



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 16 MARCH 2009

RELEASED TO THE PUBLIC ON THURSDAY 19 MARCH 2009

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 16 MARCH 2009**

THE MEETING OPENED AT 7.01 P.M.

1. PRESENT

Councillors

Cr. Diana Asmar (Mayor)
Cr. Stanley Chiang
Cr. Vince Fontana
Cr. Nick Katsis
Cr. Tim Laurence
Cr. Ben Morgan
Cr. Trent McCarthy
Cr. Steven Tsitas

Council Officers

Michael Ulbrick – Chief Executive Officer
Geoff Glynn – General Manager Community Assets and Leisure
Kevin Breen – General Manager City Development
Bruce Dobson – General Manager Corporate Services
Libby Hynes – General Manager Environment and Amenity
Jeff Saker – General Manager City Services
Jan Black – General Manager Communities and Culture
Ray McQuillen – Manager Customer and Civic Services
Ron Downes – Council Business Coordinator

2. APOLOGIES

It was noted that Cr. Gaetano Greco is currently on leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Katsis disclosed a conflict of interest in Report No. 8.3 (Preston Central Marketing, Management and Development Special Rate Scheme) – See Page 11.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. S. Chiang

THAT the Minutes of the Ordinary Meeting of Council held on 2 March 2009 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 83

5.1 REPORT OF CR. BEN MORGAN

Cr. Morgan reported on his attendance at the following functions/activities:

- Meeting with residents connected with the East Preston Sustainability Group.
- Meetings with local residents on a number of traffic related matters.

5.2 REPORT OF TRENT MCCARTHY

Cr. McCarthy reported on his attendance at the following functions/activities:

- Opening of Darebin Road Underpass of the Darebin Creek Shared Trail.
- Briefing dinner with local Members of Parliament.
- Darebin Environmental Reference Group meeting.
- Discussions with local residents, residents groups, traders and traders groups.
- Meeting with residents in relation to the Arthurton Road Northcote development.
- Discussions with Thornbury Women's Neighbourhood House representatives.
- Meeting with local residents scoping a 'Transition Towns' response.

5.3 REPORT OF CR. STANLEY CHIANG

Cr. Chiang reported on his attendance at the following functions/activities:

- Briefing dinner with local Members of Parliament.
- Victorian Multicultural Commission gala dinner to mark Diversity Week.

5.4 REPORT OF CR. NICK KATSI

Cr. Katsis reported on his attendance at the following functions/activities:

- Greek Orthodox Community of Melbourne function as a guest speaker.
- Meetings with residents regarding local issues.

5.5 REPORT OF CR. VINCE FONTANA

Cr. Fontana reported on his attendance at the following functions/activities:

- Darebin/Banyule Business Breakfast seminar.
- Briefing dinner with local Members of Parliament.
- Preston Business Advisory Committee meeting.
- Municipal Emergency Management Planning Committee meeting.

5.6 REPORT OF CR. TIM LAURENCE

Cr. Laurence reported on his attendance at the following functions/activities:

- Briefing dinner with local Members of Parliament.
- Darebin Environmental Reference Group meeting.
- Community Climate Change Action Leaders Forum.
- Site visits in relation to planning and sub-standard rental accommodation issues.
- Meeting with the family of a local woman tragically killed when hit by a B-double truck in Reservoir.
- Visits to various sporting clubs.

5.7 REPORT OF CR. STEVEN TSITAS

Cr. Tsitas reported on his attendance at the following functions/activities:

- Meetings with local residents regarding various issues including the Arthurton Road Northcote development and Tram Route 86 Corridor Project.

5.8 REPORT OF THE MAYOR, CR. DIANA ASMAR

The Mayor, Cr. Asmar, reported on her attendance at the following functions/activities:

- Opening of Darebin Road Underpass of the Darebin Creek Shared Trail.
- Community Event – International Women’s Day celebrations.
- Launch of Sprout Community Garden.
- Community Climate Change Action Leaders Forum.
- Hellenic Women’s Federation of Victoria celebration of International Womens’ Day.
- Furlan Club function.
- Meeting to implement monthly meetings with Multicultural media representatives.
- Community meetings involving the Northcote Streetscape Masterplan and Tram Route 86 Corridor Project.
- Briefing dinner with local Members of Parliament.

6. PUBLIC QUESTION TIME

MINUTE NO. 84

The Mayor, Cr. Asmar, invited questions from members of the public gallery.

The following questions were submitted:

- John Nugent of Epping asked a question which sought an update on Council's investigation into public drinking outside Preston City Oval in Cramer Street Preston. The question was responded to by the Mayor, Cr. Asmar.
- John Nugent of Epping asked a question about the manner in which Council proposed to deal with the issue of public drinking outside Preston City Oval. The question was responded to by the Mayor, Cr. Asmar.
- Cathy De Matteis of Reservoir asked a question about the manner in which residents' objections to the proposed development at 15 Mia Close Reservoir are being addressed. The question was responded to by the Mayor, Cr. Asmar, who indicated that a written reply would be forwarded.
- Mary Himonas of Northcote asked a question about parking restrictions in Hayes Street Northcote. The question was responded to by the Mayor, Cr. Asmar.
- Kathleen Griffith of Thornbury asked a question about the planned removal of a tree outside her property as part of the reconstruction of the street where she resides. The question was responded to by the Mayor, Cr. Asmar, who indicated that a written reply would be forwarded.
- A Reservoir resident asked a question which sought assurance that Council will address residents' concerns regarding the proposed development at 15 Mia Close Reservoir. The question was responded to by the Mayor, Cr. Asmar.
- A Reservoir resident asked a question about the manner in which resident objectors can have their concerns addressed and make representations to Council before a decision is reached in relation to the proposed development at 15 Mia Close Reservoir. The question was responded to by the Mayor, Cr. Asmar, the Chair of the Planning Committee, Cr. Fontana, and Cr. Laurence.
- Janette Daher of Thornbury asked a question about lighting and trimming of trees in Clyde Street Thornbury. The question was responded to by the General Manager, City Services, Jeff Saker.
- John Nugent of Epping asked a question about provision by Council of shade facilities at Donath Reserve requested by the Donath Cricket Club. The question was responded to by the Mayor, Cr Asmar, who indicated that a written reply would be forwarded.
- John Nugent of Epping asked a question about provision of capital funding by Council to upgrade the pavilion at Donath Reserve. The question was responded to by the Mayor, Cr. Asmar.

After Public Question Time had concluded, three further questions were submitted in writing.

7. REPORTS OF STANDING COMMITTEES

7.1

HEARING OF SUBMISSIONS COMMITTEE

MINUTE NO. 85

The Hearing of Submissions Committee is a Special Committee appointed by Council to hear and report to Council on submissions received by Council in accordance with section 223 of the Local Government Act 1989.

A meeting of the Hearing of Submissions Committee was held on 10 March 2009. The minutes of the meeting have been circulated to Councillors and are available to the public.

<p>COUNCIL RESOLUTION</p>

MOVED: Cr. V. Fontana

SECONDED: Cr. S. Chiang

THAT the Report of the Hearing of Submissions Committee meeting held on 10 March 2009 be received and the Committee Recommendations be adopted.

CARRIED

8. CONSIDERATION OF REPORTS**8.1 FINANCIAL REPORT – 8 MONTHS ENDED 28 FEBRUARY 2009**

MINUTE NO. 86

AUTHOR: Group Coordinator Accounting, Payroll and Purchasing – Michael O’Riordan**MANAGER:** General Manager Corporate Services – Bruce Dobson**BUDGET****IMPLICATIONS:** Year to date operating surplus of \$30.7 million and capital works expenditure of \$15.3 million.**SUMMARY:**

A comprehensive financial review has been undertaken for the eight months ended 28 February 2009 to assess the financial performance of Council year-to-date (YTD). The outcome of the review indicates that Council has achieved a YTD operating surplus of \$30.7 million and capital works expenditure of \$15.3 million. All material variations have been explained in the report.

CONSULTATION:

Managers and Coordinators.

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana**SECONDED:** Cr. S. Tsitas

THAT the contents of the “Financial Report for the eight months ended 28 February 2009” included as **Appendix A** to this report be received and the year-to-date actual and budget operating and capital results be noted.

CARRIED

REPORT

BACKGROUND

Under the Local Government Act 1989, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date. In complying with the Act, the attached report (see **Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the eight months ended 28 February 2009. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

CORE ISSUES***Operating Performance***

The Operating Performance for the eight months ended 28 February 2009 is an operating surplus before capital revenue and other items of \$28.2 million, which is \$4.7 million ahead of budget. The main items contributing to this favorable variance are user fees, statutory fees and fines, operating grants, capital grants, other income, employee benefits, materials and services, bad and doubtful debts, depreciation and other expenses. After capital and other items, the operating surplus is \$30.7 million, which is \$5.2 million ahead of budget.

Capital Performance

The Capital Performance for the eight months ended 28 February 2009 shows that a total of \$15.3 million has been expended on the capital works program, which is \$2.2 million behind the budget. The variance is due mainly to timing differences on the completion of open space projects and plant and equipment.

Financial Position

The Financial Position as at 28 February 2009 shows a cash balance of \$24.9 million which is \$5.9 million ahead of budget. The variance is due mainly to timing differences in the receipt of rates and user fees, payments to suppliers, government receipts and payments for property, plant and equipment. The net current asset position is \$35.7 million which is \$7.6 million more than budget. The variance is due mainly to the higher cash position compared with budget, higher trade and other receivables and higher trade and other payables. The net asset position is \$816.3 million, which is \$5.6 million ahead of budget.

FINANCIAL IMPLICATIONS

The Financial Report for the eight months ended 28 February 2009 shows that Council's YTD operating result is a surplus of \$30.7 million and \$15.3 million has been expended on capital works.

FUTURE ACTIONS

A further financial report will be presented to Council for the 9 months ending 31 March 2009.

8.2 CITY OF DAREBIN GENERAL ELECTION NOVEMBER 2008**MINUTE NO. 87****AUTHOR:** Manager, Customer and Civic Services – Ray McQuillen**MANAGER:** General Manager Corporate Services – Bruce Dobson**BUDGET****IMPLICATIONS:** Election costs allowed for in 2008/2009 Budget**SUMMARY:**

The Victorian Electoral Commission (VEC) was engaged by Council to conduct the Darebin City Council general election in November 2008. The VEC appointed Merv Jones as Returning Officer for the election.

In accordance with the Local Government Act 1989, the Victorian Electoral Commission has submitted its report on the election to the Council's Chief Executive Officer. The report includes the Returning Officer's certified record of ballot papers used in the election.

The Chief Executive Officer is required to submit the report to the earliest practicable meeting of the Council held after the report is received.

CONSULTATION:

Victorian Electoral Commission
Chief Executive Officer

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. T. McCarthy

THAT the report of the Victorian Electoral Commission and Returning Officer on the conduct of the Darebin City Council general election held in November 2008, enclosed as **Appendix A** to this report, be received and noted.

CARRIED**REPORT****BACKGROUND**

The Victorian Electoral Commission (VEC) was engaged by Council to conduct the Darebin City Council general election in November 2008. The VEC appointed Merv Jones as Returning Officer for the election.

In accordance with Clause 14 of Schedule 3 to the Local Government Act 1989, the Victorian Electoral Commission has submitted its report on the election to the Council's Chief Executive

Officer. The report includes the Returning Officer's certified record of ballot papers used in the election.

The Chief Executive Officer is required to submit the report to the earliest practicable meeting of the Council held after the report is received.

CORE ISSUES

Comments on some of the information outlined in the VEC report and associated matters are provided below.

Voters' Roll

The voters' roll was certified by Council's Acting Chief Executive Officer on 23 October 2008. The voters' roll comprised 88,283 state voters (residents) and 10,411 (mainly non-resident owners of rateable property) making a total of 98,694.

The number of voters on each of the three ward voters' rolls was well within the legislative parameters of $\pm 10\%$ of the average number of voters.

Information Program – Community Languages

The Voter Information Campaign is detailed in the VEC report. Darebin Council opted into the VEC program for additional information in community languages including:

- The statewide advertising campaign which included ethnic press and ethnic radio in key community languages.
- A multi-language voting instructions leaflet

Other Darebin specific information in community languages included:

- Double page colour advertisement in the Preston and Northcote Leader newspapers in 12 community languages giving early notice of the election and encouraging people to enrol to vote.
- Notice of election and enrolment processes published on Council's multilingual website; similar posters in 12 community languages were distributed to relevant organisations listed in the Multicultural Resources Directory and displayed at Council facilities.
- All Darebin advertisements included telephone numbers for interpreting services.

Details of the media advertising and radio announcements are shown in Appendices 3 and 4 in the VEC report.

Candidates

There were 48 candidates for election compared to 70 at the 2004 general election, 97 at the 2002 general election and 72 Candidates at the 1998 election.

Voter Participation and Informality

As indicated in the VEC report there was a 72.8% turnout of voters at the election, compared to 73% at the previous election. The average participation rate for metropolitan councils was 72.63%.

The informal vote ranged from 3.29% (Rucker Ward with 9 candidates) to 8.81% (La Trobe Ward with 23 candidates) and averaged 6.18% across the City compared to 3.4% at the 2004 general election. The average rate of informal votes for metropolitan councils was 5.77%.

Account of Ballot Papers

As required in Clause 14(2) of Schedule 3 to the Local Government Act 1989 the Returning Officer appointed by the VEC has certified a record of ballot papers used in the election. This account is enclosed as Appendix 6 in the VEC report.

