and Responsibilities Act 2006* to properly consider human rights when making laws, developing policy and providing services. In so doing, the Plan minimises the risk of Council being exposed to a complaint under the *Equal Opportunity Act 1995* for failure to take reasonable actions to prevent discrimination.
- 23. Commonwealth legislation: Council must comply with the clauses of the *Disability Discrimination Act 1992* ("DDA") which makes it unlawful to discriminate against people with disabilities in certain areas of public life. The DDA is seen as setting minimum standards that have been expanded by the later Acts.

Other Issues

- 24. When approved, the summary of the Plan will be promoted in accessible formats including Easy English (internationally recognised communication system with simple statements guided by images), Braille, audio recording, large font and translations.

Options

- 25. Not applicable

Conclusion

- 26. The Plan has been amended as a result of community feedback, with the addition of three new actions. (See Attachment 2).
 - (a) Action 3.12: Expand the Good Access is Good Business Project across identified, key retail precincts in Yarra.
 - (b) Action 5.10: Review the criteria for community grants to include a requirement for accepting and promoting companion cards at the events and activities funded by these grants.
 - (c) Action 5.11: Continue to provide advice to Council and advocate on issues of independently accessible public transport in collaboration with Strategic Transport.
- 27. Communication has been made with the submitters whose issue required follow-up by Council officers. The final Access and Inclusion Plan 2014 – 2017, presented to Council for adoption, reflects both community needs and priorities, and the organisational commitment to addressing these needs effectively.

RECOMMENDATION

1. That:
 - (a) Council notes the submissions received in response to the draft Access and Inclusion Plan 2014 - 2017 (see Attachment 1);
 - (b) Council adopts the amended Access and Inclusion Plan 2014 – 2017 *Inclusion for All* (see Attachment 2); and
 - (c) Council acknowledges the significant contribution of the Disability Advisory Committee to the planning process and at every phase of development.

CONTACT OFFICER: Marta Rokicki
TITLE: Disability Access + Inclusion Planning Officer
TEL: 9205 5435

Attachments

- 1 Summary of submissions on draft Access and Inclusion Plan 2014 - 2017
- 2 Access and Inclusion Plan 2014 - 2017 (Final)

11.2 Wellington Street Copenhagen Lanes Advisory Group Report

Executive Summary

Purpose

To provide Council officer's comments on the recommendations provided by the Wellington Street Parking and Traffic Advisory Group (Advisory Group) and to seek direction from Council to proceed to completing detailed design and tendering of the proposed Wellington Street separated bicycle lane facility.

Key Issues

Following consideration of detailed concept, Council directed officers to consult with the business and property owners along Wellington Street to identify possible mitigation actions to be implemented in conjunction with the proposed Wellington Street separated bicycle lane which *may* be constructed between Johnston Street and Victoria Parade.

The Wellington Street Parking and Traffic Advisory Group identified a number of recommendations which had varying levels of support from the Advisory Group. At the final meeting, members considered mitigating strategies; the level of support for those strategies was recorded – see report.

Officers have evaluated the suggestions, and assessed whether they are consistent with Council policies, and whether they would impact on the detailed design of proposed project.

One mitigating action requires adherence to usual planning permit requirements. The majority of mitigating actions proposed are associated with parking restrictions along this section of Wellington Street, and do not impact the substantive design of the proposed project. These actions can be implemented.

Two strategies are considered inconsistent with current council policies.

Financial Implications

There are minimal financial implication associated with this report other than officer and consultant time – the report is not seeking the final approval of the project; that would require further Council consideration (see report).

Proposal

That Council consider the comments of the Advisory Group and the officer analysis and move the project forward for further consideration and reporting back to Council in early 2014.

11.2 Wellington Street Copenhagen Lanes Advisory Group Report

Trim Record Number: D13/106626

Responsible Officer: Manager Sustainability and Strategic Transport

Purpose

1. To provide Council officer's comments on the recommendations provided by the Wellington Street Parking and Traffic Advisory Group (Advisory Group) and to seek direction from Council to proceed to completing detailed design and tendering of the proposed Wellington Street separated bicycle lane facility.

Background

2. In February 2013, Council resolved to progress the proposal to detailed design for Copenhagen bicycle lanes on Wellington Street between Victoria Parade and Johnston Street. The detailed design will be based on the concept of removing approximately 117 car parking spaces with the removal of all parking on the west side of Wellington Street.
3. Council also resolved to establish the Wellington Street Parking and Traffic Advisory Group (the Advisory Group) to represent the Wellington Street stakeholders and identify measures that *could* mitigate the impact of the proposal on issues such as parking and access.
4. In May 2013 Council sought nominations from the community to represent property owners, residents and businesses along Wellington Street on the Advisory Group. Council endorsed the membership of the Advisory Group in July 2013.
5. The Advisory Group had 3 meetings in September and October for approximately 2 hours at each meeting. A letter drop and mail out was sent to owners and occupiers on Wellington Street providing the meeting minutes after each meeting. Wellington Street stakeholders were encouraged to provide comments to the Advisory Group members or directly to officers on potential issues and mitigation options that should be investigated. A small number of comments from the Wellington Street stakeholders were received by officers and the Advisory Group members.
6. A memo was provided to Councillors on Monday 11th November providing the recommendations from the Advisory Group. Council. This memo also advised that a follow up report would be tabled at the meeting on 19 November 2013 and would include comments from Council officers on the recommendations from the Advisory Group.

