



# **MINUTES OF THE COUNCIL MEETING**

**HELD ON**

**MONDAY, 17 OCTOBER 2011**

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RELEASED TO THE PUBLIC ON THURSDAY 20 OCTOBER 2011

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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 17 OCTOBER 2011**

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**THE MEETING OPENED AT 7.02PM**

**1. PRESENT**

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

***Council Officers***

Rasiah Dev – Chief Executive Officer  
Daniel Freer – Director City Design and Environment  
Michael Ballock – Director City Works and Development  
Vijaya Vaidyanath – Director Corporate and Business Services  
Katrina Knox – Group Manager Community Services  
Fred Warner – Group Manager People and Performance  
Pradeep Agrawal – Chief Information Officer  
Rhys Thomas – Governance and Corporate Planning Manager  
Ron Downes – Council Business Coordinator

**2. APOLOGIES**

Nil.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

#### 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr. N. Katsis  
**SECONDED:** Cr. B. Morgan

**THAT** the Minutes of the Ordinary Meeting of Council held on 3 October 2011 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 329

### 5.1 REPORT OF CR. STEVEN TSITAS

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

- Council Briefing Session.
- Planning Committee meeting.
- Representing the Mayor, opened the "Create a Sustainable Garden Workshop".

### 5.2 REPORT OF CR. TIM LAURENCE

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

- Planning Committee meeting.
- Strategic Projects Steering Committee meeting.
- Leisure Strategy meeting.
- Council Briefing Session.
- CEO Performance Review Committee meeting.
- Darebin Festival of Light and Friendship meeting.
- Reservoir Library meeting.
- East Reservoir Neighbourhood Renewal Committee meeting.
- Darebin Progress Association and Aussie Farmers meeting.
- Resident matters regarding planning.

### 5.3 REPORT OF CR. VINCE FONTANA

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

- INLENN Committee of Management meeting.
- Participated in the Friends of Baucau Intercultural Centre Community meeting.
- Reservoir Library meeting.
- Met with Craig Ondarchie MP to discuss local matters.
- Chaired the Planning Committee meeting – 26 September 2011.
- Council Briefing Session – 26 September 2011.
- Preston Connect Communities Forum.
- Chaired most recent Network of Italian Mayors and Councillors (NIMAC) meeting.
- Strategic Projects Steering Committee meeting – 10 October 2011.

- Chaired the Planning Committee meeting – 10 October 2011.
- Council Briefing Session – 10 October 2011.
- Leisure Strategy Working Group meeting.
- Business Development and Employment Strategy meeting.
- Infrastructure for Shopping Centres information meeting for Cazaly Ward.
- U3A 20th Anniversary function in the Shire Hall.
- Strategic Projects Steering Committee meeting – 17 October 2011.
- Met with several residents over the past few weeks to discuss planning matters.

#### **5.4 REPORT OF CR. NICK KATSIS**

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

- Planning Committee meeting.
- Council Briefing Session.
- Strategic Projects Steering Committee meeting.
- CEO Performance Review Committee meeting.
- Constituent concerns including onsite meetings.

#### **5.5 REPORT OF CR. BEN MORGAN**

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

- Council Briefing Session.
- Headspace activities.
- Usual resident matters.

#### **5.6 REPORT OF CR. GAETANO GRECO**

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

- Darebin Health Committee meeting.
- Reservoir Library meeting.
- Racism Forum.
- Municipal Association of Victoria Board meeting.
- Attended on behalf of the Municipal Association of Victoria, the United Nations Alliance of Civilizations (UNAOC) Building Inclusive Societies Forum.
- Audit Committee working group meeting regarding Charter and remuneration issues.
- Audit Committee working group meeting regarding social inclusion issues.
- Business Development and Strategy Committee update.
- Reservoir traders meeting.
- Meeting with Darebin Progress Association and Aussie Farmers representative.

- Network of Italian Mayors and Councillors (NIMAC) AGM.
- Planning Committee meeting.
- Council Briefing Session.
- CEO Performance Review Committee meeting.
- Resident matters.

### **5.7 REPORT OF CR. TRENT MCCARTHY**

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

- IBIS Conference – Building Inclusive Societies.
- Council Briefing Session.
- Meeting with traders regarding Infrastructure for Shopping Centres – Rucker Ward.
- Australian Community Support Organisation (ACSO) Conference - people with disabilities and mental illness.
- Open Mind Fiesta – opening speech on 10th Birthday.
- Meeting with Traditional Owner – Walmadan Country (James Price Point)
- ‘White Ribbon’ Campaign event.
- Various resident and trader issues, including rubbish collection, planning, local amenities, parks, traffic and rates.
- Briefing on proposal code for telco tower installation.

### **5.8 REPORT OF CR. STANLEY CHIANG**

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

- Co-chaired Darebin Health Committee meeting.
- Reservoir Library meeting.
- Delegation of students from Peking University, China.
- 100th Anniversary of the Chinese Xinhai Revolution.
- Council Briefing Session.
- Resident issues.

### **5.9 REPORT OF THE MAYOR, CR. DIANA ASMAR**

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

- Darebin Disability Advisory Committee meeting.
- Strategic Projects Steering Committee meeting.
- Alphington Neighbourhood Action Group meeting regarding Heritage Overlay.
- Various residents meetings.
- Met with visiting students from Peking University, China.



- Meeting with local traders.
- Met with credit card bank co-op for staff.
- Darebin Women's Advisory Committee meeting.
- Public Forum – Racism Inquiry event.
- Met with former President of Portuguese International Social Inclusion Forum.
- Met with Fiona Richardson MP.
- Northern Mayors and CEOs meeting.
- Preston Girls Secondary College – International Women's Day event.
- Council Briefing Session.
- Mayor's event meeting.
- Strategic Projects Steering Committee meeting.
- Infrastructure for Shopping Centres meeting.
- Radio interviews.
- CEO Performance Review Committee meeting.

