



# **MINUTES OF THE COUNCIL MEETING**

**HELD ON**

**MONDAY, 4 JUNE 2012**

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RELEASED TO THE PUBLIC ON THURSDAY 7 JUNE 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 4 JUNE 2012**

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**THE MEETING OPENED AT 6.31PM**

**1. PRESENT**

***Councillors***

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

***Council Officers***

Rasiah Dev – Chief Executive  
Michael Ballock – Director City Works and Development  
Kerrie Jordan – Acting Director Corporate and Business Services  
Daniel Freer – Director City Design and Environment  
Fred Warner – Group Manager People and Performance  
Katrina Knox – Group Manager Community Services  
Jacinta Stevens – Acting Manager Governance  
Tim Brown – Governance Adviser  
Ron Downes – Council Business Coordinator  
Meredith Tucker-Evans – Communications Officer  
Katia Croce – Council Business Officer

**2. APOLOGIES**

Apologies were lodged for the absence of the Deputy Mayor, Cr. Asmar and Cr. Fontana.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr. Laurence disclosed a conflict of interest in Report No. 12.1 (Provision of Printing Services (CT201139)) – see Page 71.

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

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

**MOVED:** Cr. N. Katsis  
**SECONDED:** Cr. B. Morgan

**THAT** the Minutes of the Ordinary Meeting of Council held on 21 May 2012 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 264

### 5.1 REPORT OF CR. BEN MORGAN

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

- Planning Committee meeting.
- Darebin Childrens Day.
- Resident issues, particularly planning.

### 5.2 REPORT OF CR. NICK KATSIS

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

- Planning Committee meeting.
- On-site meetings with residents regarding planning and attending to other constituent concerns via phone and email.

### 5.3 REPORT OF CR. GAETANO GRECO

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

- Industry Forum for Skilled Migrants at the Darebin Intercultural Centre.
- Interview regarding Darebin Reaching Out Program.
- Interview with journalist student regarding the Darebin Racism Inquiry.
- Meeting called by the CEO involving all Councillors.
- Council Briefing Session.
- Meeting of Darebin Racism Inquiry Reference Group as Chair.
- Public Speaking Graduation Ceremony.
- Municipal Association of Victoria Board meeting.
- Darebin Intercultural Soccer Cup Tournament.
- Interview with Dr Ian McShane – Senior Research fellow RMIT University regarding Darebin Wifi Project.
- Attended to residents' issues as follows:
  1. Proposed development at 1091 Plenty Road Bundoora
  2. Keon Park Kindergarten regarding redevelopment proposal.
  3. Oakhill Family Services Centre regarding major works concerning the refurbishment project.
  4. Main Drive Macleod traffic and parking issues.

Cr. Greco also expressed sympathy for the loss of life and devastation caused by the recent massive earthquake in the province of Modena in northern Italy.

#### 5.4 REPORT OF CR. STANLEY CHIANG

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

- Meeting with staff to discuss proposed Mid-Autumn Festival.
- Council Briefing Session.
- Planning Committee meeting.
- Meeting called by the CEO involving all Councillors.
- Meeting with staff regarding Mobile Phone towers.
- Resident matters.

#### 5.5 REPORT OF CR. TIM LAURENCE

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

- Council Briefing Session.
- Guest of honour on 2 June 2012 at the North and North West regional Cricket Twenty20 Tournament.
- ALP Conference – raised issue of ALP current rules being in breach of Local Government Act.
- Visited residents in East Reservoir, Kingsbury and Bundoora on planning matters.
- Interviewed by a student regarding planning issues.
- Meeting called by the CEO involving all Councillors.
- Consulted with Wurundjeri Tribe Land Compensation Cultural Heritage Council.
- Consultation with Keon Park Kindergarten – community members and staff.

#### 5.6 REPORT OF CR. TRENT MCCARTHY

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

- Meeting called by the CEO involving all Councillors.
- Council Briefing Session.
- 'Whitelion Bail Out' - \$415,000 raised with twenty Darebin residents and businesses involved.
- Interview regarding planning issues.
- Anti-Racism Strategy meeting.
- Green Streets Strategy meeting.
- Green Business Attraction Strategy meeting.
- Same Sex Attracted and Gender Diverse Advisory Committee meeting.
- Assistance to Loophole Community Centre.

- Recognised 20<sup>th</sup> Anniversary of MABO decision.
- Meetings with residents and traders regarding Edwardes Lake, St Georges Road, Bundoora Park, planning, cycling, hard waste collection, rates, TAFE cuts at NMIT.

### **5.7 REPORT OF THE MAYOR, CR. STEVEN TSITAS**

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

- Greek 'Florina' Society Community Group nights.
- Council Meeting.
- Council Briefing Session.
- Strategic Projects Steering Committee – 4 June 2012.
- Public Speaking Graduation 31 May 2012.
- Welcomed Delegates to Environment and Diversity Conference – 1 June 2012.
- Audit Committee Meeting – 4 June 2012.

The Mayor, Cr. Tsitas, was also pleased to announce a \$3 million Federal Government grant towards the Reservoir Library Redevelopment and \$1.5 million State Government grant towards the Keon Park Community Hub Redevelopment.



## 6. PUBLIC QUESTION TIME

### MINUTE NO. 265

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

The following questions were submitted:

- Jane Morton of Northcote asked a question about Council membership with Northern Alliance for Greenhouse Action. The question was responded to by the Mayor, Cr. Tsitas.
- Henry William (Harry) Nash of Northcote asked a question about signage involving Ray Braham Reserve. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Stella Jennings of Reservoir asked a question about the Keon Park Kindergarten Community Hub. The question was responded to by the Mayor, Cr. Tsitas.
- Marcia Lewis of Northcote asked a question about Council membership with Northern Alliance for Greenhouse Action. The question was responded to by the Mayor, Cr. Tsitas.
- Emma Arnel of Coburg asked a question on behalf of the Loophole Community Centre. The question was responded to by Cr. McCarthy.
- Geoffrey Richards of Preston asked a question about the recently completed development at 1 Ascot Street Preston. The question was responded to by the Director City Works and Development, Michael Ballock and Director City Design and Environment, Daniel Freer.
- Robert Day of Alphington asked a question about Council membership of the Victorian Local Governance Association and Northern Alliance for Greenhouse Action. The question was responded to by the Mayor, Cr. Tsitas.
- Niki Sheldon of Reservoir asked a question about hard rubbish collection. The question was responded to by the Director City Works and Development, Michael Ballock.
- Geoffrey Richards of Preston asked a question about the multi-storey development at 421-433 High Street and 1 Bent Street Northcote. The question was responded to by the Mayor, Cr. Tsitas.

After Public Question Time had concluded, one further question was submitted in writing.

## 7. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 7.1 ASSEMBLIES OF COUNCILLORS HELD

#### MINUTE NO. 266

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 Environmental Reference Group meeting – 16 May 2012
- Council Briefing Session – 28 May 2012

#### COUNCIL RESOLUTION

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

**THAT** the record of the Assembly of Councillors held on 16 and 28 May 2012 be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Environmental Reference Group (DERG)
	<b>Date:</b>	Wednesday 16 May 2012
	<b>Location:</b>	Conference Room Preston
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Gaetano Greco
	<b>Council Staff:</b>	Libby Hynes, Michelle Bennett, Kerrie Jordan (for budget presentation)
	<b>Other:</b>	DERG members
<b>APOLOGIES:</b>		Cr Trent McCarthy

The Assembly commenced at 7.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Presentation of Draft Budget	No disclosures were made
2	Updates and Other DERG Business as per agenda	No disclosures were made

The Assembly concluded at 9.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Libby Hynes
	<b>Officer Title:</b>	Manager, Environment and Natural Resources



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Council Briefing Session
	<b>Date:</b>	Monday 28 May 2012
	<b>Location:</b>	Conference Room – Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Steven Tsitas (Mayor) (left at 9.48pm returned 9.52pm), Cr Vince Fontana (left at 9.19pm returned 9.22pm), Cr Tim Laurence (left at 9.15pm returned at 9.17pm, left at 10.20pm and did not return) , Cr Gaetano Greco, Cr Trent McCarthy, Cr Diana Asmar (left at 8.31pm returned 8.53pm, left at 9.24pm returned at 9.29pm), Cr Stanley Chiang (left at 9.25pm and did not return)
	<b>Council Staff:</b>	Rasiah Dev, Michael Ballock, Daniel Freer, Kerrie Jordan, Fred Warner, Jacinta Stevens, Katrina Knox, Dalal Smiley (left at 9.35 pm), Mandy Bathgate (left at 9.35pm)
	<b>Other:</b>	Representatives from Women's Health in the North Sandra Morris (left at 8:55pm), Helen Riseborough (left at 8:55pm)
<b>APOLOGIES:</b>		Cr Ben Morgan, Cr Nick Katsis

The Assembly commenced at 8:30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Women's Equity Action plan Preventing Violence against Women.	No disclosures were made
2	Darebin community register	No disclosures were made
3	Community Engagement Framework	No disclosures were made
4	Plenty Road Integrated land use transport study update and consultation	No disclosures were made
5	Special charge scheme – construction of right of way between Nugent and Phelan Streets, Preston	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
6	Confidential – Darebin Print Tender	Cr Tim Laurence disclosed a conflict of interest in this item and left the meeting prior to consideration of the matter - 10.20pm  No other disclosures were made
7	Discussion of Items listed as Briefing Papers: <ul style="list-style-type: none"> <li>• 2011/2012 Capital Works Program</li> <li>• 92 Dennis Street, Northcote – Lease Arrangements</li> <li>• Roadworks – Cornwall Street, Northcote</li> <li>• Committee Appointments – Darebin Bicycle Advisory Committee</li> <li>• Declaration of Reservoir Village Business District Special Rate</li> <li>• Darebin Community Survey – 1<sup>st</sup> Quarter</li> </ul>	No disclosures were made

The Assembly concluded at 10:25pm.

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Kerrie Jordan
	<b>Officer Title:</b>	Acting Director Corporate & Business Services

## 8. CONSIDERATION OF REPORTS

### 8.1 PROPOSED 'CODE ASSESS' CHANGES TO THE PLANNING SYSTEM

MINUTE NO. 267

**AUTHOR:** Manager City Development

**REVIEWED BY:** Director City Works and Development

#### SUMMARY:

This report updates the Council on the status of the 'Code Assess' reforms that are being contemplated by the State Government. All that has been released for public comment in the last 12 months is a copy of the *Victorian Planning System Ministerial Advisory Committee (MAC) Initial Report* and the State Government's response on this paper.

At this stage the information is limited in detail although it is known that the proposed changes will be focused on more minor procedural applications and does not appear to be intended for applications such as multi unit development in residential areas. The general position that is being promoted through the 'Code Assess' process is consistent with the submission that the City of Darebin made to the MAC that was adopted by Council at its meeting on 19 September 2011.

#### RECOMMENDATION

**THAT** Council note this report regarding proposed 'Code Assess' changes to the Planning system.

#### COUNCIL RESOLUTION

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. T. McCarthy

**THAT** Council:

- (1) Note this report regarding proposed 'Code Assess' changes to the Planning system.
- (2) Affirms a policy preference for the preservation of third party objection rights in planning.
- (3) Engage with the Municipal Association of Victoria and Victorian Local Governance Association in relation to any sector-wide campaigns to preserve the planning rights of objectors.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

Council at its meeting on 21 May 2012 resolved the following:

*That officers report back to the next Council meeting regarding the impacts on resident rights and Council planning process due to the State Government's changes in relation to 'Code Assess' planning reforms.*

Both current and previous State Governments have promoted the introduction of a 'Code Assess' process as a reform measure for the Victorian Planning System. It is a form of planning assessment that has been implemented in other states along with the Self Assess, Merit Assess and Impact Assess methods. These methods are defined in following sections.

Together these assessment methods form a system for processing planning applications so that relatively minor procedural matters can be dealt with expediently and efficiently via Self Assess or Code Assess whilst more complex matters are dealt with via a Merits Assess or Impact Assess method.

The development approvals process that streams different classes of statutory consents and then aligns these different classes with a defined scope of public notification. The statutory timeframe within which a Responsible Authority is required to make a decision is also tailored to reflect the different paths a particular application will take.

The two planning assessment streams are best described as follows:

**Code Assess** – This process will apply to straightforward, low risk, low impact applications that can be quickly assessed against prescriptive (or quantifiable) measures, specified performance standards or assessment criteria set out in a planning scheme. No public notification would be applicable.

**Merit Assess** – This is the current planning permit process which is based on a range of performance based measures. A merits assessment will apply to more complex and larger scale matters. Public notification would be required for specified application types.