Consultation

7. Council was represented at all of the meeting by the Bicycle Strategy Project Manager and either the Manager, Sustainability and Strategic Transport or Director, City Development. A Parking Services representative was present at the first two meetings to provide expert advice on parking issues raised by the Advisory Group. An external independent facilitator was used in the meetings.
8. The Terms of Reference noted that discussions at the meetings should be focused on the assumption that the Copenhagen bicycle lanes would be constructed even though final approval has not been given. Nonetheless, comments outside of the Terms of Reference were noted and included in the meeting minutes.
9. The Advisory Group had a maximum attendance of 6 of the ten members. The members who attended meeting represented a variety of different land uses such as:
 - (a) a warehouse/retail business;
 - (b) a film production studio and office;
 - (c) two entertainment venues; and

- (d) two property owners whose businesses include wholesalers, mechanics, offices and retailers.
10. The Advisory Group identified a number of recommendations which had varying levels of support from the Advisory Group. At the final meeting, members considered mitigating strategies; the level of support for those strategies was recorded (see report).
11. Following from the Advisory Group below are the
- (a) recommendations that were endorsed by all or some of the Advisory Group members;
 - (b) Council officers comments about the background issues and council's policies; and
 - (c) recommendations from Council officers about which options should be implemented if the Wellington Street Copenhagen bicycle lanes go ahead.

Recommendations endorsed by <u>all</u> members of the Advisory Group		
Advisory Group's Recommendation	Council Officers Comments	Council Officer's Recommendation
<p>Council to investigate providing off-street multi-level carparks in the surrounding area to off-set parking losses from the proposal</p>	<p>Yarra's 'Strategy for Managing Parking' states <i>"No new off street car parks will be built unless there is a justifiable business case for the Council and it is consistent with Council Plan and adopted strategies."</i></p> <p>No business case has been prepared to justify the costs of Council providing off-street car parking in the area surrounding Wellington Street.</p> <p>There is currently no Council policy which supports the provision of off-street carparks as part of the Wellington Street Copenhagen bicycle lane project, or any other project.</p> <p>It is considered that a carpark would likely accommodate mainly all day employee type parking due to the relatively centralised location, shrinking provision of on-street short term spaces and lower availability of short term parking.</p> <p>A simple calculation based on the current daily on-street parking rate of \$9.50 per day coupled with an indicative construction cost of \$40,000 per space for a multi-level carpark, would require 4210 days of parking or 16.2 years of full weekday occupancy to repay the initial costs. This payback period does not take into account the cost of purchasing the land for the car park. Land purchase costs would considerably extend the payback period for the proposal. This proposal would provide a poor return on capital for Council and would be unlikely to be financially viable as a standalone project.</p> <p>It is also noted that in 2011 Council changed the land use at the corner of Oxford and Peel St from a carpark with approximately 30 car spaces to a recreation park with grass and seating. The former carpark site is located 150m to the West of Wellington Street towards Smith Street.</p>	<p>Based on Council's parking and other strategies, past precedents for removing off-street parking in the area and the indicative extended payback period further investigation of a Council funded off-street car park should not proceed.</p>

<p>Need to retain the existing heritage bluestone kerb and gutter where the proposed design would result in the removal of two of the three rows of bluestones in the gutter</p>	<p>The current kerb and gutter arrangement along Wellington St consists of a gutter that is three rows of bluestone wide with a bluestone kerb. The Copenhagen bicycle lane proposal would require the removal of 2 rows of bluestone to increase the smooth trafficable area suitable for cycling on. General heritage aesthetics will be maintained by keeping the existing row of gutter and face bluestones.</p> <p>Approximately 20% of the kerb and gutter along Wellington Street has previously been replaced as a concrete kerb and channel, with many adjacent streets' kerb and channel consisting of concrete kerbs.</p> <p>As the area has a heritage overlay and the removal of the bluestone may be considered as "demolition" the works may require town planning approval. If a planning application is required an open application process will take place in which the community can comment on the heritage issues.</p>	<p>The proposed design will maintain a row of gutter and kerb bluestones so that the heritage aspects of the works is maintained.</p> <p>If a planning permit is required for the works, then an open application process will take place.</p>
<p>Look into technological options for improved enforcement of vehicles overstaying the parking restrictions, such as parking officers being notified by SMS;</p>	<p>Council officers are currently developing Expressions of Interest documents for smart technologies to improve enforcement of vehicles which overstay the parking restrictions.</p> <p>Options that are generally being looked at by YCC include in-ground sensors that would notify parking inspection officer and license plate recognition technology, which would be attached to Council vehicles allowing identification of overstayed vehicles. These and other technologies are being investigated for use in Yarra but could be piloted on Wellington Street and the surrounding area to maximise the turnover of vehicles and increase compliance rates.</p>	<p>Investigate further smart technology options to help improve parking turnover and compliance on Wellington Street. If deemed feasible and help improve compliance, then they could be installed on Wellington Street and potentially in the surrounding area.</p>
<p>Improved general enforcement of the parking restrictions in the area to encourage a higher turnover of vehicles and to deter illegal long term parking</p>	<p>If the project proceeds, Council could look at increasing enforcement to improve parking compliance rates. This would help to encourage regular turnover of vehicles and reduce the incidence of overstaying in short term parking spaces.</p>	<p>Officers could increase enforcement activity if the project goes ahead, including increased parking inspector attendance in the area.</p> <p>This would be best achieved in conjunction with the above proposed new technology.</p>