## 6. PUBLIC QUESTION TIME

### MINUTE NO. 330

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

The following questions were submitted:

- Harry Nash of Northcote asked a question about the use of the Leinster Community Centre and Hall located in Mayer Park. The question was responded to by the Group Manager Community Services, Katrina Knox.
- Maria Poletti of Preston asked a question about release by Council of the Municipal Strategic Statement for public comment. The question was responded to by the Director City Works and Development, Michael Ballock.
- John Nugent of Reservoir asked a question about improvement works at Donath Reserve. The question was responded to by the Mayor Cr. Asmar and the Director City Design and Environment, Daniel Freer.
- Gavin Murnane of Thornbury asked a question about child safety concerns associated with Industrial complexes adjacent to residential areas increasing hours of operation generating significant additional truck movements. The question was responded to by the Mayor Cr. Asmar.
- Jane Maher of Fairfield asked a question about consultation meetings in relation to planning permit applications. The question was responded to by the Mayor, Cr. Asmar and the Director City Works and Development, Michael Ballock.
- Christine Bolt of Thornbury asked a question about Industrial complexes adjacent to residential areas extending their operating hours. The question was responded to by the Mayor, Cr. Asmar and the Director City Works and Development, Michael Ballock.
- Barbara Lee of Reservoir asked a question about the "Darebin Muslims Reaching Out" Project Officer position. The question was responded to by the Mayor, Cr. Asmar.
- Rowlina Cambra of Reservoir asked a question about parking issues associated with multi-unit developments. The question was responded to by the Mayor, Cr. Asmar.
- Geoffrey Richards of Preston asked a question about the destruction of naturestrip trees in Ascot Street Preston. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Keith Coffey of Reservoir asked a question about the proposed installation of a telephone tower on Atkinson Reserve. The question was responded to by the Mayor, Cr. Asmar.
- Tom Sloan of Reservoir asked a question about parking issues associated with multi-unit development. The question was responded to by the Mayor, Cr. Asmar

After Public Question Time was concluded, two further questions were submitted in writing

## 7. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 7.1 ASSEMBLIES OF COUNCILLORS HELD

#### MINUTE NO. 331

An Assembly of Councillors is defined in section 76AA of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Darebin Disability Advisory Committee meeting – 3 October 2011
- DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting – 5 October 2011
- Darebin Women's Advisory Committee meeting – 6 October 2011
- Strategic Projects Steering Committee meeting – 10 October 2011
- Council Briefing Session – 10 October 2011

#### COUNCIL RESOLUTION

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. G. Greco

**THAT** the record of the Assembly of Councillors held on 3, 5, 6, and 10 October 2011 be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Disability Advisory Committee
	<b>Date:</b>	Monday 3 October 2011
	<b>Location:</b>	Function Room
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Diana Asmar (Mayor)
	<b>Council Staff:</b>	Christine Mulholland, Tennille Bradley, Janet Bailie, Natalie McGlone and Cathy Austin
	<b>Other:</b>	Representative of Northern Support Services, Representative of NMIT Work Education Centre and Representative of ADEC  Community representatives with a disability and community representatives who are carers of people with a disability
<b>APOLOGIES:</b>		Not Applicable

The Assembly commenced at 10.30am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Matters arising from previous minutes	No disclosures were made
<b>2</b>	Making Emergency Education Inclusive	No disclosures were made
<b>3</b>	Ageing with Disability Project update	No disclosures were made  Cr Asmar left the assembly at 11.30am

The Assembly concluded at 12.30pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Christine Mulholland
	<b>Officer Title:</b>	MetroAccess Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee  <b>Date:</b> Wednesday 5 October 2011  <b>Location:</b> Function Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b> Cr Gaetano Greco, Cr Stanley Chiang  <b>Council Staff:</b> Dalal Smiley, Tennille Bradley, Melissah Morrison, Sarah Edwards, Don Nicholson.  <b>Other:</b> Northern Division of General Practice, Darebin Progress Association, Darebin Community Health, North East Primary Care Partnership.
<b>APOLOGIES:</b>	Northern Area Mental Health Service, Women's Health in the North, Northern Health, Mental Illness Fellowship of Victoria, Spectrum Migrant Resource Centre, Department of Health, Neami and Austin Health.

The Assembly commenced at 3.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Exercise in Darebin Parks	No disclosures were made
<b>2</b>	Northern Melbourne Medicare Local	No disclosures were made
<b>3</b>	Review of the Health and Wellbeing Forum 2011	No disclosures were made
<b>4</b>	Project Up-dates ▶ Streets Ahead Project	No disclosures were made
<b>5</b>	Review of the Darebin Health Steering Committee	No disclosures were made
<b>6</b>	Member up-dates	No disclosures were made

The Assembly concluded at 5.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Melissah Morrison
	<b>Officer Title:</b>	Health Planner



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> Darebin Women's Advisory Committee  <b>Date:</b> Thursday, 11 October 2011  <b>Location:</b> Function Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b> Mayor, Cr Diana Asmar  <b>Council Staff:</b> Mandy Bathgate  <b>Other:</b> <b>Present:</b> Rae Kingsbury (Convenor) Leanne Miller (Koorie Women Mean Business), Maria Poletti, S'hi D'Amour, Anna Stewart (Women's Health in the North), Ursula Harrison (Thornbury Women's Neighbourhood House), Janice Muir (also a member of the Darebin Aboriginal Advisory Council), Deb Walsh, Sally Northfield, Ivana Csar, (Northern Interfaith Intercultural Network), May Muir (Guest).
<b>APOLOGIES:</b>	Nil

The Assembly commenced at 6.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	<b>Review of Council's Venue Hire Policy</b>	No disclosures were made.
2	<b>Recent media regarding exemption for women only events and activities in Darebin</b>	No disclosures were made.

The Assembly concluded at 7.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> Mandy Bathgate  <b>Officer Title:</b> Equity and Diversity Coordinator
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## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Strategic Projects Steering Committee
	<b>Date:</b>	10 October 2011
	<b>Location:</b>	Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Diana Asmar (Mayor), Cr Nick Katsis, Cr Vince Fontana.
	<b>Council Staff:</b>	Rasiah Dev, Daniel Freer,
	<b>Other:</b>	None
<b>APOLOGIES:</b>		Cr Greco, Cr McCarthy, Cr Morgan, Cr Chiang, Cr Laurence, Cr Tsitas.

