



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 6 FEBRUARY 2012

RELEASED TO THE PUBLIC ON THURSDAY 9 FEBRUARY 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 6 FEBRUARY 2012**

THE MEETING OPENED AT 6.34 PM

1. PRESENT

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

Council Officers

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

2. APOLOGIES

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. D. Asmar

THAT the Minutes of the Ordinary Meeting of Council held on 19 December 2011 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 39

5.1 REPORT OF CR. BEN MORGAN

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

- Planning Committee meeting – 23 January 2012.
- Council Briefing Session – 30 January 2012.
- Darebin Australia Day Committee meeting.
- Australia Day Citizenship Ceremony.
- Resident issues.

5.2 REPORT OF CR. VINCE FONTANA

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

- Moreland City Council Australia Day event hosted by Rotary International.
- Planning Committee meeting - 23 January 2012.
- Sub-District Cricket Association under 15 Hatch Final hosted at Preston Oval.
- Council Briefing Session - 30 January 2012.
- Met with residents of Northernhay Street Reservoir to discuss right of way issues.
- Met with residents of Regent Street Preston to discuss planning and building matters.
- Participated in a drug and alcohol evaluation program.
- Attended a VCAT hearing for 677 Plenty Road Reservoir.
- Strategic Projects Steering Committee meeting - 6 February 2012.

5.3 REPORT OF CR. NICK KATSIS

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

- Council Briefing Session – 30 January 2012.
- Planning Committee meeting – 23 January 2012.
- Strategic Projects Steering Committee meeting – 6 February 2012.
- Various resident concerns.

5.4 REPORT OF THE DEPUTY MAYOR, CR. DIANA ASMAR

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

- Planning Committee meeting – 23 January 2012.

- Darebin International Women's Day Committee meeting.
- Tram Route 86 meeting.
- Meeting with Craig Ondarchie MLC, Northern Metropolitan Region, to discuss local issues.
- Council Briefing Session – 30 January 2012.
- Northern Metropolitan Mayors and CEOs Group meeting.
- Darebin Enterprise Centre Board of Directors meeting.
- Australia Day Council of NSW.
- Strategic Projects Steering Committee meeting – 6 February 2012.
- Meetings with residents regarding planning, trees, traffic etc.

5.5 REPORT OF CR. TRENT MCCARTHY

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

- Met with residents of Arthur Street Fairfield regarding a planning issue.
- Darebin Environmental Reference Group Selection Committee meeting.
- Australia Day Celebration.
- Council Briefing Session – 30 January 2012.
- Congratulatory function – Pride March by Darebin.
- Various resident and trader inquiries including planning, heritage, traffic, rubbish collection, playgrounds, trees, governance.

Cr. McCarthy also tabled a copy of the Application to VCAT involving over 190 people seeking a review under section 82B of the Planning and Environment Act 1987 of Council's decision to issue planning permit D/865/2011 – 421-433 High Street and 1 Bent Street Northcote.

5.6 REPORT OF CR. TIM LAURENCE

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

- Meeting with residents on planning matters across La Trobe Ward.
- National Sikh Youth Camp opening with Parliamentary Secretary Kate Lundy.
- Various resident matters.

5.7 REPORT OF CR. STANLEY CHIANG

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

- Planning Committee meeting – 23 January 2012.
- Australia Day function.
- Chinese New Year celebrations.
- Lunar New Year Celebration – Chinese Elderly Association.

- Council Briefing Session – 30 January 2012.

5.8 REPORT OF THE MAYOR, CR. STEVEN TSITAS

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

- Strategic Projects Steering Committee meeting – 6 February 2012.
- Council Meeting 19 December 2011.
- FReeZA Program Graduation Ceremony.
- Celebration for Council's Language Aides.
- Australia Day celebrations and Citizenship Ceremony.
- Reception for Consul General of India – D. Subhakanta Behera and Mrs Rajashree Behera.
- The Home Cooked Comics Festival.
- Northern Region Indian Seniors Association.
- Meeting of Northern Metropolitan Mayors and CEOs Group.
- Board of Directors meeting – Darebin Enterprise Centre.
- Lunar New Year Celebrations.
- Filming – Carbon Management DVD – Leadership
- Update meeting – Tram Route 86 works.