<p>Need to provide sufficient loading zones</p>	<p>If approved Council will consult with properties and business owners along Wellington Street to establish the number and location of required loading bays. The provision of loading bays would be balanced with optimising the provision of parking spaces for business customers.</p>	<p>Officers would seek to balance loading zones with parking spaces to meet the needs of businesses.</p>
<p>Parking restrictions to reflect nearby land uses, business hours and operating circumstances. There should not be a blanket policy for parking along Wellington Street as the land uses and their requirements change along the length.</p>	<p>Officers will take note of the existing predominant adjoining land uses when deciding on the type of parking and the parking restriction time limit.</p>	<p>Parking restrictions would be site specific and take into account the surrounding land uses.</p>

Recommendations endorsed by some members of the Advisory Group

<p>Advisory Group's Recommendation</p>	<p>Council Officers Comments</p>	<p>Council Officer's Recommendation</p>
<p>Retailers and industrial members preferred that the maximum parking limit on Wellington Street should be 1 hour or less;</p>	<p>Officers will assess how best to manage future parking supply along Wellington Street and in the surrounding area. Officers will implement restrictions in accordance with the Yarra 'Parking Hierarchy' which prioritises;</p> <ol style="list-style-type: none"> 1. Disabled parking; 2. Residential parking (for eligible permit holders); 3. Car sharing spaces; 4. Short-term/Loading Zones; 5. Residential visitors parking (for eligible permit holders); 6. Customers parking; and lastly 7. Local employee parking. <p>Due to the predominately commercial nature of the area, and the information received during the public consultation, loading and short term parking could be given priority over long term employee parking on Wellington Street. This will help businesses minimise disruption by maintaining access to customer parking.</p>	<p>Short term customer parking will be prioritised over that of long term employee parking. It is anticipated that 1 hour and shorter parking restrictions could be utilised along the majority of Wellington Street.</p>

<p>The entertainment business members preferred to extend parking restrictions into evenings and overnight in some areas to provide parking for their patrons, thus helping to prevent the area being parked out by future residents (who will be subject to the no resident permit for dwellings constructed post 2003 policy); and</p>	<p>Outside of usual business hours, there are currently typically low occupancy rates in much of the commercial areas along Wellington Street. However with known current and future residential development in the precinct, after hours demand will likely increase. Two hour parking restrictions after business hours could be implemented to discourage residents who are ineligible for parking permits thus freeing space for ongoing use by entertainment venue patrons. Parking restrictions longer than two hours would be less practical as it would be difficult to check how long the vehicle has been parked.</p> <p>Introduction of smart technology systems may help with afterhours enforcement and compliance if implemented, and would be more adaptable to longer periods to suit the entertainment venues.</p> <p>The provision of two hour parking may not be suitable for some of the entertainment venue patrons who stay for longer and will make it harder for them to park nearby legally.</p>	<p>Council will further investigate options for providing customer parking at existing entertainment venues at night including afterhours parking restrictions. The application of smart technologies may help in the enforcement of afterhours parking compliance.</p>
<p>Being able to continue to purchase on-street parking spaces, which helps ensure the ongoing viability of film production on Wellington Street if the proposal goes ahead.</p>	<p>It is not deemed appropriate for a single company to be able to regularly purchase 10 parking spaces on a regular basis for film production truck parking, if the parking restrictions are signed up for periods four hours or less. There is a high current demand for business hours on-street parking in the Wellington Street precinct and it will likely increase if the project is implemented.</p> <p>Council has a policy of encouraging short term parking in commercial areas to help businesses operate effectively by prioritising customer parking over other types of longer term parking. Providing designated parking to a private company on a regular basis is not consistent with Council's policies to promote a regular turnover of vehicles when demand is high.</p>	<p>Officers do not support the regular purchase of parking for film production when parking demand exceeds supply.</p>

12. It was stated by the members of the Advisory Group, that their participation in this process did not mean they supported the proposed bicycle lane. Members requested that their opposition to the separated bicycle lane (Copenhagen style) be recorded.

Financial Implications

13. There are minimal financial implication associated with this report other than officer and consultant time – the report is not seeking the final approval of the project; that would require further Council consideration.

Economic Implications

14. The project would have some impacts on businesses as outlined in the notes of the Advisory Group meetings. This report has no economic implications in respect to the consultation feedback.

Sustainability Implications

15. There are no sustainability implications for the subject matter of this report.

Social Implications

16. The Advisory Committee notes are provided for Council consideration.

Human Rights Implications

17. There are no known human rights implications for this report. The intent of the Advisory Group was to engage further with the local business community.