The Assembly commenced at 4.15pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Darebin Arts and Entertainment Centre Project Plan	No disclosures were made.
2	Darebin Arts and Entertainment Centre Community Engagement Plan	No disclosures were made.

The Assembly concluded at 4:50pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Daniel Freer
	<b>Officer Title:</b>	Director City Design and Environment





## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Council Briefing Session
	<b>Date:</b>	10 October 2011
	<b>Location:</b>	Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Diana Asmar (Mayor), Cr Gaetano Greco, Cr Ben Morgan, Cr Steven Tsitas, Cr Trent McCarthy, Cr Vince Fontana, Cr Nick Katsis.
	<b>Council Staff:</b>	Rasiah Dev, Vijaya Viadyanath, Michael Ballock, Daniel Freer, Fred Warner, Vige Satkunarajah (7:15 - 7:41pm), Kerry Wellington (7:43 – 8:25pm), Pradeep Agrawal (8:26 – 8:40pm), Rick Bottiglieri (8:26 – 8:35pm), John Kearney, Consultant (7:15 – 7.41pm) & Chris Karter, Maddocks (7:43 – 7:41pm)
	<b>Other:</b>	None
<b>APOLOGIES:</b>		None

The Assembly commenced at 7.15pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Municipal Strategic Statement Review (MSS)	No disclosures were made.
<b>2</b>	Rates on Vacant Land – Legal update	No disclosures were made.
<b>3</b>	Current Website front page refresh update	No disclosures were made.
<b>4</b>	CT 201127 Microsoft Licensing Agreement	No disclosures were made.
<b>5</b>	Northland Structure Plan	No disclosures were made.  Cr Morgan left meeting at 8.40pm
<b>6</b>	Culturally & Linguistically Diverse Communication Strategy	No disclosures were made.

The Assembly concluded at 9.08pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Daniel Freer
	<b>Officer Title:</b>	Director City Design and Environment

## 8. CONSIDERATION OF REPORTS

### 8.1 ANNUAL REPORT 2010/2011

MINUTE NO. 332

**AUTHOR:** Governance and Corporate Planning Manager

**DIRECTOR:** Director Corporate and Business Services

#### SUMMARY:

The purpose of this report is to present the City of Darebin Annual Report for 2010/2011.

The Annual Report includes:

- Council's progress against measurement indicators contained in the 2009-2013 Council Plan;
- Council's financial performance for the year through the audited standard, financial and performance statements;
- Information pertaining to Darebin City Councillors and committees;
- Comprehensive review of Council operations carried out during the year; and
- Other statutory reports.

#### CONSULTATION:

Mayor and Councillors  
Chief Executive  
Chief Financial Officer  
Corporate Planner (Acting)

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. V. Fontana

**THAT** the City of Darebin Annual Report 2010/2011 attached as **Appendix A** to this report be received.

**CARRIED**

## REPORT

### INTRODUCTION AND BACKGROUND

The Local Government Act (1989) and regulations require each Council in Victoria to prepare an Annual Report for each financial year containing a report of operations and audited standard, financial and performance statements.

Each Council must also present the Annual Report for each financial year at a Council Meeting within one month of providing the Annual Report to the Minister. The Minister must receive a copy of the Annual Report on or before 30 September each year.

### ISSUES AND DISCUSSION

The City of Darebin Annual Report (including Audited Statements) for 2010/2011 was completed and submitted to the Minister for Local Government on Friday 30 September 2011.

The statutory notice for consideration of the Annual Report appeared in The Age on 30 September 2011, the Preston Leader on 4 October 2011 and the Northcote Leader on 5 October 2011. The report is now available for inspection by the community and general public.

A summary of the information contained within each of the sections of the Annual Report is provided below.

- The year in review – includes the Performance Report that presents the results of 25 performance indicators identified in the Council Plan. This section also contains a reflection on the year by Council's Mayor and Chief Executive as well as an overview of our financial health.
- About Darebin – discusses Darebin's community profile and provides a report on Council's response to diversity and its environmental performance.
- Corporate Governance – provides information about Darebin's Councillors and Committee members as well as the organisational structure.
- Our Services – examines the activities identified in the Council Plan and Budget and reports on progress during 2010/2011.
- Financial Statements – details Council's financial situation, contains statements audited by the Victorian Auditor General and a copy of his audit opinion.
- Statutory Reports – prescribed information that is governed by Parliamentary Acts, Regulations and Ministerial directions.

### POLICY IMPLICATIONS

#### Environmental Sustainability

Some Councils choose not to print their Annual Report for environmental reasons. Darebin Council has chosen to print the Annual Report 2010/2011 in attempt to keep the document accessible to the whole community. The Annual Report will be printed on recycled paper and print runs are reviewed each year to reduce waste.

### **Social Inclusion and Diversity**

Links to the Multilingual Telephone Line and TTY are listed on the back cover of the Annual Report. The Annual Report is also available in large print upon request. As mentioned in the previous section, the Annual Report is printed, as well as available in electronic format, in an attempt to make it accessible to all members of the Darebin community.

### **Other**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Production and printing of the Annual Report 2010/2011 will be completed within the Information and Governance Department's operational budget.

### **FUTURE ACTIONS**

- A letter will be sent to the Minister for Local Government advising of Council's receipt of the Annual Report 2010/2011.
- A copy of the Annual Report will be available for inspection by the public at Customer Service Centres and Libraries.
- The Annual Report will be professionally published, with copies available to members of the community on request.

### **DISCLOSURE OF INTERESTS**

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### **RELATED DOCUMENTS**

Annual Report 2010/2011 (**Appendix A**)

Council Plan 2009-2013

Council Budget 2010/2011

**8.2 FINANCIAL REPORT – 3 MONTHS ENDED 30 SEPTEMBER 2011****MINUTE NO. 333****AUTHOR: Chief Financial Officer****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

A comprehensive financial review has been undertaken for the three months ended 30 September 2011 to assess the financial performance of Council year-to-date. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$69.5 million, which is \$2.2 million ahead of budget and capital works expenditure of \$3.3 million, which is \$3.5 million behind the budget. All material variations have been explained in the report.

