



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 26 NOVEMBER 2012

RELEASED TO THE PUBLIC ON THURSDAY 29 NOVEMBER 2012

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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 26 NOVEMBER 2012**

THE MEETING OPENED AT 7.00PM

1. PRESENT

Councillors

Cr Tim Laurence (Mayor) (Chairperson)
Cr Vince Fontana
Cr Gaetano Greco (Deputy Mayor)
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Oliver Walsh
Cr Julie Williams

Council Officers

Daniel Freer – Acting Chief Executive
Michael Ballock – Director City Works and Development
Fred Warner – Group Manager People and Performance
Katrina Knox – Group Manager Community Services
Kerrie Jordan – Acting Director Corporate and Business Services
Libby Hynes – Acting Director City Design and Environment
Jacinta Stevens – Acting Manager Corporate Governance
Tiffany White – Manager Communications and Advocacy
Ron Downes – Council Business Coordinator
Katia Croce – Council Business Officer
Karlee Gray – Council Business Officer

2. APOLOGIES

An apology was lodged for the absence of Cr Angela Villella.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. McCarthy disclosed a conflict of interest during Public Question Time (Question 1) and in 'General Business' Item 11.13 (Traffic Survey – Robeson Street, Preston). - see Pages 8 and 81.

The Mayor, Cr. Laurence disclosed a conflict of interest during Public Question Time (Questions 10 and 11), Report Item 8.1 (Application for Planning Permit – 429 Heidelberg Road Fairfield D/404/2012) and 'General Business' Item 11.1 (Good Samaritan Inn) - see Pages 9, 17 and 76.

Cr. Williams disclosed a conflict of interest during Public Question Time (Questions 10 and 11) and in Report Item 8.1 (Application for Planning Permit – 429 Heidelberg Road Fairfield D/404/2012) - see Pages 9 and 17.

Cr. Greco disclosed a conflict of interest in Report Item No. 8.7 (Inner Northern Group Training Ltd) - see Page 58.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

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

THAT the Minutes of the Ordinary Meeting of Council held on 15 October 2012 be confirmed as a correct record of business transacted.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr. B. Li
SECONDED: Cr. G. Greco

THAT the Minutes of the Special Meeting of Council held on 7 November 2012 be confirmed as a correct record of business transacted.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr. B. Li
SECONDED: Cr. G. Greco

THAT the Minutes of the Special Meeting of Council held on 12 November 2012 be confirmed as a correct record of business transacted.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr. B. Li
SECONDED: Cr. G. Greco

THAT the Minutes of the Special Meeting of Council held on 21 November 2012 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 11

5.1 REPORT OF CR. STEVEN TSITAS

Cr. Tsitas publicly thanked Rucker Ward residents for electing him for a further term and reported on his attendance at the following functions/activities:

- Election - 27 October 2012.
- Council Briefing Session.
- Planning Committee meeting.
- Constituent enquiries.
- Sponsored candidate Municipal Association of Victoria/Swinburne University – Graduate Diploma of Management – 7 subjects completed out of 8.
- Swearing in of Councillors – 7 November 2012.
- Statutory meeting – Election of new Mayor – 12 November 2012.

5.2 REPORT OF CR. GAETANO GRECO

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

- Municipal Association of Victoria Board Meeting.
- Darebin Ethnic Communities Council Annual General Meeting.
- Diwali Celebration (Festival of Light).
- Darebin Community Health Annual General Meeting.
- Panel Member presenter at Ethnic Communities Council of Victoria State Conference.
- Lebanese Film Festival.
- Community Forum on impact of Upgrade to High Voltage Power lines – Brunswick Terminal.
- Specific Council duties including: Councillor get-together at Bundoora Homestead, Declaration of Election Results, Oath of Office meeting, Councillor Induction, Councillor Workshop, Statutory meeting, Councillor Briefing Session, Planning Committee meeting, Special Council meeting.
- Funeral of much admired social activist, Molly Hadfield.
- Resident and community concerns including: 40 km/h speed limit along Broadway, noisy residents, illegal dumping of rubbish.

Cr. Greco also previewed his attendance tomorrow (Tuesday 27 November 2012) at a function to acknowledge the contribution of Reg Blow, who is seriously ill, to community life.

5.3 REPORT OF CR. TRENT MCCARTHY

Cr. McCarthy congratulated Cr. Laurence on his election as Mayor for 2012/2013, thanked Rucker Ward residents for electing him for a further term and reported on his attendance at the following functions/activities:

- Council Briefing Sessions and Induction.
- Interview with Northcote High School regarding climate issues.
- Meetings with residents in Northcote regarding traffic and disability issues, planning and building enforcement.
- Statutory Council meeting to elect Mayor.
- Planning Committee meeting.
- Sustainable Homes and Communities Awards Night.
- Meeting regarding proposed poker machines at the Grandview Hotel.
- Launch of Women's Gender Equity Strategy and Preventing Violence Against Women Annual Action Plan.
- 'White Ribbon' Day – 25 November 2012.
- Various meetings with residents and traders regarding illegal dumping, tagging, planning, traffic management, rates on business properties, parks and creeks.

Cr. McCarthy also extended good wishes to Reg Blow and acknowledged his outstanding contribution to the community.

5.4 REPORT OF CR. BO LI

Cr. Li publicly thanked Cazaly Ward voters for electing him to the Darebin City Council and reported on his attendance at the following functions/activities:

- Council Induction.
- Wreath Laying at High Street Preston on Remembrance Day.
- Special Council meeting – 12 November 2012.
- Annual General Meeting of Darebin Information Volunteer and Resource Service (DIVRS).
- Northern College of Art and Technology.
- Preston Business Advisory Committee meeting.
- Municipal Association of Victoria Councillor Induction.
- Darebin Ethnic Communities Council Annual General Meeting.
- Diwali Festival Celebrations.
- Friends of Baucau dinner.
- Planning Committee meeting and Council Briefing Session.
- Special Council meeting – 21 November 2012.
- Sustainable Homes and Communities Awards Night.
- Victorian Local Governance Association Essential Councillors Weekend.
- Darebin Parklands Community Care Day.

- DIVRS packing of Christmas hampers.
- Usual residential matters including illegal dumping of rubbish.

5.5 REPORT OF CR. JULIE WILLIAMS

Cr. Williams reported on her attendance at the following functions/activities:

- Councillor Welcome session at Bundoora Homestead.
- Councillor information session induction workshop.
- Special Council meeting to undertake Oath of office – 7 November 2012.
- Councillor induction workshop at Northcote Town Hall – 10 November 2012.
- Special (Statutory) Council meeting with fellow Councillors – 12 November 2012.
- Council Induction – 14 November 2012.
- Municipal Association of Victoria Councillor Induction Workshop at Darebin Arts and Entertainment Centre.
- Funeral of Molly Hadfield at Fawkner Cemetery.
- Friends of Baucau Fundraiser.
- Holy Name Primary School to help set up school fete.
- Council Briefing session – 19 November 2012.
- Special Council meeting – 21 November 2012.
- Women's Gender Equity Strategy and Preventing Violence Against Women Launch.
- Victorian Local Governance Association Essential Councillors Weekend.
- Packing of Christmas hampers at Darebin Information Volunteer and Resource Service.
- Briefing regarding Darebin Women's Advisory Committee.

5.6 REPORT OF CR. VINCE FONTANA

Cr. Fontana congratulated Cr. Laurence on his election as Mayor for 2012/2013, welcomed back the returning Councillors and welcomed the new Councillors and reported on his attendance at the following functions/activities:

- Councillor Welcome session at Bundoora Homestead.
- Councillor Information Session/Induction Workshop - 10 November 2012.
- Swearing in ceremony – 7 November 2012.
- Statutory meeting – 12 November 2012.
- Councillor Induction and Planning session - 14 November 2012.
- Friends of Baucau Timor Leste Fundraiser.
- Caribinieri Christmas Luncheon.
- Planning Committee meeting - 19 November 2012.
- Council Briefing Session – 19 November 2012.

- Special Council meeting – 21 November 2012.
- Met with residents of Cambrian Avenue Preston to discuss tree issues.

5.7 REPORT OF CR. OLIVER WALSH

Cr. Walsh congratulated Cr. Laurence on his election as Mayor for 2012/2013, thanked Rucker Ward residents for electing him to the Darebin City Council and reported on his attendance at the following functions/activities:

- Councillor Welcome session at Bundoora Homestead.
- Special Council meeting – 7 November 2012 (as observer).
- Remembrance Day wreath laying.
- Statutory meeting and taking of Oath of Office – 12 November 2012.
- Municipal Association of Victoria Councillor Induction Workshop at Darebin Arts and Entertainment Centre.
- Opening of multi-purpose training facility in Northcote (Bill Lawry Oval).
- Friends of Baucau East Timor Fundraiser.
- Sustainable Homes and Communities Awards Night.
- Tree Planting Day.

5.8 REPORT THE MAYOR CR. TIM LAURENCE

The Mayor, Cr. Laurence thanked La Trobe Ward voters for electing him for a further term and his Councillor colleagues for electing him as Mayor for 2012/2013 and reported on his attendance at the following functions/activities:

- High Voltage Powerlines Public meeting in Reservoir.
- Darebin Information Volunteer and Resource Service Annual General Meeting at East Reservoir Neighbourhood House.
- Diwali Festival Celebrations – Darebin Intercultural Centre.
- Friends of Baucau East Timor Fundraiser.
- Opening of multi-purpose training facility in Northcote (Bill Lawry Oval).
- Lebanese Independence Day at Ray Bramham Gardens.
- Northern Mayors and Chief Executive Officers meeting.
- Planning Committee meeting .
- Meeting with Victorian Local Government Association regarding Governance officers.
- Launch of Baptcare refugee housing project at Bell Street Preston.
- Launch of Women's Gender Equity Strategy and Preventing Violence Against Women Action Plan 2012-2015.
- Councillor Induction meetings.
- Several Special Council meetings.
- Citizenship Ceremony.
- Councillor 'Welcome session' at Bundoora Park.

- Councillor Workshop at Northcote.
- Remembrance Day Wreath Laying at High Street Preston.

6. PUBLIC QUESTION TIME

MINUTE NO. 12

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

The following questions were submitted:

Cr. McCarthy upon becoming aware of the subject matter of the first question below disclosed a conflict of interest in the item classifying the type of interest as an indirect interest because of residential amenity in that he resides in Robeson Street Preston and there is a reasonable likelihood that residential amenity will be altered if the matter is decided in a particular way. He left the meeting prior to consideration of the matter – 7.31pm.

- Andrew Hyde of Preston asked a question about allocation of money in the budget for works in Robeson Street, Preston. The question was responded to by the Mayor, Cr. Laurence, who took the question on notice and indicated that a reply would be provided in writing.

Cr. McCarthy returned to the meeting at the conclusion of the above item – 7.32pm.

- Robin Gallagher of Preston asked a question about the Animal Management Strategy. The question was responded to by the Mayor, Cr. Laurence, who took the question on notice and indicated that a reply would be provided in writing.
- Julie Phillips of Northcote asked a question about a Structure Plan for Westgarth. The question was responded to by the Mayor, Cr. Laurence, Cr. McCarthy and the Director City Works and Development, Michael Ballock who indicated that a reply would be provided in writing.
- Keith Coffey of Reservoir asked a two-part question about J. & M. Lake Complex in Dole Avenue Reservoir. The question was responded to by the Mayor, Cr. Laurence, who took the question on notice and indicated that a reply would be provided in writing.
- Ian Singleton of Thornbury asked a question about the Chief Executive Position. The question was responded to by the Mayor, Cr. Laurence.
- Geoffrey Richards of Preston asked a question about tree destruction on the nature strip in Ascot Street Preston and a fencing issue in an adjacent laneway. The question in relation to replacement trees was responded to by the Acting Chief Executive Officer, Daniel Freer and the Mayor, Cr. Laurence indicated that a reply would be provided in writing regarding the fencing issue raised.
- Kathleen Chapman of Preston asked a question about Animal management. The question was responded to by the Acting Director Corporate and Business Services, Kerrie Jordan, who indicated that a reply would be provided in writing.
- Paul Waite of Preston asked a question about establishment of a significant tree register. The question was responded to by the Mayor, Cr. Laurence, and by Cr. McCarthy who indicated that he proposed to move an appropriate Motion for Council's consideration during 'General Business' later in the meeting.

- Ananija Ananievski of Preston asked a question about Darebin's plan and action regarding a 'Fat Tax' as reported in the local media. The question was responded to by the Mayor, Cr. Laurence.

The Mayor, Cr. Laurence, having earlier become aware of the subject matter associated with the following questions which he strategically asked be dealt with as closing questions, applied for and was granted exemption by Council from voting on the matter (being treated as a conflict of interest) in this case hearing questions in relation to the matter on the basis of a conflicting personal interest in that he has previously publicly demonstrated opposition to more gaming machines in Darebin in the local newspaper. He left the meeting prior to consideration of the matter – 7.48pm.

Cr. Williams, having earlier become aware of the subject matter associated with the following questions, applied for and was granted exemption by Council from voting on the matter (being treated as a conflict of interest) in this case hearing questions in relation to the matter on the basis of a conflicting personal interest in that she has previously publicly demonstrated opposition to more gaming machines in Darebin in the local newspaper. She left the meeting prior to consideration of the matter – 7.48pm.

ELECTION OF ACTING CHAIRPERSON

Cr. Greco was nominated by Cr. Walsh, seconded by Cr. Fontana, and there being no further nominations, was declared Acting Chairperson of the meeting.

Cr. Greco assumed the Chair.

- Maria Avtzoglou of Fairfield asked a question about the Grandview Hotel and circulated photos of damage to her front fence she alleged was caused by Hotel patrons. The question was responded to by Acting Chair, Cr. Greco who indicated the item is being considered in tonight's Agenda (Item 8.1).
- Marcia Lewis of Northcote asked a question about the impact of residential amenity due to the 24 hour 'Hungry Jacks' and potential gaming machines at Grandview Hotel. The question was responded to by Acting Chair, Cr. Greco who indicated the item is being considered in tonight's Agenda (Item 8.1).