Compulsory Voting

Voting at the election was compulsory for Darebin residents on the State electoral roll. It is not compulsory for non-resident electors to vote. Being 70 years of age or more is a valid excuse for not voting at the election.

The VEC has been engaged to enforce the compulsory voting regulations and 'apparent failure to vote' notices have been issued to persons who were required, but who failed, to vote at the election.

Post Election DeBriefing

Council's election contract manager has liaised with the VEC Contract Manager and the Returning Officer to discuss the conduct of the election and suggestions raised in those discussions have been noted in the VEC report.

Next Election

The next general election for Darebin City Council is scheduled for November 2012.

The electoral representation structure of Darebin City Council will be reviewed before the following general election scheduled for 2016.

FINANCIAL IMPLICATIONS

The contract fees payable to the Victorian Electoral Commission, together with income from non-voting fines, have been allowed for in the 2008/2009 Budget. The net cost is estimated at \$295,000.

FUTURE ACTIONS

- Enforcement of compulsory voting regulations
- Payment of contract fees to Victorian Electoral Commission.

RELATED DOCUMENTS

Darebin City Council - General Elections (Postal) November 2008 – Report by Victorian Electoral Commission

City of Darebin Supply Contract CT0868 – Conduct of Municipal Elections

Local Government Act 1989 and Local Government (Electoral) Regulations 2005

Cr. Katsis disclosed a conflict of interest in the following item classifying the type of interest as an indirect interest by indirect financial interest and describing the nature of the interest as that he occupies commercial premises in the area affected by the Special Rate Scheme. He left the meeting prior to consideration of the matter – 7.45pm

8.3 PRESTON CENTRAL MARKETING, MANAGEMENT AND DEVELOPMENT SPECIAL RATE SCHEME

MINUTE NO. 88

AUTHOR: Business Development Coordinator – Phill Loader

MANAGER: General Manager City Development – Kevin Breen

BUDGET

IMPLICATIONS: Within existing resources

SUMMARY:

The Preston Central, Marketing, Management and Development Special Rate Scheme (“the Scheme”) expires on 30 June 2009. It was first introduced in 1999 and renewed in 2004. It currently collects \$110,000 per annum which is spent on the marketing, management, promotion and development of the Preston Central Shopping Centre.

Council administers the scheme in consultation with the Preston Business Advisory Committee (PBAC).

The special rate affects properties zoned or used for commercial purposes located in the following area and indicated on the attached plan (see **Appendix A**):

- 317 – 509 High Street Preston inclusive
- 274 – 444 High Street Preston inclusive
- 241A – 251 Murray Road Preston inclusive
- 330 – 342 Murray Road Preston inclusive
- 1 – 26 Cramer Street Preston inclusive
- 25 – 27 Preston Street Preston inclusive
- 14 – 32 The Centreway Preston inclusive
- 1 – 12 The Strand Preston inclusive
- 1 Cook Street Preston inclusive
- 19 – 29 Mary Street Preston inclusive
- 267 – 275 Gower Street Preston inclusive
- Preston Market (all land contained within the area known as the Preston Market and bounded by Murray Road, Cramer Street the Epping Railway Line and the rear of High Street)

This report recommends that Council give public notice of its intention to declare a special rate for the Preston Central Shopping Centre, for a period of five years from 1 July 2009 to 30 June 2014 and that it raise \$110,000.35 per annum.

CONSULTATION:

Preston Business Advisory Committee
Preston Retail Traders
Preston Market
Macquarie Lawyers and Strategists

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. S. Chiang

THAT:

- (1) Under section 163(1A) and 163B(3) of the Local Government Act 1989 (“the Act”) Council resolves to give public notice of its intention to declare at its ordinary meeting to be held on 4 May 2009 a special rate for the Preston Central Shopping Centre, in the following terms:
 - (a) The proposed special rate be declared under section 163(1) of the Act for the purpose of marketing, management, development and other incidental expenses associated with the encouragement and development of commerce and trade in Preston Central.
 - (b) In proposing the declaration of the special rate, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Darebin, in particular the encouragement of employment opportunities and commerce.
 - (c) The total cost of the performance of the functions and the exercise of the powers is \$550,001.75 which equates to the total amount of the special rate of \$110,000.35 per annum to be levied over five years.
 - (d) The proposed special rate will raise \$110,000.35 per annum for the period commencing 1 July 2009 to 30 June 2014 (being a period of five years).
 - (e) The following land be specified as the land and the area for which the proposed special rate is to be declared, which is also shown on the plan attached as **Appendix A** to this report (within the area bordered). A list of the individual properties affected by the proposed special rate is included as **Appendix B**. The following properties will be subject to the proposed special rate:
 - 317 – 509 High Street Preston inclusive
 - 274 – 444 High Street Preston inclusive
 - 241A – 251 Murray Road Preston inclusive
 - 330 – 342 Murray Road Preston inclusive
 - 1 – 26 Cramer Street Preston inclusive
 - 25 – 27 Preston Street Preston inclusive
 - 14 – 32 The Centreway Preston inclusive
 - 1 – 12 The Strand Preston inclusive

- 1 Cook Street Preston inclusive
- 19 – 29 Mary Street Preston inclusive
- 267 – 275 Gower Street Preston inclusive
- Preston Market (all land contained within the area known as the Preston Market and bounded by Murray Road, Cramer Street the Epping Railway Line and the rear of High Street)

- (f) The proposed special rate is to be assessed and levied on the basis that the rate in the dollar of 0.00057226 and is applied to the Capital Improved Value of the property. The proposed special rate will be set at the Capital Improved Value of the property as it appears in Council's Rate Book and be fixed at this for the five years of the special rate.

Appendix C details the amount payable by each individual property affected by the proposed special rate.

- (g) The criteria which forms the basis of the proposed special rate scheme is the ownership of rateable land used or zoned for commercial, retail or professional purposes within the geographical area in which the properties described in paragraph (e) of this declaration are included, as listed in **Appendix B** and within the area indicated by the map in **Appendix A**.
- (h) Council considers there will be a special benefit to the persons required to pay the proposed special rate, whether as an owner or an occupier, because the viability of Preston Central as a retail and commercial area will be enhanced through increased economic activity, and the value of the properties included in the scheme and the use, enjoyment and occupation of the properties will be maintained or enhanced.
- (i) In accordance with section 163(2A) of the Act, the total amount of the proposed special rate equating to \$110,000.35 per annum to be levied will not exceed the amount calculated in accordance with the formula:

$$(R \times C = S)$$

where R is the benefit ratio, C is the total cost of work and S is the maximum total amount that can be levied from all persons who are liable to pay the special rate.

- The benefit ratio is calculated at 1 (or 100%) and represents the total benefits of the scheme that will accrue as special benefits to all persons who are liable to pay the special rate.
- "Community Benefit" has been assessed and equates to zero.

The ratio is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the special rate, all being for the purpose of marketing, management and development of the centre, will only benefit the specified commercial properties (all of which are rateable land) included in the Scheme area.

- (j) In the event that Council proceeds with the proposed special rate scheme, it will be levied by sending notices to the persons liable to pay the special rate and the following will apply:
- i. Payment will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under

section 167 of the Act as being the date for the payment of general rates by four instalments.

- ii. Council will require interest to be paid in accordance with section 172 of the Act on any amounts of the special rate not paid by the specified date or dates for payment.
- (2) In accordance with sections 163(1A) and 163B(3) of the Act, public notice of the proposed declaration is to be given in The Age newspaper and separate copies of the public notice of the proposed declaration and the rights of a person to make a submission or an objection are to be given to all owners and occupiers who are to be made liable for the special rate.

A person affected by the proposed special rate may make a written submission and/or objection to the Council within 28 days of the day on which the public notice is published. Submissions and objections are to be directed to the Manager, Economic Development. A meeting (the day, time and place of which will be fixed) of Council's Hearing of Submissions Committee will be held to hear persons who wish to be heard in support of their submission or objection.

- (3) Council authorises the General Manager City Development to carry out on behalf of Council all and such other administrative procedures necessary to enable Council to carry out its duties under section 223 of the Act.

CARRIED

REPORT

BACKGROUND

There are over seventy five special rate schemes administered by Local Government for the marketing, management and promotion of retail centres in Victoria¹. Marketing and promotional special rates are used to develop and implement business and marketing plans that cover the retail area that the charge is declared for.

Darebin City Council currently has four such special rate schemes: High Street, Northcote; Preston Central; Reservoir Village and Station Street, Fairfield. All of these centres are traditional retail strips characterised by individual ownership of properties and businesses, and are located along main roads.

Special rates are levied on properties within a defined area of commercial activity, to be spent on the development and implementation of business and marketing plans. In the case of Preston Central, Council administers the Special Rate in consultation with the Preston Business Advisory Committee (PBAC). This committee comprises representatives of the business and general community. **Appendix D** lists the composition of the committee.

¹ Town Centre Management: Opportunities and Challenges for Australia, Planning By Design, 2004

Special rate schemes are part of a holistic process aimed at improving the performance of a shopping centre. They are usually the result of a strategic planning process that produces business and marketing plans and provide the means by which these plans can be implemented. Council's Retail Activity Centre Strategy² details a number of policies that support the continuation of special rate charge schemes including:

- Council will pursue strategic partnerships with business and property owners towards the effective management of activity centres.
- Council will facilitate coordinated planning and monitoring of management programs by the establishment and administration of special rate schemes.

The level of support for a scheme is important as Council is legally prevented from declaring a special rate where more than 50% of owners or occupiers, liable to pay the rate, object to its introduction. (This does not apply if Council contributes one third or more of the total amount raised by the scheme).

Preston Central has a special rate at present. The owner or occupier of each property zoned or used for commercial purposes within the area pays a special rate based on the Capital Improved Value (CIV) of the property.

Review Process:

The process to review the scheme and gain an indication of the level of support for its re-introduction involved a written survey of the 209 street frontage property occupiers which occurred in the following way:

- Discussions were held with the PBAC to determine their view on the renewal of the special rate. The Chair of PBAC then wrote to Council requesting the scheme be renewed.
- A survey was hand delivered to each business in the area of the special rate in October 2008.
- Surveys were collected a week later although an inadequate number were received.
- This process was repeated in December to improve the survey response rate.

The response rate to the survey was less than expected with 72 of the 209 business returning the survey providing an overall response rate of 31%. The low number of surveys makes it difficult to draw any conclusions. Results for those surveys that have been returned can be summarised as:

Question	Yes	No	Unsure	No Response
Support for the renewal of the Preston Central special rate	38% (25)	14% (9)	48% (32)	6

Question	Very Satisfied	Satisfied	Dissatisfied	Very Dissatisfied	No Response
Satisfaction with the marketing activities undertaken	27% (16)	57% (33)	12% (7)	3% (2)	14

² City of Darebin Retail Centres Strategy, 2005

Question	Most Popular	Second	Third
Best activity organised for Preston Central	Chinese New Year	Christmas	Easter

Survey respondents provided a number of issues that they considered could be addressed by the PBAC. These included cleaning and maintenance, shop renovation, car parking, more advertising/marketing and improving the quality and variety of stores. The results of the review will be used to improve the delivery of the marketing program.

Preston Market Support

The Preston Market plays a key role in Preston Central as a major shopping destination and is an important destination for not only to residents in close proximity to Preston Central but across the municipality. Of the 343 properties included in the special rate area 134 (39%) are located within the Preston Market. For most of these, the owner of the Preston Market pays the special rate. Preston Market has provided a response that they support the renewal of the special rate.

Key initiatives funded by the scheme over the past five years have included:

- Regular Trader Newsletter.
- New banners – Generic Preston Central and Christmas
- Business training and development.
- Engagement of a part time marketing coordinator
- Lunar New Year celebrations.
- Run Away to the Oval, a community event with an outdoor film at the Preston Oval.
- Easter Celebration, both Orthodox and Western Easter Celebrations
- Professional Campaign – a brochure delivered to 30,000 local households and press coverage that profiled local businesses that provide professional services.
- Cook Off – A food event held at the Preston Market in partnership with Rydges and NMIT, hosted by Doug Hawkins, a former AFL celebrity.
- Christmas celebration – including a consumer competition with 10,000 entry forms.
- Neighbourhood Travel Smart Event – run for the last three years to award customers for green travel.
- Logo development.

CORE ISSUES

Under section 163 of the Local Government Act 1989, Council can raise special rates for any purpose it considers is within the attainment of Council's objectives. Council must consider a number of matters including:

1. That the proposal or scheme relates to the performance of a function authorised by the Act.
2. That there will be a special benefit to the persons who are made liable to pay the special rate.
3. That there is a reasonable distribution of the charge amongst those persons liable to pay the special rate.

Proposal:

It is proposed that the special rate for the Preston Central shopping centre be implemented for a period of five (5) years from 1 July 2009 until 30 June 2014 and that it raise \$110,000.35 per annum.

The special rate will be assessed on the basis of ownership of rateable land used or zoned for commercial purposes located in the following areas and indicated within the bordered area on the attached plan (see **Appendix A**) and listed in **Appendix B** and generally includes:

- 317 – 509 High Street Preston inclusive
- 274 – 444 High Street Preston inclusive
- 241A – 251 Murray Road Preston inclusive
- 330 – 342 Murray Road Preston inclusive
- 1 – 26 Cramer Street Preston inclusive
- 25 – 27 Preston Street Preston inclusive
- 14 – 32 The Centreway Preston inclusive
- 1 – 12 The Strand Preston inclusive
- 1 Cook Street Preston inclusive
- 19 – 29 Mary Street Preston inclusive
- 267 – 275 Gower Street Preston inclusive
- Preston Market (all land contained within the area known as the Preston Market and bounded by Murray Road, Cramer Street the Epping Railway Line and the rear of High Street)

The proposed special rate will be levied on the following basis.