ADJOURNMENT

MOVED: Cr. D. Asmar
SECONDED: Cr. T. Laurence

THAT the meeting stand adjourned to 7.00pm – 6.50pm

CARRIED

RESUMPTION

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

THAT the meeting be resumed – 7.06pm

CARRIED

6. PUBLIC QUESTION TIME

MINUTE NO. 40

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

The following questions were submitted:

- Leslie Bell of Thornbury asked a question about meeting processes, including recording of proceedings, and regarding the recent planning permit decision involving 421-433 High Street and 1 Bent Street Northcote. The question was responded to by the Manager Corporate Governance, Rhys Thomas, The Director City Works and Development, Michael Ballock, the Mayor, Cr Steven Tsitas and Cr. Trent McCarthy.
- Louise Dunham of Bundoora asked a question about statutory notification to adjoining landowners in relation to Planning Permit D/884/2009 – Di Palma Place Bundoora. The question was responded to by the Director City Works and Development, Michael Ballock and Cr. Laurence.
- Nola Martin of Preston asked a question about consideration of objections lodged in relation to planning permit application D/320/2011 – 600-606 Plenty Road Preston. The question was responded to by the Director City Works and Development, Michael Ballock and the Mayor, Cr. Steven Tsitas.
- Petrina Barson of Thornbury asked a question about Council's position in relation to 39-43 Woolton Avenue Thornbury – Part A of Amendment C108. The question was responded to by the Mayor, Cr. Steven Tsitas.
- Mark Tobias of Alphington asked a question about a proposed abandonment of Amendment C108 – Part B (Alphington North Precinct). The question was responded to by the Mayor, Cr. Steven Tsitas.
- Heather Russel of Alphington asked a question about continuing the review process in relation to Amendment C108 – Part B (Alphington North Precinct). The question was responded to by the Mayor, Cr. Steven Tsitas.
- Lucy Dal Pozzo of Alphington asked a question about whether Council has a published heritage policy. The question was responded to by the Mayor, Cr. Steven Tsitas.
- Craig Walters of Preston asked a question about the removal of a tree in front of 13A Dean Street Preston. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Graeme Ludbrook of Bundoora asked a question about the relationship between Council's "Open Space Strategy" with the "Lancaster Green" area. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Christopher Ryan and Tarina Casinader of Thornbury asked a question about Part A of Amendment C108 in relation to 39-43 Woolton Avenue Thornbury. The question was responded to by the Mayor, Cr. Steven Tsitas.
- Sally Mendes of Preston asked a question about the release of the draft Municipal Strategic Statement for public comment. The question was responded to by the Director City Works and Development, Michael Ballock.
- Matthew Hoyne of Northcote asked a question about the planning permit decision made in relation to 421-433 High Street and 1 Bent Street Northcote (D/865/2011). The question was responded to by the Mayor, Cr. Steven Tsitas.

Extension of Time**COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. T. Laurence****THAT** the 'Public Question Time' Forum be extended for 15 minutes – 7.40pm**CARRIED**

- Lena Smarrelli of Preston asked a question about the decision by the Planning COmmite on 12 December 2011 to grant a planning permit in relation to 421-433 High Street and 1 Bent Street Northcote (D/865/2011). The question was responded to by the Mayor, Cr. Steven Tsitas and the Director City Works and Development, Michael Ballock.
- Christopher Welsby of Northcote asked a question about the content of Report No. 8.1 to this meeting - Part A of Amendment C108. The question was responded to by the Mayor, Cr. Steven Tsitas and the Director City Works and Development, Michael Ballock.
- Anne Silbereisen of Alphington asked a question about the basis of possible abandonment of Amendment C108 – Part B (Alphington North Precinct).
- Rob Burgess of Alphington asked a question about abandonment of Amendment C108. The question was responded to by the Mayor, Cr. Steven Tsitas.

Extension of Time**MOTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. T. Laurence****THAT** the 'Public Question Time' Forum be extended for 5 minutes – 7.55pm

THE MOTION WAS PUT AND LOST

A DIVISION WAS CALLED:

FORCr. T. McCarthy
Cr. T. Laurence
Cr. V. FontanaAGAINSTThe Mayor, Cr. S. Tsitas
Cr. D. Asmar
Cr. N. Katsis
Cr. B. Morgan
Cr. S. Chiang

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

After Public Question Time had concluded, there were four additional questions submitted in writing.