**CONSULTATION:**

Financial Accountant  
Managers and Coordinators.

**COUNCIL RESOLUTION**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. V. Fontana**

**THAT** the contents of the “Financial Report for the three months ended 30 September 2011” 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****INTRODUCTION AND 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 (**Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the three months ended 30 September 2011. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

## ISSUES AND DISCUSSION

### *Operating Performance*

The Operating Performance for the three months ended 30 September 2011 is an operating surplus before capital revenue and other items of \$69.0 million, which is \$2.1 million ahead of budget. The main items contributing to this favorable variance are contributions, operating grants and contributions, employee benefits, material and services and depreciation partly offset by unfavorable variances in rates and statutory fees and fines. After capital and other items, the operating surplus is \$69.5 million, which is \$2.2 million ahead of budget.

### *Capital Performance*

The Capital Performance for the three months ended 30 September 2011 shows that a total of \$3.3 million has been expended on the capital works program, which is \$3.5 million behind the budget. The variance is due mainly to timing differences on road, building and open space works projects and purchase of plant and equipment.

### *Financial Position*

The Financial Position as at 30 September 2011 shows a cash balance of \$38.0 million which is \$10.3 million ahead of budget. The variance is due mainly to the higher opening cash position compared with budget and timing differences in receipts from customers, payments to suppliers and employees and purchase of property, infrastructure, plant and equipment. The net current asset position is \$92.4 million which is \$15.8 million more than budget. The variance is due mainly to the higher cash position, higher trade and other receivables and higher trade and other payables compared with budget. The net asset position is \$997.2 million, which is \$5.5 million ahead of budget.

## POLICY IMPLICATIONS

### **Environmental Sustainability**

Nil.

### **Social Inclusion and Diversity**

Nil.

### **Other**

Nil.

## FINANCIAL AND RESOURCE IMPLICATIONS

Nil

## CONCLUSION

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The Financial Report for the three months ended 30 September 2011 shows that Council's year-to-date operating result is a surplus of \$69.5 million and \$3.3 million has been expended on capital works.

### **FUTURE ACTIONS**

A further financial report will be presented to Council for the four months ending 31 October 2011.

### **DISCLOSURE OF INTERESTS**

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### **RELATED DOCUMENTS**

Nil



**8.3 PARKING OF MOTORCYCLES ON FOOTWAYS****MINUTE NO. 334****AUTHOR: Manager Economic Development and Employment****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

At its meeting on 1 August 2011, Council resolved:

*“That Council officers prepare a report of motorcycle parking conditions on footpaths and other pedestrian walkways and report back to Council as soon as practicable.”*

This report provides information that in Victoria you may legally park your motorcycle on the footpath as long as it does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle.

There exist several policies and laws that can be used to justify whether a motorcycle is causing an obstruction and these could be used to serve an infringement notice. However, where a motorcycle is parked correctly and not causing an obstruction there is little that Council can do to prevent the motorcycle from parking on the footpath.

**CONSULTATION:**Internal

Assistant Team Leader Darebin Traffic Services  
Transport Management Planning  
Coordinator Compliance and Amenity

External

Team Leader Yarra Parking Control  
Coordinator Traffic and Local Laws City of Maribyrnong  
Team Leader Traffic City of Moonee Valley  
Senior Coordinator Transport Management City of Melbourne  
Team Leader Parking and Traffic Branch City of Melbourne

**RECOMMENDATION****THAT:**

- (1) Council write to VicRoads requesting that they review the Road Safety Road Rules (Vic) 2009, Road Rule Number 197 and remove section (1) b which allows motorcycles not obstructing pedestrian access to park on the footpath.
- (2) ‘No Standing’ signs be placed behind existing parking signs prohibiting the parking of motorcycles on footways in certain locations. This approach

should be undertaken once detailed guidelines are developed through the new Parking Strategy 2012.

- (3) In situations where a motorcycle is legally parked on a footpath but is causing an irritation to adjoining business, Council may wish to consider installing street furniture or plants or cycling hoops to prevent this from re-occurring.
- (4) In situations where the parking of motorcycles on footways does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle but is causing frustration to nearby neighbours that Council offer both parties the opportunity for a facilitated mediation to resolve and come to a satisfactory situation.
- (5) Council initiate stronger representations to Victoria Police on this matter through the Darebin Safety Committee given that parking of motorcycles on footways/footpaths has become a public safety issue.

### MOTION

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

**THAT:**

- 1) Council write to VicRoads requesting that they review the Road Safety Road Rules (Vic) 2009, Road Rule Number 197 and remove section (1) b which allows motorcycles not obstructing pedestrian access to park on the footpath.
- 2) Council commence a trial in November 2011 of the placement of 'No Standing' signs behind existing parking signs prohibiting the parking of motorcycles on footways along High Street between Separation Street Northcote and Dundas Street Thornbury.
- 3) Council gauge community and trader response to the trial in the development of a new Parking Strategy 2012.
- 4) In situations where the parking of motorcycles on footways does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle but is causing frustration to nearby neighbours that Council offer both parties the opportunity for a facilitated mediation to resolve and come to a satisfactory situation.
- 5) Council initiate stronger representations to Victoria Police on this matter through the Darebin Safety Committee given that parking of motorcycles on footways/footpaths has become a public safety issue.

Cr. MCCARTHY PROPOSED TO THE MOVER OF THE MOTION, CR. FONTANA, AND THE SECONDER, CR. MORGAN, THAT PART (3) OF THE

'RECOMMENDATION' AS FOLLOWS BE ADDED AS PART (6) TO THE MOTION:

- (3) *In situations where a motorcycle is legally parked on a footpath but is causing an irritation to adjoining business, Council may wish to consider installing street furniture or plants or cycling hoops to prevent this from re-occurring.*

CR. MCCARTHY'S PROPOSED ADDITION TO THE MOTION WAS DECLINED BY THE MOVER OF THE MOTION, CR. FONTANA, AND THE SECONDER, CR. MORGAN.