The Preston Central special rate will be levied on the basis of there is an equal or at least similar benefit to those properties included in the scheme.

Each individual assessment will be calculated by multiplying the relevant rate in the dollar by the CIV of the property.

Based on the current valuations of properties in Preston Central Shopping Centre, the rate in the dollar necessary to raise \$110,000.35 is 0.00057226 of the CIV of the property.

Legislative requirements:

The Local Government Act 1989 requires that Council must determine a number of matters when considering the declaration of a special rate.

These include:

1. The total cost of the special rate.

The total cost of \$110,000.35 per annum or \$550,001.75 over the five year period is required to fund a range of management, marketing, development and related initiatives and activities.

2. The total amount of the special rate to be levied.

In addition to the total cost of the special rate scheme, Council must then decide the maximum amount that can be levied on liable property owners. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the benefit ratio:

$$\frac{\text{TSB(in)}}{\text{TSB(in)} + \text{TSB(out)} + \text{TCB}} = R$$

Where TSB(in) is the estimated total special benefits to those properties Council has decided to include in the scheme.

TSB(out) is the estimated total special benefits to those properties Council has decided not to include in the scheme.

TCB is the estimated total community benefit

The ratio is calculated as follows:

$$343 \text{ divided by } 343 + 0 + 0 = 1 \text{ (or 100\%)}$$

After the total costs and the ratio have been determined, Council must calculate the maximum levy in accordance with the following formula:

$$R \times C = S$$

where R is the benefit ratio

C is the total costs of works

S is the maximum total amount that can be levied from all persons who are liable to pay the special rate

The following calculation is made:

$$1 \times 550,001.75 = 550,001.75 \text{ (or } \$550,001.75)$$

This ratio is calculated on the basis that officers consider that the services and activities to be provided from the proceeds of the special rate, all being for the purposes of marketing, management, promotion and development, will only benefit the commercial properties (all of which are rateable land) included in the scheme area.

3. The criteria to be used as a basis for declaring the special rate.

The criteria used by Council as the basis for declaring the special rate is the zoning or use of properties for commercial purposes within the defined local area. The proposed special rate will be levied on the following basis:

- A property that is included within the area and which in the opinion of Council receives a special benefit will be the subject of special rate of 0.00057226 of the CIV of the property.

4. Statutory Process.

Sections 163 and 223 of the Local Government Act 1989 detail the statutory process for implementation of a special rate. The process formally commences with Council's resolution to proceed with an intent to declare a special rate. This enables a formal consultation process.

The Act provides that:

- 1) Council must give public notice of its intention to make the declaration at least 28 days before making the declaration.
- 2) The notice and a letter outlining Council's intention be sent to:
 - a. All affected property owners
 - b. All affected property occupiers
- 3) Affected property owners and property occupiers (business owners) have 28 days to lodge with Council,
 - a. A submission
 - b. A letter of support, or
 - c. An objection
- 4) Those people lodging a submission or objection can request to be heard by the Council or a Committee of Council in support of their submission or objection.
- 5) If more than 50% of property owners or occupiers object, then the special rate cannot proceed unless Council contributes one third of the total cost.

Following the hearing of submissions by the Council's Hearing of Submissions Committee (if required), a report will be prepared for Council, outlining the submissions received and recommending that Council either proceed with, or abandon or modify the special rate.

Should Council proceed with the declaration of the special rate, Council will:

- 1) Write to those that submitted an objection or submission about the proposed special rate advising of Council's decision and the reasons for it.
- 2) Levy the special rate by sending a notice to property owners and occupiers. This notice provides 30 days to lodge an objection to the special rate with the VCAT.

Function:

The proposal relates to the performance of Council's functions as set out in the Act, which includes:

- Encouragement of employment opportunities
- Encouragement of commerce.

Benefit:

A special rate scheme would enable the continued development and implementation of the program to market and manage Preston Central Shopping Centre. Coordinated marketing and management improving the profile of the Preston Central is aimed at increasing patronage and business sustainability over time. It is considered that marketing the role and function of Preston Central Shopping Centre within the local community and Melbourne's North will strengthen the Centre's performance and facilitate its development. This is considered to be of benefit both directly and indirectly to all businesses, occupiers (tenants) and property owners located within the designated area. It is considered that the value of the properties included in the scheme, their desirability, as letting propositions, and general image and stature, including use, occupation and enjoyment both separately and severally in the context of the area generally, will be enhanced.

Reasonable Distribution:

The proposed method to collect the total amount of \$110,000.35 per annum is based on a rate applied to each property on the basis of;

- A property that is included within the area and which, in the opinion of Council, receives a special benefit will be the subject of a special rate of 0.00057226 cents in the dollar of the CIV of the property.

Payment of the special rate:

The proposed special rate will be levied by sending notices to the owners of the properties included in the Scheme. This will require that the special rate be paid by four equal instalments which will be the same dates as fixed by the Minister and published in the Victoria Government Gazette as being the dates on which payments of Council rates and charges (within meaning of section 167 of the Act) are due. The special rate is a rate on the property and will remain as such until paid in full. If the special rate is not paid by the required dates, it is proposed that interest will be charged at the maximum rate allowable under section 172(2)(a) of the Act, payable from the date or dates described in section 172(2)(b) of the Act (ie. the same as general Council rates).

Administration:

If the special rate is implemented, Council will continue to work with the PBAC to expend monies raised by Council through the special rate scheme, however the proceeds of the special rate, unlike other schemes undertaken by Council, will not be paid to a third party under a funding agreement. Council reserves to itself all discretions relevant to the application of the proceeds of the special rate and will at all times remain responsible for the proper implementation of the special rate.

Council in consultation with the PBAC will prepare an annual marketing plan and budget.

FINANCIAL IMPLICATIONS

Council incurs costs when introducing special rate schemes which include the following estimated costs:

Task	Estimated cost
Officer time – preparation, declaration and management of the Scheme (Council Reports, Notices to Liable Properties etc)	\$5,500
Advertising in The Age Newspaper (Notices of Intention to Declare)	\$6,000
Revenue Office costs in levying amounts (stationary, postage, debt collection, customer service)	\$1,500
Legal advice	\$1,000
Total	\$14,000

These costs are based on previous renewals and assume that the process runs smoothly with no major changes needed.

It is not intended that Council recover these costs, but rather that this continue to be provided as an economic development activity of Council. It should be noted that the Act does allow for the recovery of Council administration costs, however in the majority of cases, Councils do not recover these costs.

FUTURE ACTIONS

Should Council resolve to proceed with an intent to reintroduce the special rate, the following would occur:

Action	Date
1. Public Notice of Council's intention to declare the special rate will be advertised in The Age newspaper.	18 March
2. Individual notices, including a copy of the public notice, will be sent to all property owners and occupiers.	18 March
3. Copy of the proposed declaration available for inspection at Council offices for at least 28 days (including Council website).	18 March
4. Statutory period of 28 days to receive objections and submissions. Submissions and objections directed to the Manager Economic Development.	16 April
5. Council's Hearing of Submissions Committee convened if necessary to hear persons who wish to be heard in support of their submission or objection.	27 April
6. Report to Council outlining all submissions or objections. Council will then resolve to either adopt, modify or abandon the scheme.	4 May
7. If the scheme is adopted all affected property owners and occupiers notified.	6 May
8. Victorian Civil and Administrative Tribunal (VCAT) notified if Council adopts the Scheme.	6 May
9. Affected persons have 30 days to lodge an objection with VCAT.	8 June
10. If no objections to VCAT the scheme is implemented	1 July

RELATED DOCUMENTS

Darebin City Council, Economic and Employment Profile 2008

City of Darebin Retail Activity Centres Strategy, 2005

Town Centre Management: Opportunities and Challenges for Australia, Planning By Design, 2006

Victorian Snap Shot – Special Rates and Charges, Community Business Centres Victoria, 2007

Preston Central Business Plan, 2005

Cr. Katsis returned to the meeting – 7.48pm

**8.4 STATION STREET, FAIRFIELD SHOPPING CENTRE
MARKETING, MANAGEMENT AND DEVELOPMENT
SPECIAL RATE SCHEME**

MINUTE NO. 89

AUTHOR: Business Development Coordinator - Phill Loader

MANAGER: General Manager City Development - Kevin Breen

BUDGET

IMPLICATIONS: Within existing resources

SUMMARY:

The Station Street, Fairfield Marketing, Management and Development Special Rate Scheme (“the Scheme”) expires on 30 June 2009. It was first introduced in 1996 and renewed in 1999 and 2004. It currently collects \$40,000.00 per annum which is spent on the marketing, management, promotion and development of the Station Street, Fairfield Shopping Centre. Council forwards the proceeds of the scheme to the Fairfield Trader Association (“the Association”) under a legal agreement which clearly defines the roles and responsibilities of the Association and Council.

The special rate affects properties zoned or used for commercial purposes located in the following area and indicated on the attached plan (see **Appendix A**):

- 68 to 157 Station Street Fairfield (inclusive – odd and even numbers)
- 92 Arthur Street Fairfield
- 3 to 29 Railway Place Fairfield (inclusive – odd numbers only)
- 222 to 294 Wingrove Street Fairfield (inclusive – even numbers only)

This report recommends that Council give public notice of its intention to declare a special rate for the Station Street, Fairfield Shopping Centre, for a period of five years from 1 July 2009 to 30 June 2014 and that it raise \$50,000.10 per annum.

CONSULTATION:

Fairfield Trader Association
Fairfield Business Owners
Macquarie Lawyers and Strategists

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. McCarthy

THAT:

- (1) Under section 163(1A) and 163B(3) of the Local Government Act 1989 (“the Act”) Council resolves to give public notice of its intention to declare at its ordinary meeting to be held on 4 May 2009 a special rate for the Station Street, Fairfield Shopping Centre, in the following terms:
 - (a) The proposed special rate be declared under section 163(1) of the Act for the purpose of marketing, management, development and other incidental expenses associated with the encouragement and development of commerce and trade in Station Street, Fairfield.
 - (b) In proposing the declaration of the special rate, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Darebin, in particular the encouragement of employment opportunities and commerce.
 - (c) The total cost of the performance of the functions and the exercise of the powers is \$250,000.50 which equates to the total amount of the special rate of \$50,000.10 per annum to be levied over five years.
 - (d) The proposed special rate will raise \$50,000.10 per annum for the period commencing 1 July 2009 to 30 June 2014 (being a period of five years).
 - (e) The following land be specified as the land and the area for which the proposed special rate is to be declared, which is also shown on the plan attached as **Appendix A** to this report (within the area bordered). A list of the individual properties affected by the proposed special rate is included as **Appendix B**. The following properties will be subject to the proposed special rate:
 - 68 to 157 Station Street, Fairfield (inclusive – odd and even numbers)
 - 92 Arthur Street, Fairfield
 - 3 to 29 Railway Place, Fairfield (inclusive – odd numbers only)
 - 222 to 294 Wingrove Street, Fairfield (inclusive – even numbers only)
 - (f) The proposed special rate is to be assessed and levied on the following basis.
 - **Primary Benefit** – A property that has a direct exposure to Station Street, Fairfield and which in the opinion of Council receives a primary benefit will be subject to a special rate of 0.00090986 cents in the dollar of the Capital Improved Value of the property.
 - **Secondary Benefit** – A property that has indirect exposure to Station Street Fairfield and which in the opinion of Council receives a secondary benefit will be the subject of a special rate of 0.00068239 cents in the dollar of the Capital Improved Value of the property.
 - The proposed special rate will be set at the Capital Improved Value of the property as it appears in Council’s Rate Book and be fixed at this for the five years of the special rate.

Appendix C details the amount payable by each individual property affected by the proposed special rate.

- (g) The criteria which forms the basis of the proposed special rate scheme is the ownership of rateable land used or zoned for commercial, retail or professional purposes within the geographical area in which the properties described in paragraph (e) of this declaration are included, as listed in **Appendix B** and within the area indicated by the map in **Appendix A**.
- (h) Council considers there will be a special benefit to the persons required to pay the proposed special rate, whether as an owner or an occupier, because the viability of Station Street, Fairfield as a retail and commercial area will be enhanced through increased economic activity, and the value of the properties included in the scheme and the use, enjoyment and occupation of the properties will be maintained or enhanced.
- (i) In accordance with section 163(2A) of the Act, the total amount of the proposed special rate equating to \$50,000.10 per annum to be levied will not exceed that amount calculated in accordance with the formula:

$$(R \times C = S)$$

where R is the benefit ratio, C is the total cost of work and S is the maximum total amount that can be levied from all persons who are liable to pay the special rate.

- The benefit ratio is calculated at 1 (or 100%) and represents the total benefits of the scheme that will accrue as special benefits to all persons who are liable to pay the special rate.
- “Community Benefit” has been assessed and equates to zero.

The ratio is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the special rate, all being for the purpose of marketing, management and development of the centre, will only benefit the specified commercial properties (all of which are rateable land) included in the Scheme area.

- (j) In the event that Council proceeds with the proposed special rate scheme, it will be levied by sending notices to the persons liable to pay the special rate and the following will apply:
- i. Payment will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under section 167 of the Act as being the date for the payment of general rates by four instalments.
 - ii. Council will require interest to be paid in accordance with section 172 of the Act on any amounts of the special rate not paid by the specified date or dates for payment.
- (2) In accordance with sections 163(1A) and 163B(3) of the Act, public notice of the proposed declaration is to be given in The Age newspaper and separate copies of the public notice of the proposed declaration and the rights of a person to make a submission or an objection are to be given to all owners and occupiers who are to be made liable for the special rate.