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

MINUTE NO. 41

7.1 ASSEMBLIES OF COUNCILLORS HELD

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:

- City of Darebin Collections Advisory Committee meeting – 30 November 2011
- DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting - 7 December 2011
- Darebin Racism Inquiry Steering Committee meeting – 7 December 2011
- Council Briefing Session – 30 January 2012

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. D. Asmar

THAT the record of the Assembly of Councillors held on 30 November 2011, 7 December 2011 and 30 January 2012 be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	City of Darebin Collections Advisory Committee
	Date:	Wednesday 30 November 2011
	Location:	Conference Room, Preston Town Hall
PRESENT:	Councillors:	Cr Diana Asmar
	Council Staff:	Daniel Freer, Director, City Design and Environment Cara-Ann Simpson, Curator, Bundoora Homestead
	Other:	Community representatives from Bundoora Homestead Board of Management
APOLOGIES:		Cr Vince Fontana

The Assembly commenced at 5.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Gift to the Art Collection	No disclosures were made
2	Acquisitions for the Art collection	No disclosures were made

The Assembly concluded at 6.00pm

RECORD COMPLETED BY:	Officer Name:	Jakki Mann
	Officer Title:	Manager, Bundoora Homestead Art Centre



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee
	Date:	Wednesday 7 December 2011
	Location:	Function Room, Darebin Council Municipal Offices
PRESENT:	Councillors:	Cr Stanley Chiang Cr Gaetano Greco
	Council Staff:	Dalal Smiley, Bridget Munro Hobbs, Barney Wilson, Cheryl Hermence
	Other:	Representatives from Darebin Progress Association, Northern Area Mental Health, Darebin Community Health,
APOLOGIES:		Katrina Knox, Gerry O'Donnell, Jim Killeen

The Assembly commenced at 3.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Community health and wellbeing plan- Year 2 Review	No disclosures were made
2	New committee Governance Model for 2012	No disclosures were made
3	Healthy Communities Initiative	No disclosures were made
4	Up-Date from Darebin Local Safety Commit	No disclosures were made
5	Public Forum in 2012	No disclosures were made

The Assembly concluded at 5.00pm

RECORD COMPLETED BY:	Officer Name:	Mandy Bathgate
	Officer Title:	Equity and Diversity Coordinator



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Racism Inquiry Steering Committee
	Date:	Wednesday 7 December 2011
	Location:	Conference room, 350 High street, Preston
PRESENT:	Councillors:	Cr Gaetano Greco
	Council Staff:	Dalal Smiley Cécile Taché
	Other:	Representatives of the Victorian Equal Opportunity and Human Rights Commission, of Darebin Ethnic Communities Council, of Darebin Women's Advisory Committee
APOLOGIES:		Darebin Aboriginal Advisory Committee, Victorian Health Promotion Foundation (VicHealth), Spectrum Migrant Resource Centre, Darebin Interfaith Council, Cr Trent McCarthy

The Assembly commenced at 5.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Report on the consultation phase	No disclosures were made
2	Key findings from the phone survey	No disclosures were made
3	Draft report structure and timeframes	No disclosures were made

The Assembly concluded at 6.35pm

RECORD COMPLETED BY:	Officer Name:	Cécile Taché
	Officer Title:	Diversity Policy Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Council Briefing Session
	Date:	Monday 30 January 2012
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Steven Tsitas (Mayor), Cr Vince Fontana, Cr Stanley Chiang, Cr Diana Asmar, Cr Ben Morgan, Cr Nick Katsis and Cr Trent McCarthy.
	Council Staff:	Rasiah Dev, Michael Ballock, Vijaya Vaidyanath, Daniel Freer and Katrina Knox.
	Other:	Wendy Dinning, Eddy Boscariol, Greg Hughes
APOLOGIES:		Cr Tim Laurence and Cr Gaetano Greco