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

### COUNCIL RESOLUTION

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

**THAT:**

- 1) Council write to VicRoads requesting that they review the Road Safety Road Rules (Vic) 2009, Road Rule Number 197 and remove section (1) b which allows motorcycles not obstructing pedestrian access to park on the footpath.
- 2) Council commence a trial in November 2011 of the placement of 'No Standing' signs behind existing parking signs prohibiting the parking of motorcycles on footways along High Street between Separation Street Northcote and Dundas Street Thornbury.
- 3) Council gauge community and trader response to the trial in the development of a new Parking Strategy 2012.
- 4) In situations where the parking of motorcycles on footways does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle but is causing frustration to nearby neighbours that Council offer both parties the opportunity for a facilitated mediation to resolve and come to a satisfactory situation.
- 5) Council initiate stronger representations to Victoria Police on this matter through the Darebin Safety Committee given that parking of motorcycles on footways/footpaths has become a public safety issue.

**CARRIED**

### REPORT

## INTRODUCTION AND BACKGROUND

There are a number of strategies and policies that Council administers that cater to vehicles, motorcycles and pedestrian access within the municipality. Whilst motorcycles parked on footpaths are not specifically mentioned, there is an ability to use these documents to establish criteria for parking of motorcycles on footpaths.

### **Darebin Transport Strategy**

The existing Darebin Transport Strategy specifies that in Activity Centres pedestrians have a priority. In addition, the Footpath Activity Policy can be seen as another document which specifies priority for pedestrians on footpaths compared to other infrastructure such as furniture, table and chairs etc. Using this logic, Council may have a good basis to ban motorcycle parking on all footpaths in Principal and Major Activity Centres, provided that there is sufficient alternative motorcycle parking provisions in those areas. This can be implemented through a new Parking Strategy using information, consultation with motor cycle users, education dissemination and enforcement programs.

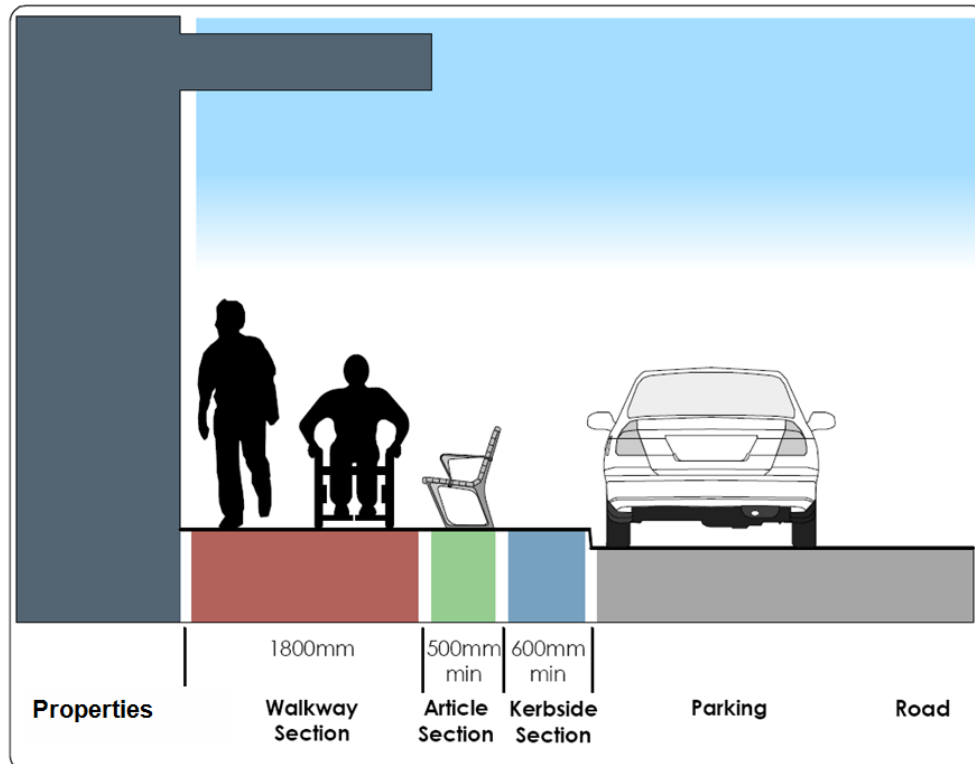
### **Goods on Footpath Permit Footpath Activities Policy 2010**

The Goods on Footpath Permit Footpath Activities Policy 2010 acknowledges the primary role of the footpath as a pedestrian thoroughfare and the importance of clear and unimpeded access for pedestrians of all abilities. It also ensures access is maintained to public infrastructure including street furniture, signs, public transport, service pits and the roadway. This document can be utilised by Council's Traffic Services to determine whether a motorcycle is causing an inconvenience, obstruction, hindrance or prevents the free passage of pedestrians or other vehicles.

The minimum width of a walkway section is 1.8m and 2.4m in height and may be reduced to 1.5m in areas which are not located in Principal, Major and Neighbourhood Activity Centre as defined by Council's *Retail Activity Centre Strategy*. The Kerbside Section is 0.6m extending from the face of kerb back toward the property line.

Council will consider a reduced Kerbside Section to no less than 0.45m to achieve a 1.8m Walkway Section, however no reduction can be considered where the location is adjacent to angle car parking where a minimum 0.6m kerbside setback is required.

Typical Section



### Darebin's Residential Parking Policy

Darebin's Residential Parking Policy deals only with the provision of parking permits, in residential parking areas and vehicles parked. These are managed through the use of specific restrictions such as permit zones and/or 1P and 2P time limited areas. There are no provisions in the policy that deal with motorcycles on footpaths.

### Darebin's General Local Law 2005

Darebin's General Local Law 2005 deals with obstructions on Council property but does not specify vehicles in particular. The reason for this is that Council cannot make a local law to address parking on footways when there is already a law established from superior legislation such as the *Road Safety Road Rules (Vic) 2009* (based on Common Law principle which courts uphold in deciding cases brought before them).