A person affected by the proposed special rate may make a written submission and/or objection to the Council within 28 days of the day on which the public notice is published. Submissions and objections are to be directed to the Manager, Economic Development. A meeting (the day, time and place of which will be

fixed) of Council's Hearing of Submissions Committee will be held to hear persons who wish to be heard in support of their submission or objection.

- (3) If the special rate is declared, and prior to any proceeds of the special rate being paid to the Fairfield Trader Association, and as a condition precedent to such payment, the Association must enter into a formal agreement with Council that amongst other matters acknowledges and confirms that:
 - (a) The role of the Association in expending the monies raised by the special rate on behalf of Council is of an administrative nature only and at all times under the direction of and for Council; and
 - (b) Council reserves to itself all discretions relevant to the application of the proceeds of the special rate
- (4) Any issues raised by owners or occupiers during the special rate review process are in the first instance and administratively only to be referred by Council to Fairfield Trader Association, subject to Council officers' resolution of the matters. Council reserves to itself all discretions in relation to resolving such issues.
- (5) Council authorises the General Manager City Development to carry out on behalf of Council all and such other administrative procedures necessary to enable Council to carry out its duties under section 223 of the Act.

CARRIED

REPORT

BACKGROUND

There are over seventy five special rate schemes administered by Local Government for the marketing, management and promotion of retail centres in Victoria¹. Marketing and promotional special rates are used to develop and implement business and marketing plans that cover the retail area that the charge is declared for.

Darebin City Council currently has four such special rate schemes: High Street, Northcote; Preston Central; Reservoir Village and Station Street, Fairfield. All of these centres are traditional retail strips characterised by individual ownership of properties and businesses, and are located along main roads.

Special rates are levied on properties within a defined area of commercial activity, to be spent on the development and implementation of business and marketing plans. In the case of Station Street, Fairfield, Council then authorises the local Trader Association to spend this money (under a legal agreement) for purposes for which the special rate has been raised (ie advertising, management, marketing, promotion, development and other incidental expenses). The Association must have an appropriate legal structure and be representative of the business or property owners that pay the special charge or rate. In this instance, the appropriate body is the Fairfield Trader Association. Council officers work with each of the relevant Trader Associations to assist and facilitate their management and marketing activities.

Special rate schemes are part of a holistic process aimed at improving the performance of a shopping centre. They are usually the result of a strategic planning process that produces business and marketing plans and provide the means by which these plans can be implemented. Council's Retail Activity

¹ Town Centre Management: Opportunities and Challenges for Australia, Planning By Design, 2006

Centre Strategy² details a number of policies that support the continuation of special rate charge schemes including:

- Council will pursue strategic partnerships with business and property owners towards the effective management of activity centres.
- Council will facilitate coordinated planning and monitoring of management programs by the establishment and administration of special rate schemes.

The level of support for a scheme is important as Council is legally prevented from declaring a special rate where more than 50% of owners or occupiers, liable to pay the rate, object to its introduction. (This does not apply if Council contributes one third or more of the total amount raised by the scheme).

Station Street, Fairfield has a special rate at present. The owner or occupier of each property zoned or used for commercial purposes within the area pays a special rate based on their location. Properties that have a direct frontage to Station Street pay a full rate based on the Capital Improved Value (CIV). Properties that do not have a frontage to Station Street ie Railway Place, Wingrove Street and Arthur Street pay 75% of the primary rate based on receiving a lesser benefit.

Review Process:

The Fairfield Trader Association wrote to Council requesting that the special rate be renewed for a further five year period, raising \$50,000 p.a. The Fairfield special rate scheme has been in place since 1996 and has been successfully renewed twice in that time and has been well supported by traders. After meeting with the President and Marketing Coordinator who have met with individual businesses, it is believed that there is general support to renew the special rate.

The main projects completed by the Fairfield Traders in the current special charge scheme have included:

- Regular Trader Newsletter
- New Station Street Banners, design, production and installation
- Regular Trader networking meetings
- Appointment of a part time marketing coordinator
- Christmas celebration – including Christmas decorations
- Open Mind Festival (annual festival)
- Easter Celebration
- Love Living Local Campaign with Council
- Brochure for Commonwealth Games 2006
- Installation of security cameras for the shopping precinct.

² City of Darebin Retail Activity Centres Strategy, 2005

CORE ISSUES

Under section 163 of the Local Government Act 1989, Council can raise special rates for any purpose it considers is within the attainment of Council's objectives. Council must consider a number of matters including:

1. That the proposal or scheme relates to the performance of a function authorised by the Act.
2. That there will be a special benefit to the persons who are made liable to pay the special rate.
3. That there is a reasonable distribution of the charge amongst those persons liable to pay the special rate.

Proposal:

It is proposed that the special rate for the Station Street, Fairfield shopping centre be implemented for a period of five (5) years from 1 July 2009 until 30 June 2014 and that it raise \$50,000.10 per annum.

The special rate will be assessed on the basis of ownership of rateable land used or zoned for commercial purposes located in the following areas and indicated within the bordered area on the attached plan (see **Appendix A**) and listed in **Appendix B** and generally includes:

- 68 to 157 Station Street Fairfield, inclusive odd and even numbers
- 92 Arthur Street Fairfield
- 3 to 29 Railway Place Fairfield inclusive odd numbers only
- 222 to 294 Wingrove Street Fairfield inclusive even numbers only

The proposed special rate will be levied on the following basis.

The Fairfield special rate will be apportioned on the basis that there is a greater benefit to those properties included in the scheme located in Station Street compared to those that are not located on Station Street (ie. Wingrove Street, Arthur Street, Railway Place).

It is considered that those properties located on Station Street will benefit more than those properties located in streets intersecting and parallel to Station Street ie. Railway Place, Wingrove Street and Arthur Street. It is acknowledged that the CIV reflects this to some extent in that the most centrally located properties tend to be valued higher and therefore contribute more under this scheme than those properties located in the peripheral areas.

The following weightings have been determined on the estimated benefit that the properties in each area receive:

Area	Influencing Factor	Weighting
Area 1	Primary benefit received due to: <ul style="list-style-type: none"> • Direct exposure to Station Street 	100% of rate
Area 2	Secondary benefit received due to: <ul style="list-style-type: none"> • Indirect exposure to Station Street 	75% of rate

Each individual assessment will be calculated by multiplying the relevant rate in the dollar by the CIV of the property.

Based on the current valuations of properties in Station Street, Fairfield Shopping Centre, the rate in the dollar necessary to raise \$50,000 is 0.00090986 in the primary area and 0.00068239 in the secondary area. The following table indicates how the weighted rates affect the properties included in the scheme.

Area	Location	Weighting	Weighted rate Cents in dollar of CIV
Area 1	68-157 Station Street Fairfield inclusive – odd and even numbers	100%	0.00090986
Area 2	92 Arthur Street Fairfield 3-29 Railway Place Fairfield inclusive-odd numbers only 222-294 Wingrove Street Fairfield inclusive – even numbers only	75%	0.00068239

Legislative requirements:

The Local Government Act 1989 requires that Council must determine a number of matters when considering the declaration of a special rate.

These include:

1. The total cost of the special rate.

The total cost of \$50,000.10 per annum or \$250,000.50 over the five year period is required to fund a range of management, marketing, development and related initiatives and activities.

2. The total amount of the special rate to be levied.

In addition to the total cost of the special rate scheme, Council must then decide the maximum amount that can be levied on liable property owners. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the benefit ratio:

$$\frac{\text{TSB(in)}}{\text{TSB(in) + TSB(out) + TCB}} = R$$

Where TSB(in) is the estimated total special benefits to those properties Council has decided to include in the scheme.

TSB(out) is the estimated total special benefits to those properties Council has decided not to include in the scheme.

TCB is the estimated total community benefit

The ratio is calculated as follows:

123 divided by 123 + 0 + 0 = 1 (or 100%)

After the total costs and the ratio have been determined, Council must calculate the maximum levy in accordance with the following formula:

$$R \times C = S$$

Where R is the benefit ratio

C is the total costs of works

S is the maximum total amount that can be levied from all persons who are liable to pay the special rate

The following calculation is made:

$$1 \times 250,000.50 = 250,000.50 \text{ (or } \$250,000.50)$$

This ratio is calculated on the basis that officers consider that the services and activities to be provided from the proceeds of the special rate, all being for the purposes of marketing, management, promotion and development, will only benefit the commercial properties (all of which are rateable land) included in the scheme area.

3. The criteria to be used as a basis for declaring the special rate.

The criteria used by Council as the basis for declaring the special rate is the zoning or use of properties for commercial purposes within the defined local area. The proposed special rate will be levied on the following basis:

- Primary Benefit – Area 1. A property that has direct exposure to Station Street Fairfield and which in the opinion of Council receives a primary benefit will be the subject of special rate of 0.00090986 cents in the dollar of CIV
- Secondary Benefit – Area 2. A property that does not have direct exposure to Station Street Fairfield eg in Wingrove Street, Railway Place or Arthur Street which in the opinion of Council receive a secondary benefit will be subject to a special rate of 0.00068239 cents in the dollar of CIV

4. Statutory Process.

Sections 163 and 223 of the Local Government Act 1989 detail the statutory process for implementation of a special rate. The process formally commences with Council's resolution to proceed with an intent to declare a special rate. This enables a formal consultation process.

The Act provides that:

- 1) Council must give public notice of its intention to make the declaration at least 28 days before making the declaration.
- 2) The notice and a letter outlining Council's intention be sent to:
 - a. All affected property owners
 - b. All affected property occupiers
- 3) Affected property owners and property occupiers (business owners) have 28 days to lodge with Council,
 - a. A submission
 - b. A letter of support, or
 - c. An objection

- 4) Those people lodging a submission or objection can request to be heard by the Council or a Committee of Council in support of their submission or objection.
- 5) If more than 50% of property owners or occupiers object, then the special rate cannot proceed unless Council contributes one third of the total cost.

Following the hearing of submissions by the Council's Hearing of Submissions Committee (if required), a report will be prepared for Council, outlining the submissions received and recommending that Council either proceed with, or abandon or modify the special rate.

Should Council proceed with the declaration of the special rate, Council will:

- 1) Write to those that submitted an objection or submission about the proposed special rate advising of Council's decision and the reasons for it.
- 2) Levy the special rate by sending a notice to property owners and occupiers. This notice provides 30 days to lodge an objection to the special rate with the VCAT.

Function:

The proposal relates to the performance of Council's functions as set out in the Act, which includes:

- Encouragement of employment opportunities
- Encouragement of commerce.

Benefit:

A special rate scheme will enable the continued development and implementation of the program to market and manage Station Street Fairfield Shopping Centre. Coordinated marketing, management, and promotion will improve the profile of the Station Street Fairfield Shopping Centre and is aimed at increasing patronage and business sustainability over time. It is considered that marketing the role and function of Station Street Fairfield Shopping Centre within the local community and Melbourne's North will strengthen the Centre's performance and facilitate its development. This is considered to be of benefit both directly and indirectly to all businesses, occupiers (tenants) and property owners located within the designated area. It is considered that the value of the properties included in the scheme, their desirability, as letting propositions, and general image and stature, including use, occupation and enjoyment both separately and severally in the context of the area generally, will be enhanced.

Reasonable Distribution:

The proposed method to collect the total amount of \$50,000.10 per annum is based on a rate applied to each property on the basis of;

- Primary Benefit – A property that has direct frontage to Station Street Fairfield and which in the opinion of Council receives a primary benefit will be the subject of special rate of 0.00090986 cents in the dollar of CIV
- Secondary Benefit – A property that does not have direct frontage to Station Street Fairfield eg in Wingrove Street, Railway Place or Arthur Street which in the opinion of Council receive a secondary benefit will be subject to a special rate of 0.00068239 cents in the dollar of CIV

Payment of the special rate:

The proposed special rate will be levied by sending notices to the owners of the properties included in the Scheme. This will require that the special rate be paid by four equal instalments which will be the same dates as fixed by the Minister and published in the Victoria Government Gazette as being the dates on which payments of Council rates and charges (within meaning of section 167 of the Act) are due. The special rate is a rate on the property and will remain as such until paid in full. If the special rate is not paid by the required dates, it is proposed that interest will be charged at the maximum rate allowable under section 172(2)(a) of the Act, payable from the date or dates described in section 172(2)(b) of the Act (ie. the same as general Council rates).

Administration:

If the special rate is implemented, Council will, seek to enter into a legal agreement with the Fairfield Trader Association so that they will have administrative responsibility to expend monies raised by Council through the special rate scheme. Council reserves to itself all discretions relevant to the application of the proceeds of the special rate and will at all times remain responsible for the proper implementation of the special rate.

The agreement specifies a range of reporting requirements that the Association must provide to Council in order to receive the special rate proceeds. These include preparation of an annual marketing plan and budget. Council officers are available to assist the Association in meeting these requirements.

FINANCIAL IMPLICATIONS

Council incurs costs when introducing special rate and charge schemes which include the following estimated costs:

Task	Estimated cost
Officer time – preparation, declaration and management of the Scheme (Council Reports, Notices to Liable Properties etc)	\$5,500
Advertising in The Age newspaper (Notices of Intention to Declare)	\$6,000
Revenue Office costs in levying amounts (stationary, postage, debt collection, customer service)	\$1,500
Legal advice	\$1,000
Total	\$14,000

These costs are based on previous renewals and assume that the process runs smoothly with no major changes needed.