The Assembly commenced at 6:45pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Darebin Meals Kitchen	No disclosures were made
2	Business Development and Employment Strategy	No disclosures were made
3	Darebin Review of Land Use Controls – St Georges Rd/High St/Plenty Rd	No disclosures were made
4	Part A of Planning Scheme Amendment C108	No disclosures were made
5	Darebin Heritage Study – Part B of Amendment C108 – Review of Alphington North Precinct	No disclosures were made
6	Review of the Differential Rate for Vacant Residential Land	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
7	Council Committees and Representation	No disclosures were made
8	Discussion of items listed as briefing papers	No disclosures were made

The Assembly concluded at 8:33pm

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

8. CONSIDERATION OF REPORTS

8.1 PART A OF AMENDMENT C108 – CONSIDERATION OF REPORT OF THE PANEL 23 DECEMBER 2011

MINUTE NO. 42

AUTHOR: Principal Strategic Planner – Implementation

REVIEWED BY: Director City Works and Development

SUMMARY:

Amendment C108 proposed to implement the Darebin Heritage Study by introducing the Heritage Overlay (HO) to 18 precincts and 109 individual items across the municipality. Part A of Amendment C108 (C108-A) proceeded to Panel after Council's resolution on 5 September 2011 to split Amendment C108 to allow a review and further consultation to occur on the proposed Alphington North precinct as Part B of Amendment C108.

The Panel therefore considered the application of a permanent HO to 17 precincts and 109 individual places. The 55 submissions to C108-A were considered, along with presentations from Council, Council's Heritage Expert and five submitters at the Hearing.

The Report of the Panel was received on 23 December 2011. The Panel supported the intent of the Darebin Heritage Study recommending that C108-A be adopted with changes as detailed in the report. Under section 27 of the Planning and Environment Act 1987 (the Act), the planning authority must consider the panel's report before deciding whether or not to adopt the amendment. A planning authority adopts an amendment under section 29 of the Act, with or without changes.

Meanwhile, Part B of Amendment C108 remains on hold pending the review of the Alphington North precinct. Council has now received a draft of the Review and it is currently being considered. In accordance with the Council resolution of 18 July 2011, the Alphington North community will be further consulted on the findings and recommendations of the Review. (Report No. 8.2 to this meeting deals with Part B of Amendment C108).

It is recommended that Amendment C108-A be adopted with the changes as recommended by the Panel.

CONSULTATION:

- Planning Panels Victoria.
- The Panel Report was made available to the public from 20 January 2012 in accordance with Section 26 of the *Planning and Environment Act 1987* which states that the report must be made available once 28 days have elapsed since it was received. All submitters to Part A have been notified of the receipt of the report and Alphington North residents will also be informed as part of ongoing updates in relation to C108-B.

RECOMMENDATION

THAT having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C108 Part A under section 27 of the *Planning and Environment Act 1987*, Council:

- (1) Re-adopt the *Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) to be retitled *The City of Darebin Heritage Study – Historic Heritage Places 2011*.
- (2) Adopt the Amendment C108 Part A Panel Report and accept all the Panel recommendations
- (3) Adopt Amendment C108 Part A in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report.
- (4) Submit Amendment C108 Part A, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.

MOTION

MOVED: Cr. D. Asmar

SECONDED: Cr. N. Katsis

- (1) **THAT** having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C108 Part A under section 27 of the *Planning and Environment Act 1987*, Council:
 - (a) Re-adopt the *Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) to be retitled *The City of Darebin Heritage Study – Historic Heritage Places 2011*.
 - (b) Adopt the Amendment C108 Part A Panel Report and accept all the Panel recommendations.
 - (c) Adopt Amendment C108 Part A in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report.
 - (d) Submit Amendment C108 Part A, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
- (2) **THAT** officers undertake a further review of the proposed citation and consultant report for 39-43 Woolton Avenue Thornbury and report back to Council as soon as possible on the outcome of this review.
- (3) **THAT** officers contact the owners of these properties to inform them of Council's decision.

Cr. McCarthy proposed to the mover (Cr. Asmar) and seconder (Cr. Katsis) of the Motion that the following Clause (4) be added to the Motion, and this was accepted:

- (4) **THAT** officers provide an explanation as to why all relevant submitters were not informed by Council that it has changed its position in relation to 39-43 Woolton Avenue.

The Mayor, Cr. Tsitas proposed to the mover (Cr. Asmar) and seconder (Cr. Katsis) of the Motion that the following Clause (5) be added to the Motion, and this was accepted:

- (5) **THAT** copies of the Briggs and Helms consultant reports be provided to affected residents on request.