The Mayor, Cr. Laurence and Cr. Williams returned to the meeting at the conclusion of the above items – 7.59pm.

The Mayor Cr. Laurence, resumed the Chair.

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

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 13

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 Public Education Advocacy Committee – 15 October 2012
- Preston Business Advisory Committee – 14 November 2012
- Planning Committee Briefing – 19 November 2012
- Councillor Briefing Session – 19 November 2012

COUNCIL RESOLUTION

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

THAT the record of the Assembly of Councillors held on 15 October, 14 and 19 November 2012 and be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title: Darebin Public Education Advocacy Committee Date: Monday 15 October 2012 Location: Conference Room, Darebin Civic Centre
PRESENT:	Councillors: Cr. Gaetano Greco Council Staff: Dalal Smiley, Wendy Dinning, Cheryl Hermence, Fred Warner, Shanaka Perera Other: Representative from La Trobe University, High School For Coburg Group, Preston Girls Secondary College, President of Victorian Council of School Organizations Inc.
APOLOGIES:	Allan Waterson, Sally Jones

The Assembly commenced at 4pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome and Apologies	No disclosures were made
2	Review of previous minutes (at the end of this Agenda)	No disclosures were made
3	Resignation of Alperhan Babacan due to changed workloads	No disclosures were made
4	Tour of NCAT – Wendy, Sally, Shanaka	No disclosures were made
5	Privatisation fears for NMIT (article handout) – Cate	No disclosures were made
6	Council Request (Council meeting 3 September 2012): That Council receives a report at its next meeting regarding the Gonski Review of School Funding and recent announcement by the Gillard Government, what funding opportunities exist for Darebin schools and whether Council should formally endorse the 'I Give A Gonski' campaign by	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	the Australian Education Union and a number of local primary and secondary schools	
7	Other Business	No disclosures were made

The Assembly concluded at 5.45pm

RECORD COMPLETED BY:	Officer Name:	Shanaka Perera
	Officer Title:	Research Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Preston Business Advisory Committee
	Date:	Wednesday 14 November 2012
	Location:	Darebin Intercultural Centre, 2A Roseberry Ave, Preston
PRESENT:	Councillors:	Cr Bo Li
	Council Staff:	Sarah- Jade Chung
APOLOGIES:		Cr Vince Fontana and Cr Julie Williams

The Assembly commenced at 4:05pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Announcement of Councillor appointment for committee	No disclosures were made
2	Presentation from representatives of the Victorian Seniors Card and Carers Card	No disclosures were made
3	Minutes of the Previous Meeting, 03/10/2012	No disclosures were made
4	Financial Report	No disclosures were made
5	Marketing Report – completed events	No disclosures were made
6	Marketing Report – upcoming events	No disclosures were made
7	Other Business	No disclosures were made

The Assembly concluded at 5.20pm

RECORD COMPLETED BY:	Officer Name:	Sarah-Jade Chung
	Officer Title:	Retail Development & Marketing



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Planning Committee Briefing
	Date:	19 November 2012
	Location:	Councillors Room
PRESENT:	Councillors:	Cr. Tim Laurence (5.00pm), Cr. Gaetano Greco (5.09 pm), Cr. Angela Villella (5.00pm), Cr. Bo Li (5.00pm) & Cr. Vince Fontana (5.17pm)
	Council Staff:	Michael Ballock, Cristen Sullivan & Darren Rudd
	Other:	
APOLOGIES:		Cr Steven Tsitas

The Assembly commenced at 5.17pm (The meeting commenced at 5.00pm)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Planning Permit Application D/458/2012 12 Dennis Street Reservoir	No disclosures were made Cr. Greco entered the meeting during discussion of this item 5.09pm Cr. Fontana entered the meeting during discussion of this item 5.17pm
2	Planning Permit Application D/1057/2011 29 Mahoneys Road Reservoir	No disclosures were made

The Assembly concluded at 5.28 pm

RECORD COMPLETED BY:	Officer Name:	Darren Rudd
	Officer Title:	Manager City Development



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title: Councillor Briefing Session Date: Monday 19 November 2012 Location: Conference Room, Darebin Civic Centre
PRESENT:	Councillors: Cr Tim Laurence (Mayor), Cr Gaetano Greco, Cr Vince Fontana, Cr Julie Williams, Cr Angela Villella, Cr Oliver Walsh, Cr Bo Li, Cr Steven Tsitas and Cr Trent McCarthy Council Staff: Daniel Freer, Michael Ballock, Kerrie Jordan, Katrina Knox, Fred Warner, David Shepard and Jacinta Stevens. Other: Tania Matthews (7.30pm – 7.40pm)
APOLOGIES:	Nil

The Assembly commenced at 7pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Darebin Youth Advisory Group	No disclosures were made
2	Procurement Policy	No disclosures were made
3	Preston Reservoir Bowling Club	No disclosures were made
4	Keon Park Children's Hub –Regional Development Fund – Round Four	No disclosures were made
5	Council Plan 2013-2017	No disclosures were made
6	Discussion of items listed as briefing papers: <ul style="list-style-type: none"> • Confidential - Proposed Sale of Council land rear 34 Rona Street and rear 31 Cameron Street Reservoir • Confidential – Electricity Contracts – Award of Tender • Items Listed for Council Meeting on 26 November 2012 	No disclosures were made

The Assembly concluded at 9:00pm

RECORD COMPLETED BY:	Officer Name:	Michael Ballock
	Officer Title:	Director City Works and Development

8. CONSIDERATION OF REPORTS

The Mayor, Cr. Laurence, applied for and was granted exemption by Council from voting on the matter (being treated as a conflict of interest) on the basis of a conflicting personal interest in that he has previously publicly demonstrated opposition to more gaming machines in Darebin in the local newspaper. He left the meeting prior to consideration of the matter – 8.00pm.

Cr. Williams, applied for and was granted exemption by Council from voting on the matter (being treated as a conflict of interest) on the basis of a conflicting personal interest in that she has previously publicly demonstrated opposition to more gaming machines in Darebin in the local newspaper. She left the meeting prior to consideration of the matter – 8.00pm.

ELECTION OF ACTING CHAIRPERSON

Cr. Greco was nominated by Cr. McCarthy, seconded by Cr. Tsitas, and there being no further nominations, was declared Acting Chairperson of the meeting.

Cr. Greco assumed the Chair.

8.1 APPLICATION FOR PLANNING PERMIT - 429 HEIDELBERG ROAD FAIRFIELD D/404/2012

MINUTE NO. 14

AUTHOR: Principal Planner

DIRECTOR: Director City Works and Development

OWNER/APPLICANT/CONSULTANT:

Applicant: L Thomas C/- Urbis
12/120 Collins St
MELBOURNE VIC 3000

Owner: Elfah Pty Ltd
Floor 1 187 Nicholson St
BRUNSWICK EAST VIC 3057

Consultant: T M Design Group
Urbis
Marshall Day Acoustics

SUMMARY:

- It is proposed to use the land for the purpose of 50 Electronic Gaming Machines, undertake internal alterations to the premises, part demolition and construct buildings and works to alter the existing building.
- Restrictive covenant - None apparent on title

- Recommendation - refusal

CONSULTATION:

- Advertising for the planning application was extensive and included advertisements in the Melbourne Leader (City of Yarra), Progress Leader (City of Boroondara), Northcote Leader, Boroondara and Yarra Councils, two notices on site and notices to property owners and occupiers in the surrounding area.
- 34 objections received including an objection from the City of Yarra and City of Boroondara.
- The application has been referred to VicRoads, Planning Investigations Unit, Transport Management and Planning Unit, Heritage Architect, Social Inclusion and Diversity Unit, Northcote Police.

RECOMMENDATION

THAT Planning Permit Application D/404/2012 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located, and the impacts of their location would adversely affect the social and economic well being of the community in the City of Darebin and adjoining municipalities.
- (2) The proposed electronic gaming machines would not be compatible with adjoining and nearby land uses as per the decision guidelines of Clause 52.28 of the Darebin Planning Scheme, having regard to the proximity of sensitive land uses (in addition to another electronic gaming machine venue) and areas of disadvantage.
- (3) The proposed electronic gaming machines will have a detrimental social and economic impact on the area and will not achieve a net community benefit in accordance with Clauses 10.02, 10.04 and 17.01 of the Darebin Planning Scheme.
- (4) An increase in the number of electronic gaming machines in the City of Darebin, their proposed hours and the number of machines per person is excessive and unreasonable.

REPORT

INTRODUCTION AND BACKGROUND

The property opened as a hotel in 1888 and has existing use rights for a hotel. Numerous planning applications are on Council's system from the 1960s for signage and buildings and works for alterations and minor additions to the existing hotel. Given the existing use rights enjoyed by the hotel there are no planning permit conditions restricting the use (eg. hour of operation, patron numbers, staff etc).

Late night (general) Liquor Licence No. 31906576 allows a maximum of 780 patrons for the following trading hours:

- For consumption off the licensed premises:
- Sunday Between 10 a.m. and 11 p.m.
- Good Friday and Anzac Day between 12 noon and 11 p.m.
- On any other day between 7 a.m. and 11 p.m.

From the bottle shop for home delivery of liquor in sealed containers, bottles and cans provided that the bottle shop is not physically accessible to patrons:

- Thursday, Friday and Saturday (excluding Good Friday) Between 11 p.m. and 1 a.m. the day following.

For consumption on the licensed premises -

- Sunday between 10 a.m. and 11 p.m.
- Good Friday between 12 noon and 11 p.m.
- Anzac Day between 12 noon and 1 a.m. the day following.
- Monday to Wednesday between 7 a.m. and 1 a.m. the day following.
- Thursday to Saturday between 7 a.m. and 3 a.m. the day following except for Good Friday morning.

It is noted that any amendment to this liquor licence would not require a planning permit.

At its meeting on 6 August 2012 Council passed the following resolution:

That Council:

- (1) *Endorse the Social and Economic Impact Assessment for submission to the Victorian Commission for Gaming and Liquor Regulation in response to the Grandview Hotel application for approval of premises for gaming with 50 electronic gaming machines.*
- (2) *Note that Council will attend and give evidence with the support of legal representation at the hearing of its submission at the Victorian Commission for Gambling and Liquor, if required.*
- (3) *That any planning application be heard at full Council.*

On 16 October 2012 the Victorian Commission for Gambling and Liquor Regulation (VCGLR) decided to grant an application to operate 50 Electronic Gaming Machines (EGM) at the Grandview Hotel. The Commission considered that the proposal would be likely to result in a net social and economic benefit to the community. The Commission noted that while it reduced the weight that it placed on Council's Social and Economic Impact Assessment (SEIA) submissions, due to its inability to question the author of the SEIA, it did refer to the document having "considerable academic and intellectual merit" and did have some regard to this evidence. In the Commission's reasons, Council was also commended for investigating the relevant aspects of the proposal before resolving to oppose the application.

The Commission regarded that there would only be a minimal increase in the risk to problem gambling arising from this proposal. In this regard, the Commission's reasons refer to the existing exposure of residents to EGMs, the operator's responsible service of gambling policies and procedures and its directors' commitment to mitigating the risk of problem gambling. The redevelopment of the Hotel and the additional employment positions created were also considered to be a benefit of the proposal.

The Commission acknowledged that the removal of the upstairs residents at the Hotel is a social dis-benefit, however appeared to be satisfied with the arrangement to relocate the long-term residents elsewhere. The creation of additional jobs and the community contribution offered by the Applicant were both considered to be economic benefits. The

Commission also encouraged Council to take an active role in the committee established for the allocation and distribution of these funds.

On 12 November 2012 Council applied to the Victorian Civil and Administrative Tribunal (VCAT) to overturn the Commission's decision.

ISSUES AND DISCUSSION

- The lot shape is irregular, comprising an L shape allotment. The site is located on the corner of two Road Zone Category 1 Roads, with frontage to Heidelberg Road of approximately 21.5m and frontage to Station Street of approximately 64m. The maximum east-west dimension (width) of the site is approximately 40m and the maximum north-south dimension is approximately 71m. The overall site area is approximately 1907m² with a total floor area of 2000m². The ground floor (including outdoor areas) has a floor area of 1096m², the first floor (including decks) has a floor area of 534m² and the second floor has a floor area of 370m². The northern part of the site is occupied by a 43 spaces car park located within a Residential 1 Zone. The southern part of the site is occupied by a three storey hotel building. The ground floor comprises a drive through bottle shop, TAB, bar, bistro / dining, lounge, kitchen, smoking terrace and beer garden. The second floor comprises two function rooms, outdoor deck, offices and some vacant / disused rooms. The second floor is used for accommodation.
- The subject site is located on the north side of Heidelberg Road, on the west side of the intersection with Station Street, Fairfield. The site currently accommodates a three storey hotel located to the south-east of the site and a drive through bottle shop building and car park to the north of the site.
- Land to the west of the site is occupied by the rear yards of dwellings fronting Gillies Street and a motor sales warehouse which fronts Heidelberg Road. Adjacent land to the north and land to the east over Station Street is occupied by dwellings. Land to the south over Heidelberg Road is occupied by commercial and retail uses with a residential area further south.

Proposal

- It is proposed to use the land for the purpose of 50 Electronic Gaming Machines, undertake internal alterations to the premises, part demolition and construct buildings and works to alter the existing building.
- The proposal decreases floor area of the licensed premises by 65m², leaving the premises with a total floor area of 1935m².

It is proposed to:

Demolish the ground floor western smoking terrace and extend the gaming room into this area. The gaming area is 166m², 8.3 percent of the total floor area.

- Construct a veranda over part of the south-west beer garden.
- Demolish the ground floor western entry canopy and foyer, store and cool room and construct a new entry canopy and foyer, store and cool room.
- Demolish the ground floor central toilets and construction of a new partly covered courtyard.
- Demolition of the first floor deck (measuring 65m²) and veranda.

It is proposed to undertake general internal refurbishments at all levels. Internal alterations at ground floor comprise:

- A new EGM gaming lounge located to the west of the building in an existing billiards and smoking terrace area, comprising 166m² of the building.
- The café, bar bistro with outdoor courtyard is to be relocated to the north of the building. An acoustic assessment has been provided having regard to the outdoor areas proposed.
- The Tab is to be relocated to the south of the building.