The City of Darebin has the power to remove abandoned vehicles, which includes motorcycles under the *Local Government Act (Vic) 1989*, but the vehicles need to be unregistered before action to remove can take place.

### New Parking Strategy 2012

The Transport Management Unit has commenced reviewing the current parking management controls in Darebin and consultation with other internal units. A preliminary report is scheduled for Council in early 2012 to provide some background information and options, prior to commencing an external consultation program. The Parking Strategy will consider motorcycle parking issues on and off road. A major part of the strategy will be an assessment to determine what areas have a problem with motorcycles.

## ISSUES AND DISCUSSION

The City of Darebin receives an average of one complaint per week regarding the parking of motorcycles on footways. These complaints are not recorded in the Council's complaints management system. Most of the complainants are not aware that motorcycles are allowed to park on the footpath.

The parking of motorcycles on footways is not illegal and unless it is causing an obstruction, parking on the footpath is permitted. The legislation controlling the parking of motorcycles on footways is governed by the *Road Safety Road Rules (Vic) 2009*.

*Road rule number 197 – Stopping on a path, dividing strip or nature strip of the Road Safety Road Rules (Vic) 2009 states the following:*

- (1) *a driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built up area, unless –*
  - a) *the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these rules; or*
  - b) *The driver's vehicle is a motor cycle and the driver stops in a place where the motor cycle does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle.*

The legislation does not say a driver **can** park a motorcycle on the bicycle path, footpath, shared path or dividing strip, or a nature strip. Instead, it says that a motorcycle **must not** park on a bicycle path, footpath, shared path or dividing strip or nature strip if it causes an inconvenience, obstruction, hindrance or prevents the free passage of any pedestrian or other vehicles.

So for Council to demonstrate a motorcycle is causing an inconvenience, obstruction, hindrance or prevents the free passage of pedestrians or other vehicles it will need to show that there are large number of pedestrians that frequently either use or congregate in a area or there is limited space and as a result the parking of a motorcycle will cause an obstruction to pedestrians. A situation where this reasoning may be validated is in high use areas such as in front of large public gathering venues, theatres, cinemas and nightclubs. It is unlikely that other retail uses would cause a hindrance or obstruction from a motorcycle parked on a footpath and placing restrictions in these areas would be difficult to justify and prove if it was contested in a court of law.

Discussions with representatives from the cities of Moonee Valley, Maribyrnong, Yarra and Melbourne over the parking of motorcycles on footways revealed that they all followed a strict application of the Road Safety Road Rule number 197. All advised that unless the motorcycle was causing an obstruction, hindrance or preventing the free passage of any pedestrian the motor cycle on the footpath is allowed.

The City of Melbourne has taken a different approach to this problem due to the large number of motorcycle riders in the CBD. There are a few pockets within their municipality where motorcycles have been a particular issue. The City of Melbourne convened a 'Motorcycles in the City of Melbourne' forum. This forum was attended by City of Melbourne, Motorcycle Riders Association (MRA), Victorian Motorcycle Advisory Council (VMAC), RACV, Victorian Automobile Chamber of Commerce (VACC), the Federated Chamber of Automotive Industries (FCAI) and VicRoads. As a result of the forum, the City of Melbourne has placed 'No Standing' signs behind existing parking signs prohibiting the parking of

motorcycles on footways in certain locations. Motorcycle parking on the footpath has been banned in three locations:

- Collins Street, south side footpath, between Exhibition Street and George Parade
- Flinders Lane, south side footpath, between Port Phillip Arcade and Elizabeth Street
- Exhibition Street, west side footpath, adjacent to Her Majesty's Theatre.

Signs at these three locations clearly state that motorcycle parking on the footpath is not allowed. Fines apply if motorcycles are parked here. Motorcycle parking was banned at these locations, based on a thorough assessment according to the following criteria:

- Concentration of pedestrian movements in the area
- Existence of kerbside activities such as outdoor cafes and stalls the impact on urban amenity
- Use of area by public transport services such as bus and tram stops; impact on street furniture and other fixtures (eg seats, phone booths etc); the nature of adjacent kerbside parking (eg. disabled bays, taxi zones etc); guidelines in support of the Disability Discrimination Act (Vic)
- Availability of alternative on-street and off-street parking for motorcycles.



Another alternative available to Council where a motorcycle is parked outside a business in a Principal or Major Activity Centre and is parked correctly and not causing an obstruction or hindrance is for Council to place a public seat or business to apply for a table and chair permit in front of the affected business.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Nil.

### **Social Inclusion and Diversity**

Nil.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Council's Roads Infrastructure Department has indicated that the cost of designing and installation of a restriction sign for the purposes of restricting the parking of motorcycles on footpaths would cost approximately \$55 per sign.

**CONCLUSION**

The parking of motorcycles on footpaths is legal providing that it does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle. As evidenced in the report, Council has certain policies and strategies and the *Road Safety Road Rules (Vic) 2009* - road rule number 197 that can be used to determine whether the parking of a motorcycle is obstructing pedestrians from using the footpath and if it is can issue an infringement.

The City of Melbourne seems to have controlled the parking of motorcycles on footpaths in specific areas. However, this approach is best done through sound policy development and establishment of detailed guidelines developed through extensive consultation which is expected to be developed through the new Parking Strategy 2012. This will ensure that Council will be in a better position to effectively manage where the signs are to be installed and under what circumstances.

**FUTURE ACTIONS**

- Monitor the current practice of motorcycles parking on the footpath providing that it does not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicles.
- Continue the development of the new Parking Strategy 2012 and seek to develop a guidelines and procedures for parking of motorcycles on footpaths.
- In the interim, situations where a motorcycle is legally parked on a footpath but is causing an irritation to adjoining business, Council may wish to consider installing street furniture, plants or cycling hoops to prevent this from re-occurring.