Cr. Laurence proposed that consideration of the matter be deferred.

AMENDMENT

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

THAT consideration of the matter be deferred to a future Council meeting and officers provide an explanation as to why all relevant submitters were not informed by Council that it had changed its position in relation to 39-43 Woolton Avenue Thornbury and further, that officers outline how the conflicting views of residents in Woolton Avenue will be properly considered before Part A of Amendment C108 is presented again to Council for a decision.

THE AMENDMENT WAS PUT AND LOST

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

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

- (1) **THAT** having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C108 Part A under section 27 of the *Planning and Environment Act 1987*, Council:
- Re-adopt the *Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) to be retitled *The City of Darebin Heritage Study – Historic Heritage Places 2011*.
 - Adopt the Amendment C108 Part A Panel Report and accept all the Panel recommendations.
 - Adopt Amendment C108 Part A in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report.

- (d) Submit Amendment C108 Part A, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
- (2) **THAT** officers undertake a further review of the proposed citation and consultant report for 39-43 Woolton Avenue Thornbury and report back to Council as soon as possible on the outcome of this review.
- (3) **THAT** officers contact the owners of these properties to inform them of Council's decision.
- (4) **THAT** officers provide an explanation as to why all relevant submitters were not informed by Council that it has changed its position in relation to 39-43 Woolton Avenue.
- (5) **THAT** copies of the Briggs and Helms consultant reports be provided to affected residents on request.

CARRIED

A DIVISION WAS CALLED:

FOR

The Mayor, Cr. S. Tsitas
Cr. T. McCarthy
Cr. S. Chiang
Cr. B. Morgan
Cr. N. Katsis
Cr. D. Asmar

AGAINST

Cr. T. Laurence
Cr. V. Fontana

The Mayor, Cr. Tsitas, declared the Motion, as amended, to be carried.

REPORT

INTRODUCTION AND BACKGROUND

The C108-A Panel Report was received on 23 December 2011. Council must consider the report and decide whether to adopt the amendment. This section gives a brief background of key aspects of C108.

Amendment C108

Amendment C108 proposed to implement the Darebin Heritage Study (2007) through the application of the HO to 18 precincts and 109 individual places. The amendment also included consequential changes to:

- The planning scheme maps to include the additional places;
- The Municipal Strategic Statement (MSS) at clause 21.05-4 (Heritage, Culture and Arts) to include the *City of Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) in the reference documents list; and
- Schedule to clause 81.01 to include the *Darebin City HO Permit Exemptions Incorporated Plan, 2011* as an incorporated document in the Scheme.

Amendment C108 was exhibited from 24 January 2011 until 28 March 2011 and a total of 209 submissions were received. The majority of these submissions (approximately 75%) related to the proposed Alphington North Precinct.

All properties affected by C108 are currently covered by an interim HO which was introduced into the Darebin Planning Scheme with the approval of Amendment C107 on 4 November 2010.

Council at its meeting on 18 July 2011 considered the submissions to Amendment C108. Whilst the recommendation requested the Minister to appoint an independent Panel under section 23(1)(c) of the Act, the Council resolution sought to undertake further public consultation in relation to the *Alphington (North) Precinct*.

Council again considered the submissions to C108 at the meeting of 5 September 2011 and resolved to split Amendment C108. This would firstly allow Council to write to the Minister to seek the appointment of an independent planning panel for C108-A, (excluding Alphington North) and secondly allow further consultation to occur in Alphington North for Part B of Amendment C108 (C108-B).

All 55 submissions as part of C108-A were referred to a Panel following the resolution of 5 September 2011. The Panel Hearing for C108-A was held on 21 and 22 November 2011. The two member Panel heard submissions from Council and Council's expert presented on Day 1, whilst five submitters were heard on Day 2 which also included Council's right of reply.

The Panel Report was received by Council on 23 December 2011 and was then released for public inspection on 20 January 2012 in accordance with section 26 of the *Planning and Environment Act 1987* (the Act) which requires the report to be publicly available once 28 days have elapsed since the report was received.

The report must now be considered by Council under section 27 of *the Act* before deciding whether or not adopt the amendment. Should Council adopt the amendment with or without changes, C108-A will then become a separate amendment under section 29.