Hours of operation of the gaming room are to be:

- Sunday between 11 a.m. and 11 p.m.
 - Monday to Thursday (not being Anzac Day) between 9a.m. and 1 a.m. the day following.
 - Friday (not being Anzac Day) between 9 a.m. and 3 a.m. the day following.
 - Saturday between 10 a.m. and 3 a.m. the day following.
- It is proposed to use funds generated by EGMs to make charitable donations to a figure of \$100,000 per annum.

REQUIREMENT FOR PLANNING PERMIT:

- Clause 33.03-4 (Industrial 3 Zone) – construction of buildings and works.
- Clause 43.01-1 (Heritage Overlay) – demolition, alterations, construction of buildings and works.
- Clause 52.28-2 (Gaming) – requires a planning permit to install or use a gaming machine.
- Clause 63 (existing Uses) – a use for which an existing use right may continue provided that the construction of buildings and/or works is not carried out without a permit.

EGM LEGISLATION / CONTROLS / DAREBIN CAP:

The *Gambling Regulation Act 2003* was amended in June 2009 with a large number of changes. The most significant change broadened what was previously a duopoly to an open market. This took effect in August 2012 and is seeing some industry movement with new participants seeking to enter the industry and other operators having to divest themselves of electronic gaming machines (EGM).

Subject to the Regional Caps Gazette – 13 September 2012 Region 7 – the Darebin Cap is now defined by Darebin municipal boundaries. Within this region there can be a maximum of 986 EGM (8.58 EGM per 1000 adults). There are currently 782 EGM (6.8 EGM per 1000 adults) attached to 13 venues within the municipality. The proposal seeks to increase this to 832 EGM (7.24 EGM per 1000 adults).

Referrals

Social Inclusion And Diversity Unit

The Social and Economic Impact Assessment concluded that the proposal will have a net detrimental social and economic impact on the communities in the City of Darebin and adjoining municipalities for the following reasons:

- The locational features of the site ie. its location on a major arterial, proximity to a train station, proximity to sensitive uses, proximity to concentrations of social and economic disadvantage and proximity to another EGM gambling venue are such that it will increase the prevalence of problem gambling in the City of Darebin and adjoining municipalities.
- The increase in the number of EGMs in the local community will increase the prevalence of problem gambling in the City of Darebin and adjoining municipalities.
- The business model on which the restoration of the Grandview Hotel cannot be justified as it is likely to increase the prevalence of problem gambling and therefore have a detrimental impact on the wellbeing of the City of Darebin and adjoining municipalities.
- The inclusion of EGMs, i.e. a harmful activity, is justified by the need for a revenue stream that will subsidise the refurbishment of the venue.
- The scope and content of the documentation accompanying the application reduce the ability of Council to effectively assess the net social and economic impact of the proposal on the wellbeing of its community for the following reasons.
 - There are inaccuracies and omissions in the accompanying documentation.
 - A number of the assumptions are not substantiated by a robust evidence base.

Transport Planning and Management Unit

The Transport Planning Management Unit have reviewed the application and have determined that as there is no increase in patron numbers, a decrease in floor area and not change in the use of the land from a hotel that there will be no increase in parking demand and no increase in traffic generated by the site.

VicRoads

No objection subject to conditions.

PLANNING CONTROLS

- State Planning Policy Framework: Urban Design (Clause 15.01-1); Heritage (Clause 15.03); Development Contribution Plans (Clause 19.03-1)
- Local Planning Policy Framework: Urban Design (Clause 21.05-3), Heritage Culture & Arts (Clause 21.05-4) Economic Development (Clause 21.05-5)
- Zone : Residential 1 Zone (Clause 32.01) and Industrial 3 (Clause 33.03-4)
- Overlay: Heritage (Clause 43.01); Public Acquisition Overlay (Clause 45.01), Development Contributions Plan (Clause 45.06);
- Particular Provisions: Car Parking (Clause 52.06), Clause 52.28
- General Provisions: Existing Uses (Clause 63), Decision Guidelines (Clause 65.01)
- Neighbourhood Character Study: N/A

Objections

- 34 objections received

Objections summarised

- Increased traffic and car parking.
- Detrimental to the amenity of the area including:
 1. Impact associated with seeing gamblers.
 2. Increased crime, noise, rubbish, public urination, vomiting, fighting, drink driving, hoon behaviour, drunk patrons, vandalism and exacerbation of existing impacts associated with hotel.
- Not compatible with adjoining and nearby uses.
- Increase in number of venues and machines in Darebin City Council increases impacts of gambling on the community and results in net community loss, impacting upon vulnerable and disadvantaged members of the community. Detrimental social and economic impacts including:
 1. Introduction of unwelcome type of person into the area.
 2. Impacts upon high risk persons / groups and land uses in the area including:
 1. Ex-Kew Residential Services residents.
 2. Grandel residential support service in Park Crescent.
 3. Marjorie Oke women's rooming house / refuge in Station Street.
 4. Mental Illness Fellowship in Heidelberg Road.
 3. Impacts upon surrounding community associated with problem gambling / EGMs inappropriate / no benefit to the community / area has low income earners.
 4. Impacts upon surrounding businesses associated / reduced revenue.
- Change of character of the hotel from a local family establishment to a regional gambling destination inappropriate for families. Venue will no longer be suitable for families, will impact upon children and will result in the loss of a local "corner pub" venue which provides an alternative to gaming.
- EGM's contrary to the heritage character of the hotel.
- Sufficient gaming opportunities exist in the area / Fairfield RSL 200m away.
- Impacts upon property values.
- Impact in combination with Hungry Jacks.
- Maximum number of EGM reached.

Officer comment on summarised objections

- The proposal is located on the corner of two Road Zones which are intended to cater to higher volumes of traffic. The maximum number of patrons (780 as allowed by the liquor licence) is not to be increased and the floor area is being decreased by the demolition of the first floor balcony. The proposal does not change the use of the hotel premises and will not generate additional levels of traffic or car parking. VicRoads has not objected to traffic associated with the proposal. Council's Transport Management and Planning Unit have no objections to the traffic and car parking associated with the provision of EGM.
- It is not considered that the proposal will be detrimental to the amenity of the area. The maximum number of patrons (780 as allowed by the liquor licence) is not to be

increased and the floor area is being decreased by the demolition of the first floor balcony. Whilst not necessarily mutually exclusive groups, it is generally considered that patrons attracted to the premises for gambling premises are less likely to impact detrimentally upon the amenity of the area than those attending the premises to drink. An increase in gambling patrons will reduce the maximum allowable number of drinking patrons. There have been no complaints to Council about the above issues in recent times. There has been only one complaint to Council about the operation of the premises (2009) relating to odour.

- The proposal is generally compatible with the surrounding uses. Refer assessment below.
- The proposal increases impacts of gambling on the community and results in net community loss, impacting upon vulnerable and disadvantaged members of the community.
- The EGM machines occupy only 8 percent of the floor area of the premises, and the layout ensures that the facilities do not impact upon the existing Bistro and outdoor facilities and will not be directly visible from these facilities. The proposal provides a small number of machines with no loss of the facilities and services currently provided.
- The proposal has no impact upon the heritage significance of the place, with alteration works to the site and rear of the heritage fabric of the site, sympathetic to the heritage character. As argued in the applicant's submission the proposal provides the opportunity to refurbish and restore the premises and may be beneficial to and help protect the heritage place.
- It is noted that there are currently a number of gaming venues in proximity to the site, however the appropriateness of a new venue must be assessed on its own merits.
- Impacts upon property value is speculative and not a relevant planning consideration.
- The proposal does not alter the hours of operation of the hotel and there is no evidence to suggest that the proposed EGM will have any detrimental impacts in association with the operation of Hungry Jacks.
- The proposal is below the regional Darebin Cap.

Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014

The Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014 identifies that Darebin is one of the regional capped area as it ranks as the fourth highest municipality adversely affected by EGM gambling. This policy identifies that losses are largely sustained by people that can least afford them. This includes people on lower income, socially isolated, women and the elderly. Council's position on EGM gambling is underpinned by the following principles:

- A significant reduction in the number of electronic gaming machines in the City and the negative impacts of gaming on the Darebin community.
- Where possible, Council will vigorously campaign and contest any related gaming licence applications before the VCGLR.
- Council does not condone any activities that harm the community and will continue to play a key role in advocating for actions that address the negative impacts of gambling on the local community arising from the proliferation of EGMs in areas of low socio-economic status
- Decisions will be based on the precautionary principle to ensure pokie venues and gaming do not negatively impact on the municipality's social, economic and environmental health or overall quality of life in the local community.
- Council opposes proliferation of new venues.

- Increased transparency and propriety of sponsorship by venues with Council playing an advisory role on what is needed and how sponsorship money may be allocated back into local communities.

Furthermore, the Strategy requires applications for planning permits to be accompanied by an impact assessment that demonstrates the impact the proposal will have on health, social and economic wellbeing of the local community, justification based on a net social and economic benefit, and justification based on significant and measurable advantages to the broader local community as a result of the venue and additional machines.

Whilst Council has adopted this policy it has not been incorporated into the planning scheme, is not seriously entertained planning policy and has no statutory weight at this time.

PLANNING ASSESSMENT:

Electronic Gaming Machines (EGM)

Under Section 4(2)(d) of the Planning and Environment Act one of the objectives of the planning framework in Victoria is, inter alia *"to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land"*

Under Section 3.3.7 (1) (c) of the *Gambling Regulation Act 2003*, the VCGLR is required to consider *'the net economic and social impact of approval would not be detrimental to the well-being of the community of the municipal district in which the premises are located'*. Council, acting in its role as a representative of the community, has objected to the Licence Application and appealed.

In contrast, the Council considerations are under Clause 52.28 of the planning scheme (and are in its role as the Responsible Authority), as stated in *Bells Hotel Pty Ltd v Port Phillip CC*, is *'a more confined focus than the test under the Gambling Regulations Act 2003... it is for the responsible authority (and Tribunal on review) to decide what constitutes a relevant impact in a particular case and what constitutes the appropriate locality within which to consider the impact'*.

A permit is required for the use of the proposed EGMs under Clause 52.28 of the planning scheme. The purposes in Clause 52.28 are:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered.
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

Clause 52.28-5 provides:

In considering an application in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of Hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

There has previously been some debate about providing Net Community Benefit (as outlined under Clause 10.02, Clause 10.04 and 17.01 of the Darebin Planning Scheme). The general stance now taken is that of the reported VCAT case being *Prizac Investments Pty Ltd v Maribyrnong CC*, that Council is required to have regard to whether the proposal delivers a

net community benefit. This case also clarifies that it is also not essential to deliver net benefit to justify the grant of a permit, particularly in cases where it is demonstrated that the outcome will not deliver a detriment or is “neutral” in terms of its impact on the community.

Location

The proposal will allow the reinvigoration of the venue, providing employment opportunities and improving the quality of existing entertainment facilities and opportunities for the local community. The proposal also seeks to make substantial community contributions on an annual basis. The proposal also maintains and improves the economic viability of the site, allowing for the ongoing protection and retention of the existing heritage fabric of the site. There are clear benefits to the proposal.

In previous Tribunal decisions, the appropriateness of the location has been considered having regard to the socio-economic profile of the locality within which the gaming venue is located and, more specifically, the profile of the likely patrons. In some cases the patronage has been determined by undertaking a survey of patrons and in other cases, often new venues, the patronage is generally accepted to fall within a 2.5 to 5 kilometre radius of the gaming venue.

A survey has not been undertaken at this time and the socio-economic profile of likely patrons based upon the 2.5 to 5 kilometres radius of the premises needs to be considered in this instance.

Clause 21.02-14 notes that although only a small proportion of Darebin’s residents live in Fairfield/Alphington, the area continues to attract new residents, particularly second and third homebuyers with mature families, as it develops as a gentrified inner city suburb. The area is becoming increasingly gentrified with a highly educated and professionally employed populace, growing household incomes and a decreasing proportion of non-English speaking residents. Northcote has a large proportion of residents with a high level of education, with the majority of the local residents employed in professional fields. As a result, household and individual incomes are quite high. This gentrification of Northcote has led to a decrease in the number of non-English speaking residents and an increase in house prices, car ownership and computer and internet use. Like Fairfield/Alphington, Northcote is experiencing gentrification similar to areas close by such as Fitzroy.

The applicant’s Social and Economic Impact Assessment provides demographic details of the main trade area in comparison with Melbourne as a whole. Whilst Darebin as a whole is consistently lower / disadvantaged, in comparison to Melbourne as a whole the main trade area / Northcote has a higher average household income, a higher proportion of upper white collar workers, a lower proportion of other white collar / blue collar workers and lower unemployment. The secondary and tertiary trade areas

Clearly the area around the premises has gentrified considerably in recent years, however there remains a strong presence of the original more at risk residents in the immediate area including those aging in place, those that speak a language other than English at home and those with no post-High School qualification. There are also areas of most disadvantaged (as defined by the SEIFA Index) in proximity to the site, in Darebin and Boroondara. As outlined in the Social and Economic Impact Assessment prepared by Council the subject site is located within 500m of a number of sensitive uses including:

- Marjorie Oak Rooming House for women which is located across the road from the Grandview Hotel and houses vulnerable women, some of which may have gambling issues. The rooming house is owned by the Office of Housing and managed by Yarra Community Housing
- Ex-Kew Residential Services residents – Decile 2 SEIFA Index comprising a substantial proportion of the primary catchment area
- Aged care services at Holmes Street – Decile 1 SEIFA Index in primary catchment area. Including isolated elderly and vulnerable residents of Holmes Street Older Person Unit, Edward Street Older Persons Unit and Agg Street Older Persons Unit. (Office of Housing). Comprising over 200 high density units and home to over 200 economically disadvantaged/vulnerable/elderly people at risk of homelessness, drug/alcohol/gambling addiction and health related issues and who are supported through Merri Outreach Support Services. These residents shop at Station Street
- Walker Street and Urquhart Street – Decile 2 SEIFA Index in primary catchment area
- A large proportion of Decile 2 and 3 SEIFA index areas in main, secondary and tertiary trade areas
- Residential properties
- Fairfield Station
- The Fairfield and Alphington RSL with 30 EGMs
- St Anthony's School
- Malakite Catholic Church and youth centre
- Two chiropractic clinics
- Five mental health services
- Significant open spaces, including Yarra Bend park, Bill Lawry Oval, Fairfield Park and boathouse
- Fairfield Shopping Strip
- Social infrastructure located in the Fairfield shopping strip including a kindergarten, library, Community Centre and Maternal and Child Health Centre, medical centres
- Fairfield Primary school
- Elizabeth Hoffman House (Aboriginal women's refuge)
- Thomas Embling Forensic Mental Health Hospital
- Austin Health Royal Talbot Rehabilitation Centre
- Two community health centres
- Eight additional mental health services.