It is not intended that Council recover these costs, but rather that this continue to be provided as an economic development activity of Council. It should be noted that the Act does allow for the recovery of Council administration costs, however in the majority of cases, Councils do not recover these costs.

FUTURE ACTIONS

Should Council resolve to proceed with an intent to reintroduce the special rate, the following would occur:

Action	Date
1. Public Notice of Council's intention to declare the special rate will be advertised in The Age newspaper.	18 March
2. Individual notices, including a copy of the public notice, will be sent to all property owners and occupiers.	18 March
3. Copy of the proposed declaration available for inspection at Council offices for at least 28 days (including Council website).	18 March
4. Statutory period of 28 days to receive objections and submissions. Submissions and objections directed to the Manager Economic Development.	16 April
5. Council's Hearing of Submissions Committee convened if necessary to hear persons who wish to be heard in support of their submission or objection.	27 April
6. Report to Council outlining all submissions or objections. Council will then resolve to either adopt, modify or abandon the scheme.	4 May
7. If the scheme is adopted all affected property owners and occupiers notified.	6 May
8. Victorian Civil and Administrative Tribunal (VCAT) notified if Council adopts the Scheme.	6 May
9. Affected persons have 30 days to lodge an objection with VCAT.	8 June
10. If no objections to VCAT the scheme is implemented	1 July

RELATED DOCUMENTS

Darebin City Council, Economic and Employment Profile 2008

City of Darebin Retail Activity Centres Strategy, 2005

Town Centre Management: Opportunities and Challenges for Australia, Planning By Design, 2006

Victorian Snap Shot – Special Rates and Charges, Community Business Centres Victoria, 2007

Station Street Fairfield Shopping Centre Business Plan 2004 – 2009, 2004

8.5 JOHN CAIN MEMORIAL PARK MASTER PLAN**MINUTE NO. 90****AUTHOR: Manager, Leisure Services - Janice Lane****MANAGER: General Manager Community Assets and Leisure - Geoff Glynn****BUDGET****IMPLICATIONS: To be referred to 2009/2010 capital works program****SUMMARY:**

John Cain Memorial Park is a 17.34 hectare sporting reserve named after John Cain Senior, a former Premier of Victoria. The Park was redesigned in 2004 to accommodate improved lawn bowls, cycling and football facilities and now is a major sporting venue.

A new Master plan has been prepared for the Park. The main aim of the Master Plan was to consolidate various master plans and studies into a single report and to identify and scope further options to improve the sport and leisure opportunities. The Master Plan was funded through the State Government funding package. This report outlines the key components of the Master Plan and recommendations for future direction.

CONSULTATION:

- Darebin City Bowls Club (DCBC)
- Football Federation Victoria (FFV)
- CycleSport Victoria (CSV)
- Northcote City Soccer Club (NCSC)
- Royal Victoria Bowls Association (RVBA)
- Victorian Ladies Bowls Association (VLBA)
- Bowls Australia (BA)
- Sport Recreation Victoria (SRV)
- Victorian Institute of Sport (VIS)

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. V. Fontana

THAT Council adopt the John Cain Memorial Park Master Plan attached as **Appendix A** to this report.

CARRIED

REPORT**BACKGROUND**

John Cain Memorial Park is situated at 277 Darebin Road, Thornbury and is zoned as Public Park and Recreation Zone (PPRZ). The zoning of the John Cain Memorial Park allows for commercial activity in the Park subject to this activity being compatible with the use of the Park.

John Cain Memorial Park is the home of the Darebin International Sports Centre (DISC) – State Lawn Bowls Centre, the State Cycling Centre (Velodrome) and the State Soccer Centre. As a result, the venue is one of the most significant multi-sport precincts in Melbourne. Darebin Council secured nearly \$20 million to construct a complex which delivers a range of sporting and recreation benefits.

In addition to DISC, the Park comprises the following aspects:

- North-West Soccer Stadium comprising one main turf soccer pitch for A Grade Football Federation Victoria (FFV) competition and one junior soccer pitch. The North-West Stadium is licensed to the Northcote City Soccer Club
- Three Federation Internationale de Football Association (FIFA) accredited synthetic soccer pitches)
- Passive open space in the north-east corner
- Two turf soccer pitches adjacent to Darebin Road
- A central pavilion building to service the users of the pitches
- Car parking within the Park and on-road parking (Darebin Road and Arthur Street).

In June 2008, Council agreed to a State Funding package from Sport and Recreation Victoria (SRV) for major events and infrastructure improvements. The package comprises of a greens refurbishment program, the scoping and development of a Centre of Excellence and the re-location of Bowls Australia to DISC. A further update report will be provided to inform Council of this funding package and associated activities.

CORE ISSUES

The overall objective of the Master Plan is to further enhance the John Cain Memorial Park as a precinct of state significance catering for elite sport usage right through to community level competition and recreation. The key directions of the Master Plan provide a guide for the next 10 years.

The total visitation to the park is difficult to measure with accuracy as it is made up of sports related attendances, events and casual visits, which are not all car based trips. However, based on club membership numbers, programs at comparative venues, it is estimated that the park attracts in excess of 180,000 visits per annum. The breakdown of the visitation is:

Use	Activity	Facility	Visitation (p.a)
Sports	Soccer	Synthetic pitches	125,000
	Soccer	Turf pitches	15,000
	Cycling	Velodrome	22,000
Leisure	Lawn Bowls	Synthetic & Turf	6,000
	Leisure	North East park	15,000
		TOTAL	180,000

Given that DISC is only three years old, these visitation figures are encouraging and could be considered as a baseline to improved access and use of the venue in future. In general, the facilities are well used by elite sports people and the community, with the opportunity to further increase usage of the cycling and lawn bowls sports. However, the soccer facilities, in particular the synthetic pitches, are very popular and are now reaching their capacity for use. It is possible for the North West Stadium (turf pitch) to schedule more use, however, this will require extensive cooperation between NCSC and FFV. Alternatively, the disused turf pitches will need to be upgraded or converted to enable them to meet playing standards.

In addition to the raw visitation figures, a number of programs have been developed by the respective sporting bodies specifically tailored to people from a non-english speaking background, women and girls and people with disabilities. A sample of these programs includes:

Lawn Bowls	Free coaching for all ages
Cycling	All Abilities Cycling (A designated coaching program for people with disabilities)
Football (Soccer)	All Nations Cup (CALD) program played to coincide with Ramadam as part of the Muslim celebration calendar (140 people) Social soccer program – people with disabilities (pilot program played on Wednesday evenings with around 40 participants) Women and girls program

The participation figures for both cycling and football are encouraging and both the synthetic pitches and velodrome are experiencing close to maximum use. The participation figures for lawn bowls, however, are a concern. It would appear the trend for social bowls is increasing rather than club membership. It should also be noted that the demography of Darebin will change over time and influence trends and interests in sport participation. It is expected that the number of Darebin residents over 30 years of age is projected to increase by 15,651 in the period of 2006 to 2031. The demographic change may influence the above participation numbers over time. Refer to **Appendix B** for a detailed summary of the national participation rates of the three key sports at DISC.

A summary of the Master Plan's key findings and recommendations are listed below.

- Explore options around scheduling of soccer games across all pitches (turf and synthetic) and develop a Priority of Use agreement between FFV and Northcote City Soccer Club.

- Develop a business case for the future development of additional soccer pitches at DISC. It is acknowledged that any additional soccer pitches would need to be funded by sources other than Council due to the significant cost involved.
- A neighbourhood level parkland is constructed as highlighted in the 2008 Open Space Strategy. In addition, further landscaping, thematic improvements and signage programs be implemented to provide improved amenity and sense of place.
- Develop a comprehensive car parking plan to ensure adequate car parking of park users with overflow capacity for larger events and functions at DISC.
- The Junior Soccer pitch licensed to Northcote City Soccer Club needs further development to continue to provide the capacity for the growth of juniors at this club. Currently, the oval is not irrigated and to capitalise on this oval, both irrigation and lighting is required.
- Develop a Centre of Excellence (this forms part of the SRV funding agreement with Bowls Australia). A Centre of Excellence should assist in facilitating exceptional sports performance and focus on skill acquisition, training feedback and general athletic education. While the focus of the Centre of Excellence will have a lawn bowls focus as per the funding agreement, other sports located at DISC can be included in this development. A scoping exercise is required to develop this concept further.
- John Cain Memorial Park is a high user of water and energy resources. In order to meet Council's environmental objectives of sustainability, a sustainable operating plan will be developed that will look to reducing the demand on these resources, including investigating the potential for increased water harvesting from the site.
- The growth of certain sports organisations at DISC is encouraging. Projecting future growth of the sports will be difficult; however, there is capacity to increase the office accommodation at DISC when the opportunity arises.
- The current south-west car park is licensed to a retail business and is used for overflow car parking for sports and general retail activities. The site is underutilised and has a signature prominence for the sports precinct. As such, opportunities should be investigated to better use this parcel of land, in particular for a mixed-use development. In particular, the core proposition for this site would be to house a 'sports administration hub' of the three current sports centres and potentially other allied sports services. Other sympathetic mixed-uses on the site could provide the financial leverage for this innovative concept.

FINANCIAL IMPLICATIONS

The estimated probable cost associated with the recommended Master Plan items is \$4.8 million (inclusive of two synthetic soccer pitches). The synthetic soccer pitches are estimated at a cost of \$2 million including associated facilities such as lighting, shade and water harvesting. Significant additional funding sources such as the State Government and FFV would need to be sourced to progress this idea and a full business case established.

The Master Plan will be used as the basis for any capital works funding for Council consideration during future budget development.

FUTURE ACTIONS

Council officers to circulate the Master Plan once adopted by Council.

RELATED DOCUMENTS

John Cain Memorial Park Master Plan – Final Report, August 2008, StratCORP consulting – see Appendix B.

8.6 COMMUNITY GRANTS SCHEME 2009/2010**MINUTE NO. 91**

AUTHOR: Community Grants Officer - Roberto Malara
Manager, Family, Youth and Community Support - Dean Griggs

MANAGER: General Manager Communities and Culture - Jan Black

BUDGET

IMPLICATIONS: Within existing 2009/2010 Budget

SUMMARY:

Darebin Community Grants program is a key community development program undertaken by Council each year. The scheme encourages and supports the development of community based programs which enable the active participation of Darebin residents. The scheme is available to 'not-for-profit', locally based community groups and organisations or those meeting a demonstrated need or interest of Darebin residents.

CONSULTATION:

Darebin Council Community Grants Project Committee:

Family Youth and Community Support
Leisure Services
Arts and Cultural Development
Environmental Strategy
Customer and Civic Services
Aged and Disability Services
Social Inclusion and Diversity

RECOMMENDATION

THAT:

- (1) Council open the 2009/2010 community grants scheme funding round.
- (2) Council establish the Community Grants Committee as an Advisory Committee of the Council for the 2008/2009 Council year with the purpose, membership, scope of activity and delegated authority as detailed in the Committee Charter attached as **Appendix A** to this report.
- (3) Six Councillors be appointed to the Community Grants Standing Committee for the 2008/2009 Council year.

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. V. Fontana

THAT:

- (1) Council open the 2009/2010 community grants scheme funding round.
- (2) Council establish the Community Grants Committee as an Advisory Committee of the Council for the 2008/2009 Council year with the purpose, membership, scope of activity and delegated authority as detailed in the Committee Charter attached as Appendix A to this report.
- (3) Councillors Asmar, Fontana, Greco, Katsis, Laurence and McCarthy be appointed to the Community Grants Standing Committee for the 2008/2009 Council year.

CARRIED

REPORT**BACKGROUND**

The Darebin City Council Community Grants Scheme gives financial support to community groups and organisations to develop a diverse range of quality services and activities that meet the needs of residents in Darebin. Community groups and organisations whose membership comprises a significant proportion of Darebin residents, are invited to apply under the scheme. Council Officers from across the organisation are part of the Community Grants Project committee and oversee the implementation and assessment of the scheme.

The Community Grants Scheme is very popular with local organisations and groups. For example the past funding round yielded a total of 269 applications with a total amount requested of \$957,139. Council was able to fund approximately \$495,000 in cash grants as well as approximately \$70,000 in facility hire subsidies.

CORE ISSUES*Community Grants Committee*

In previous years once assessments have been made by Council Officers a meeting has been convened with the Community Grants Advisory Committee of five Councillors and recommendations are made regarding those organisations and groups which have been successful in receiving funding. A report has then been prepared to go before a full meeting of Council in July to endorse the outcomes of the funding round.

Recent changes to the Local Government Act 1989 which came into effect on 2 December 2008 now consider any meeting with three or more Councillors present to be an 'Assembly of Councillors'. The previous Community Grants Advisory Committee would become an 'Assembly of Councillors' under the new definition. This would require a formal record of the meeting to be made and the conflict of interests provisions of the Act would apply.

It is therefore proposed that the Community Grants Committee be appointed as a Standing Committee of the Council as this:

- Will reflect its composition of Councillors only
- Will provide an appropriate level of formality, accountability and transparency to Committee proceedings
- Be consistent with the new legislative requirements for accountable decision making through formal committees or assemblies of Councillors.

A draft Committee Charter is attached – see **Appendix A**. Standing Committee proceedings are minuted and a report on the Committee meetings and activities will be included in Council's annual report. The Committee will have no delegated authority and will therefore make recommendations to the Council.