**DISCLOSURE OF INTERESTS**

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



**RELATED DOCUMENTS**

- Darebin General Local Law No.1 of 2005
- Darebin Resident Parking Policy
- *Road Safety Road Rules (Vic) 2009*

**8.4 ANNUAL REPORTS FROM COMMITTEES WITH  
COUNCILLOR REPRESENTATION****MINUTE NO. 335****AUTHOR: Manager, Community Planning, Partnerships and  
Performance****REVIEWED BY: Group Manager, People and Performance****SUMMARY:**

This report introduces an annual account from 26 Committees that have Councillor representation.

Reports have been received for the following Committees:

1. Planning Committee
2. Hearing of Submissions Committee
3. Bundoora Homestead Arts Centre
4. Audit Committee
5. Active and Healthy Ageing Advisory Committee
6. Darebin Disability Advisory Committee
7. Darebin Early Years Reference Group
8. Darebin Environmental Reference Group
9. Darebin Housing Advisory Committee
10. Darebin Interfaith Council
11. Darebin Local Safety Committee
12. Darebin Women's Advisory Committee
13. DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee
14. Preston Business Advisory Committee
15. Darebin Ethnic Communities Council
16. East Reservoir Neighbourhood Renewal Structure Plan
17. Northland Structure Plan Steering Committee
18. Reservoir Structure Plan Steering Committee

Annual accounts will be provided in a later report for the remaining Committees listed below:

1. Community Grants Committee
2. City of Darebin Art and History Collections Advisory Committee
3. Darebin Arts Forum
4. Darebin Australia Day Committee
5. Municipal Emergency Management Planning Committee
6. Darebin Creek Management Committee
7. Merri Creek Management Committee
8. Darebin Enterprise Centre Ltd.

The aim of the attached accounts is to give Council a summary of key achievements from each of the Committees for 2010/2011.

**CONSULTATION:**

Executive Management Team

**RECOMMENDATION**

**THAT** Council note the annual reports from various Committees that include Councillor representatives attached as **Appendix A** to this report.

**COUNCIL RESOLUTION**

**MOVED:** Cr. V. Fontana  
**SECONDED:** Cr. N. Katsis

**THAT** consideration of the matter be deferred.

**CARRIED**

**REPORT****INTRODUCTION AND BACKGROUND**

Darebin City Council has established a number of Standing Committees and Community Advisory Committees to facilitate efficient and effective decision making processes. Council also appoints Councillor representatives on externally established committees. This report introduces an annual summary from all Committees on which Council is represented.

**ISSUES AND DISCUSSION**

There are a number of different committees on which Council is represented:

*Special Committees* are formal committees that either make decisions on behalf of Council, manage a service or facility on behalf of Council or advise and recommend to Council on a specific area of Council's functions or responsibilities. They operate within a formal delegated decision-making framework

*Advisory Committees* are formal committees that provide specialist advice on a specific area of Council's functions or responsibilities. They differ from Special Committees in that they do not have formal delegated authority from Council to make decisions or exercise any power, they instead make recommendations to Council for a formal decision.

*Community Advisory Committees* typically comprise one or more Councillors, Council Officers and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations. The progress, advice and recommendations of Community Advisory Committee is reported to Council through formal Officer reports (supplemented from time to time by verbal reports by Councillors).

*Regional Bodies* are external organisations comprising membership from a number of municipal Councils.

*Darebin Organisations* are external organisations based in the City of Darebin that operate at arms length from the City of Darebin.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Refer to each Committee's report to ascertain information related to environmental impact.

### **Social Inclusion and Diversity**

Each Committee has responded to this section in its report.

### **Other**

Nil.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

This varies from committee to committee and information is included in each report.

## **CONCLUSION**

This is the first time that Council has received a combined sets of reports from all Committees. The purpose of this exercise is to streamline the reporting and standardise the amount of information presented in terms of quality and volume. All committees listed have been active and productive and continue to add value to Council's overall performance and provide an accountability mechanism that is line with a modern democratic society. Reporting in this manner does not preclude a Committee from raising issues during the year on matters that require Council decision or action.

## **FUTURE ACTIONS**

Next reports from committees will occur in October 2012.

## **DISCLOSURE OF INTERESTS**

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disc losable interests have been raised in relation to this report.

**RELATED DOCUMENTS**

18 Committee Reports – see **Appendix A**

**9. URGENT BUSINESS**

Nil.

**10. GENERAL BUSINESS****10.1 CARPARK – ARTHURTON ROAD, NORTHCOTE****MINUTE NO. 336**

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr. N. Katsis  
**SECONDED:** Cr. T. Laurence

**THAT:**

- 1) Council officers undertake an investigation of complaints relating to rubbish, vermin and odour in the carpark in Arthurton Road Northcote and undertake any necessary enforcement action without delay.
- 2) Council officers prepare a report for Council to identify a long term solution for these issues and propose a management plan for the land and its future issues.

**CARRIED****10.2 EAST RESERVOIR BUS SERVICE****MINUTE NO. 337**

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** Cr. T. Laurence  
**SECONDED:** Cr. N. Katsis

**THAT** as part of the community campaign to restore bus stops in East Reservoir, Council erect permanent signs saying 'BRING BACK OUR BUSES BAILLIEU' at all 11 bus stops that have been removed.

**CARRIED**

10.3

## VICTORIAN GOVERNMENT'S LANDFILL LEVY

MINUTE NO. 338

**COUNCIL RESOLUTION**

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

**THAT:**

- 1) Council write to the Hon Ryan Smith, Minister for Environment and Climate Change, requesting a reduction in the Victorian Government's landfill levy given that the application of the Carbon Tax on landfill charges will make these recent State increases redundant.
- 2) Copies of the letter be sent to the Prime Minister, Federal Minister for Climate Change and Energy Efficiency, Federal Minister for Sustainability, Environment, Water, Population and Communities, Federal Minister for Resources and Energy, Premier of Victoria; Victorian Minister for Local Government; State Member for Northcote; and State Member for Preston.
- 3) Council write to the Municipal Association of Victoria and the Victorian Local Governance Association, urging them to lobby against this double taxation of Victorian ratepayers.

**CARRIED**

10.4

## YARRA TRAMS ROUTE 86 PROJECT

MINUTE NO. 339

**COUNCIL RESOLUTION**

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

**THAT** Council officers report to Council on the safety implications for cyclists of the recent works in High Street Northcote associated with the Yarra Trams Route 86 project.