The subject premises is located on the corner of two Road Zone Category 1 Roads (Station Street and Heidelberg Road) . The hotel is located within an Industrial 3 Zone with the car park located within a Residential 1 Zone. The site is not located in a strip shopping centre (where the use is prohibited under the schedule to Clause 52.28) or a principal activity centre. As outlined in the Social and Economic Impact Assessment the site is easily accessible and this increases its accessibility and the impact it has on the community, particularly at risk areas to the north in the secondary and tertiary trade areas. It is not a given that gamblers will frequent proximate venues and the proposal provides additional gambling opportunities.

In Victoria EGMs are provided at a rate of 6.19 machines per 1000 adults (based on data from VCGLR 30/6/11). Within Darebin the current rate is 6.8 EGM per 1000 adults and the proposal seeks to increase this to 7.24 EGM per 1000 adults. Whilst less than the rate allowed by the current Darebin cap the proposal represents a higher than average provision of EGMs in an area where the socio economic impacts are potentially much higher.

The appropriateness of the Premises.

The hotel provides a range of services and facilities, and the proposed gaming room will provide another opportunity for the entertainment to the community. The premises is a large, underutilised venue and the gaming room will occupy a small component of it (about 8.3% of the floor area). As such the premises itself is capable of accommodating gaming and is an appropriate premises.

The proposal is located within an existing hotel, which is an appropriate premises for the provision of gaming machines. The premises is located at the intersection of two road zones in proximity to fixed rail which is considered to be an appropriate location having regard to access.

Noise

It is proposed to operate the gaming room at the same times as the remainder of the hotel which is considered to be acceptable. The hotel is not located adjacent to a residential use and is an existing use. Having regard to other activities occurring in the site, the proposal is unlikely to generate noise that will adversely impact upon the amenity of the surrounding area. Having regard to the alterations proposed the applicant has provided an acoustic assessment which demonstrates that the proposal will not impact detrimentally upon the surrounds by way of noise generation.

Car parking

The proposal does not seek to increase the floor area of the hotel, does not propose a new use and does not generate any additional car parking demand.

Bike facilities

The proposal does not seek to increase the floor area of the hotel, does not propose a new use and does not generate any additional bike facilities demand.

Heritage Considerations:

The subject site is located within the Heritage Overlay (HO36)

STATEMENT OF SIGNIFICANCE – Grandview Hotel taken from the Darebin Heritage Review 2000 Vol. 1 and 2.

The Grandview Hotel is a large and prominently sited example of a late Victorian Italianate hotel. Its strategic siting relates back to the extension of the railway line to Heidelberg and the continuing voluminous road traffic. The building is substantially intact to the extent of the exterior facades, with the exception of the removal of the tower roof.

The proposal is required to be assessed against the decision guidelines at Clause 43.01-4 of the overlay controls. Generally the proposal complies with all relevant policies and guidelines as:

It is considered that the proposed demolition and buildings and works are sympathetic with the Grandview Hotel as described in the Heritage review 2000 Vol. 1 and 2 and the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The works do not detract from its historic and aesthetic significance and is consistent with the recommendations of the Heritage Review.

Proposed works will not adversely affect the natural or cultural significance of the place. The location, bulk, form or appearance of the proposed building will not adversely affect the significance of the heritage place and is in keeping with the character of the area.

The proposal is considered to be consistent with the purpose of the overlay.

Industrial 3 (Clause 33.03-4)

The proposed works meets the requirements for the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The works will not be visible from the street, does not increase the numbers of patrons on the site and has previously been used as a hotel for the past 100 years.

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil

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 Manager authorising 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 Planning Scheme and the Planning and Environment Act (1987) as amended.

Appendix A - Plans

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Deputy Mayor Cr. Greco:

- *Simon Merrigan, Objector to Application.*

MOTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

THAT Planning Permit Application D/404/2012 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located, and the impacts of their location would adversely affect the social and economic well being of the community in the City of Darebin and adjoining municipalities.
- (2) The proposed electronic gaming machines would not be compatible with adjoining and nearby land uses as per the decision guidelines of Clause 52.28 of the Darebin Planning Scheme, having regard to the proximity of sensitive land uses (in addition to another electronic gaming machine venue) and areas of disadvantage.
- (3) The proposed electronic gaming machines will have a detrimental social and economic impact on the area and will not achieve a net community benefit in accordance with Clauses 10.02, 10.04 and 17.01 of the Darebin Planning Scheme.
- (4) An increase in the number of electronic gaming machines in the City of Darebin, their proposed hours and the number of machines per person is excessive and unreasonable.

AMENDMENT

MOVED: Cr. O. Walsh

SECONDED: -

THAT Council defer consideration of this Application.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

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

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

THAT Planning Permit Application D/404/2012 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located, and the impacts of their location would adversely affect the social and economic well being of the community in the City of Darebin and adjoining municipalities.
- (2) The proposed electronic gaming machines would not be compatible with adjoining and nearby land uses as per the decision guidelines of Clause 52.28 of the Darebin Planning Scheme, having regard to the proximity of sensitive land uses (in addition to another electronic gaming machine venue) and areas of disadvantage.
- (3) The proposed electronic gaming machines will have a detrimental social and economic impact on the area and will not achieve a net community benefit in accordance with Clauses 10.02, 10.04 and 17.01 of the Darebin Planning Scheme.
- (4) An increase in the number of electronic gaming machines in the City of Darebin, their proposed hours and the number of machines per person is excessive and unreasonable.

CARRIED

The Mayor, Cr. Laurence and Cr. Williams returned to the meeting at the conclusion of the above item – 8.15pm.

The Mayor, Cr. Laurence, resumed the Chair.

Cr. Tsitas temporarily left the meeting – 8.15pm

8.2 DAREBIN YOUTH ADVISORY GROUP**MINUTE NO. 15****AUTHOR: Manager Libraries Learning and Youth****REVIEWED BY: Group Manager Community Services****SUMMARY:**

In August 2012 Council adopted the Darebin Youth Engagement Strategy 2012-2017. Point Two of the Council resolution was that Council:

Support the establishment of a Youth Advisory Group to provide advice and guidance to Council on youth related issues in Darebin

Through endorsing the Darebin Youth Advisory Group, Council acknowledged the need to consider and understand the issues, policies and drivers that are influencing young people and youth services and their relevance to and impact on Darebin.

The Darebin Youth Advisory Group will assist in developing this understanding, and monitor and report on the Darebin Youth Engagement Strategy 2012-2017.

This report details the proposed Terms of Reference, the recruitment methodology and the ongoing functionality of the group. It is intended that the inaugural meeting of the Darebin Youth Advisory Group will be held in March 2013.

CONSULTATION:

- Group Manager Community Services
- Coordinator Youth Services

RECOMMENDATION**THAT** Council:

- (1) Endorse the Darebin Youth Advisory Group Terms of Reference attached as **Appendix A** to this report and recruitment model outlined in this report.
- (2) Appoint Councillor/s to the Darebin Youth Advisory Group.

COUNCIL RESOLUTION

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

THAT Council:

- (3) Endorse the Darebin Youth Advisory Group Terms of Reference attached as **Appendix A** to this report and recruitment model outlined in this report.
- (4) Appoint Councillor Oliver Walsh to the Darebin Youth Advisory Group.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The Darebin Youth Engagement Strategy 2012-2017 adopted by Council in August 2012 highlighted the current and long term issues that impact on the wellbeing of young people and what this implies for Darebin. The strategy recommended a key way to engage young people and to assist in addressing these issues was the establishment of a youth advisory body.

ISSUES AND DISCUSSION

Prior to the establishment of a youth advisory group a terms of reference, recruitment process, and details of the ongoing functionality of the group have been developed.

Terms of ReferenceClarification of Title:

While the title refers to the Darebin Youth Advisory Group, its function is that of a community advisory committee to Council.

Mission Statement:

- To inform and assist Council in understanding the issues, policies and drivers that influence services delivered to residents aged 12 to 25 years in Darebin.
- To monitor and report on the Darebin Youth Engagement Strategy 2012-2017.
- To undertake agreed activities to enable a youth participation framework to be enacted on the committee.

Statement of Purpose

- To represent the interests of young people in Darebin, including service providers and families.

- To advise Council, through Council management and collaborative working parties, on issues and barriers to access and inclusion that affect young people living, working, recreating or studying in Darebin.
- To advocate on behalf of young people, families and service providers regarding issues at a Local, State and National level.
- To participate in strategic planning in relation to advocacy efforts and support for external funding opportunities for Youth Services in Darebin.
- To participate in opportunities to provide input into the design and planning of key events and community celebrations such as the major Darebin Festivals and Community events
- To provide contributions to various Council project consultations.
- To communicate Council's achievements through Darebin Youth Engagement Strategy 2012-2017 to the broader community.
- It is not the scope or purpose of the Darebin Youth Advisory Group to become involved in day-to-day operational issues related to the service provision of the Council. However it is acknowledged that there will be times when the 10 young people on the group will be involved in activities designed to enable a youth participation framework to be enacted.

Membership and Quorum

Membership of the Darebin Youth Advisory Group will, as far as possible, be balanced in regard to ability, gender and ethnicity. Total will be a minimum of 16 members. The following categories will apply:

- Community Representation:
 - 10 young people aged between 12 to 25 years inclusive of gender, CALD and ability.
 - External youth service professionals/researchers.
- Council Staff:
 - Manager Libraries Learning and Youth
 - Coordinator Youth Services
 - Youth Services Officer (Coordinator of Darebin Youth Summit)
- Councillor representation

In recognition that it is not always possible to attend all meetings, there are a greater number of members on the committee than the number expected to attend each meeting. If a decision needs to be made by the committee at a meeting, a minimum of five community representatives needs to be present.

Chair

- The Group will be co-chaired by a Councillor and a young person nominated by the community representatives.

Term and Method of Nomination

- Community Representatives will be appointed for a minimum of 2 years.
- If a vacancy occurs on the Darebin Youth Advisory Group, a public notice will be placed on Council's website, Social media in local newspapers and a letter/email/correspondence to local youth service agencies advising of the vacancy and asking for expressions of interest.
- Appointments will be made by a panel of representatives from the committee. Panel members will include a Councillor, one community representative and one Council Officer.
- A position will be deemed to be vacant if a community representative fails to attend for Three (3) consecutive meetings without reasonable grounds.
- Councillor representation will be determined through current Council processes relating to Councillor representation on community advisory bodies and committees.

Support

Support required to enable participation in the Darebin Youth Advisory Group will be provided by Council. This includes reimbursement of costs for travel, attendant care, respite care, language interpreters (including Auslan) and other reasonable costs.

Meeting times and frequency

There will be at least four meetings per year, held every three months commencing in March 2013 (March, June, September, December), with additional sub-group meetings as agreed by members. Meetings are to be held on a day and time to suit members.

Financial Interests and Conflict of Interest

Darebin Youth Advisory Group members must disclose any financial interests to ensure there is no conflict of interest resulting from their participation on the Group.

Council Officers will also complete the reporting requirements for an 'Assembly of Council'.

Changes to the Terms of Reference

Changes to the Terms of Reference can be made on the agreement of the majority of community representatives and Councillor representative/s.

Establishing the Group:

Recruitment Model:

Recruitment to the group will be an open process and aimed at achieving balance in representation of participation by our diverse young people (age, gender, economic status and ethnicity) is a key aim of the Darebin Youth Engagement Strategy.

To attain this balance, the recruitment model will include a range of approaches and media promotion of the group. Nomination processes will include those among our established networks of youth networks, Darebin Libraries, schools, tertiary institutions, community agencies and groups, social media, Council website and email networks as well as Local Leader Newspaper and Darebin News publications.

The group also requires two external members and this will be achieved by approaching local service providers to obtain two youth service professionals/researchers.

To attract this interest, the Group and nomination processes will be promoted among networks including: Darebin Youth Services Network, Inner Northern Local Learning and Employment Network, Darebin Youth Commitment, Inner Northern Youth Connections consortium and Darebin Neighbourhood House Network.

Nomination Process:

For the purposes of accountability and transparency, it is recommended that a written Nomination form be submitted and appointments to the group made through an Assessment Panel. Understanding that a written nomination form may provide some barriers for our diverse residents, the Youth Services Unit will be available to assist individuals to complete this process if required. The Nomination Form will collect the data required for the Assessment Panel to make informed decisions in appointing participants.

A Community Information Kit about the Darebin Youth Advisory Group will be developed and will include the Nomination Form. The information will be written in 'plain English' and translated into key community languages.

Assessing Nominations and Appointment to the Group

Appointments to the advisory group will be made through an assessment process requiring a panel comprised of: a Councillor representative; Group Manager Community Services; Manager Libraries Learning and Youth; and Coordinator Youth Services.

This assessment process will focus on achieving a social inclusion balance on the group, as well as ensuring the group acquires the interest and skill set required to undertake its role.

It is proposed that individuals who are not selected for the Group are contacted and asked to remain a community contact to the Group, in the event that work groups are established or vacancies on the Group arise.