To implement such a planning process system with different streams of assessment will require changes to the Victorian Planning and Environment Act 1987 to provide the legal framework for it to be established.

The purpose for implementing such a system is to streamline and improve the function and performance of the overall system so that resources can be expended appropriately, and minor matters do not tie up the system unnecessarily.

The structure and content of planning schemes needs to be formulated in a way that facilitates these various assessment methods. Victoria's planning system is predominantly a 'performance' based system with flexibility to apply policies as relevant to the particular conditions or context of a site.

Council, via the Darebin Planning Scheme Review project, is already investigating opportunities for streamlining the processing of minor applications, most of which are already subject of exemptions from providing notice and review requirements. Thus, they are applications that already do not get advertised to surrounding residents.

The MAC has been required to review the current Victorian planning system and make recommendations on how it can be improved. The review does not extend to an examination of the content of planning policy. Rather, it is about the operation and effectiveness of the machinery of the planning system.

The Initial Report explains what has been said and what the MAC has drawn out of submissions. Recommendations are provided on key issues. A Final Report will be delivered by the MAC to the Minister for Planning at a date yet to be disclosed.

The MAC's key recommendations relating to the 'Code Assess' process are:

- The Committee considers that the current balance in the system favours flexibility and performance based controls too heavily, to the detriment of certainty. This should be reviewed.
- A system of planning permit application streams be developed for different land use and/or development categories. These streams should align with revised notice provisions, referral authority procedures and adjusted timelines for decision making.
- A 'Code Assess' process be developed and piloted in selected municipalities for a variety of buildings and/or works and/or nominated subdivision proposals.
- An audit of existing permit triggers in the planning scheme be undertaken to identify where permit triggers could be reduced.

The MAC also identified the following matters in relation to the giving of notice of permit applications and involvement of 'third' party participants (eg. submitters, objectors, etc) in the planning system:

- Third party involvement in the planning process is an important component of Victoria's planning system.
- Third party rights are not unlimited and should be:  
Proportional to the scale and nature of the permission being sought; and  
Relevant to the exercise of discretion prescribed in the planning scheme.
- The potential to stream permit applications into different classes, namely Code Assess and Merit Assess processing paths, provides a basis to align notification requirements with each processing path.
- Notice requirements for different classes of land use and/or development should be prescribed by:  
Enabling the planning scheme to set out notice requirements for different classes of applications; and  
Legislative change to section 52 of the Planning & Environment Act (the Act) and to the Regulations.
- The current provisions of the Act which potentially expose councils to liability (such as section 94) for decisions relating to notice, or failing to give notice, should be reviewed as a consequence of any change to Section 52 of the Act. (refer page 140, chapter 10.1.2 – *Victorian Planning System Ministerial Advisory Committee (MAC) Initial Report*).



## ISSUES AND DISCUSSION

There is widespread support for retention of third party rights and community involvement in the planning process. The State Government agreed with the MAC recommendation to retain such rights and prescribe notification requirements for different classes of land use and/or development. Application types or classes are not defined as yet, and arising from the MAC Initial Report is the need to define these in any changes to the planning system.

Whilst the planning scheme already includes a range of exemptions from notice and review requirements, the MAC recommendation is likely to require further consideration of how third party rights will apply to different classes of applications, once these are clearly defined. Figure 1 below, extracted from the MAC Initial Report, offers a suggested approach to a new assessment process for Victorian Planning which seeks to streamline decision making and improve the processing of planning applications. It forms the basis for further discussions and investigations undertaken by the MAC.

Figure 1 illustrates a two stream process: Code Assess or Merit Assess. This is then further broken down into five classes of assessment. In this approach the Code Assess process would apply to buildings and works only (not land use) and would be typically able to respond to quantifiable requirements where compliance can be measured.

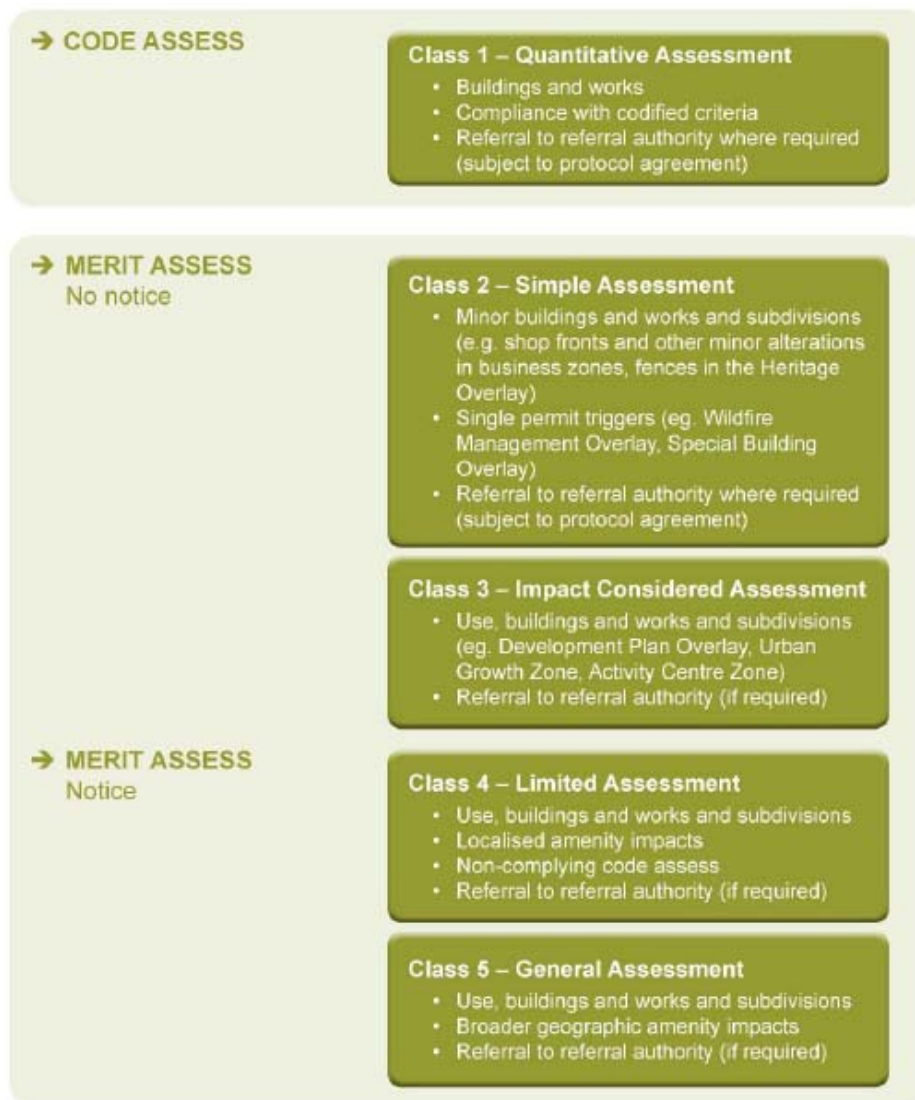
In contrast, the Merit Assess stream has four classes of assessment and would include land use, development and subdivisions in their scope. Class 4 and 5 Merit Assessments, which will be subject to public notification, are likely to include the more complex applications, where there is a consideration given to amenity impacts.

Classes 2 and 3, where no public notification is given, includes applications which have technical requirements such as Wildfire Management that imposes buffers and fire resistant building measures or the Special Building Overlay where buildings need to be built above Melbourne Water flood levels. Class 3 assessments might also include applications in zones where public notification exemptions can be exercised such as the Activity Centre Zone or Development Plan Overlay.

Whilst this flow chart provides some detail about the potential for a Code Assess process, it does not contain enough information or instructions to ascertain the full impact to both Darebin residents' rights or Council's planning permit processes.

The recommendations of the MAC to undertake a pilot program will be an important step in the State government's investigation of a new planning application assessment process. There has been no advice on which Council's will participate in the pilot program, nor is the timing of it known.

Figure 1 – Suggested Planning Permit Assessment Process



(source: Victorian Planning System Ministerial Advisory Committee Initial Report, p 134)

**POLICY IMPLICATIONS**

**Environmental Sustainability**

Nil

**Social Inclusion and Diversity**

Nil

**Other**

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

Nil

## CONCLUSION

The Victorian Planning System Ministerial Advisory Committee makes recommendations for improvements to the planning system that includes reviewing the method for processing planning permit applications to reduce the congestion in the system. The recommendations include investigating a Code Assess system and reviewing the way third party notice and review rights are exercised.

There is a high value placed on the involvement of third parties in the planning permit process and this is recognised by the MAC and State Government in their reports.

There is further work for the MAC to undertake to resolve the specifics of how the system might change. Until that time it is unknown exactly what the impacts on Darebin residents' rights and Council's planning permit assessment process will occur due to the anticipated planning reforms.

## FUTURE ACTIONS

Investigate the impacts of planning reforms upon release of further documents and policies by the State Government

## 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

Victorian Planning System Ministerial Advisory Committee Initial Report (December 2011)

State Government Response to the Key Findings of the Initial Report (May 2012)

Darebin Planning Scheme

Planning and Environment Act (1987).

Modernising Victoria's Planning Act Planning and Environment Amendment (General) Bill 2009: Commentary on the Draft Bill (December 2009)

Council Minutes – 21 May 2012

**8.2 APPOINTMENT OF MEMBERS – DAREBIN BICYCLE ADVISORY COMMITTEE****MINUTE NO. 268****AUTHOR: Manager Major Projects, Engineering and Transportation****REVIEWED BY: Director City Works and Development****SUMMARY:**

Council resolved on 16 April 2012 to endorse:

*The establishment of a Darebin Bicycle Advisory Committee (DBAC) to inform and provide ongoing community input to Council into the provision of cycling infrastructure facilities and education programs, and the delivery of the Darebin Cycling Strategy.*

This report recommends Council makes the initial appointments to DBAC of committee members.

**CONSULTATION:**

Corporate Governance

**RECOMMENDATION**

**THAT** Council:

1. Appoint the following persons to be members of the Darebin Bicycle Advisory Committee (DBAC) for the remainder of the 2011/2012 Council year:
  - Cr \_\_\_\_\_ (Chairperson)
  - Cr \_\_\_\_\_
  - Team Leader, Transport Strategy – Council Officer
  - Transport Planner/Sustainable Transport Officer – Council Officer
  - Alistair Huth - Darebin resident
  - Andrew Roberts – Victoria Police, North West Metro Division
  - Damien Hoban - Darebin resident
  - Edward Hore – Darebin resident, Preston Cycling Club representative
  - Kerrie Ludekens – Darebin resident
  - Meg Montague – Darebin resident, was on Cycle Strategy Working Group

- Norbert Schaber – Darebin resident and owns Plenty Cycles bicycle shop
  - Rebecca Nissen - Darebin resident
  - Robin Gallagher – Darebin resident and Darebin Bicycle User Group
  - Sally Moxham - Darebin resident and Manager of the City of Port Phillip Sustainability Department.
2. Write to all applicants who have not been successful thanking them for expressing interest in joining the DBAC.
  3. Note that the applications of those who have not been successful at this point will be reviewed by DBAC with a view to involvement in the committee at a later date.

### COUNCIL RESOLUTION

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. B. Morgan

**THAT** Council:

1. Appoint the following persons to be members of the Darebin Bicycle Advisory Committee (DBAC) for the remainder of the 2011/2012 Council year:
  - Cr Trent McCarthy (Chairperson)
  - Cr Tim Laurence
  - Team Leader, Transport Strategy – Council Officer
  - Transport Planner/Sustainable Transport Officer – Council Officer
  - Alistair Huth - Darebin resident
  - Andrew Roberts – Victoria Police, North West Metro Division
  - Damien Hoban - Darebin resident
  - Edward Hore – Darebin resident, Preston Cycling Club representative
  - Kerrie Ludekens – Darebin resident
  - Meg Montague – Darebin resident, was on Cycle Strategy Working Group
  - Norbert Schaber – Darebin resident and owns Plenty Cycles bicycle shop
  - Rebecca Nissen - Darebin resident
  - Robin Gallagher – Darebin resident and Darebin Bicycle User Group
  - Sally Moxham - Darebin resident and Manager of the City of Port Phillip Sustainability Department.
2. Write to all applicants who have not been successful thanking them for expressing interest in joining the DBAC.

3. Note that the applications of those who have not been successful at this point will be reviewed by DBAC with a view to involvement in the committee at a later date.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

From time to time, Council is required to consider the appointment of Councillors, Council officers and members of the community to various representative groups, organisations and Council committees.

This report recommends Council make appointments to the Darebin Bicycle Advisory Committee.