**CARRIED**

**10.5 OPTUS TELEPHONE TOWERS****MINUTE NO. 340****COUNCIL RESOLUTION**

**MOVED:** Cr. G. Greco  
**SECONDED:** Cr. T. Laurence

**THAT** Council officers:

- 1) Write to Optus seeking justification as to why sites in Atkinson Reserve and Hughes Parade Reservoir were selected for the construction of telephone towers and if other options which are further away from residential and children's playspace areas were considered.
- 2) Conduct a review on appropriate internal processes and procedures regarding formal requests by telecommunications carriers to install facilities on Council owned land and report back to Council within one month. In particular, the report should consider the process for Council sign-off on the community consultation plan provided by telecommunication carriers and the level of Council support in the process.

**CARRIED****10.6 ELECTRONIC GAMING MACHINES****MINUTE NO. 341****COUNCIL RESOLUTION**

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. G. Greco

**THAT** Council receive a report in November 2011 regarding:

- 1) The current Federal proposals to introduce mandatory pre-commitment or a \$1 bet limit for electronic gaming machines.
- 2) The State Government's announcement of a gamblers support foundation and other state gambling reforms.
- 3) The proposed expenditure of the differential rates levied on local pokies venues

**CARRIED**



**10.7 CONSULTATION MEETINGS – PLANNING PERMIT APPLICATIONS****MINUTE NO. 342****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. S. Tsitas**

**THAT** Council receive a report on what minimum requirements for consultation can be introduced for all planning permit applications, including reporting on the situation involving other Councils.

**CARRIED****MEDIA RELEASE**

The Mayor, Cr. Asmar, advised the meeting that a media release would be issued tomorrow Tuesday 18 October 2011 in response to a recent 'Today Tonight' television program about the 'Darebin Muslims Reaching Out' Project Officer position.

**11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL****MOVED: Cr. S. Chiang**  
**SECONDED: Cr. G. Greco**

**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 items which relate to a contractual matters:

- 11.1 Microsoft Licensing Agreement 2011.
- 11.2 Annual Supply for Minor Building Works (CT201128).

**CARRIED**

The meeting was closed to members of the public at 9.08pm.

*The Council considered and resolved on Report Item 11.1 (Microsoft Licensing Agreement 2011) and 11.2 (Annual Supply for Minor Building Works (CT201128)) which had been circulated to Councillors on Thursday 13 October 2011 with the Council Agenda Paper.*

**RE-OPENING OF MEETING**

**MOVED:** Cr. S. Chiang  
**SECONDED:** Cr. N. Katsis

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

**CARRIED**

The meeting was re-opened to members of the public at 9.30pm.

**CONFIDENTIAL****11.1 MICROSOFT LICENSING AGREEMENT 2011****MINUTE NO. 343****AUTHOR: Chief Information Officer****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

Since December 2007, Darebin City Council has been involved in an Enterprise Agreement for the licensing and software assurance of various Microsoft software products. At that time, the reasons for entering into an Enterprise Agreement were outlined in detail in a report which was presented to, and approved by, Council in September 2007. The current agreement expires on 30 November 2011. If Darebin City Council wishes to continue under an Enterprise Agreement, then, as per Microsoft's requirements, a new agreement must be negotiated. In this case, it is essential that the new agreement be signed prior to 1 December 2011 in order to avoid losing the benefit of having paid a one-off purchase of software licensing rights in 2007.

In late July 2011, the Information Services Department prepared a Business Case to enter into a new Microsoft Licensing Agreement. This Business Case was submitted to, and approved by, the Director Corporate and Business Services. Subsequently, Darebin City Council conducted a tender process for the purpose of entering into a three-year Enterprise Agreement for Microsoft software products.

Four submissions were received and the Evaluation Panel, after considering the submissions, proposes awarding the contract to the preferred tenderer.

**CONSULTATION:**

Tendering and Contracts Specialist;  
Senior Procurement Officer;  
IT Consultant.

<b>RECOMMENDATION</b>
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**THAT** the Council Resolution be made available to the public but the report remain confidential.

**COUNCIL RESOLUTION**

**MOVED:** Cr. S. Chiang  
**SECONDED:** Cr. T. McCarthy

**THAT** the following Council Resolution:

*That:*

- 1) *The Enterprise Agreement for Microsoft Software Licensing be awarded to Data#3 Limited at an approximate total cost of \$549,500 (including GST) over three years.*
- 2) *The Chief Information Officer be authorised to sign the Enterprise Agreement with Microsoft and Data#3 Limited.*
- 3) *At the expiry of the new three year Enterprise Agreement, the Chief Information Officer be further authorised to enter into a one year extension of the Enterprise Agreement, if the Chief Information Officer considers this option to be appropriate.*

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

**CARRIED**

**CONFIDENTIAL****11.2 ANNUAL SUPPLY FOR MINOR BUILDING WORKS  
(CT201128)****MINUTE NO. 344****AUTHOR: Coordinator Capital Works****REVIEWED BY: Director City Works and Development - Michael Ballock****SUMMARY:**

Council minor building works are currently procured via separate individual quotations for Council facilities including small extensions or alterations to existing buildings or relocation of furniture, repairs, erection or alterations to office partitions. Tenders were invited for the provision of services for the Annual Supply for Minor Building Works (CT201128). Council received 21 tender submissions on 15 September 2011.

The Tender Evaluation Panel has evaluated the tenders and a summary of the evaluation is included in this report. A new Annual Supply for Minor Building Works CT201128 is proposed which has five separate individual agreements allowing the Council the opportunity to maintain a competitive group of contracted suppliers for works available to all departments of Council.

**CONSULTATION:**

Facilities Design Coordinator

Manager Facilities Maintenance

Tendering and Contract Specialist

**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. McCarthy

**THAT** the following Council Resolution:

*That consideration of the matter be deferred until the next Council meeting.*

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

## 12. CLOSE OF MEETING

The meeting closed at 9.32pm.