Council Plan, Strategy and Policy Implications

18. The Advisory Group and the related communication were conducted in accordance to Yarra's Privacy Policy.

Legal Implications

19. There are no known legal implications in this report.

Conclusion

20. It was stated by the members of the Wellington Street Advisory Group, that their participation in this process did not mean they supported the proposed bicycle lane. Members requested that their opposition to the separated bicycle lane (Copenhagen style) be recorded.
21. The Wellington Street Advisory Group has identified options that *could* mitigate the impact on the proposed Copenhagen bicycle lanes on Wellington Street.
22. Council officers have provided an evaluation of the recommendations from the Advisory Group.
23. The majority of these options relate to parking restrictions and do not alter the substantive design of the proposed project. It is noted that Council officers are now able to progress the design to obtain cost estimates for the project.
24. The following actions are proposed by officers to be included in the detailed design considerations:
 - (a) compliance with planning permit requirements to maintain heritage values of bluestone gutters and kerbs.
25. The following actions concerning potential adjustment of parking restriction are also proposed to be progressed. However, it is considered that these do not impact upon the proposed detailed design of the bicycle lane, and would not affect the cost of the proposed project.
 - (a) balance loading zones with parking spaces to meet the needs of businesses;
 - (b) adjustment of parking restrictions to take into account the surrounding land uses;
 - (c) prioritise short term customer parking over long term employee parking by creating 1 hour and shorter parking restriction zones along the majority of Wellington Street; and
 - (d) investigate options for providing customer parking at existing entertainment venues at night, use of including afterhours parking restrictions.
26. The following actions are also proposed to be implemented, but do not impact the detailed design or construction of the proposed facility, and can be progressed separately:
 - (a) investigation of further smart technology options to help improve parking turnover and compliance on Wellington Street; and
 - (b) increased parking enforcement activity, including increased parking inspector attendance in the area; this would be best achieved in conjunction with the above proposed new technology.

27. The following actions are not proposed to be implemented:
 - (a) further investigation of a Council funded off-street car park; or
 - (b) facilitating the regular purchase of parking for film production when parking demand exceeds supply.
28. In 2014 officers will provide a report to Council on the tendered cost of the project, and seek direction on whether to enter a contract to commence construction of the proposed bicycle lane facility in Wellington Street between Johnston Street and Victoria Parade.

RECOMMENDATION

1. That Council:
 - (a) note the options identified by the Wellington Street Parking and Traffic Advisory Group; and
 - (b) thank the members of the Wellington Street Parking and Traffic Advisory Group for their time and contribution on this matter.
2. That officers progress the following actions concerning potential adjustment of parking restriction:
 - (a) balance loading zones with parking spaces to meet the needs of businesses;
 - (b) adjustment of parking restrictions to take into account the surrounding land uses;
 - (c) prioritise short term customer parking over long term employee parking by creating 1 hour and shorter parking restriction zones along the majority of Wellington Street; and
 - (d) investigate options for providing customer parking at existing entertainment venues at night, use of including afterhours parking restrictions.
3. That officers include in the detailed design considerations the heritage values of bluestone gutters and kerbs.
4. That officers separately progress the following actions:
 - (a) investigation of further smart technology options to help improve parking turnover and compliance on Wellington Street; and
 - (b) increased parking enforcement activity, including increased parking inspector attendance in the area; this would be best achieved in conjunction with the above proposed new technology.
5. That officers bring a report to Council for consideration in 2014, based on tendered prices, and seek direction on whether to enter a contract to commence construction of the proposed bicycle lane facility in Wellington Street between Johnston Street and Victoria Parade.

CONTACT OFFICER: Alistair McDonald
TITLE: Bicycle Strategy Project Manager
TEL: 9205 5737

Attachments

- 1 Wellington Street Advisory Group Terms of Reference

11.3 North Carlton Foyer Feasibility Study Report

Trim Record Number: D13/113300

Responsible Officer: Director Community Programs

Purpose

1. To provide Council with final recommendation relating to the North Carlton Library Foyer Feasibility study undertaken to investigate options for the relocation of the existing entrance point.

Background

2. As part of the City of Yarra New Initiatives Program 2012-2013 a project was approved by Council to fund a feasibility study to investigate options for the relocation of the existing entrance point of the North Carlton Library located at 677 Rathdowne Street.

Discussion

3. The North Carlton Library Foyer Feasibility study identified a number of scenarios and analysed the viability of the refurbishment of the existing foyer versus the relocation of the library entrance to an alternate location. The feasibility study considered cost, associated risks, the impact on library operations and customer comfort. The report tabled three redevelopment options, addresses issues associated with each scenario and provides an estimated cost for each option.
4. The report also takes into consideration the recommendations of the EMF Report commissioned to conduct an assessment of the present level of electromagnetic field emission from the CitiPower substation into the open space between the substation building and the library building. The report considers the potential risk to people and the financial implications associated with minimising risk by modifying the current substation.
5. The result of measurements demonstrated that the EMF in the library courtyard at a distance of 1.5 metres from the substation wall is safe for occupancy for several hours. At a distance greater than 2 meters away from the substation wall the space can be utilised for continuous use. This leaves 3 metres of viable space available for continuous use which would effectively create a ramped corridor entry point to the library on Newry Street.
6. Shielding currently covers the entire substation wall which faces the library. The shielding metal was installed on the external wall of the substation building and was covered by cement sheets for protection against damages and the elements.
7. No additional amount of shielding will reduce the EMF in the courtyard. This is because the magnetic field emits in circular lines around the source. In order to reduce the EMF in the courtyard significant modifications to the substation would need to be undertaken. This would require the main EMF emitting equipment to be shifted to different locations within the building. The financial implication of these modifications to the substation would add approximately \$200K-\$250K to the final cost of this project.
8. The EMF Assessment further indicated that with the likelihood for development within the area in the future, additional loading could be placed on the substation further raising risk potential.

Option One

9. Option one proposes the refurbishment of the existing foyer area to create a more welcoming usable space.
10. These works include the replacement of floor coverings to create a stronger connection between the foyer and the main library space. The reduction of the west wall along the length of the ramp to the floor and the introduction of glass balustrading will improve customer

transition into the main part of the library. This will also allow visitors entering the foyer to look directly through the foyer into the main library area.