Preparing Participants for Inaugural meeting

All successful nominations to the Group will be contacted and will receive a letter of appointment. The Youth Services Unit will confirm availability for a 'Meet and Greet Group Meeting' in March 2013. The aims of this session will be to: orientate the individuals to each other; expressing each persons interest, experience and skills; establish some 'group' rules focusing on conduct during meeting procedures; and clarifying the purpose of the Advisory Group.

POLICY IMPLICATIONS

Environmental Sustainability

Not Applicable.

Social Inclusion and Diversity

Establishing the Darebin Youth Advisory Group is aligned with the Darebin Social Inclusion agenda, Human Rights Charter and Checklist and Council's broader commitment to respect community diversity and wellbeing. The processes outlined in this report for establishing and resourcing the Group aim to achieve an application of the following Social Inclusion and Diversity lenses: Indigenous, Gender; Age; Low Socio Economic Disadvantage; Culturally and Linguistically Diverse Communities.

The group will consolidate Council's understanding of the composition, strengths, opportunities, vulnerability and attitudes of the community in relation to youth issues, service provision and will further enhance networks and partnerships.

Other

A Darebin Youth Advisory Group also aligns with and progresses the work of the *Community Health and Wellbeing Plan 2009-2012* in relation to young people in Darebin by providing a youth participation perspective to the age and stage of young peoples transition from childhood to adulthood.

The Darebin Youth Engagement Strategy along with the *Council Plan (2009-2013)* will also be at the forefront of the Group's collective deliberations.

FINANCIAL AND RESOURCE IMPLICATIONS

The Group will be supported and resourced within the current Youth Services Unit budget.

CONCLUSION

The establishment of the Darebin Youth Advisory Group will provide Council with a formal structure to monitor the progress of the Darebin Youth Engagement Strategy and gain a better understanding of the current and long term challenges that impact on Darebin's young people, their issues and local service provision.

The processes outlined in this report to establish the Group aim to: achieve accountable and transparent nomination and selection processes; remove potential barriers to participation on the Group; convene a collective of diverse young people, recognising their current skills and capacities; and include external professionals/researchers to keep abreast of developments and innovative approaches in Youth services.

Through the development of these approaches and strategic advocacy, Council will ensure a leadership role in the youth sector and continued best practice in service delivery and community engagement.

FUTURE ACTIONS

- Promote Group and Nomination Processes – Networks and Advertising (November – December 2012)
- Nominations Open (10 December 2012) and Close (31 January 2013)
- Convene Assessment Panel – 1 meeting (February 2013)
- Confirm Appointments to the Group (February 2013)

- Meet and Greet - 1 meeting (March 2012)
- Inaugural Meeting (May 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 disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

- Darebin Youth Engagement Strategy 2012-2017
- Council Report: Darebin Youth Engagement Strategy 2012-2017 - August 2012
- Council Minutes – 6 August 2012

8.3 REGIONAL DEVELOPMENT AUSTRALIA FUND ROUND FOUR**MINUTE NO. 16****AUTHOR: Group Manager Community Services****REVIEWED BY: Acting Chief Executive Officer****SUMMARY:**

Darebin City Council qualifies for Round Four of the recently announced Regional Development Australia Fund Expressions of Interest (EOI). Council can submit only one EOI application.

The application process has two phases, the EOI phase and full application phase. Full applications will only be required if the project is successful in the EOI phase and is selected by the Regional RDA Committee as one of three regional projects to progress.

The outcome of the initial EOI phase will be known in February 2013, with an announcement by the Minister in July 2013 of those projects successful from the full application phase.

Council has endorsed the Keon Park Children's Hub in principle as a key community infrastructure project and has allocated \$1 million towards the project in the 2012/2013 budget. In addition to that, \$1.5 million has been achieved from the State government. A successful application for \$2.5 million to round four of the Regional Development Australia Fund would meet the total estimated project cost of \$5 million.

CONSULTATION:

Grant Seeking Officer

RECOMMENDATION

THAT Council endorse the Keon Park Children's Hub project as Darebin City Council's application to the Regional Development Australia Fund Round Four.

MOTION

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

THAT Council endorse the Keon Park Children's Hub project as Darebin City Council's application to the Regional Development Australia Fund Round Four.

Cr. McCarthy proposed to the mover of the Motion Cr. Greco that the following be added as part (2) to the Motion. This was agreed to by Cr. Greco.

- (2) Council write to the Member for Batman urging him to support the application on behalf of the Darebin Council and community.

The Mayor, Cr. Laurence proposed to the mover of the Motion, Cr. Greco and seconder of the Motion, Cr. McCarthy, that proposed part (2) of the Motion be amended to read as follows. This was agreed to by Cr. Greco and Cr. McCarthy

- (2) Council write to the Members for Batman, Scullen and Calwell urging them to support the application on behalf of the Darebin Council and community.

THE AMENDED MOTION THEN READ AS FOLLOWS

AMENDED MOTION

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

THAT:

- (1) Council endorse the Keon Park Children’s Hub project as Darebin City Council’s application to the Regional Development Australia Fund Round Four.
- (2) Council write to the Members for Batman, Scullen and Calwell urging them to support the application on behalf of the Darebin Council and community.

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

COUNCIL RESOLUTION

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

THAT:

- (1) Council endorse the Keon Park Children’s Hub project as Darebin City Council’s application to the Regional Development Australia Fund Round Four.
- (2) Council write to the Members for Batman, Scullen and Calwell urging them to support the application on behalf of the Darebin Council and community.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Expressions of Interest (EOI) for Rounds Three and Four of the Federal government's Regional Development Australia Fund opened on 23 October 2012. Under the guidelines Darebin qualifies to apply for grants under round four with \$175 million allocated across Australia to projects between \$500,000 and \$15 million.

The application process has two phases:

1. Expression of Interest – closing 6 December 2012.
2. Full application – announced February 2013.

A full application will only be required if the project is successful in the EOI phase and is selected by the Regional RDA Committee as one of three regional projects to progress. The Minister will announce in July 2013 those projects successful from the full application phase.

Round Four allows for only one EOI per applicant and it is proposed that the Keon Park Children's Hub is the project supported by Council for this round.

A feasibility study conducted in 2011 based on the outcomes of the Early Years Strategy – Infrastructure Plan determined a facility on Dole Avenue Reservoir would meet the Plan's required outcomes for the Keon Park catchment. The estimated cost of the project is \$5 million, of which \$2.5 million has been achieved through a Council allocation of \$1 million in 2012/2013 and \$1.5 million of grant funding from the State government.

ISSUES AND DISCUSSION**Keon Park Children's Hub**

The Darebin Early Years Strategy - Infrastructure Plan identified both ageing infrastructure and a lack of available early years infrastructure in the northern part of Darebin. Based on these findings Council undertook a feasibility assessment study for the development of a Keon Park Children's Hub.

The study identified that both Cheddar Road (Donath Reserve) and Dole Avenue (Recreation Reserve) would be suitable for the facility. Initially due to its high visibility Cheddar Road was selected as the preferred site, however following analysis of the site that highlighted zoning and easement issues, a recommendation was accepted to locate the Hub on the Dole Avenue site.

Mantric Architecture has been appointed as design contractor and the project is in the detailed design phase.

The Hub will offer and/or support the following:

- Kindergarten (2 rooms)
- Maternal and Child Health (2 rooms)
- Early Childhood Intervention services
- Family services
- Partnership with local child protection (North East Metro ChildFirst Alliance)

- Supported playgroups
- Parenting groups
- Counseling services
- Community meeting rooms/spaces.

Funding

The cost of the proposed development is estimated at \$5 million.
Current funding achieved is:

State government: \$1.5 million (Children's Facilities Capital Program 2011/2012)
Darebin Council: \$1 million (2012/2013 budget)

The value of the current Dole Avenue kindergarten and Maternal and Children Health site has been estimated by Council at \$550,000.

It is proposed to seek the remaining \$2.5 million required through Round Four of the Federal government's Regional Development Australia Fund program.

Regional Development Australia Fund Eligibility and Selection Criteria

To be eligible to apply for funding the application must meet a number of requirements:

- Ability of the project to address one of the priorities set out in the Regional Development Australia (RDA) committee's Regional Plan. Darebin City Council forms part of the Northern Melbourne RDA.

The Northern Melbourne RDA priorities are to:

- Manage population growth
 - Improve the skills capacity of the region
 - Grow business capacity, productivity and innovation
 - Improve economic, social and health outcomes
 - Increase regional employment
 - Protect and sustain natural environments
 - Enhance liveability and amenity.
- Funding requested must be between \$500,000 and \$15 million (inclusive).
 - Ability to comply with all mandatory eligibility criteria and make a strong case against the selection criteria.

It is important to note that there is a preference for projects with a strong focus on regional benefits particularly those projects and/or their benefits that span local government areas and/or RDA committee boundaries. In addition projects that foster creative and innovative solutions to regional needs and issues will be preferred.

The Keon Park Children's Hub application meets these criteria, addressing regional benefit through the positive impact of the project on the adjoining cities of Whittlesea, Moreland and Banyule.

Regional Development Australia Fund Application Process

For projects to progress through to the final evaluation stage they must first progress through two processes:

1. An EOI application that is lodged through the Regional RDA committee. This process concludes on 6 December 2012.
2. Selection as one of the three projects (from all applications) by the Regional RDA to progress to a full application. This process concludes February 2013.

Assessment of the projects that are selected by the Regional RDA will conclude in June 2013 with an announcement by the Minister of the successful projects in July 2013.

POLICY IMPLICATIONS

Environmental Sustainability

The proposed Keon Park Children's Hub will incorporate environmentally sustainable design principles and features.

Social Inclusion and Diversity

The Darebin Early Years Strategy – Infrastructure Plan supports the principle that social inclusion in the early years setting includes the right of all children to have access to opportunities that enhance their health, learning and development. The Keon Park Children's Hub will reduce barriers to access through a welcoming purpose built facility that incorporates the features that have been identified as critical to learning and development.

Other

Beyond the Early Years Strategy the plan aligns with other Council strategies including the Health and Wellbeing Plan. The Health and Wellbeing Plan is predicated on the social determinants of health and wellbeing which include the built, social, economic and natural environments.

FINANCIAL AND RESOURCE IMPLICATIONS

Funding achieved for the project at this time is \$2.5 million with \$1.5 million received from the State government and Darebin Council committing \$1 million. A successful application for \$2.5 million to round four of the Regional Development Australia Fund would meet the total estimated project cost of \$5 million.

The value of the current Dole Avenue kindergarten and Maternal and Children Health site has been estimated by Council at \$550,000.

CONCLUSION

It is proposed that the Keon Park Children's Hub project be nominated as Council's application to the Regional Development Australia Fund Round Four. The project is a key infrastructure project for the north of the city that will deliver a modern welcoming purpose built early years facility that will reduce barriers to access and enhance learning and development opportunities for the long term.

The project meets the eligibility and selection criteria established for the funding round. In addition with the \$2.5 million currently committed to the project a successful application through the Regional Development Australia Fund of \$2.5 million would meet the estimated project cost of \$5 million.

FUTURE ACTIONS

6 December 2012: Lodge an EOI application for the Keon Park Children's Hub for the Regional Development Australia Fund Round Four, through the Northern Melbourne RDA.

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

- Regional Development Australia Fund Round Four EOI application
- Darebin Early Years Strategy 2011-2021

Cr. Tsitas returned to the meeting during discussion of this item – 8.23pm

8.4 NORTHERN REGIONAL TRAILS STRATEGY**MINUTE NO. 17****AUTHOR: Manager Leisure and Public Realm****REVIEWED BY: Acting Director City Design and Environment****SUMMARY:**

The seven local governments of Banyule, Darebin, Hume, Moreland, Nillumbik, Whittlesea and Yarra comprise Melbourne's Northern Region. These municipalities, together with NorthLink and the Northern Melbourne Regional Development Authority (RDA) meet on a regular basis through the Mayors and CEOs to plan and progress projects of shared interest to promote the development of the Northern Region of Melbourne. This report provides an update of the project to develop a regional trails strategy for the Northern Region of Melbourne. This project was initiated by the Northern Region Mayors and CEOs forum on 20 August 2012 and subsequently endorsed by member councils.

Phase 1 of the project, to map existing trail networks and gaps across the Northern Region and develop a funding application for the development of a detailed regional trails strategy for Northern Melbourne has been successfully completed.

CONSULTATION:

All seven local governments within Melbourne's Northern Region
Team Leader Transport Strategy

COUNCIL RESOLUTION**MOVED: Cr. T. McCarthy****SECONDED: Cr. V. Fontana****THAT Council:**

- (1) Note the successful completion of Phase 1 of the Northern Melbourne Region Trails Strategy.
- (2) Provide in principle support for the allocation of up to \$20,000 towards the development of the Northern Melbourne Region Trails Strategy and refer this to the 2013-2014 budget process.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

At Melbourne's Northern Region Mayors and CEOs forum on 20 August 2012 the decision to develop a Northern Melbourne Region Trails Strategy was endorsed as a priority project.

Phase 1 of this project has included a desk top audit of existing trails within each local government area of the Northern Region to develop a regional trails map showing existing trails and gaps within the regional trail network.

This project defines a trail as "an off-road defined path, route or track which traverses natural and urban areas". Trails are used for activities such as walking, cycling, in-line skating, mountain biking and horse riding.

The development of the map showing existing trail structures and gaps has been completed. This information has been used to prepare a regional planning funding application submitted to Sport and Recreation Victoria (SRV).

Phase 2 of this project, the development of a regional trails strategy will commence subject to receipt of the SRV grant and Council contributions up to \$20,000 to be expended in the 2013-2014 financial year.

ISSUES AND DISCUSSION

Off-road trails provide important recreational, health and social benefits to the community. They also provide important economic benefits through the provision of access to landmark/tourist facilities that support local economic activity.

Individual councils have struggled in recent times to attract significant State and/or Commonwealth funding to develop these important trail networks. A combined regional approach will be able to demonstrate a far more significant community and economic benefit through the development of the trail network.