### ISSUES AND DISCUSSION

Council established the Darebin Bicycle Advisory Committee (DBAC) on 16 April 2012. The committee has a responsibility to inform and provide ongoing community input to Council into the provision of cycling infrastructure facilities and education programs, and the delivery of the Darebin Cycling Strategy.

DBAC membership is as outlined in the Terms of Reference which were adopted at the 16 April 2012 Council meeting. The committee includes two Councillors, one of whom will chair the committee, two Council Officers and ten community members.

#### **DBAC applications process**

Community members have been selected based on an expression of interest process. The initial appointment of DBAC will be resolved by Council, with subsequent applications being reviewed by the Committee. Newly accepted community members will be invited to the next DBAC meeting.

The number of active community members on the committee is to stay between 8 and 15. Due to the high level of interest in participating in the committee a commitment from members to attend at least four meetings each year will be sought; where this cannot be given new members may be sought.

Expressions of Interest for DBAC were sought through advertisements in the Leader newspaper on 30 April 2012, followed by the Melbourne Times Weekly on 9 May 2012, dissemination of information through Council Officers from relevant departments to a wide range of local contacts including bicycle and sporting groups, Council advisory groups and community organisations.

The selection process aimed to provide a diversity of knowledge, focus and background, and considered the apparent capacity of individuals to be involved in a mutually rewarding collaborative process. Where possible, members bringing a range of attributes to the committee were selected. Specific memberships were sought in the following categories:

- Victoria Police;
- Darebin Bicycle User Group (DBUG);
- Preston Cycling Club (PCC);

- A bicycle retailer; and
- Previous member of the Cycling Strategy Working Group (CSWG).

A balance of genders, memberships from the north and the south of the municipality and range of perspectives on cycling for sport, recreation, health, transport, environmental reasons, commuting and with families were also deemed important.

### **Application response**

There has been a strong community response of 23 excellent submissions. Ten community members have been selected for the new committee. These include representatives from the North West Metro Division of Victoria Police, DBUG, PCC, Plenty Cycles bicycle shop, two members who participated in the CSWG, four women and one member from the north of the municipality. Between them, the ten members offer a range of perspectives on cycling in Darebin.

This report recommends that two Councillors be selected to attend the committee, including one as Chair.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Nil

### **Social Inclusion and Diversity**

The recommended DBAC community members were selected with a view to representing Darebin's community and geographical diversity.

### **Other**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

## **CONCLUSION**

This report recommends the appointment of committee members to the Darebin Bicycle Advisory Committee.

## **FUTURE ACTIONS**

- 5 June 2012 – write to all those who expressed an interest to be on the DBAC informing them of whether they were successful or not
- Mid June 2012 - DBAC first meeting
- Subsequent DBAC meetings bi-monthly from June 2012 onwards

**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 Briefing 28 May 2012 Appointment of Members Darebin Bicycle Advisory Committee
- Darebin Bicycle Advisory Committee Terms of Reference
- Darebin Bicycle Advisory Committee Application Form
- Council Briefing 24 October 2011, Cycle Strategy Review
- Council Briefing 10 April 2012, Darebin Bicycle Advisory Committee
- Council Report 16 April 2012, Darebin Bicycle Advisory Committee



**8.3 DAREBIN ADVOCACY FRAMEWORK AND POLICY****MINUTE NO. 269****AUTHOR: Manager Communications and Advocacy****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report outlines the City of Darebin's Advocacy Framework and Policy.

**CONSULTATION:**

Chief Executive

Director Corporate and Business Services

Executive Management Team

Councillors

Director Advocacy, Wyndham City Council

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

**THAT** Council receive and note the Darebin Advocacy Framework and Policy outlined in this report and endorse its implementation.

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

Darebin City Council has a long history of engagement with government and parliamentary stakeholders through its annual Local Member Briefings and through the Northern Metropolitan Mayors and Chief Executive Officers Forum. Councillors have raised and discussed the need for increased strategic advocacy activity in a range of forums, including at annual Councillor workshops and at Councillor briefing sessions.

The Darebin Advocacy Framework and Policy responds to Council's desire to strengthen and formalise its advocacy efforts on behalf of Darebin residents.

## ISSUES AND DISCUSSION

As an organisation, Darebin City Council is committed to developing a planned, consistent approach for advocating to the State and Federal governments on issues and projects of importance to Darebin.

The aim of such an approach is to ensure that Council maximises strategic opportunities to gain support. Council will achieve this by prioritising projects, carefully planning and tracking government approaches, and recording and reporting on results. Advocacy work often involves a slow build over months and years - making it important that advocacy activity is well documented for continuity.

Since 1999, Darebin City has hosted an annual Local Member Briefing to inform local members of the key projects where government support is required. These successful briefings are just one way Council can advocate to government and will form part of a suite of activities covered by Darebin's Advocacy Framework and Policy.

A draft Advocacy Framework and Policy was developed and presented to Councillors at their March 2012 planning workshop. The policy component is outlined below:

### City of Darebin Advocacy Framework and Policy

#### 1. Introduction

##### 1.1 The need for advocacy at Darebin City Council

Like all other local authorities, Darebin Council relies on support, collaboration and resource from a range of external sources.

Advocacy at Darebin City is action that aims to influence those stakeholders with the government, political or economic power to implement public projects and policies that benefit our community and support the achievement of Council's strategies and plans. This includes working to influence government at the Federal and State level, influencing adjacent local governments where relevant, and also working with business stakeholders and key non-government and not-for-profit organisations.

Successful advocacy means that the issues Darebin City needs to address are 'on the radar' for government, and that proposed solutions from Council and the community garner government policy support and funding.

Successful advocacy also means that Darebin City's reputation with key stakeholders will be enhanced over time through telling a coherent, cohesive story about Council's plans, actions and achievements.

The City of Darebin Advocacy Framework responds to, and supports, the Council Plan 2009-2013. It is one of a suite of tools that enables Council to implement its strategic plan and deliver its promise to the community – by outlining how to influence those with the power to 'make or break' key projects and initiatives.

##### 1.2 Principles and actions for successful advocacy

Advocacy is a response to issues requiring attention. Council has a diverse range of issues to identify and address. This makes it critical that advocacy action is planned and coordinated within a strategic framework so that synergies can be harnessed and overlaps can be avoided.

Advocacy activity should be centrally managed and coordinated at the most senior level of the organisation, delivering on the direction set by Council. Council officers will be involved in the implementation of advocacy actions, but all action should roll out of a cohesive, central strategy.

It is also vitally important to partner with the Darebin community in advocacy planning and action. Our community should have a role in workshopping issues and developing solutions – the combination of community knowledge and a collective community voice can bring significant energy and momentum to advocacy campaigns. In many instances the community will identify an issue in the first place.

There are a number of ways Council can engage with residents on issues of importance, including via Advisory Committees, online forums, social media, public meetings and through Councillor contact.

The keys to successfully advocacy include:

- Ensuring a planned, coordinated, ‘whole-of-organisation’ approach linked to Council’s key plans and strategies
- Presenting problems and their proposed solutions with evidence and research to back them up
- Engaging with relevant stakeholders and partners
- Involving the community in identifying problems and formulating plans
- Harnessing the power in numbers – widening the context for bigger issues and looking beyond Darebin’s borders for alliances and solutions.

For each advocacy campaign rolled out of the overarching framework, the same steps will be followed. They are:

**1. Identification and Research phase**

- Identify the problem or issue
- Research the data, issues and context around the problem, including community feedback.

**2. Planning phase**

- Plan a set of strategic and targeted activities.

**3. Engagement and Implementation phase**

- Communicate/raise awareness about the problem or issue with relevant stakeholders and community, using a wide range of channels including digital, social and online media
- Engage and involve community partners and stakeholders in planned activities
- Roll out actions outlined in plan
- Monitor deliverables against timeline.

**4. Evaluation phase**

- Evaluate the results
- Report back.

Advocacy activities may include the following:

- Direct lobbying
- Council resolutions
- Mayor and Councillor meetings with key stakeholders
- Making submissions that count
- Showcasing key projects to key influencers
- Communication campaigns
- Leading deputations
- Forming alliances on big issues.

## 2. The context for advocacy at Darebin City

### 2.1 Council plans and strategies

The Council Plan 2009-2013 is the overall guiding document that sets the direction for the City of Darebin, coupled with the Strategic Resource Plan 2012-2016 which guides budget and rating strategy. A number of targeted strategies support the implementation of the Council Plan and help to identify where advocacy is required. They include:

- Active & Healthy Ageing Strategy (2011-2021)
- Community Climate Change Action Plan (2010-2014)
- Community Health & Wellbeing Plan (2009-2013)
- Disability Access & Inclusion Plan (2009-2013)
- Darebin Early Years Strategy (2011-2021)
- Darebin Open Space Strategy (2008-2017)
- Darebin Playspace Strategy (2010-2020)
- Darebin Housing Strategy (2010-2013)
- Darebin Food Security Policy (2010-2014)
- Darebin Transport Strategy (2007–2027)
- Darebin Safe Travel Strategy (2010-2015)
- Darebin Cycling Strategy (2005 – under review)
- Darebin Electronic Gaming Machine Policy and Strategic Action Plan (2010-2014)
- Equity and Inclusion Policy (2012-2015)
- Graffiti Management Strategy (2008-2012)
- Leisure Strategy (2010-2020)
- Multicultural Action Plan (to be developed 2012)
- Preventing Violence Against Women Strategic Action Plan (2011- 2012)
- Sustainable Water Strategy (2007-2012)
- Waste Management Strategy (2007-2014)
- White Ribbon Action Team Strategic Plan (2011-2012)
- Youth Services Strategy (2012-2022)
- Reservoir Junction Urban Renewal Project
- Structure Plans

## 2.2. State Government

The State Government is responsible for a number of major policy and funding settings that have a local impact on Darebin's growth and ability to provide services. They include:

- Council revenue and rate raising capacity under the Local Government Act
- Urban development and metropolitan planning strategies
- Funding new infrastructure and roads
- Approving changes to the Planning Scheme
- Funding and planning public transport routes and services
- Building major new transport projects
- Providing funding for early childhood learning and children's services
- Developing and supporting youth policies
- Building new schools and upgrading existing schools
- Expanding health services as part of the national Health Reform process
- Managing the police and courts
- Funding sporting, recreational and other community facilities
- Funding and planning social housing
- Emergency management policies and funding.

## 2.3 Federal Government

Key Federal Government plans of interest to Darebin include:

- National Broadband Network
- Aged care funding and policy, HACC and residential care services
- Sustainable Population Policy
- Immigration policies
- Diversity and Social Cohesion Program
- Infrastructure Australia and major funding policies
- Regional Development Australia initiatives
- Environment policies
- Skills and training initiatives
- Carbon tax
- National Health reforms.

## 2.4 Funding context – available grants

In addition to advocacy activity, Council is active in applying for available grants. Grants are monitored and pursued by Council officers and a register is maintained.

**POLICY IMPLICATIONS****Environmental Sustainability**

Successful advocacy activity in regard to environmental projects and issues will result in positive outcomes for environmental sustainability in Darebin, such as policy change and funding where applicable.

**Social Inclusion and Diversity**

Successful advocacy activity in regard to social inclusion and diversity will result in positive outcomes for Darebin residents, such as funding to support projects that support our diverse community and promote social inclusion.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Successful advocacy activity has the potential to provide significant new funding streams for Council and gain financial support from government.

**CONCLUSION**

Darebin, like other local authorities, needs to make use of strategic advocacy to gain funding for major projects and initiatives, and to influence government policy that impacts on Darebin residents.

It is recommended that Councillors receive and note the Darebin Advocacy Framework and Policy and endorse its implementation.

**FUTURE ACTIONS**

Develop a suitable administration model for managing and recording all advocacy activity across the organisation.

Report to Council at regular intervals on advocacy activity and outcomes.

**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**

- Councillor Briefing Paper – Darebin Advocacy Framework and Policy, May 14 2012

**8.4 DECLARATION OF SPECIAL CHARGE SCHEME –  
CONSTRUCTION OF RIGHT OF WAY BETWEEN NUGENT  
AND PHELAN STREETS PRESTON**

**MINUTE NO. 269**

**AUTHOR: Manager Assets and Properties**

**REVIEWED BY: Acting Director Corporate and Business Services**

**SUMMARY:**

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston.

Submissions on the proposal have been sought and three formal objections were received. Two of the objections have come from aged pensioners and relate to financial hardship. It is proposed to offer property owners in financial hardship an option to defer the special charge.

It is proposed that the works would be undertaken as part of the draft 2012/2013 capital works program. The total cost of the works is calculated at \$55,794.00 of which Council would contribute \$16,410.00 (30%) and property owners would contribute \$39,384.00 (70%).