Council has requested that the same Panel members for C108-A also constitute the Panel Hearing C108-B if it is required.

Whilst the Panel was not considering Alphington North, Council's submission to the C108-A Hearing included an overview and background of the Darebin Heritage Study which still had some relevance for these submitters. Therefore all submitters from the Alphington North area were directly notified of the Hearing and invited to attend as observers for their own information.

ISSUES AND DISCUSSION

The Panel has delivered their recommendations after consideration of all submissions and evidence as well as independent inspections of all affected properties. Council must consider each recommendation and resolve whether to support in full, in part or reject the report. It is recommended that Council adopt the Panel Report unchanged. The key recommendations are presented below.

Interim Heritage Overlays recommended for removal

The Panel's recommendations included the removal of the HO from several properties or parts of precincts:

- Removal of 37-41 Woolton Avenue Thornbury from HO181 – Woolton Avenue Precinct. The removal of these properties from the precinct was part of Council's revised position in the submission to the Panel. Prior to the Panel Hearing, Council received an expert report from Mr. John Briggs on behalf of two of the owners supporting the exclusion of these properties from HO181. Council supported this evidence over that of Council's Heritage expert. The Panel considered the two expert reports prior to the Hearing and on 18 November 2011 notified all parties in writing that they support the removal of the HO from the three properties.
- Removal of 143-149 Plenty Road Preston from HO 305 – Plenty Road Precinct. The Panel considered the written submission of the owner of the four commercial properties and concluded that as the northernmost part of the precinct, these buildings do not make "a sufficient contribution to the significance of the remainder of the precinct to meet the criteria for heritage significance."
- Removal of 43 Jessie Street Preston from HO233. This late 19th Century property was individually listed as a representative example of the small degree of successful development in Preston at this time. The owners were represented at the Hearing and the Panel considered all material submitted. On inspecting the property twice as well as other comparable properties in surrounding streets it concluded that it "does not meet the threshold of heritage significance for an individual HO".
- Removal of 788 High Street Thornbury from contributory status within the High Street Thornbury Precinct. This two storey commercial building was mistakenly identified as being contributory within the precinct. Council's Expert revised his position to support the removal of contributory status, but remaining as a non contributory building within the HO.
- Removal of HO270 from 666 High Street Thornbury and inclusion in the adjoining precinct. This property is individually listed but adjoins the High Street Reservoir Precinct HO307. The Panel did not see the need for an individual listing for this property and therefore recommended the removal of HO270 and applying HO307 instead. Council's Expert agreed with this approach.
- Removal of HO305 from the road reserve as part of the Plenty Road Precinct Preston. Council agreed to VicRoads' submission to remove the HO from Plenty Road prior to the Hearing. It is viewed as an error and the road reserve is not considered a significant part of the precinct.

Amendment to HO Boundaries

The Panel recommended that boundaries for two of the individual HOs be further refined:

- The south-western corner of HO250 being the former Preston Technical College; and

- The boundary of HO at 600 Plenty Road Preston to include only the former State Savings Bank building and exclude the balance of the land.

Amendment to Incorporated Plan

The Incorporated Plan forms part of Amendment C108 and has been designed to specify exemptions to Planning Permits for minor buildings and works which do not impact upon the heritage significance of the particular item.

The Panel supports the use of this document however a number of changes were discussed throughout the Panel Hearing in response to several submissions and Appendix C of the Panel Report includes a marked up "Final Panel Version" recommended for approval. This version was mostly prepared in consultation with Council, Council's consultants, and submitters. Key changes recommended:

- Additional Sections 3.6 and 3.7 to provide exemptions for the Miller Street Tramway Bridge and the former Preston Technical College building at NMIT respectively.
- Clarification of the definition of "significant features".
- Deleting all references to Alphington North.
- Clarification in wording that exemptions for commercial buildings apply to all business zones.
- Changes to exemptions for Department of Transport land as part of the Whittlesea Railway Precinct and the East Preston Tram Depot.

All of these changes were discussed in the Hearing and mostly reflect general agreements between the relevant parties.