Other key outcomes of the Regional Trails Strategy will include:

- Identification of needs, future trail provision and linkages with existing trails
- Development of standardised maintenance standards
- Development of a governance model to provide greater consistency and coordination in respect to the management and maintenance of the regional trail network
- Identification of work priorities and costs
- Detailed design of works to address high priority trail gaps
- Identification of funding strategies
- Identification of arts, cultural and tourism locations – linked to regional trails
- Economic modelling to identify opportunities and the economic benefit from the expansion of the trail network.

POLICY IMPLICATIONS

Environmental Sustainability

The development of a Regional Trails Strategy will encourage the use of non-vehicle transport and have significant positive environmental impacts.

Social Inclusion and Diversity

The Regional Trails Strategy will be presented in such a way as to be inclusive of our diverse community. The development of a regional trail network is beneficial for all including those from low socio economic backgrounds.

Other

This project is also consistent with relevant State Government policy including:

- Victorian Trails Strategy 2005/2010
- Linking People and Places – 2002 – Parks Victoria
- Principle Bicycle Network – VicRoads
- Australian Walking Track Grading System
- Victorian Cycling Strategy – 2009

FINANCIAL AND RESOURCE IMPLICATIONS

With Phase 1 of this project completed, Phase 2, the development of the Regional Trails Strategy is expected to cost in the order of \$190,000. A funding application for the maximum amount available under SRV's regional planning funding program for \$50,000 has been submitted. The Northern Melbourne Region Trails Strategy is expected to be a strong candidate for funding under this program. Should State Government funding be secured, the seven participating councils will be required to top up the funding by providing up to \$20,000 each for the 2013-2014 financial year. It is recommended that this allocation be approved in principle and referred to the 2013-2014 budget process.

CONCLUSION

The Northern Melbourne Region Trails Strategy is endorsed by the seven local governments of Melbourne's Northern Region together with NorthLink and the Northern Region RDA. The project provides an opportunity to plan a regional trails network and identify and quantify the benefits to the broader community through the development of this network for existing and future communities.

The project is commencing well with good cooperation and collaboration from all parties. Phase 1, the development of the regional trails map and the funding application to SRV has been completed. Phase 2, the development of the Northern Melbourne Region Trails Strategy will commence in the 2013-2014 financial year, subject to State Government funding.

It is recommended that Council formalise its support for this project by providing in principle support for the allocation of up to \$20,000 to this project in the 2013-2014 budget.

FUTURE ACTIONS

- Consideration of allocation of \$20,000 in Council 2013/2014 budget as a contribution to the development of the Northern Regional Trails Strategy.
- Outcomes of the application to SRV's funding program announced, expected after February 2013.

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

Leisure Strategy 2010-2020

8.5 FINANCIAL REPORT – 4 MONTHS ENDED 31 OCTOBER 2012**MINUTE NO. 18****AUTHOR: Acting Chief Financial Officer****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

A comprehensive financial review has been undertaken for the four months ended 31 October 2012 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 \$64.5 million, which is \$4.3 million ahead of budget and capital works expenditure of \$4.9 million, which is \$1.4 million behind the budget. All material variations have been explained in the report.

CONSULTATION:

Managers and Coordinators.

COUNCIL RESOLUTION

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

THAT the contents of the "Financial Report for the four months ended 31 October 2012" included as **Appendix A** to this report be received and the year-to-date actual and budgeted 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 four months ended 31 October 2012. 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 four months ended 31 October 2012 shows Council has recorded an operating surplus before capital revenue and other items of \$61.7 million, which is \$2.8 million ahead of the year to date budget. The main items contributing to this favourable variance are other revenue and material and services, partly offset by unfavourable variances in user fees and other expenses. After including capital income and other items, the net operating surplus is \$64.5 million, which is \$4.3 million ahead of budget.

Capital Performance

The Capital Performance for the four months ended 31 October 2012 shows Council has expended \$4.9 million on the capital works program, which is \$1.4 million behind the year to date budget. The variance is due mainly to delays with works on roads and open space projects and delays in purchasing plant and equipment.

Financial Position

The Financial Position as at 31 October 2012 shows a cash balance of \$46.9 million which is \$0.3 million ahead of budget. The variance is due to a number of factors, including greater than anticipated interest income and the receipt of unbudgeted government grants. The net current asset position of \$95.3 million is \$5.4 million greater than budget. The variance is due to the higher trade and other receivables and lower trade and other payables compared to budget. The net asset position of \$1.19 billion is \$184.0 million greater than budget and is primarily due to asset revaluations at 30 June 2012 of \$195.0 million.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

The Financial Report for the four months ended 31 October 2012 shows that Council's year-to-date operating result is a surplus of \$64.5 million and \$4.9 million has been expended on capital works.

FUTURE ACTIONS

A further financial report will be presented to Council for the five months ending 30 November 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 disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Nil

**8.6 NORTHERN ALLIANCE FOR GREENHOUSE ACTION AND
VICTORIAN LOCAL GOVERNANCE ASSOCIATION
MEMBERSHIP**

MINUTE NO. 19

AUTHOR: Acting Manager Corporate Governance

REVIEWED BY: Acting Director Corporate and Business Services

SUMMARY:

At its meeting on 21 May 2012, Darebin Council considered a report on its membership of various organisations and resolved that Council suspend membership of the Victorian Local Governance Association (VLGA) and Northern Alliance for Greenhouse Action (NAGA) until the end of 2012 so that the new Council can decide on membership.

This report provides information on the VLGA and NAGA for Council to consider membership of these organisations.

CONSULTATION:

NAGA Executive Officer, VLGA

RECOMMENDATION

THAT Council:

- (1) Notify Northern Alliance for Greenhouse Action (NAGA) that Council will renew its membership with NAGA effective immediately.
- (2) Authorise the Acting Chief Executive to sign the NAGA Memorandum of Understanding attached as **Appendix A** to this report for the period completing 30 June 2015.
- (3) Appoint Councillor to the Northern Alliance for Greenhouse Action (NAGA) Executive Committee.
- (4) Authorise the Acting Chief Executive to write to the Victorian Local Governance Association (VLGA) seeking renewal of Darebin Council's membership for the 2012/2013 financial year.
- (5) Appoint Councillor as Council's representative to the VLGA for 2012/2013.

COUNCIL RESOLUTION

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

THAT Council:

- (1) Notify Northern Alliance for Greenhouse Action (NAGA) that Council will renew its membership with NAGA effective immediately.
- (2) Authorise the Acting Chief Executive to sign the NAGA Memorandum of Understanding attached as **Appendix A** to this report for the period completing 30 June 2015.
- (3) Appoint Councillor Trent McCarthy to the Northern Alliance for Greenhouse Action (NAGA) Executive Committee.
- (4) Authorise the Acting Chief Executive to write to the Victorian Local Governance Association (VLGA) seeking renewal of Darebin Council's membership for the 2012/2013 financial year.
- (5) Appoint Councillor Trent McCarthy as Council's representative to the VLGA for 2012/2013 and Councillor Oliver Walsh as the proxy representative.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

At its meeting on 21 May 2012, Darebin Council considered a report on its membership of various organisations and resolved that Council suspend membership of the Victorian Local Governance Association (VLGA) and Northern Alliance for Greenhouse Action (NAGA) until the end of 2012 so that the new Council can decide on membership. Accordingly Council memberships of these organisations were suspended.

ISSUES AND DISCUSSION**Northern Alliance for Greenhouse Action**

The Northern Alliance for Greenhouse Action (NAGA) formed in 2002 as a network to share information, skills and resources related to climate change action. NAGA's current members are the cities of Banyule, Hume, Manningham, Melbourne, Moreland, Whittlesea and Yarra, Shire of Nillumbik and Moreland Energy Foundation.

NAGA's goal is to substantially contribute to the transition to a climate-changed, low-carbon future by delivering effective programs and leveraging local government, community and business action. Through NAGA's, and NAGA members' commitment to regional collaboration on climate change action, NAGA has established a leadership reputation successfully attracting millions of dollars of grants funding to the region's climate change and

energy efficiency efforts.. NAGA has undertaken detailed research and consultation in the development of its Towards Zero Net Emissions Regional Plan, and its Strategic Plan 2011-2015. These documents provide the solid strategic framework underpinning NAGA's targeted implementation of projects and priorities.

Darebin had been an active NAGA participant and has benefitted from its involvement in terms of:

- Significant grant funding and partnership opportunities
- Advocacy for energy efficiency and carbon reduction programs including upgrading to energy efficient street lighting
- The provision of community energy data from distribution businesses so that community progress can be tracked – data up to 2010 has now been provided
- 'Bulk-buy' promotion of solar panels for electricity, solar hot water and electric bikes
- Information sharing and networking

As outlined in a memo dated 28 June 2012 to Councillors, in line with commitments made prior to the suspension of NAGA membership, Council has continued to participate with officer contribution to the following projects during the suspension:

- Communicating Energy Use project
- Energy Efficiency Information Grant project
- Low Income Energy Efficiency Program
- Towards Zero Net Emissions project
- Streetlighting and other technical working groups.

Additionally Darebin Council representatives were invited to attend NAGA's Executive and Steering Committees as observers during the suspension period.

Upcoming regional NAGA grant projects

Significant regional NAGA projects, funded by the Federal Government are currently being finalised. The NAGA regional project "Easy Energy Efficiency for SMEs", auspiced by the Moreland Energy Foundation (MEFL) was announced in May 2012 as successful in receiving a grant of \$881,904 for providing energy efficiency information and assistance to businesses in the NAGA area. This 3 year project focuses on development and delivery of easy-to-implement energy efficiency actions to small and medium enterprises (SMEs) across Northern metro Melbourne, targeting: food services and manufacturing, retail, accommodation and professional, scientific and technical Services. As well as direct engagement the information produced will be translated into six languages- Arabic, Turkish, Vietnamese, Chinese (Mandarin), Italian and Greek. This program is expected to commence early 2013.

The "Bright Homes" Low Income Energy Efficiency Program - an \$11 million project proposal to provide energy efficiency education and retrofits to low income households across the region has been successful in the initial expression of interest grant phase and has commenced the final grant application for this significant project. This project will have special emphasis on: culturally and linguistically diverse (CALD) communities; renters; and frail elderly and disabled people. The Moreland Energy Foundation is the lead organisation on behalf of NAGA in partnership with Kildonan Uniting Care and Monash Sustainability Institute. A grant of just under \$10 million is under consideration by the Australian Government's Low Income Energy Efficiency Program. Grants are expected to be announced late 2012.

NAGA Memorandum of Understanding

The NAGA Memorandum of Understanding (MoU) attached as **Appendix A** sets out the agreement between Moreland Energy Foundation (MEFL), NAGA's host agency and NAGA members for the period July 2012-15. The MoU includes an option of a two year extension to 2017. The MoU covers principles and obligations including the members' financial commitment - annual contributions of \$20,000 (+3% annual increment), to provide capacity for NAGA to deliver on its Strategic Plan and effectively support NAGA members' own climate change and sustainability efforts. The MoU provides that members can terminate the MoU providing twenty one days' notice with unspent contributions returned.

Victorian Local Governance Association (VLGA)

Background

The Victorian Local Governance Association is a peak body that has local government, community organisations and individuals making up its membership. The VLGA's local government members represent over 80 percent of Victoria's population.

The VLGA advocates for social change and empowers local governments by strengthening their capacity to engage with their communities. It is governed by an elected Board of councillor, community, and individual members and is broad-based both geographically and politically; members are from rural and regional, interface and metropolitan areas and from a wide range of (or no) political affiliations.

As a values-driven organisation concerned with building democratic governance at the local level, a key focus of the VLGA is to ensure its membership includes local governments, councillors, individuals and community organisations.

Across metropolitan Melbourne and regional Victoria fifty-one (51) Councils out of seventy-nine (79) hold membership with VLGA.

VLGA Benefits

The VLGA offers a number of direct benefits to its members. These include:

- Annual consultation
- A tailored half-day seminar delivered at your city / shire
- Confidential one-to-one advice
- Discounts for VLGA events, training and fee-for-service projects
- Automatic participation in Advisory Groups of your interest
- Access to VLGA computers and internet connection from our office
- Use of VLGA meeting rooms for council-related meetings
- Receipt of our weekly eNews
- Free advertising of relevant events in the weekly eNews
- Connecting you with like-minded groups and individuals
- Free attendance at our Leading Edge Forums and associated networking and information access

- Involvement in the governance of the VLGA (the right to stand for, and vote for the Board, invitations to be on standing and ad hoc VLGA committees and involvement in the AGM).

POLICY IMPLICATIONS

Environmental Sustainability

The VLGA and NAGA include environmental sustainability among their strategic objectives and provide support to Council's policy commitments and action in this area.

Participation in NAGA and VLGA complements and adds value to Darebin's leadership position on climate change action within our operations and the community. It is consistent with Council's climate change action plans.

Social Inclusion and Diversity

The VLGA and NAGA both work to support community involvement in local governance and through that involvement, better outcomes for traditionally disadvantaged groups. A number of NAGA projects focus directly on disadvantaged groups, with the Bright Homes Low Income Energy Efficiency Program focussing on culturally and linguistically diverse communities; renters; and frail elderly and disabled people.

Other

Membership of NAGA and involvement in regional projects is consistent with Council Plan commitments regarding: leadership and engagement, environmental sustainability and prudence and prosperity.

The \$1 Million Easy Energy Efficiency for SMEs Business Project is consistent with Council's commitment to provide support to Darebin's small business sector.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2012 – 2015 NAGA MoU commits Council to an annual contribution of \$20,000 (+3% annual increment). This membership fee is currently included in the Environment and Natural Resources operating budget. The MoU and annual membership commitment can be terminated by providing 21 days' notice.

The 2012/2013 VLGA organisational membership fee of \$29,920 incl. GST is available within the Corporate Governance budget.

CONCLUSION

It is recommended that Council rejoin NAGA by signing the MoU to 30 June 2015. The benefits NAGA provide far outweigh Council's annual contribution costs in value to our community and region, with almost \$1 million in grants confirmed over the next 3 years and a \$10 million grant for low income households in final consideration by the Australian Government. This northern regional alliance is consistent with Council's other regional partnerships and consistent with Council's stated environmental and Council Plan commitments. The NAGA MoU sets out clear responsibilities and allows opportunity for termination during its term with 21 days' notice.