**CONSULTATION:**

- Property owners at Nos 1-11 Nugent Street and Nos 2-12 Phelan Street
- Relevant Council staff

**RECOMMENDATION**

**THAT** Council, having considered all submissions received under section 223 of the Local Government Act 1989 (the Act), resolves:

- (1) That pursuant to section 163(1) of the Act, Council declares a Special Charge (Special Charge) for the purposes of defraying expenses relating to the provision of road construction and associated works in the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston (Scheme). The scheme involves the construction of road pavement and drainage, which Council is empowered to do under section 1 of Schedule 10 of the Act.
- (2) That the Special Charge be based on geographic criteria, having regard to those properties which have direct abuttal to the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston.
- (3) That the area identified in the map at Figure 1 be the area for which the Special Charge is being declared.
- (4) That the total cost of performance of the function or exercise of the power by Council (in connection with activities that are associated with the provision of proper, safe and suitable roads in the area for which the Special Charge is to be declared) as \$55,794.00 (excluding GST).



- (5) That the total amount of the Special Charge to be levied by Council is \$39,384.00 (excluding GST).
- (6) That Council's contribution to the scheme for the purposes of community benefit to be derived from the works is \$16,410.00 (excluding GST).
- (7) That the following rateable land is specified as the land in relation to which the Special Charge is being declared: 1 Nugent Street, Preston; 3 Nugent Street, Preston; 5 Nugent Street, Preston; 7 Nugent Street, Preston; 9 Nugent Street, Preston; 11 Nugent Street, Preston; 2 Phelan Street, Preston; 4 Phelan Street, Preston; 6 Phelan Street, Preston; 8 Phelan Street, Preston; 10 Phelan Street, Preston; 12 Phelan Street, Preston.
- (8) That a Notice of Levy (Notice) be sent to each person liable to pay the Special Charge, which will require the Special Charge to be paid in the following manner:
  - a. By a single payment of the full amount to be levied by the date fixed by Council in the Notice, which be will a date not less than 30 days after the completion of works; or
  - b. By twenty quarterly instalments, to be paid by the dates which are fixed by Council in the Notice
- (9) That there will be a special benefit to the persons required to pay the Special Charge because, in the opinion of Council, there will be a benefit over and above or greater than the benefit that is available to persons who are not subject to the Special Charge, in that the properties will have the benefit of an abuttal to a constructed and fully serviced road, including improved access and amenity.
- (10) That for the purposes of having determined the total amount of the Special Charge to be levied, Council:
  - a. Considers and formally records that only those rateable properties included in the Scheme as included in this declaration will derive a special benefit from the imposition of the Special Charge and that any wider relevant special benefits are included in the community benefits to be paid by Council; and
  - b. Formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated portion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power in relation to this declaration relate (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is in a ratio of 12:17 or 70.5882353% (on the basis that only those residential properties which abut the right-of-way will receive a special benefit).
- (11) That all owners and occupiers of properties included in the scheme be notified in writing of the decision of Council to declare and levy the Special Charge and the reasons for the decision – being that the owners abutting the road will enjoy an abuttal to a fully constructed and serviced secondary access to their property, removal of their responsibility to maintain the unmade right-of-way and the introduction of improved drainage.
- (12) That the Director Corporate and Business Services give consideration to any application for deferral of the special charge on the grounds of financial hardship by any property owner who is liable to pay the special charge.

**COUNCIL RESOLUTION**

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

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

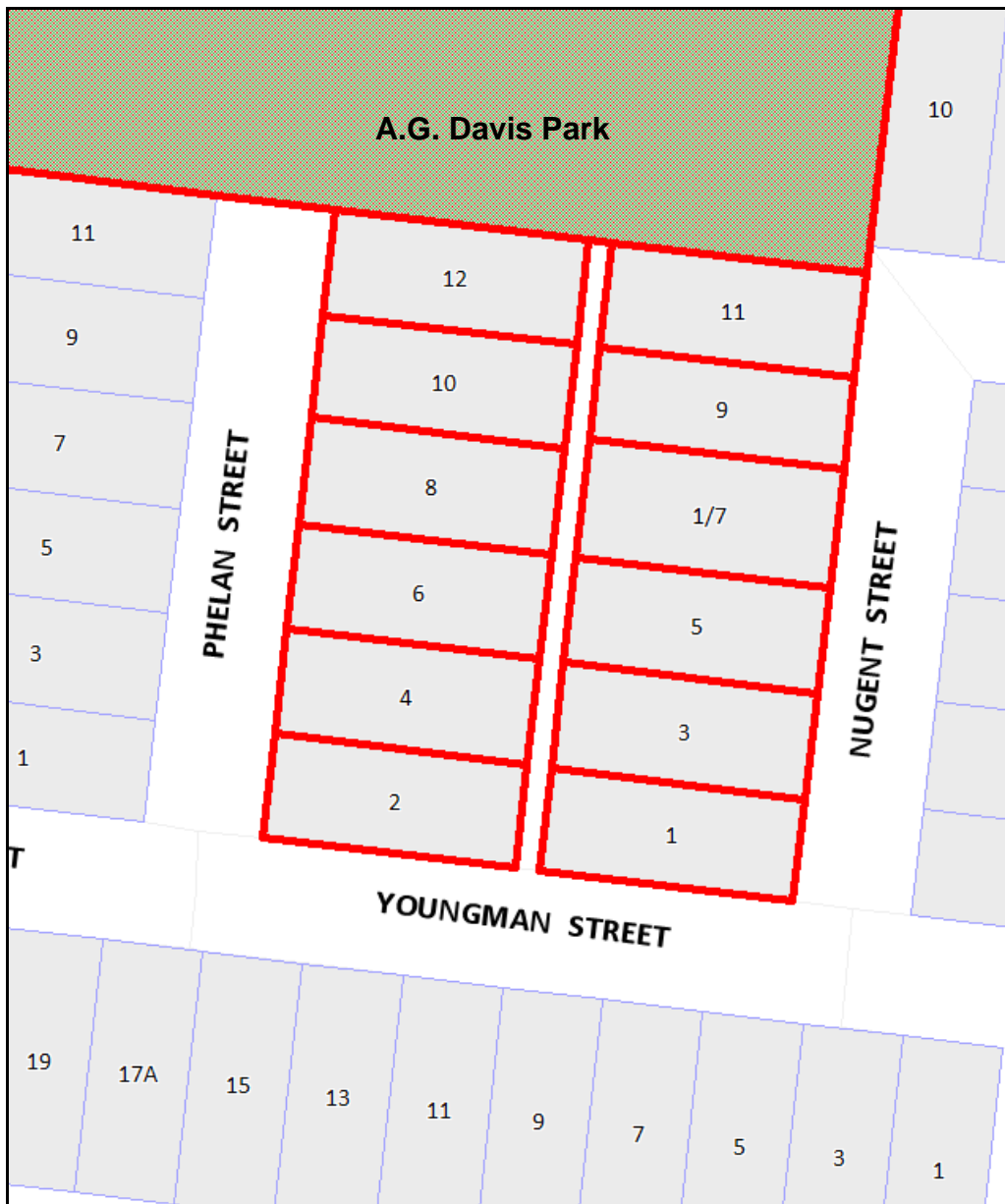
**CARRIED**

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

In October 2011, a resident of Nugent Street, Preston contacted Council with a request to construct the unmade right-of-way at the rear of his property in order to facilitate vehicle access to a rear garage.

The right-of-way runs along a north-south alignment between Nos 1-11 Nugent Street and Nos 2-12 Phelan Street from A.G. Davis Park to Youngman Street (see Figure 1 below). The right-of-way is approximately 80m in length and 3m wide. It is currently 'unmade' with an earthen surface that is covered in grasses, weeds and some concrete slurry. Properties along both Nugent and Phelan Streets drain to the surface of the right-of-way.

Figure 1



**Note: properties marked in red are subject to the Special Charge Scheme**

Under the current General Local Law, property owners adjoining an unmade right-of-way are responsible for ensuring that the right-of-way is free of litter and obstructions. The right-of-way is, in parts, overgrown with weeds. Soft muddy ground makes it impassable for vehicle traffic during wet conditions and presents concerns about its adequacy for drainage.

The Local Government Act 1989 (the Act) allows Councils to construct unmade roads via a special charge scheme whereby benefiting property owners contribute towards the cost of works. This legislation enables the fair provision of such infrastructure assets to property owners who have not previously paid for these assets – property prices in new developments include costs for the provision of infrastructure which is then handed over to Council by developers. Once an unmade road is constructed and added to Council’s roads register it is maintained and renewed by Council.

The preparation of a special charge scheme follows a process of notifications, advertising and submissions set out in the Act. In brief, Council can only proceed with the imposition of a special charge scheme where the majority of adjoining property owners do not object to the imposition of the scheme.

In December 2011, a questionnaire was sent to each of the twelve property owners who would be included in the scheme. Eleven responses were received, seven of which were in favour of the scheme and four were against. Only one property owner provided comments in their response – rejecting the assertion that his property would receive any benefit from construction of the right-of-way.

Council, at its meeting of 20 February 2012, considered a report on a proposal for a special charge scheme for the construction of the right-of-way between Nugent and Phelan Streets, Preston. Following consideration of the report, Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear (if required) submissions under section 223 of the Act.

## ISSUES AND DISCUSSION

Under section 163 of the Act, Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the exercise of a power of the Council if Council considers that the exercise of the power will be of special benefit.

In this case, the proposed exercise of power would be that stated in section 1 of Schedule 10 of the Act which grants Council the power to construct a road.

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

### **A. Purpose of the Works**

The purpose of the works is to provide a constructed surface for the right-of-way to improve vehicle access and to eliminate residential maintenance requirements. Underground drainage is also required for household stormwater connections that discharge to the right-of-way.

The works have been requested by the owner of 11 Nugent Street, Preston in order to enable vehicular access to the rear of this property. This property would be included in the proposed special charge scheme.

## B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries as properties proposed to be included in the scheme physically abut the right-of-way.

## C. Calculate the Total Cost

The proposed road construction includes the following items:

- Survey and design
- Earthworks and construction of road base
- 150mm thick steel reinforced concrete surface
- Underground drainage (including grated junction pits and connection to existing drainage network)
- Connection of household stormwater discharges

For the purposes of section 163(1) of the Act the total cost of works is calculated at \$55,794.00 (estimate of works is provided at **Figure 2**).

**Figure 2**

Estimate  
**Nugent Phelan ROW**

1	<b>Survey &amp; Design</b>		\$ 2,500.00
2	<b>Excavation and Disposal</b>		
	<i>volume</i>	<i>bulk</i>	<i>rate</i>
	61.0	1.5	60
			\$ 5,490.00
3	<b>Crushed Rock Supply &amp; Compaction</b>		
	<i>width</i>	<i>thickness</i>	<i>length</i>
	3.05	0.1	80
			<i>cost per cubic metre</i>
			\$ 60.00
			\$ 1,464.00
4	<b>150mm Concrete Paving with F62 &amp; finish as per DS6</b>		
	<i>width</i>	<i>length</i>	<i>cost per square metre</i>
	3.05	80	\$ 85.00
			\$20,740.00
6	<b>Drainage works</b>		
	<i>Pipe</i>	<i>length</i>	<i>cost per linear metre</i>
	300mm dia concrete RRJ	70	\$ 150.00
	bed and backfill		\$10,500.00
	<i>Item</i>	<i>Number</i>	<i>Cost per item</i>
	Grated junction pit	2	\$1,500.00
	House connection	12	\$ 300.00
	Pipe connection	1	\$ 500.00
			\$ 3,000.00
			\$ 3,600.00
			\$ 500.00

8 **Contingencies** \$ 2,000.00

Total (excluding GST) **\$49,794.00**

10 **Public Notice** \$ 6,000.00

Total (excluding GST) **\$55,794.00**

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

#### **D. Identify the Special Beneficiaries**

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners adjoining the right-of-way are considered to receive special benefit from the proposed construction of the laneway by means of:

- Provision of sealed access to the rear of properties
- Improvements to drainage
- Improved pedestrian and vehicular safety
- Removal of nuisance – dust and mud
- Removal of the requirement to maintain the right-of-way free of litter and obstructions
- Improved general amenity
- Increased property value.

The properties that adjoin the right-of-way are Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, as well as the A.G. Davis Park (as shown in Figure 1).

#### **E. Determine Properties to Include**

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is proposed to limit the scheme to only include the residential properties that abut the right-of-way (Nos 1-11 Nugent Street and Nos 2-12 Phelan Street).