11. Additional works include improved seating arrangements, installation of slat wall to better facilitate the presentation of Council and community information, repainting, installation of additional lighting and a review the air conditioning system to the foyer area. The anticipated cost of these works total \$86,000.

Option Two

12. Option two proposes the relocation of library entry foyer to Newry Street.
13. The relocation of the entry to Newry Street and the creation of a new foyer is not a viable option after taking into the account the recommendations of the EMF report 3m of viable space remains. This would create a ramped corridor entry from Newry Street into the Library.
14. The relocation of the library entrance to Newry Street would require a complete reconfiguration of general library operations including circulation and returns, which would result in the loss of library functional floor space.
15. Traffic access to the upper or lower levels of the library would need to remain via the existing internal stairs and ramp. Access to the upper level ramp would require customers to cross through the library to where the existing ramp is located.
16. The anticipated cost of these works total \$433,000 plus an additional \$200K-\$250K to undertake the necessary modifications to the substation to reduce risk potential. This would take the cost of these works to in excess of \$780,000K.

Option Three

17. Option three proposes the relocation of library entry to corner of Rathdowne Street and Newry Street.
18. A corner entry into the library was also explored. This presented a highly visible alternative entry point and would maintain connection to the street. There is however considerable works associated with this option. The anticipated cost of these works total in excess of \$256,000.
19. The relocation of the library entrance would require a complete reconfiguration of general library operations including circulation and returns, which would result in the loss of library functional floor space.
20. The internal south-east corner of the library facing Rathdowne Street and Newry Street is presently furnished with casual chairs and is used by customers for reading of newspapers and magazines. The space offers natural light and transparency between activity inside of the library and external surrounds. This casual seating would be lost to customers should the entrance point be relocated to the corner.

Consultation

21. The North Carlton Library Foyer Feasibility study explored the financial and operational viability of a number of scenarios. Consultation included a workshop with library staff and technical consultants in areas including Electromagnetic Frequency (EMF) and a building design.

Financial Implications

22. There are significant financial implications associated with the recommendations of the Feasibility Study report. The Feasibility Study report tables three redevelopment options and estimates of anticipated cost for each option. Options and anticipated costs are provided within this report.

Economic Implications

23. There are no economic implications inherent with this project.

Environmental Sustainability Implications

24. Sustainability issues identified as part of this project include the review of airflow and air conditioning throughout the facility. Minor modifications to the current air-conditioning system will improve efficiency and may have a minor impact on operating costs.

Social Implications

25. There are no social implications inherent with this project.

Human Rights Implications

26. There are no human rights implications inherent with this project.

Council Plan, Strategy and Policy Implications

27. The Yarra Council Plan 2013-2017 includes a commitment for the City of Yarra to deliver a range of projects that support Yarra's community through the development of community facilities. This includes the construction of the North Fitzroy Community Hub and the development of plans for the future infrastructure required to deliver library, leisure and child care services.

Legal Implications

28. There are no legal implications inherent with this project.

Other Issues

29. Further recommendations of the report include the following additional works.
30. Apply landscape design to the library courtyard in the 3m space available for short term occupancy. This will create a more flexible, comfortable space that can be used for a variety of purposes throughout the day.
31. Investigate improved Urban Design of the areas surrounding the library on both Rathdowne Street and Newry Street to improve general appearance and engagement of the facility with the street. This will need to incorporate plantings, seating and traffic barriers that support the current facilities main entrance transition to the street and neighbouring surrounds.
32. Facilitate an opportunity for a Community art installation/mural on the external library wall located on Newry Street.

Options

33. The final feasibility study report tables three redevelopment options and provides estimates of anticipated cost for each option.
34. *Option One* – Refurbish the existing Foyer Area – Anticipated Cost: \$86,000: This option proposes works that can be carried out to the existing foyer that creates a more welcoming usable space. This includes changing floor coverings to create a link between the foyer and the main library space.
35. *Option two* – Relocation of library Entry Foyer off Newry Street - Anticipated Cost: \$433,000: The relocation of the entry off Newry Street and the creation of a new foyer do not appear to be a viable option, based on the EMF report (see issues above). After taking into the account the recommendations of the EMF report 3m of viable space remains.
36. *Option two* - Would incur additional costs of approximately \$200K-\$250K to the final project expenditure as a result of the significant modifications required to the substation to reduce risk potential.
37. *Option three* – Relocation of Library entry to Corner of Rathdowne Street and Newry Street Anticipated Cost: \$256,000: A corner entry into the library would be highly visible and provide an alternative entry point and connection to the street. There is however considerable works associated with this option.

Conclusion

38. The North Carlton Library Foyer Feasibility study identified a number of scenarios and analysed the viability of the refurbishment of the existing foyer versus the relocation of the

library entrance to an alternate location. The feasibility study considered cost, associated risks, the impact on library operations and customer comfort. The report tabled three redevelopment options, addresses issues associated with each scenario and provide estimated cost for each option.

39. Option one was identified to be the most cost effective viable option. Option one delivers significant improvements to the customer comfort with the least impact on library operations and operating floor space.

RECOMMENDATION

1. That Council approves the implementation of option one identified in the report for implementation within the 2013-2014 Budget.