It is recommended that Council re-join VLGA for the 2012/2013 financial year and appoint a Councillor as Council's representative.

FUTURE ACTIONS

- Sign NAGA MoU
- The \$1 Million Easy Energy Efficiency for SMEs Business Project is expected to commence delivery in January 2013.
- The \$11 Million "Bright Homes" Low Income Energy Efficiency Program is under final consideration by the Australian Government's Low Income Energy Efficiency Program with announcements expected December.
- Acting Chief Executive write to the Victorian Local Governance Association.
- Arrange payment of the 2012/2013 VLGA membership fee.

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

- Council Minutes 21 May 2012
- Northern Alliance for Greenhouse Action Memorandum of Understanding (attached as **Appendix A**)
- Council Plan 2009-2013
- Community Climate Change Action Plan

Cr. Tsitas temporarily left the meeting – 8.44pm

Cr. Greco disclosed a conflict of interest in the following item classifying the type of interest as a direct interest on the basis that Inner Northern Group Training Ltd Board members receive remuneration (annual fee paid) and there is a reasonable likelihood that he will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way. He left the meeting prior to consideration of the matter – 8.47pm.

8.7 INNER NORTHERN GROUP TRAINING LTD

MINUTE NO. 20

AUTHOR: Acting Manager Corporate Governance

REVIEWED BY: Acting Director Corporate and Business Services

SUMMARY:

At its Special meeting on 12 November 2012, Council resolved the following:

The appointment of a Councillor to the Inner Northern Group Training Ltd be considered at the next meeting of Council.

The report sets out to seek to appoint a Councillor to Inner Northern Group Training Ltd.

CONSULTATION:

Acting Director, Corporate and Business Services

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

THAT Council appoint Cr. Greco as Council's representative to Inner Northern Group Training Ltd for the 2012/2013 Council year.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Founded over 25 years ago, INGT was created by the Cities of Darebin, Moreland and Yarra to provide employment and training opportunities for local communities of the inner northern suburbs of Melbourne.

ISSUES AND DISCUSSION

Since its formation INGT has expanded into a group of businesses that now operate nationwide including the Inner North Community Foundation. INGT's mission is to make a contribution to better social inclusion and community cohesion by improving opportunities for meaningful workforce participation. This is aimed at all segments of society, including not only mainstream client groups, but also for disadvantaged groups.

INGT works to address skill shortages, help deliver Government initiatives which assist people starting out in the workforce, and link up employers with job seekers wanting to begin their apprenticeship or traineeship.

Membership of the Board is made up of four independent directors and one director and alternative from each of the member Councils. The Board meets on a monthly basis with standing committees or sub committees established as required.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

That Council appoint Cr. Greco as Council's representative to Inner Northern Group Training Ltd for the 2012/2013 Council year.

FUTURE ACTIONS

- Cr Greco attend the next monthly meeting on behalf of Council.

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

- Special Council Meeting Minutes, 12 November 2012

Cr. Tsitas returned to the meeting during discussion of this item – 8.48pm

Cr. Greco returned to the meeting at the conclusion of the above item – 8.48pm

8.8 PROCUREMENT POLICY**MINUTE NO. 21****AUTHOR: Acting Manager Corporate Governance****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

On an annual basis Council is required to review its procurement policy and submit it to Council for approval.

The report sets out the amendments made to the previous procurement policy dated November 2011.

CONSULTATION:

Acting Coordinator, Procurement and Contracting

COUNCIL RESOLUTION

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

THAT Council:

- (1) Note the outcomes of the procurement policy review.
- (2) Adopt the City of Darebin Procurement Policy November 2012 attached as **Appendix A** to this report as its procurement policy as required under section 186A of the Local Government Act 1989.

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

In accordance with section 186A (7) of the Local Government Act 1989 ('the Act') there is a requirement for Council, on an annual basis, to review the procurement policy.

The current policy and guidelines were endorsed by Council (dated November 2011) at its meeting on 19 December 2011.

A recent review of those policy and guidelines enables Council to adopt a streamlined and efficient approach to the way in which procurement is undertaken at Darebin Council and incorporates the Darebin Industry Participation Policy principles.

Appendix A contains the proposed Procurement Policy which is binding upon Council officers, contractors and consultants whilst engaged by or representing Council.

ISSUES AND DISCUSSION

The attached policy excludes the guidelines, which form a detailed framework for procurement processes across Darebin Council and therefore allows the guidelines to continually evolve as new operational processes are adopted or new systems introduced, without impact on the policy.

The only notable amendment to the policy relates to a financial variation, in that 'approval of any change in the scope that is deemed an additional asset above \$5,000 is required to be approved by the Chief Executive prior to the implementation of the contract changes'.

Proposed Policy

The policy continues to meet all requirements of the Act and defines the following key areas:

- Policy compliance and controls;
- Governance;
- Methods of undertaking procurement;
- Purchasing thresholds;
- Probity;
- Financial delegations;
- Purchase orders;
- Local business framework; and
- Contract variations.

POLICY IMPLICATIONS

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities:

- Corporate Social Responsibility;
- Local Business Framework;
- Environmental Purchasing Code;
- Disability Access and Inclusion Policy; and
- Darebin Industry Participation Policy.

LOCAL BUSINESS FRAMEWORK

Council recognises it has a role in the economic development of the community and is committed to assisting local industry to do business with Darebin Council. Council is committed to buying locally and supporting the business community and encouraging its involvement in procurement processes. Buying locally (Darebin Plus) includes the adjoining Councils of Banyule, Hume, Moreland, Nillumbik, Whittlesea and Yarra where local suppliers are competitive and can achieve value for money.

Table 1 below outlines the percentages and spend over the last four (4) years within the Darebin / Darebin plus area.

Table1:

	2008/09	2009/10	2010/11	2011/12
% of active Suppliers that are local businesses	30%	41%	40%	41%
% of spend that is with local businesses	30%	35%	27%	38%
Total \$ spend made with local businesses	\$17.3M	\$19.6M	\$21.7M	\$22.9M
Annual business session conducted with information on how to respond to Darebin tenders or other purchasing requests	0	2	1	0
% of all tenders that include selection criteria weighting of local business	n.a	80%	80%	80%

It is pleasing that the total spend with local businesses has increased by \$1.2 million during the last 12 months.

Table 2 below summaries the total amount paid to vendors and the total and percentage that were awarded to local businesses during the 2011-2012 year. It shows that for all the purchases that could be made locally, 27% are made with a local supplier.

Table2:

Goods, Services or Works	Annual payment to vendors (creditors)	Awarded DarebinPlus vendors (creditors)	%
Goods & Services not available locally¹ (Utilities, computer proprietary software licences, fuel)	\$11.4M		
Statutory and Exempt payments² (MFB, work-cover, insurances, superannuation)	\$21.7M	\$2.5M	
Construction Services³ (Specialist Building trades)	\$18.2M	\$9.7M	
Specialist Services⁴ (Environment Consultants, legal services)	\$7.3M	\$0.9M	
Sub-Total Goods Services and Works - Not Local purchase	\$58.7M	\$13.2M	
GOODS & SERVICES THAT CAN BE LOCALLY OBTAINED			
Roads	\$9.1M	\$8.1M	89%
Operating and capital expenditure other	\$34.2M	\$1.6M	5%
Sub-Total Goods Services and Works - Local purchase	\$43.3M	\$9.7M	22%
2011-12 Annual total payments to vendors	\$83.7M	\$22.9M	27%

Notes:

- Goods and Services not available locally** are payments made by Council for goods and services, which cannot be sourced from local suppliers due to the nature of the goods and services being acquired. These payments include payment of utilities (telephone and gas), fuel and proprietary software.
- Statutory and exempt payments** are payments made by Council in which the *Local Government Act* has prescribed as exempt from market testing or governed by other statutory acts. These payments include contributions to Melbourne Fire Brigade levy, work-cover, insurance and superannuation payments. The figure noted in the table also includes payments for asset protection, grants, rates refunds, and Long Service Leave transfers to other Local Council's and Councillor expenses.
- Construction services** are payments made by Council for specialist construction work such as the construction of Lancaster Gate.
- Specialist Services** are payments made by Council to acquire the services of specialist such as Environmental Consultants, tree pruning services and legal services.

Over the next twelve (12) months, the Procurement and Contracts team will explore a potential inclusion of Australian manufactured (or components of) Goods into its tender documentation; with the inclusion weighted and assessed to complement the local business content. Additionally, the team will also explore ways to measure goods and services received against other Councils and specific industries.

FINANCIAL AND RESOURCE IMPLICATIONS

The policy will support Council's financial plan by ensuring procurement activities are undertaken in a consistent and appropriate manner. By adopting best practice principles, the policy will enhance the achievement of objectives in value for money which in turn will ensure public monies are spent in the best interest of the community and generating support for the local economy and the wider community.

CONCLUSION

That the attached Procurement Policy be adopted in accordance with the Local Government Act 1989.

FUTURE ACTIONS

- The amended Procurement policy (including links to other related policies) is uploaded onto the intranet for internal use.
- Procurement policy uploaded on Council's internet for public access and be made available at Customer Services Centres.
- The policy be reviewed and reported to Council annually.
- Continued assistance to local business and employment by promoting economic activity in collaboration with the Business Development team.

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

- Local Government Act 1989
- Darebin Industry Participation Policy
- Local Business Framework
- Environmental Purchasing Code
- Disability Access and Inclusion Policy
- Contract Guidelines
- Procurement Guidelines

8.9 INSTRUMENTS OF DELEGATION – SPECIAL COMMITTEES**MINUTE NO. 22****AUTHOR:** Acting Manager Corporate Governance**REVIEWED BY:** Acting Director Corporate and Business Services**SUMMARY:**

This report proposes formal delegation of authority by Council to the Planning Committee and the Hearing of Submissions Committee, as indicated in the respective Committee Charters endorsed by the Council at its meeting on 12 November 2012.

The respective *Instruments of Delegation* remain in force until revoked or varied by Council resolution.

An Instruments of Delegation for the Bundoora Homestead Board of Management will be submitted to Council when the community members of the Committee are being appointed.

CONSULTATION:

Acting Chief Executive Officer
Director City Works and Development
Manager City Development

COUNCIL RESOLUTION**MOVED:** Cr. T. McCarthy**SECONDED:** Cr. G. Greco**THAT:**

- (1) Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Planning Committee, 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 A** to this report subject to the conditions and limitations specified in that Instrument.
- (2) Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Hearing of Submissions Committee, 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.
- (3) The *Instruments of Delegation* come into force immediately the common seal of Council is fixed to the Instruments.
- (4) Previous *Instruments of Delegation* which are inconsistent with, or superseded by, these Instruments of Delegation are hereby revoked.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Council at its meeting on 12 November 2012 established the Planning Committee and the Hearing of Submissions Committee as Special Committees for the 2012/2013 Council year pursuant to section 86 of the *Local Government Act 1989* with the purpose, membership, scope of activity and delegated authority as detailed in the respective Committee Charters adopted at those meetings.

Each of the special committees has delegated authority from Council. A formal *Instrument of Delegation* is required.

Council has also established the Bundoora Homestead Board of Management as a Special Committee. An Instrument of Delegation for this Committee will be submitted to Council in conjunction with appointment of the community members of this Committee.

ISSUES AND DISCUSSION**Planning Committee**

The Planning Committee has delegated authority under section 188 of the Planning and Environment Act 1987 to determine planning applications and minor amendments to Development Plans within the framework set out in the Committee Charter.

The attached *Instrument of Delegation* (refer **Appendix A**) 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 Planning Committee under section 188 of the Planning and Environment Act 1987.

This *Instrument of Delegation* has been based on a model prepared by Maddocks, Lawyers.

The Planning Committee *Instrument of Delegation* was last reviewed and approved by the Council in May 2012. 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.

Hearing of Submissions Committee

The Hearing of Submissions Committee has been established to hear and report to Council on submissions received by Council in accordance with section 223 of the Local Government Act 1989.

The Committee has authority to hear any person who has requested to be heard in support of a written submission which the person has made under section 223 of the Local Government Act 1989.

The Committee reports as required to a subsequent meeting of the Council. The Committee also arranges for a separate report on each specific matter heard by the Committee to be submitted for formal consideration by the Council.

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 Hearing of Submissions Committee.

This *Instrument of Delegation* has been based on a model prepared by Maddocks, Lawyers.

The *Instrument of Delegation* was last reviewed and approved by the Council in May 2012. 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.

Bundoora Homestead Board of Management

An *Instrument of Delegation* for Bundoora Homestead Board of Management will be submitted to Council in conjunction with appointment of community members to the Committee.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

Instruments of Delegation have been prepared in accordance with the *Local Government Act 1989* for the Planning Committee and the Hearing of Submissions Committee and are presented to Council for adoption.

FUTURE ACTIONS

The *Instruments of Delegation* will be held in the Register of Delegations which is available for inspection by the public.

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

Planning Committee Charter

Hearing of Submissions Committee Charter

Bundoora Homestead Board of Management Charter

Minutes – Special Council meeting 12 November 2012

8.10 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**MINUTE NO. 23****AUTHOR: Council Business Coordinator****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at October 2012.

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

THAT the status report on Reports and 'General Business' items outstanding as at October 2012, attached as **Appendix A** to this report, be received and noted.

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

The status of outstanding reports and actions requested by Council resolution is reported to Council monthly.

ISSUES AND DISCUSSION

A schedule of the reports and actions outstanding as at October 2012 is attached as **Appendix A**.

The list of reports requested includes items raised by Councillors under 'General Business'.

Items are deleted from the list once the report or action has been completed and the completed status has been noted by the Council.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is recommended that this status report on Reports and 'General Business' items outstanding as at October 2012 be received and noted.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 10 December 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 disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Minutes of previous meetings of the Council.

9. NOTICES OF MOTION

Council at its last Ordinary meeting on 15 October 2012 resolved that consideration of Notice of Motion Nos. 58, 59, 60 and 61 (Items 9.1, 9.2, 9.3 and 9.4 below) submitted by former Cr. Nick Katsis be deferred.

The subject items are re-submitted for Council's consideration.