As Council owns A.G. Davis Park (which also directly abuts the north of the right-of-way) this property is not capable of being included in the scheme as it is not a rateable property. It is recognised that this property would be a special beneficiary to the works; however any benefits likely to be accrued by this property are enjoyed by the wider community will be taken into consideration in the determination of community benefit.

#### F. Estimate Total Special Benefits

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$\mathbf{TSB} = \mathbf{TSB}_{(in)} + \mathbf{TSB}_{(out)}$$

- **TSB** is the estimated total special benefit for all properties that have been identified to receive a special benefit
- **TSB<sub>(in)</sub>** is the estimated total special benefit for those properties that are included in the scheme
- **TSB<sub>(out)</sub>** is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- **TSB<sub>(in)</sub>** – There are 12 residential properties proposed to be included in the scheme. Each residential property is allocated 1 benefit unit. It is considered that each property derives both access and amenity benefit and this is split 50/50.
- **TSB<sub>(out)</sub>** – One property has been excluded from the scheme. This is Council's reserve A.G. Davis Park at 14 Robertson Street, Preston.

#### G. Estimate Community Benefits

It is considered that the community benefit be determined as four units of benefit to account for access and amenity benefit to the greater community, particularly for users of the Council reserve.

- **TCB** – Total Community Benefit is assessed to be 4 benefit units

#### H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

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

Where:

$$\begin{aligned} \mathbf{TSB}_{(in)} &= 12 \\ \mathbf{TSB}_{(out)} &= 1 \\ \mathbf{TCB} &= 4 \end{aligned}$$

$$\mathbf{R} = 0.705882353$$

## I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy **S**, the following formula is used:

$$S = R \times C$$

Where **R** is the benefit ratio and **C** is the cost of all works

Therefore **S** = 0.705882353 x \$55,794.00 = **\$39,384.00**.

This provides for a community benefit amount (payable by Council) of **\$16,410.00**.

### Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties abutting the right-of-way have roughly equal rearage (thus equal amenity benefit), all stand to receive equal potential benefit from improved rear access to their property and all will equally benefit from improved drainage in the right-of-way, it is proposed to apportion the costs equally amongst all benefiting properties.

It is proposed to distribute the costs as follows:

Property	Special Charge
1 Nugent Street	\$3,282.00
3 Nugent Street	\$3,282.00
5 Nugent Street	\$3,282.00
7 Nugent Street	\$3,282.00
9 Nugent Street	\$3,282.00
11 Nugent Street	\$3,282.00
2 Phelan Street	\$3,282.00
4 Phelan Street	\$3,282.00
6 Phelan Street	\$3,282.00
8 Phelan Street	\$3,282.00
10 Phelan Street	\$3,282.00
12 Phelan Street	\$3,282.00
Council	\$16,410.00
<b>TOTAL</b>	<b>\$55,794.00</b>

### Submissions

Section 163A of the Act allows a person to make a submission under section 223 of the Act in relation to Council's proposal to declare a special charge.

Section 223 requires that Council publish a public notice specifying the date by which submissions are to be made, being a date which is not less than 28 days after the date on which the public notice is published. Section 223 also entitles any person making a submission to request a hearing by Council of their submission.

Public notice was posted in the 24 February 2012 edition of The Age and the 28 February 2012 edition of the Preston Leader. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 30 March 2012.



Five submissions on the proposal were received. None of the submitters requested to be heard.

Copies of all submissions have been circulated separately to each of the Councillors.

A summary of the submissions is as follows:

Peter Keogh, Preston

- Objection
- Only uses the lane once every couple of years
- The scheme will impose a financial burden
- Concerned that works will increase property value and thence rates

Giuseppe Cunti, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - does not use laneway
- Mows the grass in the laneway at the rear of his property

Alfredo and Franca Molinaro, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - the property is on a corner
- Vehicle access from the lane is not required - Parents do not have a car and do not drive
- Maintains the laneway at the rear of the property, and removes dumped rubbish
- Construction of the laneway will increase traffic
- Laneway is not wide enough for cars to use without damaging fences

Trudy Guest, Preston

- No objection
- Would like to see the quotations for the works
- Would like confirmation that laneways in Preston have been constructed via special charge schemes in the past
- Concerned that works will increase property value and thence rates

Stuart Hale and Mary Parker, Preston

- Supports proposal
- Vehicle access from the lane is required
- Requests stormwater connection
- Concerned about the inclusion of advertising costs in the scheme
- Concerned that Council's role as landowner (A.G. Davis Reserve) is not included in the scheme

A late submission was received on 30 April 2012 from Thomay Michaltsis of Preston supporting the proposal.

### **Objections**

Section 163B of the Act states that Council can only levy a special rate or a special charge to recover an amount that exceeds two-thirds of the total cost of the performance of the works after seeking objections from affected property owners. If Council receives objections from a majority of the rateable properties in respect of which the special charge would be imposed then Council cannot proceed with the declaration of the scheme.

In relation to the proposed scheme, Council would be seeking to recover more than two-thirds of the total cost of the performance of the works.

Of the twelve properties which are proposed to be included in the scheme, only three properties lodged an objection during the formal objection period – less than a majority.

### **Review of submissions**

In reviewing the submissions, a number of consistent themes have been found, as well as some individual issues:

#### Infrequent or non-use of the right-of-way

Properties are considered to derive a special benefit from the construction of the right-of-way whether they currently make use of the right-of-way or not – the estimation of special benefit takes into account the potential to make use of the works as well as actual usage/capacity. The Ministerial Guideline for Special Rates and Charges allows for the consideration of future benefits when estimating special benefits. In this regard, all properties are considered to be capable of making use of the right-of-way.

#### The scheme will impose a financial burden

It is recognised that the imposition of the Special Charge may introduce financial hardship upon some residents, particularly those on an aged pension who are 'asset rich and cash poor'. The Director Corporate and Business Services has delegated authority under section 170 of the Act to consider and grant deferral of a special charge in circumstances of financial hardship. It is proposed to offer those property owners subject to this Special Charge who are also eligible for a pensioner discount on their municipal rates a deferral of the payment until such time as their financial circumstances change or the property is sold.

#### Increased rates

Whilst the construction of the right-of-way surface and the provision of formal drainage is generally believed to increase a property's value, actual evidence to support the magnitude of any increase is difficult to gather. Given this, the impact of construction of the right-of-way on the rates paid by the property owner is considered to be so minor as to be effectively negligible.

#### Traffic use

The current condition of the surface of the right-of-way is not conducive to vehicle traffic during the wetter portion of the year. It is anticipated that construction of the right-of-way's surface would increase vehicle traffic. As the right-of-way does not provide through access for vehicles, the only users are expected to be from the adjoining twelve properties. This increase in vehicle traffic is considered to be within tolerable limits.

Any increase in pedestrian traffic to and from the park is accounted for in the community benefits.

The right-of-way is not unusually narrow. It has a width of 3.05m, similar to most other rights-of-way throughout the City. With regard to the potential for damage to fencing; vehicle drivers are required to exercise caution in the operation of their vehicles, having regard to the local conditions. It is anticipated that any future development that accesses the right-of-way would have regard to vehicle turning movements.

#### Quotations for works

Should the scheme proceed, officers would abide by Council's procurement policy in relation to seeking quotations for works and assessing the successful bidder. Council's procurement policy does not facilitate community involvement in purchasing decisions. It is always Council's intention to seek best value for money when procuring goods and services.

It is proposed to provide each property owner who would be subject to the Special Charge with a breakdown of the costs associated with the project once the works are complete and all costs are finalised.

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

#### Confirmation of previous special charge schemes

Records show that Council has undertaken previous right-of-way constructions via special charge scheme at other locations in Preston. The Act allows for Council to levy property owners for the purposes of defraying any expenses incurred with the construction of infrastructure in the first instance.

No records have been found that show the right-of-way between Phelan and Nugent Streets, Preston to have been previously constructed via the application of a special charge scheme or a private street scheme.

#### Stormwater connection

The proposed works include provision of stormwater drainage along the right-of-way with stormwater drainage connections to each property.

#### Inclusion of advertising costs

Section 163(6)(c) of the Act specifies that a Council may use money from a Special Charge for advertising.

The cost for advertising has included public notices in The Age and the Preston Leader plus the production and electronic transmission costs of the advertising provider. The advertising costs to date have been \$5,398.16 (excluding GST).

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

#### Community benefit

The apportionment of costs allocates five benefit units to Council. This includes four benefit units for wider community use of the asset and one benefit unit for A.J. Davis Park. This apportionment does recognise Council's role as an adjacent landowner and also the community benefit to be derived from the wider community for their potential use of the newly created asset.

### **Objection to Victorian Civil and Administrative Tribunal (VCAT)**

Section 185 of the Act entitles any person subject to a Special Charge to make an application to VCAT for a review of the decision to impose the charge. Upon review of the special charge, VCAT may variously decide to vary the special charge, set aside the special charge or dismiss the application.

Section 185AA of the Act entitles a person to apply to VCAT for a declaration concerning the validity of a decision made under section 185 of the Act.

Application to VCAT under s185 must take place within 30 days of the issue of a Notice to the person of the special charge.

### **POLICY IMPLICATIONS**

#### **Environmental Sustainability**

There are no significant environmental sustainability implications arising from the matters discussed in this report.

#### **Social Inclusion and Diversity**

There are no significant social inclusion or diversity implications arising from the matters discussed in this report.

#### **Other**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Should the proposed special charge scheme proceed, Council would be liable to contribute \$16,410.00 towards the works. The full amount of \$55,794.00 has been referred to the draft 2012/2013 capital works program to be fully funded by Council with costs to be recouped from property owners over time.

In accordance with past practice, property owners have two options for payment of the special charge:

1. Payment in full – \$3,282.00
2. Payment in quarterly installments over a maximum of five years (without interest) – for a contribution of \$3,282.00 the quarterly payments would be \$164.10.

It is understood that some of the property owners that would be included in the scheme are pensioners and may suffer from financial hardship from the imposition of the proposed scheme. The Director Corporate and Business Services has the delegated authority to defer payment of a special charge in demonstrated cases of financial hardship. In the case of a deferred payment, the special charge can be held as a cost against the property until the property changes hands or payment is made. In such cases the deferred payment would accrue interest at half of the rate that would be applied if it were a late payment. The rate of late payment interest currently charged by Council is 10.5% per annum (thus a deferred special charge would incur interest of 5.25% p.a.).

Payments to Council by property owners for works via special charge schemes are GST exempt.

Should the works be less than \$55,794.00 (excluding GST) the contribution from each benefitting party (including Council) would be reduced accordingly. Under the special charge scheme legislation, should the works exceed \$55,794.00 (excluding GST) the contributions by property owners would not increase and Council would be liable to pay the additional amount.

## **CONCLUSION**

It is recommended that Council declare a special charge scheme for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston. Construction of the right-of-way would improve access to residential properties, improve drainage and increase local residential amenity.

## **FUTURE ACTIONS**

- Provision of a levy notice to property owners
- 30 day period for an objection to be lodged with VCAT
- Should no objection be received within the objection period, it is proposed that works would be completed by the end of December 2012.

## **DISCLOSURE OF INTERESTS**

Section 80C of the Act 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**

- General Local Law 2005, Darebin City Council
- Local Government Act 1989, Victorian Government
- Special Rates and Charges – Ministerial Guideline, Local Government Victoria, September 2004
- Council Minutes – 20 February 2012 and 7 May 2012

**8.5 DECLARATION OF RESERVOIR VILLAGE BUSINESS  
DISTRICT SPECIAL RATE LEVY RENEWAL****MINUTE NO. 270****AUTHOR: Manager Economic Development and Civic Compliance****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report seeks Council's endorsement of the declaration of the Reservoir Village Business District Special Rate Scheme 2012-2017.

- A Special Rate for the Reservoir Village Business District has been in place since 1999.
- The special rate will assist in delivering the 2012–2015 Business Development and Employment Strategy's objective to 'Strengthen the unique characteristics of Darebin's Activity Centres'.
- Council resolved at its meeting on 2 April 2012 to give public notice of its intention to declare a Special Rate for the Reservoir Village Business District at its Council meeting on 4 June 2012. This notice was advertised and forwarded to all business owners and occupiers within the Reservoir Village Business District, calling for submissions.
- No submissions were received.

**CONSULTATION:**

Reservoir Village Traders Association  
Reservoir Village business owners and occupiers

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

- (1) In accordance with Section 163(1), (1A), (1B) and (1C), and Section 163B(3) of the *Local Government Act 1989* ('the Act'), Council resolves to give public notice in the 'Preston Leader' and the 'Northcote Leader' newspapers, notifying the declaration of a Special Rate for the encouragement of business and commerce in the Reservoir Village Business District and that a copy of the public notice be sent to each person who will be liable to pay the Special Rate.