Overview of the Scheme

An extensive publicity campaign is carried out for the scheme through local newspapers, ethnic press and Darebin City Council publications. Information is sent to hundreds of community groups. General information, guidelines, selection criteria and application forms are available through the City of Darebin website: www.darebin.vic.gov.au/communitygrants.

In addition to this, about 200 application forms and information kits are also printed and made available from Darebin Customer Service Offices and Libraries.

Two community information sessions are conducted to explain the Community Grants Scheme and to give the representatives from community groups and organisations an opportunity to have their questions answered. Council Officers are also available to assist groups on a one-to-one basis with applications. Culturally and Linguistically Diverse (CALD) groups/organisations may submit applications in their own language.

After applications for funding close, the Community Grants Project Committee (comprising Council Officers from across relevant Departments and Branches) is involved in the assessment process using the grants selection criteria. Thereafter, Councillors nominated by Council to the Community Grants Standing Committee will participate in the development of recommendations to go before a full meeting of Council.

Once Council approval is received, all applicants are notified of the outcome. All funded groups/organisations receive a *Condition of Grant* letter to sign on receiving the grant cheques. All funded groups/organisations are also required to provide a final evaluation report after completion of the funded project.

Community Grants Presentation Ceremony

All successful applicants are invited to a Grants Presentation Ceremony to be held on 13 August 2009. A selection of community groups are also invited to present their successful projects supported by Council in the previous year. Artists involved in some of the projects provide entertainment on the night. This event provides a great opportunity to Councillors, Council's Officers and community representatives to meet, share ideas and build networks.

Grant Categories

The seven categories of Community Grants offered are: -

- Community Support Programs
- Access for All Abilities (AAA) Program (*)
- Arts and Culture Programs
- Sport and Recreation Programs
- Environmental Programs
- Facility Hire Subsidy Program
- Out-of-Time Cash-grants and Facility Hire Subsidies Programs.

(*) **The AAA Program**, a State Government initiative, will contribute to the 2009/2010 funding round for all applications which will be submitted under this category and meet the program's guidelines and selection criteria.

Recurrent 3 Year Funding Cycle

A substantial percentage of grant money is allocated for recurrent 3 year funding cycle for community groups and organisations which address community needs within the City of Darebin. These include six Neighbourhood Houses, Community Information and Support Centres, three bands, a symphony orchestra, a performing group, two art galleries and the Darebin Ethnic Communities Council. All 3 year funding cycle recipients are required to provide an evaluation report at the end of each year. At the end of the 3 year cycle, they are also required to re-apply if they are to continue to receive support for the following three years.

Grants Criteria

Clear criteria are defined for the assessment of applications. These include:

1. High quality programs, projects and services that meet a demonstrated need within the Darebin community and have a direct benefit for Darebin residents.
2. Programs, projects and services that involve Darebin residents in their planning, management and implementation process.
3. Programs, projects and services that provide opportunities for participation for residents who would otherwise have limited opportunities to participate; particularly in developing the groups' capacity to include people with disabilities.
4. Programs, projects and services that are new initiatives.
5. Programs, projects and activities that protect/enhance the local environment.
6. Groups who have limited opportunity to generate income or seek funding from other sources.

7. Programs, projects and services that encourage the participation of culturally and linguistically diverse people, people with disabilities and those of Aboriginal and Torres Strait Islander descent.

Monitoring and Evaluation

Evaluation of the funded projects and programs in previous funding rounds as well as the general performance of the funded groups and organisations is taken into consideration when assessing the applications.

Monitoring of funded groups and organisations takes place throughout the life of the grant and enables Council to check that conditions and purposes of grants are being met and money is spent accordingly and appropriately before the grants period is over.

Failure to complete a final evaluation report will lead to groups being ineligible for further grant funding.

Community Grants Review

Following 2009/2010 funding round the current format of the Community Grants Scheme will be formally reviewed. The Community Grants Scheme is recognised as one of the most significant community building activities undertaken by Council and as such is a key vehicle for Council to achieve its goals and priorities as outlined in the Council Plan. This review will be informed by directions set by Council in the new Council Plan. The review will also examine data and outcomes of previous community grants funding rounds as well as continue with elements of the review put before Council in February 2009. The Community Grants Standing Committee of Council will meet to set the terms of reference for the review.

FINANCIAL IMPLICATIONS

2009/2010 Within existing budget.

FUTURE ACTIONS

Proposed 2009 Schedule

17 March	Information Kits and Application Forms will be made available to various Centres across Darebin and through City of Darebin website, Darebin Customer Service Offices and Libraries.
19 March	All Councillors to receive hard copy of Application forms for their information
March	Advertisements in the local newspapers, Ethnic and Indigenous media and City of Darebin Publications.
26 March & 2 April	Community Information Sessions
24 April	Closing Date for applications.
18 March to 30 May	Screening, Data entry and Assessment of Applications.
8 May	2008/2009 Final Evaluation Reports due.

2 June	Recommendations by Project Committee Finalised
10 June	Recommendations by Project Committee received by the Community Grants Standing Committee.
16 June	Community Grants Standing Committee to finalise recommendations for Council approval
6 July	Council Report with Recommendations to be adopted
July/August	Execution of Funding and Service Agreements.
13 August	Cheques Presentation Ceremony
20 October	2009/2010 Funding Round Evaluation Meeting

RELATED DOCUMENTS

2009/2010 Community Grants Information Kit
File 77/09/001-2 – Community Grants – Policy

8.7 GADD STREET NORTHCOTE ENVIRONMENTAL AUDIT**MINUTE NO. 92**

AUTHOR: General Manager Environment and Amenity - Libby Hynes
General Manager City Development - Kevin Breen

MANAGER: Chief Executive Officer - Michael Ulbrick

**BUDGET
IMPLICATIONS:** Nil

SUMMARY:

At its meeting on 2 March 2009 Council resolved *“that Council officers liaise with residents in Gadd Street, Northcote regarding their concerns about possible contamination from neighbouring industrial sites and recommend to the next Council meeting what actions, if any, Council could take in response to these concerns”*.

This report responds to this request and outlines current practice in relation to these issues.

CONSULTATION:

Environment Protection Authority, Emmaline Street resident, Manager Urban Development, Statutory Planning Officers

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. N. Katsis

THAT Council note this report regarding current practice involving environmental audits and in relation to Gadd Street Northcote properties.

CARRIED

REPORT**BACKGROUND**

At its meeting on 2 March 2009 Council resolved *“that Council officers liaise with residents in Gadd Street, Northcote regarding their concerns about possible contamination from neighbouring industrial sites and recommend to the next Council meeting what actions, if any, Council could take in response to these concerns”*.

This request arose from a report to Council on 2 March 2009 regarding Planning Amendment C64 relating to the consideration of rezoning and application of planning overlays to a former tannery site

and adjoining properties in Gadd Street, Northcote. An environmental audit of the Gadd Street sites was carried out prior to Council considering the proposed planning scheme amendment so that Council was informed as to whether the land was suitable for residential use.

The environmental audit process is conducted under the requirements of the Environment Protection Act 1970. Environmental auditors are appointed by the Environment Protection Authority (EPA) and engaged by the land owner or representative. The Statement of Environmental Audit is required to be lodged with the Environment Protection Authority and a copy given to Council.

CORE ISSUES

Council does not have a role in assessing off site contamination issues and these are pursued by the EPA when issues arise. Council does not have the technical expertise to provide advice on off-site contamination issues. Audit reports are available for viewing or copying from the EPA library. Council's copy of the report is also available for viewing by residents and other stakeholders.

In relation to the Gadd Street properties and associated environmental audit, Council officers have raised the resident's concern with EPA officers. The EPA have advised that they will be undertaking further investigation of the results from the audit report and based on the results of their further investigation will take further action if warranted. Officers have advised the resident who originally raised this issue of this outcome.

FUTURE ACTIONS

Where off site contamination concerns are triggered and/or identified by the EPA, Council can work with the EPA to ensure that residents are appropriately informed of issues.

RELATED DOCUMENTS

Minutes of Council meeting on 2 March 2009 - Amendment C64 Gadd Street Northcote consideration of submissions and request to the Minister for Planning to Appoint an independent panel.

8.8 BUNDOORA HOMESTEAD BOARD OF MANAGEMENT**MINUTE NO. 93****AUTHOR:** Director, Bundoora Homestead Art Centre - Jacqueline Healy**MANAGER:** General Manager Communities and Culture - Jan Black**BUDGET****IMPLICATIONS:** Nil**SUMMARY:**

Bundoora Homestead Board of Management is a Special Committee of Council with delegated powers. Council annually reviews the Committee and appoints individual members.

This report recommends that the membership of the Board of Management be increased by one member and recommends appointment of external members for a two-year period.

The report also proposes formal delegation of authority from the Council to Bundoora Homestead Board of Management as indicated in the Committee Charter endorsed by the Council at its meeting on 2 February 2009.

CONSULTATION:

Mayor Cr Diana Asmar
Cr Stanley Chiang.

COUNCIL RESOLUTION

MOVED: Cr. S. Chiang
SECONDED: Cr. T. Laurence

THAT:

- (1) The revised Bundoora Homestead Board of Management Committee Charter, attached as **Appendix A** to this report, be adopted to provide for:
 - A membership comprising 1 Councillor, 1 Council Officer and 6 external members including a representative of La Trobe University.
 - A quorum of 5 members.
- (2) Vincent Alessi (nominee of La Trobe University), Heather Bodycomb, Cathy Dodson, John Hall, Merv Lia and Heather Shand be appointed as members of Bundoora Homestead Board of Management.

- (3) Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Bundoora Homestead Board of Management, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix B** to this report subject to the conditions and limitations specified in that Instrument.

CARRIED

REPORT

BACKGROUND

Bundoora Homestead Art Centre opened to the community on 17 August 2001 after a \$2 million restoration with \$1 million contribution from the Federation Fund. A heritage building, Bundoora Homestead consists of gallery spaces with an ongoing exhibition program and cafe facility.

Bundoora Homestead Board of Management is a Special Committee of Council appointed with delegated powers to manage the operation of Bundoora Homestead Art Centre. The Committee was initially established on 11 June 2002. Standing Committees are reviewed at the 'Statutory Meeting' of the Council each year.

On 2 February 2009, the Council re-established Bundoora Homestead Board of Management as a Special Committee of the Council for the 2008/2009 Council year. The Council appointed Cr Stanley Chiang and Ms Jan Black as members of the Committee and noted that in accordance with the Committee Charter, expressions of interest would be invited for the four community representatives of the Committee. La Trobe University would also confirm its representative on the Board of Management.

CORE ISSUES

Committee Charter - Community Representation

Advertisements to call for new members for the Bundoora Homestead Board of Management were advertised in the Northcote and Preston Leaders on 17 February 2009. Applications closed on Friday 27 February. Applications were considered by Jan Black, General Manager Communities and Culture and Jacqueline Healy, Director, Bundoora Homestead Art Centre in consultation with the Mayor Cr Diana Asmar and Cr Stanley Chiang.

In response to the advertisement there were 5 applications and a nomination from La Trobe University. All previous community representatives on the Board reapplied and there was one new applicant, Cathy Dodson. Ms Dodson has been a resident of Thornbury for several years. She has worked in the cultural sector with the National Trust and Museum, Victoria.

It is considered that an additional member to the Committee would provide another perspective and increase the diversity of the Committee. It is therefore proposed that the Committee Charter be amended to provide for 5 community members in addition to the representative from La Trobe University. The proposed revised membership structure for the Bundoora Homestead Board of Management would be:

- 1 Councillor
- 6 Community Representatives including a representative nominated by La Trobe University
- 1 Council Officer.

The quorum of the Board of Management would therefore be increased to 5 members.

Nominations for Appointment

The following six 'applicants' are recommended for appointment to the Bundoora Homestead Board of Management.

- Merv Lia - President Preston Historical Society
- John Hall - former City of Preston Councillor and former President of Bundoora Park Management Committee
- Heather Shand - Artist
- Heather Bodycomb - Artist
- Cathy Dodson - Arts administrator
- Vincent Alessi - nominee of La Trobe University.

In accordance with the Committee Charter, community representatives are appointed for a two-year term with an option for a further two-year term by mutual consent, the further term to expire at the conclusion of the Council term of office. The Charter also provides for all Standing Committees of the Council to be reviewed at a special meeting of the Council in December each year.

Instrument of Delegation

The Bundoora Homestead Board of Management has been established to manage the operation of Bundoora Homestead Arts Centre. Subject to the limitations outlined in the Committee Charter, the Board (Special Committee) has Council's powers, duties and functions under the Local Government Act 1989 to manage Bundoora Homestead Art Centre.

The attached *Instrument of Delegation* (refer **Appendix B**) has been prepared in accordance with section 86(3) of the Local Government Act 1989 for Council to formally delegate the required authority to the Bundoora Homestead Board of Management.

This *Instrument of Delegation* has been based on similar instruments prepared by Macquarie Lawyers and Strategists.

The *Instrument of Delegation* was last reviewed and approved by the Council in December 2007. In accordance with section 86(6) of the Local Government Act 1989 the *Instrument of Delegation* has been reviewed and no substantive changes are proposed. The Instrument is recommended for adoption by the Council.

FINANCIAL IMPLICATIONS

Nil

RELATED DOCUMENTS

Council Minutes of 2 February 2009 – establishment of Bundoora Homestead Board of Management.
Bundoora Homestead Board of Management Charter.

8.9 ALCOHOL RELATED ISSUES IN DAREBIN**MINUTE NO. 94**

AUTHOR: Coordinator, Community Access Health and Safety - Tennille Temizyuz

MANAGER: Manager Family, Youth and Community Support - Dean Griggs

BUDGET

IMPLICATIONS: Outlined in the report.

