

- (4) Acknowledges that the traffic treatments have resulted in a significant reduction in the average number of recorded crashes at the Edwin Avenue/ North East Road intersection and Rutherglen Avenue/ North East Road intersection.
- (5) Retains the traffic treatments at Edwin Avenue/ North East Road intersection, Rutherglen Avenue/ North East Road intersection and North East Road including, including extending the Edwin Avenue treatments to North East Road. The Rutherglen Avenue treatment be extended to North East Road whilst accommodating service station exits. The traffic treatments are to be landscaped.
- (6) Modifies the current trial No Standing parking restrictions along Galway Avenue, between Edwin Ave and Collins Street, from 7:00am-10:00am & 3:00pm-7:00pm to 7.30am-9.30am and 5:00pm-6:00pm.
- (7) In response to the concerns raised by the community regarding the lack of access to Galway Avenue, Council write to the Department for Infrastructure and Transport requesting they investigate the potential of installing an afternoon peak (3pm-6pm) green arrow (protected right turn) from North East Road into Galway Avenue.
- (8) Writes to the Department for Infrastructure and Transport requesting a review of the Harvey Street / North East intersection, with the aim of improving any identified safety issues and/or increasing the capacity for vehicles turning right into Harvey Street.

**Carried Unanimously 45/2021**

Mayor D O'Loughlin sought leave of the meeting to bring Item 10.6 forward on the agenda.

Leave was granted.

### **Item 10.6 Consultation Results – Prospect Estate Right of Way**

Cr A De Backer moved Cr R Pearce seconded

That Council:

- (1) Having considered Item 10.6 Consultation Results – Prospect Estate Right of Way, receives and notes the report.
- (2) Acknowledges the community consultation results and supports, 'in principle', the grant of an easement to Eminent Homes (or its nominees) over a portion of the Prospect Estate carpark shown in Attachments 1-3 Plan of Area, subject to the following conditions:
  - a. Eminent Homes undertaking, at its cost and to the satisfaction of the Council, the following:
    - i. demolition of the existing toilet block;
    - ii. construction of a replacement toilet block (platinum series Exceloo with Council-approved wrap), prior to the demolition of the existing toilet block, in a location directed by the Council;
    - iii. landscaping and pathways as approved by Council;
    - iv. replacement of safety fencing to the satisfaction of Council;
    - v. upgrading existing carpark area, including linemarking, grading and other works as directed by Council; and

- vi. installation of lighting around the carpark and replacement toilet block; and
- b. the owner/s of the future development making an annual payment to the Council as a contribution towards future maintenance and replacement costs of the easement area; and
    - i. Eminent Homes entering into an agreement or series of agreements with the Council that includes the following terms: that the reserve is kept clear of all construction equipment, vehicles and supplies unless otherwise agreed by the Council;
    - ii. an acknowledgement is provided by Eminent Homes that the easement confers rights of access only and does not preclude the Council from undertaking road works to the easement area as it sees fit, including installation of any traffic control devices thereon or installing security measures (fencing or gates) thereon;
    - iii. the reserve is not to be used for car parking by occupiers of or visitors to the development land and adequate provision for parking must be made on the development land;
    - iv. the easement area, once constructed, cannot be used for access by heavy vehicles over 4.5 tonnes; and
    - v. any other relevant terms determined by the Chief Executive Officer of the Council in accordance with his delegated power as per paragraph 4 below.
- (3) Authorises the implementation of a two hour time limit on parking in the Prospect Estate Reserve carpark.
  - (4) Delegates the power to the Chief Executive Officer to negotiate, prepare and take all necessary steps to enter into the documentation required to give effect to the Council's decisions set out in this resolution, including but not limited to an easement over the Reserve.

The Chief Executive Officer suggested some alternative wording to Part (2) and Part (3) of the Motion.

Mayor D O'Loughlin sought leave of the meeting, with the consent of the mover and seconder of the Motion, to change the wording to Part (2) iv of the Motion to include the wording '*with the exception of emergency vehicles and waste collection vehicles approved by Council*' and to Part (3) of the Motion '*...implementation of time limited parking in the Prospect Estate Reserve carpark under the delegated power of the Chief Executive Officer*'.

Leave was granted. Cr A De Backer as the mover and Cr R Pearce as the seconder agreed to vary the motion to include the wording suggested by the Chief Executive Officer.

The Motion as varied:

That Council:

- (1) Having considered Item 10.6 Consultation Results – Prospect Estate Right of Way, receives and notes the report.
- (2) Acknowledges the community consultation results and supports, 'in principle', the grant of an easement to Eminent Homes (or its nominees) over a portion of the Prospect Estate carpark shown in Attachments 1-3 Plan of Area, subject to the following conditions:

- a. Eminent Homes undertaking, at its cost and to the satisfaction of the Council, the following:
    - vii. demolition of the existing toilet block;
    - viii. construction of a replacement toilet block (platinum series Exceloo with Council-approved wrap), prior to the demolition of the existing toilet block, in a location directed by the Council;
    - ix. landscaping and pathways as approved by Council;
    - x. replacement of safety fencing to the satisfaction of Council;
    - xi. upgrading existing carpark area, including linemarking, grading and other works as directed by Council; and
    - xii. installation of lighting around the carpark and replacement toilet block; and
  - b. the owner/s of the future development making an annual payment to the Council as a contribution towards future maintenance and replacement costs of the easement area; and
    - i. Eminent Homes entering into an agreement or series of agreements with the Council that includes the following terms: that the reserve is kept clear of all construction equipment, vehicles and supplies unless otherwise agreed by the Council;
    - ii. an acknowledgement is provided by Eminent Homes that the easement confers rights of access only and does not preclude the Council from undertaking road works to the easement area as it sees fit, including installation of any traffic control devices thereon or installing security measures (fencing or gates) thereon;
    - iii. the reserve is not to be used for car parking by occupiers of or visitors to the development land and adequate provision for parking must be made on the development land;
    - iv. the easement area, once constructed, cannot be used for access by heavy vehicles over 4.5 tonnes (with the exception of emergency vehicles and waste collection vehicles approved by Council); and
    - v. any other relevant terms determined by the Chief Executive Officer of the Council in accordance with his delegated power as per paragraph 4 below.
- (3) Authorises the implementation of time limited parking in the Prospect Estate Reserve carpark under the delegated power of the Chief Executive Officer.
- (4) Delegates the power to the Chief Executive Officer to negotiate, prepare and take all necessary steps to enter into the documentation required to give effect to the Council's decisions set out in this resolution, including but not limited to an easement over the Reserve.

**Carried Unanimously 46/2021**