- (2) Specify the following for the purposes of Section 163(2), 163(2A) and 163(2B) of the Act:
- (a) The total amount of the Special Rate to be levied is -
    - i) For the first year of the Special Rate - \$64,080
    - ii) For each of the subsequent years the Special Rate remains in force - the previous year's amount to be levied plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
  - (b) The total amount of the Special Rate which may be levied is not to exceed the following, which is calculated in accordance with Section 163(2A) of the Act:
    - i) For the first year of the Special Rate - \$64,080
    - ii) For each of the subsequent years the Special Rate remains in force - the previous year's total amount of the Special Rate calculated in accordance with Section 163(2A) of the Act plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
  - (c) For the purposes of 2(b) above:
    - i) The 'benefit ratio' (R) to be levied on liable persons is 100 per cent for properties
    - ii) There are no properties receiving a special benefit from the Special Rate which are not to be levied the Rate;
    - iii) The 'community benefit' from the Special Rate is zero.
  - (d) The criteria to be used as the basis for levying the Special Rate is:
    - i) For the first year of the proposed Special Rate – each Rateable property included in the Special Rate is to pay the amount as specified in **Appendix A** calculated on the respective property's Capital Improved Value with a rate of 0.0012303 applied.
    - ii) The manner in which the Special Rate is assessed (that is, the criteria to be used as the basis for levying the Special Rate) is:

For the first year and subsequent years of the Special Rate – each commercially zoned property included in the Special Rate is to pay the amount calculated in **Appendix A** of the respective property's Capital Improved Value.

**CARRIED UNANIMOUSLY**

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

The Reservoir Village Trader Association has written to Council asking that Council renew the Special Rate for the Reservoir Village Business District. This will in effect continue on from the current Special Rate which ceases on 30 June 2012. The new scheme is proposed to run for five years from 1 July 2012 to 30 June 2017.

At its meeting on 2 April 2012, Council resolved to give public notice of its intention to declare a Special Rate for the Reservoir Village Business District at its Council meeting on 4 June 2012. The public notice was advertised in the Preston and Northcote Leader newspapers on Tuesday 10 April 2012. A letter and a copy of the public notice was sent to all business owners and occupiers within the Reservoir Business District on Wednesday 11 April 2012, advising of Council's intention to declare a Special Rate.

Any person required to pay the proposed Special Rate Scheme was invited to make a written submission or objection to Council within the 28 days of the publication of the public notice.

**ISSUES AND DISCUSSION****Submissions**

No submissions were received.

**Consultation**

Council has consulted extensively with the Reservoir Village traders. The following was undertaken:

- Surveyed every trader involved in the proposal (total of 90)
- Distributed information regarding Special Rates and five year update of the benefits provided to the Reservoir businesses
- Attended Reservoir Village Traders Association meetings
- Facilitated an information session in line with the Intention to Declare
- Advertisements were placed in the Preston and Northcote Leader newspapers.
- Individual letters sent to business owners and occupiers who are required to pay the Special Rate Levy.

A few enquiries were received however all were attended to by the Business Development Coordinator.

**POLICY IMPLICATIONS****Environmental Sustainability**

There are no negative impacts on the environment associated with a Special Rate Scheme.

**Social Inclusion and Diversity**



There are no negative impacts on social inclusion and diversity associated with a Special Rate Scheme.

### **Council Plan/ Policy**

The vision of the Business Development and Employment Strategy 2012-2015 adopted in March 2012 is to have a positive and connected business environment with a dynamic and diverse economy that: has sustainable growth and operations and generates local employment. To achieve this vision, shopping centres like Reservoir Village Business District need to be successful.

### **Legislative**

The Local Government Act 1989 requires that Council must determine a number of matters when considering declaring a new Special Rate or Special Rate Renewal. These include:

- a) The total cost of the Special Rate

The total cost of implementing this Rate would include:

- The annual amount which the Association has budgeted to spend on various marketing, promotional and other activities; and
- Council's own administrative costs in relation to the scheme.

With regard to the Association's programs, as stated above it has budgeted to spend \$64,080 in the first year of the scheme and requests that this amount rise each subsequent year in line with CPI increases, for the remainder of the scheme.

- b) The total amount of the Special Rate to be levied

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

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$\mathbf{R \times C = S}$$

**R** is the 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which aren't to be levied (such as non-commercial community facilities).

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be rated to the shops. This must be attributed to, and paid for, by Council.

The community benefit **C** has been assessed and equates to zero.

**C** is the 'community benefit ratio' which is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the Special Rate, all being for the purpose of marketing, management and development of the Centre, will only benefit the commercial properties (all of which are rateable land) included in the Scheme area.

**S** is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the commercially zoned properties shown on the map and detailed in the list annexed to the attached proposed declaration, will receive a special benefit through increased economic activity. There are no rateable properties identified within this area which should not be levied in the Rate renewal. Also, it is considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the Centre will accrue to the businesses themselves.

Therefore, the total maximum amount that can be levied on liable property owners would be 100% of the total cost of the Scheme.

It has however been practice in previous schemes for Council to not recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the new scheme. It needs to be emphasised that Council's contribution (around \$15,000 annually) in providing its own resources towards the benefit of the Centre (which could otherwise be recouped from benefiting properties) is not inconsiderable and is highlighted for the record.

c) The criteria to be used as the basis for declaring the Special Rate

Council needs to specify the methodology it will use in determining how the payment of the Rate is to be apportioned amongst the benefiting properties. In this instance, it is proposed that all properties will pay a specific amount calculated against the rate in the dollar of their Capital Improved Value, in order to raise the total amount to be levied for each year to meet the Reservoir Village Trader Association's annual budget.

- 1 – 77 Edwardes Street (inclusive)
- 2AA – 84B Edwardes Street (inclusive)
- 255 – 325 Spring Street (inclusive)
- 1 and 2 Ralph Street (inclusive).
- 2A Byfield Street

## FINANCIAL AND RESOURCE IMPLICATIONS

Council's contribution in providing resources for the set up and administration of a new Special Rate Scheme is estimated to be \$15,000. This amount will not be recovered from the Reservoir Village Trader Association. It will be absorbed in Council's Business Development budget.

The Capital Improved Value (CIV) of commercial properties used to calculate the Special Rate Scheme is based on Council's 2010 valuations. Council is currently in the process of revaluing all properties, however due to statutory requirements and timelines these valuations cannot be utilised in this renewal.

## CONCLUSION

The economic vibrancy of the Reservoir Business District is dependant on traders working cohesively to protect and enhance their investment in the Reservoir community.

The renewal of the Special Rate provides a sound financial basis for the Reservoir Village Business District to promote their centre for another 5 years.

## FUTURE ACTIONS

Should Council resolve to proceed with the declaration of the special rate, the following would occur:

1. Public Notice of Council's declaration of the special rate will be advertised in The Preston Leader and Northcote Leader newspapers, and individual notices, including a copy of the public notice, will be sent to all business owners and occupiers.
2. Any persons affected by the special rate have a period of 30 days to lodge an objection with the Victorian Civil and Administrative Tribunal.
3. The agreement documentation between Darebin City Council and Reservoir Village Traders Association will be signed and authorised.
4. Council will be notified within three to six months of the Reservoir Village Traders Association's five year business plan.

## DISCLOSURE OF INTERESTS

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
- Business Development & Employment Strategy 2012-2015
- Council Report regarding Reservoir Village Business District Special Rate Levy Renewal – 2 April 2012
- **Appendix A** – Amount calculated for each property in Year 1
- **Appendix B** – Map of Proposed Reservoir Village Business District Special Rate Levy

**8.6 CORNWALL STREET, NORTHCOTE – PROPOSED ROADWORKS****MINUTE NO. 271****AUTHOR: Manager Assets and Properties****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

The 2011/2012 Capital Works Program included funds for the road resurfacing of Cornwall Street, Northcote.

In September 2011, Council received a petition from some of the residents of Cornwall Street raising a number of issues of concern in relation to their street and seeking improvements beyond the proposed road resurfacing works. The proposed road resurfacing works were put on hold to enable discussions with residents about their concerns.

Council has been advised by the gas company that gas main works will be undertaken in Cornwall Street during 2012/2013. As the gas works would be likely to damage any roadworks that Council would undertake in 2011/2012, it is proposed to postpone the Cornwall Street roadworks until 2013/2014.

**CONSULTATION:**

- o Internal departments
- o Heritage advisor
- o Cornwall Street residents

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

- (1) Defer the proposed road resurfacing works in Cornwall Street, Northcote as listed in the 2011/2012 budget.
- (2) Write to residents of Cornwall Street, Northcote advising them that the road works have been deferred.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

Cornwall Street, Northcote was included in the 2011/2012 capital works program for asphalt resheeting works.

In September 2011, Council received a petition from some of the residents of Cornwall Street, Northcote raising a number of issues of concern in relation to their street, including:

- Lighting
- Parking
- Street plantings
- Street entrance
- Condition of the footpath and road surface
- Drainage.

A copy of the petition is attached at **Appendix A**.

These issues were investigated and a written response provided to the residents on 29 September 2011 (copy provided at **Appendix B**). In response to their concerns, substantial footpath works were undertaken on both sides of the street.

### ISSUES AND DISCUSSION

#### Existing Street Layout

An aerial photograph of Cornwall Street Northcote is attached as **Appendix C**.

Cornwall Street, Northcote is a dead end street approximately 96 metres in length and 10.2 metres wide from kerb face to face. Concrete footpaths are provided along both sides of the road for the full length of the street. The road itself is constructed on a very flat grade, falling slightly towards Westgarth Street with drainage pits constructed on both sides of the street at the intersection with Westgarth Street.

On the eastern side of the street there is a concrete kerb with a three bluestone channel. On the western side there is a concrete kerb with a three bluestone channel from the rear of No 61 Westgarth Street to the end of the Street (66m). The remainder of the western side (adjacent to No 61) has concrete kerb and channel.

Sixteen properties have a boundary onto the street, (one property fronts Candy Street) with five properties having vehicle crossings.

A bluestone right-of-way crosses the street approximately 37 metres from the Westgarth Street end.

The garden bed at the end of the street is semi circular, with a bluestone surround.

**Asset Age and Condition***(a) Road Pavement*

Council records show that Cornwall Street was constructed in 1905. A chip seal rehabilitation was undertaken in 1996 and crack sealing in 2010. The pavement is extensively crack sealed; however it is not showing any other signs of failure. It has maintained good shape over its 107 year life, although the crossfall is very flat.

Based on age and current condition the pavement is due for resurfacing. This was initially programmed for 2011 but was postponed due to receipt of the petition from residents.

*(b) Kerb and Channel*

The age of the kerb and channel is unknown, however it is estimated that the majority of the kerbs were provided at the time of initial road construction (107 years ago). The kerb is generally in sound condition with only very minor sections of displacement due to tree planting. The bluestone channel sections have lost their pointing in numerous places and the flat grade and uneven surface of the stones (in addition to the constant parking of cars making it difficult for street sweepers to access) has led to weed growth towards the dead end section of the street.

*(c) Footpaths*

As a result of the residents' complaints a major portion of the existing concrete footpaths on both sides of the street were replaced as part of the footpath renewal program in late 2011.

*(d) Drainage Pits*

Stormwater drainage consists of a drainage pit either side of the street at the intersection with Westgarth Street. These pits have a narrow slot opening and no grates. At the time of inspection there was partial blockage of the openings with debris, including grass clippings.

*(e) Garden Bed*

The garden bed at the end of the street is completely overgrown. The surround may have been damaged in the past by turning vehicles (there is no cul-de-sac head at the end of the street).

**Discussion of Resident Requests***(a) Narrowing of the Street*

Cornwall Street currently has restricted 2 hour parking and permit parking. In terms of use of the parking in the street, the proportion of resident versus visitor parking is unknown. However, it is observed that from Monday to Friday available spaces are generally well utilised.

At the current width of 10.2 metres, there is sufficient room for vehicles to easily pass with cars parked on both sides. Given that the street has so few vehicle crossings to enable cars to 'duck into', should the street be any narrower, issues with two-way vehicle movements would arise.

Heritage advice has also indicated that narrowing of the road would not be supported.

(b) *Narrowing of the Street Entry Point*

Council's traffic engineers do not recommend provision of a road narrowing at the street entry from Westgarth Street. However, a raised threshold treatment as a traffic calming and pedestrian awareness device at this location would be supported but is not considered to be a priority for road safety.

(c) *Mid-Block Narrowing*

Mid-block narrowings are usually reserved for longer streets with high traffic speeds. Generally, they are not considered necessary for a short dead-end street, where the majority of users would not travel at high speeds. Also provision of a narrowing would reduce available car parking space in Cornwall Street.