Other Minor Mapping Changes

Several other minor changes to C108-A are recommended

- Correction of a mapping error which mistakenly refers to the High Street Thornbury Precinct as HO307 instead of HO309.
- Correction of a mapping error in HO310 which incorrectly identified 11 Plow Street (vacant land) as contributory and 13 Plow Street as non-contributory.

Other Panel Recommendations

The Panel recommended a number of changes to the citations within the *City of Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010)

- All citations to be reviewed to ensure 'significant features' are clearly identified for each heritage place in the Statement of Significance.
- The citation for the Larne Grove and Roxburgh Street Precinct Preston (HO302) to be amended to specify that non original alterations and additions to Contributory houses are not significant.
- The Statement of Significance for the IOOR Hall in High Street Preston (HO219) to be amended to more clearly identify significant and non significant elements.
- That references to 58 Woolton Avenue in the citation for the Woolton Avenue Precinct be amended to correct historical information.

- Amend the citation in regard to the former Preston Technical College building (now part of the NMIT Preston campus) to correctly state that the single storey extension occurred at the southern end of the building.

The Panel also recommends that Council's Heritage Expert undertake a further inspection of the former doctor's surgery at 572 Plenty Road Reservoir to determine whether the internal fabric is worthy of heritage protection as recommended by the owners.

Naming of Reference Document

With the above changes recommended by the Panel, it will also be recommended that Council re-adopt the *Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) to be known from then on as:

- *The City of Darebin Heritage Study – Historic Heritage Places 2011.*

This new name will clarify to future users that the document was reviewed, amended and finalised during the C108-A Panel process.

POLICY IMPLICATIONS

Environmental Sustainability

Conservation of places of heritage can contribute to sustainability. The Heritage Study and heritage controls can help to achieve inter-generational equity, one of the principles of ecologically sustainable development, by ensuring that places of significance inherited from past generations are passed on to future generations in good condition. The Heritage Study and heritage controls ensure that there is re-use of places of significance which may otherwise be left derelict or demolished.

The Natural Heritage component of the *Darebin Heritage Study* includes assessments and findings that will assist in the protection and promotion of Darebin's vegetation and biodiversity.

Social Inclusion and Diversity

The *Darebin Heritage Study* is based on principles of social inclusion and diversity. It is based on a broad definition of heritage and assesses and promotes cultural heritage for all different people. The study includes pre-contact and post-contact Aboriginal heritage and Migrant heritage. Also, tangible cultural heritage is an important part of expression of cultural identity and can assist to provide a sense of place and wellbeing to a community or communities.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The cost of one independent Planning Panel including funding the panel members, expert witness reports etc is within the allocated heritage budget. Council will also need to engage the Heritage Consultant to complete the tasks as recommended by the Panel.

A separate Panel for Amendment C108 (Part B) will incur additional costs.

CONCLUSION

The Panel has considered all submissions and has also heard from Council, Council's Heritage expert and several submitters during the Hearing. Their recommendations have also considered all aspects of the Amendment and the Darebin Heritage Study overall. The changes recommended are relatively minor but will improve the amendment and the reference and incorporated documents.

It is therefore recommended that the report is received, all recommendations supported and Part A of Amendment C108 be adopted.

FUTURE ACTIONS

Once Council formally adopts the Panel recommendations in part or in full, the following actions will be undertaken

- Amend the documents as recommended by Panel.
- Forward all amended documents to DPCD for adoption.
- **Appendix A** – Panel Report dated 23 December 2011

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- Council Minutes (18 July 2011), Item 9.3: Amendment C108 – Proposed Heritage Controls: Consideration of Submissions and Request for Planning Panel.
- Council Minutes (5 September 2011), Item 9.3: Amendment C108 – Further Consultation for Alphington North Precinct and Request for Planning Panel.
- Darebin Heritage Study: Volume 3, Historic Heritage Places (Context Pty Ltd, 2010).
- Planning and Environment Act 1987.
- **Appendix A** – Panel Report dated 23 December 2011

The Director City Works and Development, Michael Ballock, advised the meeting that due to an error in the Panel's Report (Appendix A) where they correctly talk about the removal of 37-43 Woolton Avenue throughout the report but then incorrectly recommended removal of 37-41 Woolton Avenue on the final recommendation page, the first bullet description under the heading 'Interim Heritage Overlays recommended for removal' in the Council report incorrectly identifies '37-41 Woolton Avenue' instead of the correct '37-43 Woolton Avenue'.