CONTACT OFFICER: Margherita Barbante
TITLE: Manager Library Services
TEL: 9205 5389

Attachments

- 1 North Carlton Library EMF Report June 2013
- 2 North Carlton Feasibility Study Part 1
- 3 North Carlton Library Feasibility Study Part 2

11.4 Proposed Discontinuance of Road abutting 10 Richardson Street, Carlton North.

Trim Record Number: D13/109008
Responsible Officer: Manager Finance

Purpose

1. For Council to consider whether the road shown as Lot 1 on the title plan provided as Attachment 1 to this report, being part of the land contained in certificate of title volume 380 folio 978 and known as the road abutting 10 Richardson Street, Carlton North (Road) should be discontinued pursuant to the *Local Government Act 1989 (Act)*, and sold by Council.

Background

2. Jika Jika Holdings Pty Ltd ACN 071 169 107 (Owner) is the registered proprietor of the property known as 10 Richardson Street, Carlton North (Owner's Property), which abuts the Road, as shown on the plan attached as Attachment 2 to this report.
3. The Road abuts the following properties (together Adjoining Properties), 621, 623 and 625 Nicholson Street, Carlton North.
4. The Adjoining Properties are owned by members of the Owner's immediate family. Properties 611, 617 and 619 Nicholson Street, Carlton North front the portion of the road not being discontinued, these properties are also owned by the Owner's immediate family. 607-609 Nicholson Street is owned by the Owner.
5. The Owner has agreed to pay Council's costs and disbursements associated with the proposed road discontinuance and transfer of the discontinued road together with the market value of the land.
6. At its meeting on 20 August 2013, Council resolved to commence the statutory procedures and give notice pursuant to sections 207A and 223 of the Act of its intention to discontinue and sell the Road to the Owner.

Discussion

Public Notice

7. The required public notice was placed in The Melbourne Leader on 2 September 2013 and in the Melbourne Times on 4 September 2013.
8. A copy of the public notice was forwarded to the owners and occupiers of 607-609, 611, 617, 619, 621, 623 and 625 Nicholson Street, Carlton North.
9. A copy of the public notice is attached as Attachment 3 to this report.

Submissions

10. No submissions to the proposal have been received by Council in response to the public notice.

Road Status

11. 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 Council.

Public Authorities

12. 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: City West Water, APA Group, Telstra, Optus, Melbourne Water, Citipower and Yarra City Council.
13. APA Group, Telstra, Optus, Melbourne Water, Citipower and Yarra City Council advised they have no assets in or above the road and no objection to the proposed discontinuance of the Road.

14. In a letter dated 31 May 2013, City West Water (CWW) advises that it has assets in the Road, but it would not object to the discontinuance of the road provided the following conditions are adhered to:
 - 14.1 a sewerage easement must be created in favour of CWW over sewerage mains, it will be necessary to clarify with CWW the exact location of this requested sewerage easement;
 - 14.2 the Owner must obtain CWW's written consent prior to building over any easement in its favour;
 - 14.3 the Owner must erect fences at least 800mm from existing sewer assets; and
 - 14.4 the Owner must ensure that fence lines are at least 1m from sewer manholes and inspection shafts.
15. A copy of correspondence from CWW is attached as Attachment 4 to this report.

Site Inspection

16. A site inspection of the Road was conducted by Dean Loney, of DML Land Surveyors, on 20 June 2013. The site inspection report notes that:
 - 16.1 the Road is used for pedestrian and vehicular access to the Owner's Property and the Adjoining Properties;
 - 16.2 there are service obstructions over the Road; and
 - 16.3 the Road is not required for public access.
17. A copy of the site inspection report is attached as Attachment 5 to this report.

Economic Implications

18. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale together with the market value of the road as determined by the Act.

Conclusion

19. Council must now determine whether the Road is reasonably required for public use in order to decide whether or not the Road should be discontinued pursuant to clause 3 of Schedule 10 of the Act and transferred to the Owner.

Proposal

20. It is proposed that Council resolve to discontinue the Road pursuant to clause 3 of schedule 10 of the Act and transfer the former Road to the Owner, subject to rights being saved in favour of City West Water under section 207C of the Act in respect of sewerage assets.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act):
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act and being of the opinion that the road shown as Lot 1 on the title plan provided as Attachment 1 to this report (Road), being part of the Land contained in certificate of title volume 380 folio 978, 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 Jika Jika Holdings Pty Ltd ACN 071 169 107 (Owner) for no less than the market value of the Road as determined by the *Valuation of Land Act 1960*;
 - (d) directs that any right, power or interest held by City West Water in connection with any sewers under the control of City West Water in or near the Road, be saved pursuant to section 207C of the Act; and
 - (e) 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: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 Title Plan of Road
- 2 Plan of Adjoining Properties
- 3 Copy of Public Notice
- 4 City West Water Response
- 5 Site Inspection Report

11.5 Proposed Discontinuance of Roads adjacent to the Richmond Shopping Centre

Trim Record Number: D13/109804
Responsible Officer: Manager 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 roads abutting the Richmond Plaza Shopping Centre, being:
2. The Road known as Henty Street, Richmond is shown cross-hatched on the plan provided as Attachment 1 to this report and on the plan provided as Attachment 2 to this report, being part of the land contained in certificate of title volume 9296 folio 682 (Road 1).
3. The road off Church Street, Richmond is shown hatched on the plan provided as Attachment 1 to this report and on the plan attached as Attachment 3 to this report, being the whole of the land contained in certificate of title volume 5859 folio 770 (Road 2)
4. Both roads together are known as 'Roads'.