(d) *Channels Holding Water and Soil and Growing Weeds*

The longitudinal grade and crossfall in Cornwall Street are very flat resulting in water ponding in the bluestone channel, with consequent soil retention and the growth of weeds. Due to the high demand for car parking in the street it is difficult for a street sweeper to access the channels and keep them clean.

The existing kerb and channel is considered serviceable for the foreseeable future. The only way to improve the drainage issue raised by the petitioners would be to replace the existing bluestone channel with concrete to provide a more uniform flow path. This would necessitate the reconstruction of the kerb and channel either fully in concrete or with a concrete channel and bluestone kerb.

(e) *Heritage Issues*

Council's Heritage Advisor was consulted regarding any issues which could arise in obtaining a planning permit for future improvement works.

It was advised that:

- There would be no objection to the replacement of the existing bluestone channels however it is preferred to re-use some of the bluestone either as a kerb stone or a single row in the channel.
- The current kerb lines should be maintained.

(f) *Garden Bed Treatments*

The residents have asked for the removal of this structure and that Council and the residents jointly plan and plant a new tree and garden in its place which would be maintained by Council.

Given the poor state of maintenance and repair of this garden, it is considered that Council undertake the removal works as requested. However, it is considered that a new garden not be provided as it is not consistent with streetscape service levels in other streets.

A new tree could be planted at this location in a square cut-out, similar to pavement tree plantings in other locations throughout the City. Hoops or bollards could be placed to protect the tree from vehicles.

**Future Works**

Road resurfacing works in Cornwall Street planned for 2011 were postponed due to receipt of a request by the petitioners for more extensive upgrading works.

Proposed roadworks in Cornwall Street have also not been considered for carry forward to the draft 2012/2013 capital works program because Cornwall Street is one of the streets affected by renewal of the gas mains over the next 15 months. All affected streets have been removed from consideration in the draft 2012-13 works program.

The earliest any improvement works can now be undertaken would be the 2013/2014 capital works program.

Road resurfacing works should be given priority in the draft 2013-2014 capital works program as this work was planned to have been undertaken last year.

**POLICY IMPLICATIONS****Environmental Sustainability**

There are no environmental sustainability implications.

**Social Inclusion and Diversity**

There are no social inclusion or diversity implications

**Other**

Engineering assessments of this road have determined that it is in need of asphalt resurfacing. The reconstruction works requested by the residents are inconsistent with Council's road asset management plan which seeks to minimise the costs of management of Council's local road network.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The initial proposal to provide for road resurfacing is the most cost effective method of ensuring the continuation of what has already been an extremely long life of the road pavement (over 100 years). \$26,000 was allocated for asphalt resheeting works in Cornwall Street as part of the 2011/12 budget. These funds are proposed to be utilised to cover expenditures on other projects within the roads area undertaken as part of the 2011/12 capital works program.

It is recommended that the project be given priority within the 2013/2014 budgetary processes for resurfacing of the existing pavement and removal of the garden bed and replacement with a pavement cut out and semi-mature tree as it was removed from the draft 2012-13 capital works program due to gas main works.

These works can be undertaken for approximately \$40,000. The increase in price is due to the increased amount of asphalt required to raise the centre of the road by approximately 100mm to make crossfall for improved drainage. Additional funds are also required for removal of the garden bed, saw-cutting of the pavement and provision of a semi-mature tree – all of which were not included in the original proposal. This option is fully supported by officers and is consistent with road asset management priorities.



Should the petitioners continue to reject resurfacing works and continue to request full upgrading works, costs could increase up to \$193,000 for a full reconstruction with traffic management and additional drainage works. This option is not recommended by officers.

## CONCLUSION

Council received a petition from some Cornwall Street residents requesting road and traffic safety works over and above those proposed to be undertaken and funded through the 2011/12 budget.

It is recommended that the previously planned asphalt resheeting works in Cornwall Street, Northcote be deferred until gas works in the area have been completed.

## FUTURE ACTIONS

- Letter to residents
- Referral of works to the 2013/2014 capital works program

## 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

- Petition from residents of Cornwall St, Northcote, dated 2 September 2011 (Ref A1149697) – **Appendix A**.
- Letter from Executive Coordinator in response to petition, dated 29 September 2011 (Ref A1166057) – **Appendix B**.
- Email on behalf of petitioners dated 4 October 2011 (Ref A1180660).

**8.7 INSTRUMENT OF APPOINTMENT AND AUTHORISATION  
TO APPOINT AUTHORISED OFFICERS TO ENFORCE THE  
PLANNING AND ENVIRONMENT ACT 1987**

**MINUTE NO. 272**

**AUTHOR: Acting Manager Governance**

**REVIEWED BY: Acting Director Corporate and Business Services**

**SUMMARY:**

The Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 14 September 2010, makes these appointments. Maddocks Lawyers' model *Instrument of Appointment and Authorisation* developed for Victorian councils is used for this purpose.

Maddocks Lawyers have a separate *Instrument of Appointment and Authorisation* specifically for authorised officers appointed under the *Planning and Environment Act 1987*. This *Instrument of Appointment and Authorisation* provides for councils (rather than CEOs by delegation) to appoint officers by a resolution.

This report therefore presents for Council approval the *Instrument of Appointment and Authorisation* to appoint several newly appointed Planning officers as authorised officers for the purposes of enforcing the *Planning and Environment Act 1987*.

**CONSULTATION:**

Director City Works and Development

Manager City Development

Coordinators Statutory Planning

Coordinator Strategic Planning

**COUNCIL RESOLUTION**

**MOVED: Cr. T. McCarthy**

**SECONDED: Cr. B. Morgan**

**THAT** in the exercise of the powers conferred by section 147 (4) of the *Planning and Environment Act 1987* and section 232 of the *Local Government Act 1989*, Darebin City Council resolves that:

- a) The members of Council staff referred to in the Instrument attached as **Appendix A** be appointed and authorised as set out in the instrument.

- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
- c) The instrument be sealed.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

Section 224 of the Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 14 September 2010, makes these appointments. Maddocks Lawyers' model *Instrument of Appointment and Authorisation* developed for Victorian councils is used for this purpose.

Maddocks Lawyers have a separate *Instrument of Appointment and Authorisation* specifically for authorised officers appointed under the *Planning and Environment Act 1987*. This *Instrument of Appointment and Authorisation* provides for councils (rather than CEOs by delegation) to appoint officers by a resolution.

### ISSUES AND DISCUSSION

#### **Appointment of Authorised Officers to enforce the Planning and Environment Act 1987**

This *Instrument of Appointment and Authorisation*, specifically for authorised officers appointed under the *Planning and Environment Act 1987*, provides for councils (rather than CEOs by delegation) to appoint officers by a resolution, pursuant to section 147 of the *Planning and Environment Act*. The Instrument also includes the general appointment provision in section 232 of the *Local Government Act 1989* to commence proceedings in a council's name.

Section 188 (2) of the *Planning and Environment Act* provides that councils cannot delegate the power to authorise officers for the purposes of enforcing the *Planning and Environment Act*.

As the authorised officers involved enforce several other Acts and regulations other than the *Planning and Environment Act*, Maddocks Lawyers' other general *Instrument of Appointment and Authorisation* covering these Acts and regulations will continue to operate in tandem with the separate *Instrument of Appointment and Authorisation (Planning and Environment Act 1987 only)* where authorised officers are appointed by Council resolution.

## POLICY IMPLICATIONS

### Environmental Sustainability

Nil.

### Social Inclusion and Diversity

Nil.

### Other

The appointment and authorisation of officers for the purposes of enforcing the *Planning and Environment Act 1987* enables day to day statutory and operational decisions to be made in relation to this Act. The proposed *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* is based on the model developed by Maddocks Lawyers

## FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

## CONCLUSION

It is recommended that the subject *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* specifically for authorised officers appointed under the *Planning and Environment Act 1987* be signed and sealed by the Council.

## FUTURE ACTIONS

- *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* to be signed and sealed by Council.
- New authorised officer appointments for the purposes of enforcing the *Planning and Environment Act 1987* to be made by Council resolution.

## 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**

- Proposed *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* – **Appendix A**
- Delegations and Authorisations Service – Maddocks, Lawyers
- Council Minutes – 5 March 2012

**8.8 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**

MINUTE NO. 273

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 May 2012.

**COUNCIL RESOLUTION**

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

**THAT** the status report on Reports and 'General Business' items outstanding as at May 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 May 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 May 2012 be received and noted.

## **FUTURE ACTIONS**

The next status report will be submitted to Council at its meeting on 2 July 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

### 9.1 ABORIGINAL HERITAGE – 1091 PLENTY ROAD BUNDOORA

MINUTE NO. 274

#### NOTICE OF MOTION NO. 41

CR. TIM LAURENCE

Take notice that at the Ordinary Meeting of Council to be held on 4 June 2012, it is my intention to move:

**“THAT:**

- (1) Darebin Council write to elders of the Wurundjeri tribe in relation to the land at 1091 Plenty Road Bundoora and seek to consult with them regarding any evidence or history of aboriginal presence on the site.
- (2) The Social Inclusion Unit of Darebin Council conduct any subsequent consultation with the traditional owners and other local aboriginal groups or individuals with knowledge of the site and report this back to Council as a matter of urgency.
- (3) Council affirms the principles in State Government Cultural Heritage Management Plan Process and write to the applicant at 1091 Plenty Road requesting that they undertake Steps 3, 4 and 5 in the Cultural Heritage Management Plan process namely:
  - Step 3: The applicant advises the relevant Registered Aboriginal Party or Parties for the area, and engages a cultural heritage advisor. The responsible authority is not required to be involved in this process.
  - Step 4: A Cultural Heritage Management Plan is prepared by the applicant, with the assistance of a cultural heritage advisor. Registered Aboriginal Parties may participate in this process.
  - Step 5: The Registered Aboriginal Parties endorse or reject the Cultural Heritage Management Plan. (Rejection may be appealed to VCAT.)
- (4) Furthermore, that a copy of the letter to the Wurundjeri elders be forwarded to the Aboriginal Advancement League, Darebin Council’s Aboriginal Advisory Committee, Aboriginal Affairs Victoria and the Minister for Aboriginal Affairs.”

**Notice Received:** 31 May 2012

**Notice Given to Councillors:** 31 May 2012

**Date of Meeting:** 4 June 2012



**MOTION**

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

**THAT:**

- (1) Darebin Council write to Elders of the Wurundjeri Tribe Land Compensation Cultural Heritage Council in relation to the land at 1091 Plenty Road Bundoora and seek to consult with them regarding any evidence or history of Aboriginal presence on the site.
- (2) The Social Inclusion Unit of Darebin Council conduct any subsequent consultation with the traditional owners and other local Aboriginal groups or individuals with knowledge of the site and report this back to Council as a matter of urgency.
- (3) Council affirms the principles in State Government Cultural Heritage Management Plan Process and write to the applicant at 1091 Plenty Road requesting that they undertake Steps 3, 4 and 5 in the Cultural Heritage Management Plan process namely:
  - Step 3: The applicant advises the relevant Registered Aboriginal Party or Parties for the area, and engages a cultural heritage advisor. The responsible authority is not required to be involved in this process.
  - Step 4: A Cultural Heritage Management Plan is prepared by the applicant, with the assistance of a cultural heritage advisor. Registered Aboriginal Parties may participate in this process.
  - Step 5: The Registered Aboriginal Parties endorse or reject the Cultural Heritage Management Plan. (Rejection may be appealed to VCAT.)
- (4) Furthermore, that a copy of the letter to the Wurundjeri Tribe Land Compensation Cultural Heritage Council be forwarded to the Aboriginal Advancement League, Darebin Council's Aboriginal Advisory Committee, Aboriginal Affairs Victoria and the Minister for Aboriginal Affairs."

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

**COUNCIL RESOLUTION**

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

**THAT:**

- (1) Darebin Council write to Elders of the Wurundjeri Tribe Land Compensation Cultural Heritage Council in relation to the land at 1091 Plenty Road Bundoora and seek to consult with them regarding any evidence or history of Aboriginal presence on the site.
- (2) The Social Inclusion Unit of Darebin Council conduct any subsequent consultation with the traditional owners and other local Aboriginal groups or individuals with knowledge of the site and report this back to Council as a matter of urgency.
- (3) Council affirms the principles in State Government Cultural Heritage Management Plan Process and write to the applicant at 1091 Plenty Road requesting that they undertake Steps 3, 4 and 5 in the Cultural Heritage Management Plan process namely:
  - Step 3: The applicant advises the relevant Registered Aboriginal Party or Parties for the area, and engages a cultural heritage advisor. The responsible authority is not required to be involved in this process.
  - Step 4: A Cultural Heritage Management Plan is prepared by the applicant, with the assistance of a cultural heritage advisor. Registered Aboriginal Parties may participate in this process.
  - Step 5: The Registered Aboriginal Parties endorse or reject the Cultural Heritage Management Plan. (Rejection may be appealed to VCAT.)
- (4) Furthermore, that a copy of the letter to the Wurundjeri Tribe Land Compensation Cultural Heritage Council be forwarded to the Aboriginal Advancement League, Darebin Council's Aboriginal Advisory Committee, Aboriginal Affairs Victoria and the Minister for Aboriginal Affairs."