SUMMARY:

This report is being presented in response to a 'General Business' item raised at Council's meeting on 2 February 2009 regarding public drinking. The report will discuss a range of alcohol related issues in Darebin, including public drinking, Alcohol Restricted Zones and liquor licensing. Public drinking is a complex social issue. A number of Councils including Darebin have been working on the issue for some time with varied outcomes.

CONSULTATION:

Darebin Local Safety Committee
Darebin Drug and Alcohol Coordination Committee
Darebin Police
Reservoir Traders Association
Preston Business Advisory Committee
Darebin Youth Services
Various local support services

RECOMMENDATION

THAT Council:

- (1) Receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct.
- (2) Endorse a range of strategies to address public drinking issues on Gower Street Preston.
- (3) Endorse the ongoing work in regard to liquor licences and positive promotion of the use of alcohol.

MOTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. T. Laurence

THAT:

- (1) Council receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct.
- (2) Council endorse a range of strategies to address public drinking issues on Gower Street Preston.
- (3) Council endorse the ongoing work in regard to liquor licences and positive promotion of the use of alcohol.
- (4) A report be submitted on what community engagement and additional resources are required to address the issue of public drinking.

CR. MORGAN PROPOSED TO THE MOVER OF THE MOTION, CR. MCARTHY, THAT RESOLUTION (1) ABOVE BE VARIED TO READ AS FOLLOWS:

- (1) Council receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct and the Gower Street/Cramer Street Preston City Oval Precinct.

THE PROPOSED VARIATION WAS NOT ACCEPTED BY THE MOVER OF THE MOTION, CR. MCCARTHY.

AMENDMENT

MOVED: Cr. B. Morgan
SECONDED: Cr. S. Chiang

THAT:

- (1) Council receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct and the Gower Street/Cramer Street Preston City Oval Precinct.
- (2) Council endorse a range of strategies to address public drinking issues on Gower Street Preston.
- (3) Council endorse the ongoing work in regard to liquor licences and positive promotion of the use of alcohol.
- (4) A report be submitted on what community engagement and additional resources are required to address the issue of public drinking.

THE AMENDMENT WAS PUT AND LOST

CR. MORGAN PROPOSED TO THE MOVER OF THE MOTION, CR. MCCARTHY, THAT THE FOLLOWING ADDITIONAL RESOLUTION (5) BE ADDED TO THE MOTION.

- (5) The responsible Council Officer report back to Council on the appropriate area for the implementation of an Alcohol Restricted Zone in the Gower Street/Cramer Street Preston City Oval Precinct.

THE PROPOSED ADDITION TO THE MOTION WAS NOT ACCEPTED BY THE MOVER OF THE MOTION, CR. MCCARTHY.

FURTHER AMENDMENT

MOVED: Cr. B. Morgan
SECONDED: Cr. V. Fontana

THAT:

- (1) Council receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct.
- (2) Council endorse a range of strategies to address public drinking issues on Gower Street Preston.
- (3) Council endorse the ongoing work in regard to liquor licences and positive promotion of the use of alcohol.
- (4) A report be submitted on what community engagement and additional resources are required to address the issue of public drinking.
- (5) The responsible Council Officer report back to Council on the appropriate area for the implementation of an Alcohol Restricted Zone in the Gower Street/Cramer Street Preston City Oval Precinct.

THE FURTHER AMENDMENT WAS PUT AND LOST.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. T. Laurence

- (1) Council receive a further report detailing implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct.
- (2) Council endorse a range of strategies to address public drinking issues on Gower Street Preston.
- (3) Council endorse the ongoing work in regard to liquor licences and positive promotion of the use of alcohol.

- (4) A report be submitted on what community engagement and additional resources are required to address the issue of public drinking.

CARRIED

REPORT

BACKGROUND

Council Roles

Council plays three key roles in responding to alcohol related issues in Darebin. These three roles are Policy, Regulations (regulatory role) and Partnerships.

Council works to address alcohol and other drug related issues through a policy platform, the Community Health and Safety Framework 2005 -2009. One of the key pieces of work that stems from the Framework is the Darebin Alcohol Strategy 2006 -2009 which identifies key issues related to alcohol use in Darebin and proposes a range of recommendations to address these issues. Public Drinking was identified as part of this strategy. Council's stance when the strategy was adopted was a harm minimisation approach to the issue. Council has also undertaken research into Alcohol Restricted Zones and developed a report titled 'Alcohol Free Zones, A Review of the Evidence'. The findings from this report will be used as the basis for discussion of Alcohol Restricted Zones that will be presented in this report.

Council also plays a regulatory role in regard to alcohol related issues. Council receives a copy of all new Liquor Licence applications that are made through Liquor Licensing Victoria and is able to make recommendations regarding whether or not the Liquor Licence application should be approved. Ultimately Liquor Licensing Victoria has the final say but this process provides Council with an opportunity to voice their concern regarding specific liquor licence applications. Council also plays a key role in advocating against liquor licences that we perceive will have a detrimental impact on our community, in particular packaged liquor outlets as well as research and data collection relevant to alcohol related issues.

In addition, Council plays an instrumental role in the facilitation of partnerships between Council, police and local support services. The Darebin Health Committee and Darebin Local Safety Committee both address alcohol related issues. One of the key pieces of work that derived from the committees was the development of the Alcohol and Other Drug Support Services card. The Darebin Alcohol Accord is also a powerful tool in connecting police and liquor licensees. The Darebin Alcohol Accord has approximately thirty members, meets four times a year and is implemented in partnership with Darebin Police. It has also be acknowledged that in order to respond to the issue of public drinking, new partnerships will need to be established particularly with local support services.

Alcohol Related Harms in Darebin

Alcohol is second only to tobacco as a preventable cause of death and hospitalisation in Australia. Nationally, alcohol consumption causes 4,286 deaths per year and 395,000 hospital bed days per year.

Data for Darebin shows higher-than average harms caused by alcohol:-

- There is a higher rate of alcohol consumption in Darebin (8.5L/yr) than the Victorian average (less than 8L/yr).
- The rate of alcohol-related deaths, assaults, family incidences and hospital admissions is higher than the Victorian rate.

- Per capita, Darebin suffers more alcohol-related deaths than almost any other municipality in metropolitan Melbourne, with the most recent mortality figures available showing an annual rate of 2.47 deaths per 10,000 residents (ie. approximately 28 deaths every year).
- There were 546 residents who accessed drug treatment services for alcohol in 2003-2004, averaging around 46 requests for assistance each month. This represents 1/3 of all drug treatment clients in 2003-2004.
- From 2003-2004 to 2005-2006, there has been a 30% increase in the number of alcohol-related ambulance attendances per 100,000 population in Darebin and is now higher than the metropolitan rate.

Alcohol Outlet Saturation - Liquor Licences

Work has commenced over the last six to twelve months in regard to mapping of liquor licences in Darebin. The high accessibility of alcohol – in terms of density of alcohol outlets, outlet opening hours and discounting of alcohol products – is an issue in many Local Government Areas (LGAs) in Victoria. Across Australia there is growing debate around the question of the effects of the number and location of liquor licences on rates of problem drinking and alcohol-related harms.

As at 31 March 2008, Darebin had 375 liquor licences: 145 on-premises, 69 limited, 60 packaged liquor, 32 BYO, 23 restricted, 18 full club and 5 pre-retail. As indicated in Table 1, Northcote and Preston have the highest number of liquor licences due to a higher number of restaurants and cafes with on-premises licences in the area and Reservoir and Preston have the highest number of packaged liquor licences (Table 2). Research suggests that the density or availability of licenced premises is associated with alcohol-related harms.

Table 1. Liquor Licences in Darebin by suburb

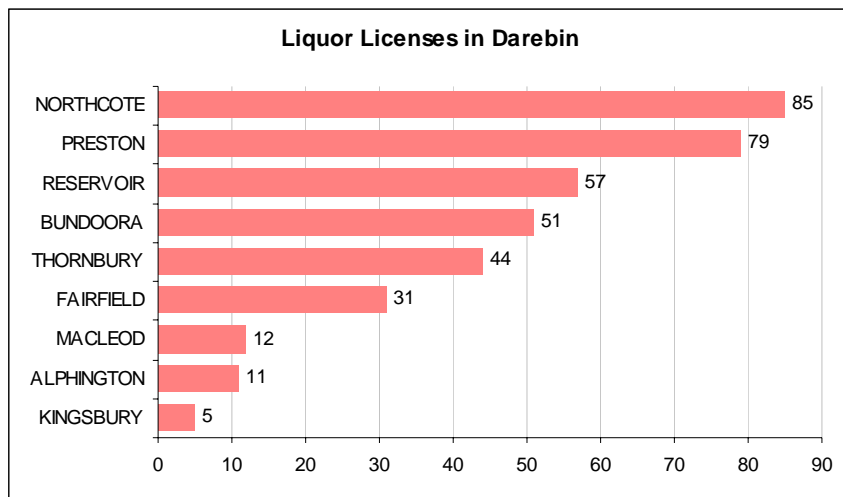
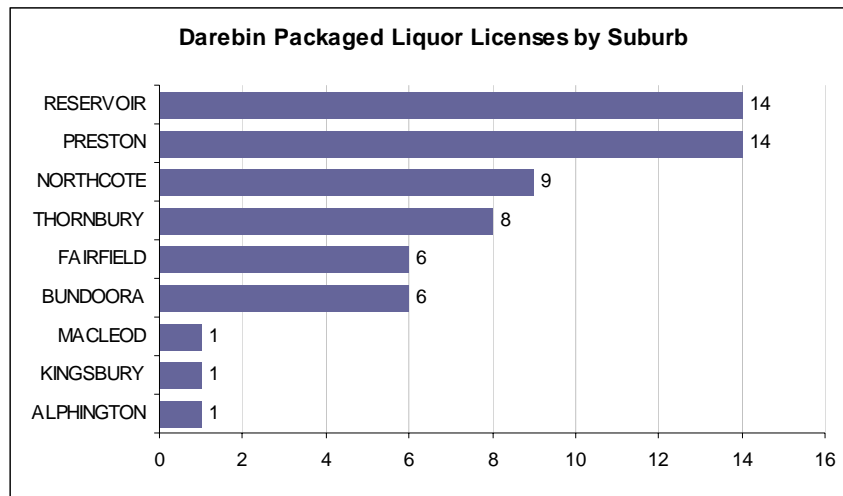


Table 2. Darebin packaged liquor licences by suburb

Public Drinking

Edwardes Street Reservoir and Gower Street Preston are two sites where public drinking has been identified as an issue. The public drinkers and circumstances surrounding both are quiet different.

The public drinkers at Edwardes Street Reservoir are predominately young people. The alcohol related crime that occurs as a result of the public drinking generally occurs at night and a large proportion occurs in the carpark at the rear of the retail strip to the west end. Council has engaged with both the Reservoir Traders Association and the Reservoir Police to discuss the public drinking and alcohol related crime in the area. Council has also engaged directly with the youth through a range of services, programs and initiatives including the Yute Crew (youth outreach program) as well as the establishment of a Hip Hop program established at the Darebin Youth Resource Centre/ Decibels (Reservoir Civic Centre). In June 2008, Council received a letter from both the Reservoir Traders Association and Reservoir Police to establish an Alcohol Restricted Zone. Work has since been focused on researching the implications of Council endorsement of an Alcohol Restricted Zone.

In Gower Street Preston the public drinkers are generally older men who congregate predominately for a social function. The group is made up people from various cultural groups. Gower Street Preston has been included in the discussion in response to the 'General Business' item raised by Council at its meeting on 2 February 2009. Informal consultation has taken place with the Preston Business Advisory Committee who have expressed concerns about the establishment of Alcohol Restricted Zones. Work has also commenced in identifying relevant support services so that supports for the public drinkers can be established and facilitated communication with the public drinkers themselves can begin to take place.

Alcohol Restricted Zones (Alcohol Free Zones)

An Alcohol Restricted Zone serves to control and regulate the consumption and possession of alcohol in public places to prevent anti-social behaviour that is detrimental or of nuisance to the community as well as enhance perceptions of community safety. In order for an Alcohol Restricted Zone to come into effect the Council's General Local Law 2005 would need to be enacted to prohibit the consumption or possession of an open container of liquor in areas and during the periods declared by Council. Under the Local Law the Chief Executive Officer has the discretionary authority to declare areas where and when a person must not consume liquor or have in their possession an open container of liquor. Police are authorised with power under the Local Law to confiscate alcohol from public drinkers and impose fines if required. An Alcohol Restricted Zone would still allow cafes/ restaurants

and other licensed venues to serve alcohol on the footpath or in a public space if it has been approved as part of their liquor licence.

In view of recent concerns expressed regarding public drinking by both police, traders (in particular Reservoir Traders Association) and community representatives, the City of Darebin has undertaken research regarding the impact of Alcohol Restricted Zones and has produced a report titled *Alcohol-Free Zones – a review of the evidence*. The purpose of this report was to review the available evidence regarding the effectiveness of Alcohol Restricted Zones, assist Council in determining the appropriate use of Alcohol Restricted Zones, and delineate a process for assessing applications to establish Alcohol Restricted Zones in Darebin.

Alcohol Restricted Zones as a crime reduction tool

Alcohol Restricted Zones are a situational crime prevention measure, with the focus being on the enforcement of rules and seeks to increase the risk of engaging in such behaviour. This approach can result in increased perceptions of safety as the community feel that something is actually being done. On the other hand, perceptions of safety can decrease as people who may never been aware that there was an issue may feel more unsafe due to the signage and increased police enforcement as a result of the Alcohol Restricted Zone. This approach generally only has a superficial impact and there is the possibility of the public drinking increasing outside the zone. This can lead to issues of displacement.