Background

5. Coles Group Property Developments Ltd ACN 004 428 326 (Owner) is the registered proprietor of the Roads and has a development proposal for the entire shopping centre site.
6. The Roads are included on Council's Public Roads Register as public roads.
7. All properties adjoining the Roads are owned by the Owner, including the dwellings at 42 Cameron Street, Richmond and the car park which abuts Road 1 on its eastern boundary, being those properties shown shaded orange on the plan attached as Attachment 1 to this report (Owner's Properties).
8. Road 1 is not currently fenced into the Owner's Properties.
9. An electricity substation servicing Citipower's network is constructed over all of Road 2 and is fully integrated with buildings constructed on the Owner's Properties.
10. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Roads, and the transfer of the discontinued Roads to the Owner.
11. The Owner has now asked Council to commence the statutory process required to discontinue the Roads and transfer the Roads to the Owner.

Discussion

Road

12. A 'road' is defined in section 3 of the Act to include a 'street', as well as any 'public road' under the Road Management Act 2004.
13. Road 1 is shown on title as a 'street' known as Henty Street and is, therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing.
14. Road 2 is included on Council's Public Road Register and is therefore a 'road' for the purposes of the act which Council has the power to consider discontinuing.
15. Upon being discontinued, the Roads will vest in Council.

Site Inspection

16. A site inspection of the Roads was conducted by Reeds Consulting on 7 June 2013.
17. In respect of Road 1, the site inspection notes that:
 - 17.1 Road 1 is constructed of bitumen;
 - 17.2 Road 1 is used for pedestrian and vehicular access to the Owner's Properties;
 - 17.3 there are services located in Road 1;
 - 17.4 there are no obstructions over Road 1; and
 - 17.5 Road 1 is required for public access.
18. In respect of Road 2, the site inspection report notes that:
 - 18.1 Road 2 is not used for pedestrian and vehicular access;
 - 18.2 there are services located in Road 2, in the form of a Citipower substation;
 - 18.3 Road 2 is entirely obstructed by a building that houses a substation; and
 - 18.4 Road 2 is not required for public access
19. A copy of the site inspection report is attached as Attachment 4 to this report.

Public Authorities

20. The following public/statutory authorities have been advised of the proposed discontinuance of the Roads and have been asked to respond to the question of whether they have any existing assets in the Roads which should be saved under section 207C of the Act. City West Water, APA group, Telstra, Optus, Melbourne Water, Citipower, Yarra City Council.
21. APA Group, Optus and Melbourne Water advised they have no known assets in or above the Roads and no objection to the proposed discontinuance of the Roads.
22. Citipower has no objection to the proposed discontinuance of the Roads on the basis that its existing electricity substation remains on Road 2 once discontinued as part of the Owner's proposed redevelopment of the Roads and the Owner's Properties.
23. In an email dated 7 February 2013, Telstra advised that it has assets in the Roads, however does not object to the proposed discontinuance of the Roads provided that the relevant assets in the Roads remain where they are or are relocated to any new road reserve. The costs of this relocation will not be borne by Telstra. It did not specify whether the assets are contained in Road 1, Road 2 or both. This matter will be the subject of further investigation by the Owner.
24. In an email dated 18 February 2013, Yarra City Council advised that it has no drainage assets in or above the Roads and raised no objection to the proposed discontinuance of the Roads. However, Yarra City Council did note the following issues in relation to Road 1 which would require attention.
 - 24.1 Henty Street (Road 1) currently provides parking and access to 42 Cameron Street; and
 - 24.2 the title to the property at 42 Cameron Street has a direct abuttal to Road 1, thereby providing a right of way over Road 1.
25. In a letter dated 15 April 2013, City West Water advised that it has no assets in or above Road 2 and does not object to the proposed discontinuance of Road 2. In the same letter City West Water advised it has assets within Road 1 but that it does not object to the proposed discontinuance of Road 1 provided the following conditions are adhered to:
 - 25.1 there is a water main located within Road 1 which cannot have any type of structure built over it;
 - 25.2 City West Water does not permit its water assets to be within private properties. The area over the water main for a distance of 2.0 metres either side of the centreline of the

water main must remain public land/reserve which provides City West Water clear access to the asset;

- 25.3 City West Water does not allow creation of easements over water assets. 24 hour uninhibited access to water assets is required at all times and these assets must not be enclosed by any structure;
 - 25.4 all surface fittings on City West Water's assets must be adjusted to suit the finished surface levels should there be any alterations to the existing levels; and
 - 25.5 should any surface fittings require adjustment, City West Water's Officer for Other Authorities Works should be notified prior to the works commencing.
26. The Owner and City West Water have subsequently reached an agreement in respect of City West Water's conditions, which conditions will be satisfied if the Owner's Properties and Roads are jointly developed.
 27. Copies of all responses from the authorities and other relevant correspondence are attached as Attachment 5 to the report.

Public Notice

28. 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 publication of the public notice; lodge a written submission regarding the proposed discontinuance.
29. 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.

Economic Issues

30. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Roads together with the market value of the Roads as determined by the Act.

Conclusion

31. If the Roads are discontinued and sold to the Owner, Council will require the Owner to; attend to the consolidation of the titles to the Roads with the titles to the Owner's properties within six months of the date of transfer of the Roads to the Owner, at the Owner's expense. Create a sewerage easement in favour of City West Water and agree to observe City West Water's conditions.

Proposal

32. It is proposed that Council resolve to commence the statutory procedures to discontinue the Roads pursuant to clause 3 of Schedule 10 of the Act.