9.1 LOCAL GOVERNMENT INVESTIGATIONS AND COMPLIANCE INSPECTORATE

MINUTE NO. 24

NOTICE OF MOTION NO. 58 FORMER CR. NICK KATSIS

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

THAT the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:

Recommendation:

1. That the Minister investigate the feasibility of commencing an immediate and comprehensive forensic investigation through the Local Government Investigations and Compliance Inspectorate (the inspectorate) into the assets of current councillors and their immediate family members e.g. parents (including in-laws), brothers and sisters (including in-laws) and children. This forensic investigation is to be expanded to include assets kept in Trust accounts held personally and by the aforementioned.
2. That the findings of the investigation be published on the Darebin web site.
3. That appropriate actions are taken in relation to the findings of the investigation.

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. O. Walsh

THAT Council not proceed with the 'Recommendations' proposed in Notice of Motion Nos. 58, 59, 60 and 61 (Items 9.1, 9.2, 9.3 and 9.4) submitted by former Cr. Nick Katsis as they are no longer applicable.

CARRIED

9.2 COUNCILLOR AND MAYORAL TERMS

MINUTE NO. 25

NOTICE OF MOTION NO. 59

FORMER CR. NICK KATSI

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation Four:

That the Minister investigates the option of capping councillor terms to a maximum of two and capping Mayoral terms to a maximum of one in any consecutive two terms to ensure a fairer and more equitable system.

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

CARRIED

ITEM NOT PROCEEDED WITH
(See Minute No. 24 – Item 9.1)

9.3 LOCAL GOVERNMENT ACT

MINUTE NO. 26

NOTICE OF MOTION NO. 60

FORMER CR. NICK KATSIS

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation:

- 1. That the Minister investigates the feasibility of amending the Local Government Act for the purpose of retracting state-wide Councillor Delegated Powers when determining planning applications (10 or more units or apartment blocks or where there are 30 or more objections) and especially for major projects (DAEC) and implement an independent or State Government controlled planning body or multiple bodies that would oversee and approve/reject the aforementioned planning matters for the sole purpose of ensuring informed, transparent and independent decisions on such planning matters based on current State Planning Codes.*
- 2. That the Minister investigates the feasibility of amending the Local Government Act to legislate that all Council owned land that is to either be sold or developed in partnership with external investors, corporations or governmental bodies is scrutinised via a forensic auditing process prior to any such undertaking.*

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

ITEM NOT PROCEEDED WITH
(See Minute No. 24 – Item 9.1)

9.4 ADMINISTRATOR**MINUTE NO. 27****NOTICE OF MOTION NO. 61****FORMER CR. NICK KATSIS**

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation:

That at the cessation of the current Councillors' term in office the council be replaced with an administrator under the Local Government Act to govern Darebin Council until general council elections in October 2016.

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

ITEM NOT PROCEEDED WITH
(See Minute No. 24 – Item 9.1)

10. URGENT BUSINESS

Nil.

11. GENERAL BUSINESS

Cr. Tsitas temporarily left the meeting – 9.05pm

The Mayor Cr. Laurence disclosed a conflict of interest in the following item (11.1) classifying the type of interest as an indirect interest by close association and describing the nature of the interest as that a relative is involved with the subject organisation. He left the meeting prior to consideration of the matter – 9.08pm.

ELECTION OF ACTING CHAIRPERSON

Cr. Greco was nominated by Cr. McCarthy, seconded by Cr. Williams, and there being no further nominations, was declared Acting Chairperson of the meeting.

Cr. Greco assumed the Chair.

11.1 GOOD SAMARITAN INN

MINUTE NO. 28

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. J. Williams

THAT Council receive a report at a meeting in December 2012 regarding the current services provided by Good Samaritan Inn and what Council can do to assist its ongoing sustainability and potential expansion to a 7-day a week service.

CARRIED

Cr. Tsitas returned to the meeting during discussion of the above item – 9.12pm

The Mayor, Cr Laurence returned to the meeting at the conclusion of the above item and resumed the Chair – 9.14pm.

11.2 DAREBIN FOOD GARDEN MAP**MINUTE NO. 29****COUNCIL RESOLUTION**

MOVED: Cr. T. McCarthy
SECONDED: Cr. B. Li

THAT officers liaise with Transition Darebin regarding their proposal to develop a map of possible community food gardens and other food production sites in Darebin, with a report to come back to Council in early 2013.

CARRIED**11.3 PROTECTION OF SIGNIFICANT TREES****MINUTE NO. 30****COUNCIL RESOLUTION**

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

THAT officers prepare a report for a Council meeting in early 2013 regarding a range of options and approximate costings to protect significant trees on public and private property in Darebin.

CARRIED**11.4 CITY-WIDE ACTION ON ILLEGAL TAGGING AND DUMPING****MINUTE NO. 31****COUNCIL RESOLUTION**

MOVED: Cr. T. McCarthy
SECONDED: Cr. B. Li

THAT officers prepare a report as soon as possible regarding a plan and costing to conduct a city-wide clean-up of illegal tagging and dumping on public and private property. The report should also identify strategies to continually combat this activity over the medium to long term.

CARRIED

11.5 INTERCULTURAL REMEMBRANCE PROJECT**MINUTE NO. 32****COUNCIL RESOLUTION**

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

THAT Council invite Sofia Kotanidis to present at a Councillors briefing regarding her 'Intercultural Remembrance Project'.

CARRIED**11.6 40KM/H SPEED LIMITS – BROADWAY SHOPPING STRIP****MINUTE NO. 33****COUNCIL RESOLUTION**

MOVED: Cr. G. Greco
SECONDED: Cr. J. Williams

THAT Council officers provide a report for Council on the feasibility of introducing 40km/h speed limits along the Broadway shopping strip area.

CARRIED**11.7 HIGH VOLTAGE POWER LINES – BRUNSWICK EAST AND THOMASTOWN****MINUTE NO. 34****COUNCIL RESOLUTION**

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

THAT:

- (1) Council note the community forum held on 13 November 2012 regarding the impact of the upgrade to high voltage power lines between Brunswick East and Thomastown.
- (2) Council officers prepare a report for Council on the outcomes of the community forum and the options available to Council to address community concerns regarding the proposed upgrade

CARRIED

11.8

SAD PASSING OF MOLLY HADFIELD**MINUTE NO. 35****COUNCIL RESOLUTION**

MOVED: Cr. G. Greco
SECONDED: Cr. S. Tsitas

THAT:

- (1) A letter of condolence be sent to the family of the late Molly Hadfield to acknowledge her valuable contribution as a long time social justice campaigner on public housing and pensioner rights issues in Darebin.
- (2) Council officers consider and report back to a Council Briefing in consultation with the Darebin Women's Advisory Committee and the Active Healthy Ageing Community Advisory Board on the best way for Council to commemorate the passing of Molly Hadfield.

CARRIED

11.9

GOVERNANCE AND ACCOUNTABILITY MEMORANDUM OF UNDERSTANDING**MINUTE NO. 36****COUNCIL RESOLUTION**

MOVED: Cr. G. Greco
SECONDED: Cr. B. Li

THAT the Council resolves to establish a working party of Councillors and Council Officers to consider the development of a Governance and Accountability Memorandum of Understanding to serve as a contract with the Darebin Community, guiding Council's progress, reporting and behaviour of Councillors and Council Officers in the making of decisions, delivery of services and the transaction of business in Darebin over the Council term.

CARRIED UNANIMOUSLY

11.10 MUNICIPAL ASSOCIATION OF VICTORIA PROXY REPRESENTATIVE**MINUTE NO. 37****COUNCIL RESOLUTION**

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

THAT Council appoint Councillor Bo Li as its proxy representative to the Municipal Association of Victoria for 2012/2013.

CARRIED**11.11 AUSTRALIAN MADE VEHICLES****MINUTE NO. 38****COUNCIL RESOLUTION**

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

THAT:

- (1) Council officers report back on the number of Australian made vehicles in the Council fleet including all types of trucks, vehicles assigned to employees and all other construction, transport and utility vehicles.
- (2) Council officers also report on the current progress on the use of Australian made vehicles.

CARRIED**11.12 RE-INTRODUCTION OF WARD MEETINGS****MINUTE NO. 39****COUNCIL RESOLUTION**

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

THAT Council officers provide a report to re-introduce ward meetings and a schedule of dates, times and venues to be incorporated into Council's calendar of events to include 6 ward meetings (or greater) per calendar year.

CARRIED UNANIMOUSLY

Cr. Tsitas temporarily left the meeting – 10.14pm

Cr. McCarthy disclosed a conflict of interest in the following item (11.13) classifying the type of interest as an indirect interest because of impact on residential amenity in that he resides in Robeson Street Preston and there is a reasonable likelihood that residential amenity will be altered if the matter is decided in a particular way. He left the meeting prior to consideration of the matter – 10.14pm.

11.13 TRAFFIC SURVEY – ROBESON STREET, PRESTON

MINUTE NO. 40

COUNCIL RESOLUTION

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

THAT Council officers provide an urgent briefing to Councillors on the findings of the recent traffic survey of Robeson Street Preston.

CARRIED

Cr. McCarthy returned to the meeting at the conclusion of the above item – 10.15pm.

The Manager Communications and Advocacy, Tiffany White, left the meeting at the conclusion of the above item – 10.15pm.

12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

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

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 contractual and personnel matters:

- 12.1 Proposed Sale of Council Land Rear 34 Rona Street and 31 Cameron Street, Reservoir
- 12.2 Electricity Tender – Contract 1606/0107
- 12.3 Chief Executive Position

CARRIED

The meeting was closed to members of the public at 10.16pm.

The Council considered and resolved on Report Items 12.1 (Proposed Sale of Council Land Rear 34 Rona Street and 31 Cameron Street, Reservoir), 12.2 (Electricity Tender – Contract 1606-0107) and 12.3 (Chief Executive Position) which had been circulated to Councillors on Thursday 22 November 2012 with the Council Agenda Paper.

Cr. Tsitas returned to the meeting during consideration of Report Item 12.1 (Proposed Sale of Council Land Rear 34 Rona Street and 31 Cameron Street, Reservoir) in camera – 10.17pm

RE-OPENING OF MEETING

MOVED: Cr. S. Tsitas

SECONDED: Cr. B. Li

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

CARRIED

The meeting was re-opened to members of the public at 10.48pm.

CONFIDENTIAL**12.1 PROPOSED SALE OF COUNCIL LAND REAR 34 RONA STREET AND 31 CAMERON STREET, RESERVOIR****MINUTE NO. 41****AUTHOR: Manager Assets and Properties****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

On 18 February 2002, Council resolved to discontinue and sell land from the Right-of-Way rear 7-33 Cameron Street and rear 6-42 Rona Street, Reservoir. Not all parcels of land were sold at that time.

In June 2012, Council received an expression of interest to purchase land from the discontinued Right-of-Way identified as Lot 18 on Title Plan TP023524X (the Land). Following a consultation process, both property owners adjoining the discontinued Right-of-Way expressed interest in purchasing the Land. No agreement could be reached regarding the division of the Land. Both property owners have responded to a request to make financial submissions for the purchase of the Land.

This report proposes sale of the land as recommended.

CONSULTATION:

- Owner of 34 Rona Street, Reservoir
- Owner of 31 Cameron Street, Reservoir
- Council's City Valuer

RECOMMENDATION

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

COUNCIL RESOLUTION

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

THAT the following Council Resolution:

That:

- (1) *Council directs the land from the former Right-of-Way identified as Lot 18 on title plan TP023524X be sold by private treaty to the abutting owner at 34 Rona Street, Reservoir for \$12,000.00 (inclusive of GST) plus the payment of fees and disbursements associated with the sale.*
- (2) *Council authorises the Acting Director Corporate and Business Services to finalise the sale of the land from the former Right-of-Way identified as Lot 18 on title plan TP023524X to the owners of 34 Rona Street, Reservoir in accordance with the financial submission.*
- (3) *Council signs and seals all documents relating to the sale of the land from the former Right-of-Way identified as Lot 18 on title plan TP023524X to the owners of 34 Rona Street; Reservoir.*
- (4) *Council advises the owner of 31 Cameron Street, Reservoir of the decision to sell the land from the former Right-of-Way identified as Lot 18 on title plan TP023524X to the owner of 34 Cameron Street, Reservoir.*

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

CARRIED

CONFIDENTIAL**12.2 ELECTRICITY TENDER – CONTRACT 1606/0107****MINUTE NO. 42****AUTHOR: Manager Environment and Natural Resources****REVIEWED BY: Acting Director City Design and Environment****SUMMARY:**

Council's 2 year Contract Extension for the Victorian Electricity and Associated Services Small Sites 1106/0607 concludes on 30 June 2013. In July 2012, Darebin City Council appointed Your PA Procurement Australia (PA) as agent to invite tenders for the supply of electricity for large and small sites. Essentially this contract covers all operational electricity use except for street lighting which is a separate contract.

This report proposes awarding of contracts as recommended.

CONSULTATION:

Acting Coordinator Procurement and Contracting
Acting Chief Executive
Your PA Procurement Australia (PA)

RECOMMENDATION

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

COUNCIL RESOLUTION

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

THAT the following Council Resolution:

That consideration of the matter be deferred to the next Council meeting and Officers report back to Council on Procurement Australia's commission structure, procurement process and costs

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

CARRIED

CONFIDENTIAL**12.3 CHIEF EXECUTIVE POSITION****MINUTE NO. 43****AUTHOR: Group Manager People and Performance****REVIEWED BY: Acting Chief Executive****SUMMARY**

Council has previously discussed and considered matters in relation to the Chief Executive at its meetings of 17 September 2012, 24 September 2012 and 21 November 2012.

In response to Council's direction given at its most recent meeting on 21 November 2012, a further report in relation to the matter is submitted to this meeting of Council.

CONSULTATION:

Acting Manager Corporate Governance

RECOMMENDATION

THAT the Council Resolution and the report remain confidential.

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

THAT the Council Resolution and the report remain confidential.

CARRIED

13 CLOSE OF MEETING

The meeting closed at 10.50pm.