Research also suggests that most public drinking occurs amongst some of society's most marginalised and disadvantaged members. Alcohol Restricted Zones have the potential to further marginalise these groups in particular indigenous and ethnic communities.

In order to be implemented appropriately there are some key factors that need to be considered:-

- Alcohol Restricted Zones need to be implemented in close partnership with the police to ensure consistent enforcement and must be implemented as part of a broader crime prevention package.
- Engagement needs to occur with local support services to assist with issues of displacement and to provide a suitable level of support to the public drinkers.
- Alcohol Restricted Zones are most likely to be successful in highly targeted scenarios where there is significant evidence of crime caused by alcohol consumption.

Research indicates that Alcohol Restricted Zones are a short term response to public drinking issues; if an area has a history of problems with public drinking then a more complex response to the issue needs to be developed.

Costs and models of operation

The initial set up of the zone including the installation of signs is estimated at \$2000, and the ongoing maintenance and monitoring costs to Councils, social support and outreach services, and the police over the 3 year period are significant but dictated by levels of social need. Consideration should also be given to the resourcing of additional outreach support to assist with issues of displacement.

Alternatives to Alcohol Restricted Zones

Alternatives to Alcohol Restricted Zones include:-

- Improving community amenity to enhance public use of the area by the application of Crime Prevention Through Environmental Design (CPTED) principles,
- Addressing antisocial behaviour by increasing community partnerships and public access to drug and alcohol support and outreach services,
- Operating community education programs,

- Utilising Council's Community Initiated Safety Audit Program, and
- Working with community leaders when different cultural groups are involved.

Reponses from other Councils

Darebin is not alone in trying to grapple with this issue. Numerous other Councils have gone down the path of either implementing or exploring the idea of Alcohol Restricted Zones. Maribyrnong City Council enacted a local law and implemented its first Alcohol Restricted Zone in 2003. A review of the zone indicates that it has had no impact at all. Public drinkers continue to drink and obtain fines, which is to perceived to have no consequence as they are simply not able to pay the fine anyway. Maribyrnong is continuing with the local law but are not seeing it as the solution to the problem. Yarra City Council have no established Alcohol Restricted Zones and seeks to address alcohol related issues through working in collaboration with community support groups. City of Banyule has trialed an Alcohol Free Zone in Olympic Village Heidelberg and Greensborough Plaza. Similar to Maribyrnong the evaluation suggests that people are continuing to drink and unable to pay fines. There has been no decrease in public drinking recorded at either of these two sites.

CORE ISSUES

Public drinking leads to a range of tensions between the people drinking and other stakeholders over a shared utilisation of space. Whether public drinking is classified as either acceptable or unacceptable, conduct is often contingent upon the social construction of that public space. Societies often construct notions of where public drinking is 'acceptable' or 'unacceptable' not necessarily based on nuisance behaviour but rather on the 'look' of particular persons as being distressing or unsightly. While public drinking can be perceived as unsightly and can create negative perceptions of safety, public drinking in itself is not a crime.

It is recommended therefore, that any applications for an Alcohol Restricted Zone be assessed against set criteria derived from the research report which gives consideration to the following elements:-

- The proposed area for the establishment of an Alcohol Restricted Zone is small with distinct boundaries, and there is evidence in the area that significant alcohol related issues are present and of priority concern for residents, community groups and the Darebin District Police.
- Adequate police resources are available from Darebin District Police to support the Alcohol Restricted Zone, and manage the issue of displacement.
- The Alcohol Restricted Zone will be applied as part of a crime prevention package.
- Relevant community support and outreach services are aware of alcohol related problems in the identified area, and are committed to providing support for the Alcohol Restricted Zone

A process flowchart has been developed (see **Appendix A**) which gives consideration to the above criteria. Consultation has taken place with a range of internal stakeholders and external stakeholders regarding the appropriateness of the criteria including Local Laws, Economic Development and Urban Planning, Branches/Units, Victoria Police and members of the Darebin Local Safety Committee and Darebin Drug and Alcohol Coordination Committee.

Below is a summary of the two sites identified and their assessment against the criteria as detailed in the process checklist.

Edwardes Street Reservoir	Gower Street Preston
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<ul style="list-style-type: none"> - Council received a formal request for the establishment of an Alcohol Restricted Zone from Reservoir Police - The public drinking in this area is directly related to incidences of crime and data has been provided by Reservoir police to substantiate this - Darebin Youth Services (Yute program) have already began engaging with this group and are able to assist with an issues of displacement and/ or negative response from youth as a result of the trial - The traders association and the general community appear to be in support of an Alcohol Restricted Zone in this area - 7 resident complaints logged with Council officers since 2006 	<ul style="list-style-type: none"> - No formal requests have been received by Preston Police - The public drinking in this area, whilst unsightly, does not appear to be linked to incidences of reported crime in the local area - There is still a significant amount of work that needs to be done in liaising with local support services and establishing a suitable plan for the issue of displacement - No formal requests have been made from the Preston Business Advisory Committee. - 5 resident complaints logged with Council officers since 2006
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In considering the above information, it is recommended that Council receive a further report detailing the implications of the establishment of an Alcohol Restricted Zone on all stakeholders in the Edwardes Street Reservoir Precinct. It is also recommended that a range of alternate strategies are employed at Preston to try and address the issue of public drinking at this site.

The map below indicates the area being proposed for further investigation regarding Alcohol related issues at Edwardes Street Reservoir. The boundaries of the zone are Ralph Street, High Street, Cleeland Street, Olive Street and Byfield Street. Three packaged liquor outlets back onto the carpark and a number of licensed premises are located along Edwardes Street and High Street.



There are a number of alternate strategies that this report is proposing be implemented at Preston as an alternate response to an Alcohol Restricted Zone.

Such strategies would include:-

- Engagement with local support services
- Facilitating engagement via the local support services with the public drinkers
- Initiation of community education programs and promotion of local drug and alcohol support services
- Enhanced public use of the area through the application of Crime Prevention Through Environmental Design (CPTED)
- Engagement with liquor licensed outlets and venues in the local area.

It is recommended that three months preparation time is allowed after a Council decision to implement an Alcohol Restricted Zone. This three month period is necessary to ensure that the appropriate level of engagement takes place with local traders, support services and residents prior to the start of the twelve month trial.

In addition, Council will continue the work that has commenced across Darebin regarding liquor licensing. This includes:-

- Mapping of liquor licence premises within Darebin and surrounding suburbs to establish where pockets of high alcohol outlet density exist.
- Undertaking further research to further quantify and understand the social, economic and health impacts of alcohol consumption in the Darebin community.
- Developing a set of evidenced-based criteria to guide decision-making when assessing liquor licence applications.

- Undertaking a review of the internal processes involved in the assessment of liquor licensing applications and establish a formal process for decision-making guided by the criteria established.
- Continuing to advocate for greater involvement of Councils in State liquor licensing regimes.

Alcohol Advertising – Liquor Licences

Council at its meeting on 5 May 2008 also raised the issue of advertising the home delivery of alcohol from take-away food premises and special alcohol deals. Contact was made with the licensed venue in question and hence advertising of alcohol home delivery specials by this licensee has ceased. Council will continue working with licensees in the future to educate them regarding the appropriate advertising of alcohol. This work will also be incorporated into the awareness raising activities of the Darebin Alcohol Accord.

FINANCIAL IMPLICATIONS

The initial set up of an Alcohol Restricted Zone including the installation of signs is estimated at \$2000, and the ongoing maintenance and monitoring costs to Councils, social support and outreach services, and the police over the 3 year period are significant but dictated by levels of social need. Consideration should also be given to the resourcing of additional outreach support to assist with issues of displacement.

RELATED DOCUMENTS

Community Health and Safety Framework 2005 - 2009
Darebin Alcohol Strategy, Future Directions Report 2006 - 2009
Alcohol - Free Zones: A review of the Evidence, August 2008

9. URGENT BUSINESS

Nil.

10. GENERAL BUSINESS**10.1 PARKING – HAYES STREET NORTHCOTE****MINUTE NO. 95**

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy**SECONDED: Cr. N. Katsis****THAT:**

- (1) Parking fines issued to residents of Hayes Street Northcote on 26 February 2009 be suspended.
- (2) Parking restrictions in Hayes Street Northcote be reviewed in response to a petition submitted by residents of the street.
- (3) As part of the review, Council consult with residents with a view to either the issuing of two residential parking permits or the abolition of resident parking permit parking all together.

CARRIED**10.2 CONSULTATION - TRAM ROUTE 86 CORRIDOR
IMPROVEMENT PROJECT****MINUTE NO. 96**

Cr. McCarthy proposed a motion that Council extend the deadline for submissions on the Tram Route 86 project until 14 April 2009 and in addition hold further round table discussions with the community and stakeholders on the key issues arising from the consultation.

Crs. Chiang, Tsitas, Katsis and Asmar indicated they would need to disclose a conflict of interest in the matter.

Recognising that a quorum for the Council meeting could not be maintained if the four Councillors left the meeting, Cr. McCarthy did not proceed with the proposed motion.

10.3 CAFÉ – RESERVOIR CIVIC CENTRE

MINUTE NO. 97

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. T. Laurence

THAT officers report to the next Council meeting regarding what assistance, financial or otherwise, Council can provide to ensure the ongoing operation of the sliding door café by the Thornbury Women's Neighbourhood House, particularly during the next three months.

CARRIED

10.4 STREET LIGHTING – INTERSECTION OF BROADHURST AVENUE AND HIGH STREET RESERVOIR

MINUTE NO. 98

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. N. Tsitas

THAT officers report back on the condition of street lighting at the intersection at Broadhurst Avenue and High Street Reservoir.

CARRIED

10.5 IMPLICATIONS OF STATE GOVERNMENT FREIGHT STRATEGY FOR DAREBIN

MINUTE NO. 99

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. S. Tsitas

THAT Council officers report back to Council on the implications on Darebin of the recently released State Government Freight Strategy. The report should also consider the suitability of large truck movements, such as B-double trucks on Council's local road network.

CARRIED

10.6 TENANT HOUSING

MINUTE NO. 100

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. S. Chiang

THAT officers report back to Council regarding the legality of housing arrangements at 22 Scott Grove Kingsbury and 34 Sugar Gum Drive Bundoora, in particular the Council seeks to clarify if any outbuildings comply as habitable dwellings and if these houses are registered as rooming houses.

CARRIED

10.7 DOLE AVENUE RESERVOIR STADIUM

MINUTE NO. 101

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. S. Tsitas

THAT Council officers report back to Council on the water harvesting potential of the roof on the Dole Avenue Reservoir Stadium and any information the officers have in relation to State or Federal funding options for such a project.

CARRIED

**10.8 PUBLIC DRINKING – GOWER STREET/CRAMER STREET
PRESTON CITY OVAL PRECINCT**

MINUTE NO. 102

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. T. Laurence

THAT Council officers provide a further briefing to Council in relation to public drinking in the Gower Street/Cramer Street Preston City Oval Precinct and greater stakeholder consultation.

CARRIED

11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

MOVED: Cr. S. Chiang
SECONDED: Cr. V. Fontana

THAT in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following item which relates to a contractual matter:

11.1 Community Power Future Directions.

CARRIED

The meeting was closed to the public at 9.02pm

The Council considered and resolved on Report Item 11.1 (Community Power Future Directions) which had been circulated to Councillors on Thursday 12 March 2009 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. S. Chiang
SECONDED: Cr. T. Laurence

THAT the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to members of the public at 9.12pm.

CONFIDENTIAL**11.1 COMMUNITY POWER FUTURE DIRECTIONS****MINUTE NO. 103****AUTHOR: Community Power Project Officer - Indy Lingam****MANAGER: Environmental Strategy Coordinator - Michelle Bennett****BUDGET****IMPLICATIONS: Within Current Budget****SUMMARY:**

This report provides an overview of the history and achievements of the Community Power program including a large greenhouse gas reduction of 2,722 tonnes a year. It outlines the new proposal put forward by Origin and recommends that this proposal be pursued and broadly promoted to the Darebin community (and in the Community Power partner municipalities of Moreland and Whitehorse) over the next twelve month period.

CONSULTATION:

The Community Power Partners: City of Whitehorse and the Moreland Energy Foundation Ltd, have been consulted. Negotiations were held with Origin regarding an exclusive product proposal, improving service delivery, signing up more households and promoting a GreenPower option for businesses. Darebin's Business Improvement Branch surveyed 300 randomly selected households across Darebin, Moreland and Whitehorse. Current Community Power customers have also been surveyed. Sustainability Victoria have been consulted on the roll-out of the Sustainability Fund education and promotions program and notified of the potential future directions of the program.

RECOMMENDATION

THAT the Council Resolution be made available to the public but the report remain confidential.

COUNCIL RESOLUTION

MOVED: Cr. S. Chiang
SECONDED: Cr. T. Laurence

THAT the following Council Resolution:

“That:

- (1) Council extend the Community Power Agreement with Origin for a further twelve month period and work with Origin and the Community Power Partners to develop and promote Community Power GreenPower offers to the Darebin community and within partner municipalities.*
- (2) Council consider a further report to review the outcomes of the Community Power program at the end of the 12 month period.”*

be made available to the public but the report remain confidential.

CARRIED

12. CLOSE OF MEETING

The meeting closed at 9.13pm.