**CARRIED UNANIMOUSLY**

**9.2 COUNCIL MEMBERSHIPS****MINUTE NO. 275****NOTICE OF MOTION NO. 42****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 4 June 2012, it is my intention to move:

**THAT** Council join the Victorian Local Governance Association and Northern Alliance for Greenhouse Action.

Contingent upon adoption of this Motion, I further intend to move:

**“THAT:**

1. Council receive and note the report outlining the costs and benefits associated with Council’s membership of the Victorian Local Governance Association, the Northern Alliance for Greenhouse Action, the Municipal Association of Victoria and the Victorian Employers Chamber of Commerce and Industry.”
2. Council write to The Hon Greg Combet MP, Minister for Climate Change and Energy Efficiency and The Hon Mark Dreyfus MP, Parliamentary Secretary for Climate Change and Energy Efficiency, thanking them for their recent announcement of an Energy Efficiency Information Grant of \$881,904 to Northern Alliance for Greenhouse Action and Moreland Energy Foundation, in partnership with Darebin City Council, the Victorian Employers' Chamber of Commerce and Industry, EcoSmart Electricians (National Electrical and Communications Association), the Alternative Technology Association, Islamic Council of Victoria, for the ‘Easy Energy Efficiency for SMEs’ project.
3. The letter should note the value this funded project will have for small and medium businesses in Darebin and the broader northern metropolitan region across four priority sectors - professional, scientific and technical services (7716 businesses); retail trade (4414 businesses); accommodation and food services (3449 businesses); and manufacturing (3375 businesses).
4. The letter should also note that this project will deliver targeted information in a range of community languages, including Italian, Greek, Arabic, Turkish, Chinese and Vietnamese, to assist business operators who may otherwise be overlooked by mainstream business support programs.
5. Council’s letter should also strongly advocate for the NAGA/MEFL application, in partnership with Darebin City Council, Real Estate Institute of Victoria, Kildonan Uniting Care, Monash University Sustainability Institute and Just Change Australia, to the Low Income Energy Efficiency Grants Program.

The letter should note that this application is for \$10 million over three years for a project to engage 5,000 low income and vulnerable households, including renters, in Darebin and the broader northern metropolitan region in practical energy efficiency activities.

**Notice Received:** 31 May 2012

**Notice Given to Councillors:** 31 May 2012

**Date of Meeting:** 4 June 2012

Note: Point 1 above – “1. Council receive and note the report outlining the costs and benefits associated with Council’s membership of the Victorian Local Governance Association, the Northern Alliance for Greenhouse Action, the Municipal Association of Victoria and the Victorian Employers Chamber of Commerce and Industry” – was incorrectly included administratively in Notice of Motion No. 42.

## MOTION

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. G. Greco

**THAT** Council join the Victorian Local Governance Association and Northern Alliance for Greenhouse Action.

THE MOTION WAS PUT AND LOST

A Division was called:

For

Against

Cr. T. McCarthy

The Mayor, Cr. S. Tsitas

Cr. T. Laurence

Cr. N. Katsis

Cr. G. Greco

Cr. B. Morgan

Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Motion to be lost.

## APPOINTMENT OF TEMPORARY CHAIRPERSON

*In the absence of the Deputy Mayor, Cr. Asmar, the Chief Executive called for nominations for the position of Temporary Chairperson.*

*Cr. Greco was nominated by Cr. McCarthy, seconded by Cr. Morgan, and there being no further nominations, was appointed temporary Chairperson of the meeting.*

*The Mayor, Cr. Tsitas, temporarily left the meeting – 8.20pm.*

*Cr. Greco assumed the Chair.*

**10. URGENT BUSINESS**

Nil.

**11. GENERAL BUSINESS****11.1 20<sup>TH</sup> ANNIVERSARY OF MABO DECISION****MINUTE NO. 276****COUNCIL RESOLUTION**

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. B. Morgan

**THAT** Council:

- (1) Recognises and celebrates the 20<sup>th</sup> Anniversary of the Mabo Decision and its local and national significance in recognising native title and overturning the doctrine of terra nullius.
- (2) Writes to the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, inviting Aboriginal Elders to a discussion with Councillors about how Council can better recognise the Wurundjeri people as the traditional owners of the local area.

*The Mayor, Cr. Tsitas returned to the meeting during discussion of the above item and resumed the Chair – 8.24pm.*

**CARRIED UNANIMOUSLY**

## 11.2 GREEN LIGHT PLAN

MINUTE NO. 277

**COUNCIL RESOLUTION**

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. B. Morgan

**THAT** Council write to the Victorian Premier, the Minister for Local Government and the Minister for Environment and Climate Change to urge the Victorian State Government to honour and expedite their election promise to provide \$20 million for the Green Light Plan energy efficient street lighting funding to local governments.

**CARRIED UNANIMOUSLY**

## 11.3 LOOPHOLE COMMUNITY CENTRE

MINUTE NO. 278

**COUNCIL RESOLUTION**

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

**THAT** as a matter of urgency:

- (1) Council officers assist Loophole Community Centre to identify appropriate new premises in the Darebin area; and
- (2) Council officers identify possible storage options at Council-owned premises for Loophole Community Centre, should they experience a short term gap in available premises.

**CARRIED UNANIMOUSLY**

## 11.4

## TECHNICAL AND FURTHER EDUCATION BUDGET CUTS

MINUTE NO. 279

**COUNCIL RESOLUTION**

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

**THAT** Council:

- (1) Is committed to life long learning to ensure our community has choice and pathways to quality of life outcomes;
- (2) Is further committed to ensuring that all of its community can continue to access quality, flexible and affordable publicly provided higher education;
- (3) Write to the Premier, Treasurer, Minister for Higher Education and other relevant ministers, seeking that the State government reverse its decision to cut the budgets of Technical and Further Education Colleges (TAFE) across the state;
- (4) Write to all local members seeking their support in advocating for a reversal of the TAFE budget cut;
- (5) Write a letter of support for the campaign to save TAFE funding, to the Australian Education Union and the National Tertiary Education Union and supports their public forum to be held at 12 noon on 20 June 2012 at the Melbourne Town Hall and urges students and residents to join the campaign;
- (6) Expresses concern that the cuts could put hundreds of jobs at risk in our city and many thousands of jobs at risk across the state;
- (7) Pledges support to the students and staff at NMIT who are devastated by the news of \$25 million cut to the training and salary budgets of the TAFE sector;
- (8) Considers the cuts are designed to put TAFE into direct competition with private providers, which will lead to fee rises, course closures and the eventual privatisation of TAFE;
- (9) Considers the cuts are particularly ill conceived in a period where there are increasing job losses in other industries and an Australia-wide skills shortage;
- (10) Supports the MAV resolution which states:

*“That the MAV:*

1. *Seek data from affected councils throughout the state on the likely impact of the TAFE budget cuts.*
2. *Request an immediate meeting with the Minister for Higher Education and the Minister for Regional Development Victoria to present this data, detailing the long term and negative impact this will have on already struggling communities, particularly those who already have limited access to higher education opportunities*

3. *Seek a guarantee from the government that no TAFE campuses will be closed and that essential funding will be restored to enable existing service provision to continue”*
- (11) Authorises appropriate Council Officers to, as quickly as is practicable, achieve the requirements of point 1 of the MAV resolution; and
- (12) Authorises the Public Education Advocacy Committee to develop an appropriate advocacy strategy and to implement such advocacy on behalf of Council that is in accord with the intent of this resolution.

**CARRIED UNANIMOUSLY**

**11.5**

**TRAFFIC AND PARKING ISSUES – MAIN DRIVE MACLEOD  
AREA**

**MINUTE NO. 280**

**COUNCIL RESOLUTION**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. S. Chiang**

**THAT** Council Officers:

- (1) Further investigate traffic and parking issues along Main Drive Macleod and provide a report to Council on 2 July 2012 on options to alleviate traffic and parking congestion in the area.
- (2) Officers Consult with Ivanhoe Bus Company, Strathallan Golf Club, Student Housing Owners Corporation, Quantum United Management (representing the Springthorpe Estate Owners Corporation), and other concerned residents in the area to ascertain their views on how best to deal with the traffic and parking congestion.

**CARRIED UNANIMOUSLY**



## 11.6 DAREBIN GYMBAROO

MINUTE NO. 281

## COUNCIL RESOLUTION

**MOVED:** Cr. B. Morgan  
**SECONDED:** Cr. N. Katsis

**THAT** Council officers report to the next Council meeting regarding:

- Under what authorisation does the YMCA have to increase rental for Darebin Gymbaroo.
- Under what authorisation can the YMCA require Darebin Gymbaroo to pack up equipment nightly.
- How Darebin Council can assist Darebin Gymbaroo to maintain present rental fee and present arrangements leaving equipment on mezzanine floor.

and that Officers convey this motion to Darebin Gymbaroo.

CARRIED

## 11.7 MEMBERSHIP – NORTHERN ALLIANCE FOR GREENHOUSE ACTION

MINUTE NO. 282

## MOTION

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

**THAT** Council receive a report at its next meeting on the benefits of re-joining Northern Alliance for Greenhouse Action.

THE MOTION WAS PUT AND LOST

A Division was called:

<u>For</u>	<u>Against</u>
Cr. T. McCarthy	The Mayor, Cr. S. Tsitas
Cr. T. Laurence	Cr. N. Katsis
Cr. G. Greco	Cr. B. Morgan
	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Motion to be lost.

## 12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

*Cr. Laurence disclosed a conflict of interest in Report Item 12.1 (Provision of Printing Services (CT201139)) classifying the type of interest as a direct interest in that as an employee of three companies he has placed print orders, sent artwork or received print quotes from a number of the tenderers for the contract. He left the meeting prior to consideration of the matter and did not return to the meeting – 9.04pm.*

### CLOSE OF MEETING

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

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

12.1 Provision of Printing Services (CT201139)

**CARRIED**

The meeting was closed to members of the public at 9.05pm.

*The Council considered and resolved on Report Item 12.1 (Provision of Printing Services (CT201139)) which had been circulated to Councillors on Thursday 31 May 2012 with the Council Agenda Paper.*

### RE-OPENING OF MEETING

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

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

**CARRIED**

The meeting was re-opened to members of the public at 9.20pm.

**CONFIDENTIAL****12.1 PROVISION OF PRINTING SERVICES (CT201139)****MINUTE NO. 283****AUTHOR: Acting Manager Governance****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

Currently printing services are provided by suppliers nominated by Darebin Council under the Procurement Australia Printing Services and Distribution Services panel arrangement. That panel arrangement is due to expire in September 2012.

On 17 December 2011, a publicly advertised Request for Tender (RFT) (CT201139) was released resulting in seventeen (17) submissions being received.

It is proposed to establish a panel of six suitably qualified suppliers to provide printing services across Darebin Council.

**CONSULTATION:**

Graphic Designer

Communication and Publications officer

Manager Communications and Advocacy

User of Printing Services across Darebin

**RECOMMENDATION**

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

**COUNCIL RESOLUTION****MOVED: Cr. S. Chiang****SECONDED: Cr. G. Greco****THAT** the following Council Resolution:*That:*

- (1) *Council resolves to enter into a contract for the provision of printing services with the following six suppliers from 1 July 2012 to 30 June 2015 at a capped amount of \$450,000 (incl. GST) plus an optional two (2) by one (1) year extension periods at a capped amount of \$300,000 (incl. GST) bringing the total expenditure approval to \$750,000 (incl. GST).*

- a. *Print Mode*
  - b. *Highlight Printing*
  - c. *Snap Printing*
  - d. *Whirlwind Print*
  - e. *Currency Print*
  - f. *Gorilla Print.*
- (2) *The Chief Executive be authorised to finalise and execute the contract on behalf of Darebin Council.*
- (3) *Council authorises the Chief Executive to approve the optional extension periods subject to satisfactory performance.*

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

**CARRIED**

### 13. CLOSE OF MEETING

The meeting closed at 9.21pm.