RECOMMENDATION

1. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act):
 - (a) resolves that the statutory procedures be commenced to discontinue the road known as Henty Street, Richmond shown on Attachment 1 as cross-hatched and the road off Church Street, Richmond shown hatched on Attachment 1 (together referred to as 'Roads');
 - (b) now 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 Roads are discontinued, Council proposes to sell the Roads to the adjoining Owner for market value as determined by the Act; and
 - (d) authorises the Coordinator Valuations Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 Plan of Roads
- 2 Plan of Road 1
- 3 Plan of Road 2
- 4 Site Inspection Reports
- 5 Authority Responses

11.6 Proposed Discontinuance of Road abutting 452-456 Bridge Road, Richmond

Trim Record Number: D13/106615
Responsible Officer: Manager Finance

Purpose

1. For Council to consider whether the road shown hatched on the title plan provided as Attachment 1 to this report, being part of the land contained in certificate of title volume 2076 folio 046 and known as the road abutting 452-456 Bridge Road, Richmond (Road) should be discontinued pursuant to the *Local Government Act 1989* (Act), and sold by Council.

Background

2. NEA Developments Pty Ltd ACN 154 420 023 (Owner) is the registered proprietor of the properties known as 452-456 Bridge Road, Richmond and 1 Fraser Street, Richmond (Owner's Properties), which properties abut the Road, as shown on the plan attached as Attachment 2 to this report.
3. No properties other than the Owner's Properties directly abut the Road.
4. The Owner has applied for a planning permit in respect of the Owner's Properties and the Road, together with requesting that Council discontinue the Road and sell the discontinued Road to the Owner.
5. The Owner has agreed to pay Council's costs and disbursements associated with the proposed road discontinuance and transfer of the discontinued Road to the Owner. The Owner has also agreed to pay the market value of the discontinued Road as determined by the Act.
6. At its meeting on 9 July 2013, Council resolved to commence the statutory procedures and give notice pursuant to sections 207A and 223 of the Act of its intention to discontinue and sell the Road to the Owner.

DiscussionPublic Notice

7. The required public notice was placed in the Melbourne Leader on 29 July 2013 and in the Melbourne Times on 31 July 2013. Copies of the public notices are contained in Attachment 3 to this report.
8. Copies of the public notice were given to the Owner and Tenant of the adjoining property.

Submissions

9. A letter from the owner of 450 Bridge Road, Richmond (Adjoining Owner) was received by the Owner on July 2013 and subsequently forwarded to Council. The adjoining Owner objected to the proposal on the grounds that it would, amongst other things, unfairly restrict access to the Adjoining Owner's property. A copy of this letter is attached as Attachment 4.
10. Council subsequently discussed the objection with the Adjoining Owner and clarified that Council was proposing to discontinue the Road which abuts the Owner's property not that part of the road which abuts the Adjoining Owner's property. In an email dated 4 September 2013 the Adjoining Owner withdrew its objection to the road discontinuance proposal. A copy of this email is attached as part of Attachment 4 to this report.

11. No other submissions to the proposal were received.

Road Status

12. 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 Council.

Public Authorities

13. The following public 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: City West Water, APA Group, Telstra, Optus, Melbourne Water, Citipower; and Yarra City Council.
14. APA Group, Telstra, Optus, Melbourne Water, Citipower and Yarra City Council advised they have no assets in or above the road and no objection to the proposed discontinuance of the Road.
15. City West Water (CWW) advises that it has assets in the Road, but that it would not object to the discontinuance of the Road providing the following conditions are adhered to:
 - (a) a sewerage easement to be created in favour of CWW. It will be necessary to clarify with CWW the exact location of this requested sewerage easement;
 - (b) the Owner must obtain CWW's written consent prior to building over any easement in its favour;
 - (c) the Owner must erect fences at least 800mm from existing sewer assets; and
 - (d) the Owner must ensure that fence lines are at least 1m from sewer manholes and inspection shafts.
16. A copy of correspondence from CWW is attached as Attachment 5 to this report.

Site Inspection

17. A site inspection of the Road was conducted by Planning Studio on Peel on 7 March 2013. The site inspection report notes:
 - (a) the Road is only used for pedestrian and vehicular access to the Owner's properties;
 - (b) there are no obstructions over the Road; and
 - (c) the Road is not required for public access.
18. A copy of the site inspection report is attached as Attachment 6 to this report.

Economic Implications

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

Conclusion

20. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued, and consider whether or not to discontinue the Road pursuant to clause 3 of Schedule 10 of the Act.

Proposal

21. It is proposed that Council resolve to discontinue the road pursuant to clause 3 of schedule 10 of the Act; and transfer the former road to the Owner.

RECOMMENDATION

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road shown hatched on the plan provided as Attachment 1 to this report (Road), being part of the land contained in certificate of title volume 2076 folio 046, is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) Schedule 10 of the Act is to be published in the Victoria Government Gazette;
 - (c) directs that, once discontinued, the Road be transferred to NEA Developments Pty Ltd ACN 154 420 023 (Owner) for no less than the market value of the Road as determined by the Act;
 - (d) directs that any right, power or interest held by any public authority in connection with any sewers, pipes, wires, or cables under the control of the authority in or near the Road which are to be saved pursuant to section 207C of the Act; and
 - (e) directs that the CEO sign any transfer of transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- Title Plan of Road
- 2** Plan of Abutting Properties
- 3** Public Notices
- 4** Letter & Email from Adjoining Owner
- 5** Response from City West Water
- 6** Site Inspection Report