8.2 AMENDMENT C108 PART B – UPDATE ON REVIEW OF THE ALPHINGTON NORTH PRECINCT**MINUTE NO. 43****AUTHOR: Principal Strategic Planner - Implementation****REVIEWED BY: Director City Works and Development****SUMMARY:**

The Alphington North Precinct (the Precinct) was one of 18 precincts proposed for permanent heritage protection under Amendment C108 (C108). The Darebin Heritage Study identified the area's inter-war residential character as being of local historic, architectural and aesthetic significance.

In response to the large number of submissions to Amendment C108 regarding the proposed Alphington North Precinct, Council initially resolved at its meeting on 18 July 2011 to undertake further public consultation in relation to the *Alphington (North) Precinct*. C108 was again considered at its meeting on 5 September 2011 where Council resolved to split Amendment C108 to allow a review and further consultation to occur on the proposed Alphington North precinct as Part B of Amendment C108 (C108-B).

The *Alphington North Heritage Precinct: Review of Proposed Heritage Overlay Area* (the Review) has been prepared by Bryce Raworth Pty Ltd on behalf of Council. The Review recommends for a significant reduction of the existing Precinct which is currently protected by the interim Heritage Overlay (HO).

The Review provides Council with an independent and up to date assessment of the Precinct which is important given the level of community interest and the significant number of demolitions and unsympathetic renovations which have occurred in the area in recent years.

CONSULTATION:

Submitters from Alphington North have been updated over the past six months. Most recently, they were informed of the Panel Hearing for C108-A and were invited to attend as observers.

A full copy of the Review will be sent to owners and occupiers in the current Heritage Overlay and a questionnaire will be included with the letters to assist residents and owners in making any further response opposing or supporting the revised Heritage Overlay.

RECOMMENDATION

THAT Council receive and note this update report regarding Amendment C108 Part B – Alphington North Precinct.

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

THAT Council:

- (1) Receive and note this update report regarding Amendment C108 Part B – Alphington North Precinct.
- (2) Confirm its previous resolution to consult on the conclusions of the heritage consultant's report

CARRIED

A DIVISION WAS CALLED:

FOR

The Mayor, Cr. S. Tsitas
Cr. T. McCarthy
Cr. T. Laurence
Cr. S. Chiang
Cr. V. Fontana
Cr. N. Katsis
Cr. D. Asmar

AGAINST

Cr. B. Morgan

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

REPORT

INTRODUCTION AND BACKGROUND

Amendment C108

Amendment C108 proposed to implement the Darebin Heritage Study (2007) through the application of the HO to 109 individual places and 18 precincts including Alphington North. The amendment also included consequential changes to:

- The planning scheme maps to include the additional places;
- The Municipal Strategic Statement (MSS) at clause 21.05-4 (Heritage, Culture and Arts) to include the *City of Darebin Heritage Study: Volume 3, Historic Heritage Places* (Context Pty Ltd, 2010) in the reference documents list; and
- Schedule to Clause 81.01 to include the Darebin City HO Permit Exemptions Incorporated Plan, 2011 as an incorporated document in the Scheme.

Amendment C108 was exhibited from 24 January 2011 until 28 March 2011 and a total of 209 submissions were received. The majority of these submissions (approximately 75%) related to the proposed Alphington North Precinct and expressed a range of viewpoints including support and opposition.

All properties affected by C108 including Alphington North are currently covered by an interim HO which was introduced into the Darebin Planning Scheme with the approval of Amendment C107 on 4 November 2010.

Alphington North Precinct

The Alphington North Precinct is referred to in C108 as HO296 and is bounded by Fulham Road in the west, Wingrove Street in the south, Kelvin Road, Bennett Street and Yarana Road in the east and Smith Street in the north as illustrated below. The Statement of Significance from the Darebin Heritage Study describes the Precinct: “as a residential subdivision comprising housing and a small amount of commercial development dating from c.1915 to c.1945”.

The citation concludes that the Precinct “is architecturally and aesthetically significant as a fine example of an inter-war residential subdivision, which is notable for the consistent quality and scale of the built form, and the ‘garden suburb’ character which is enhanced by mature street trees and the central parkland.”

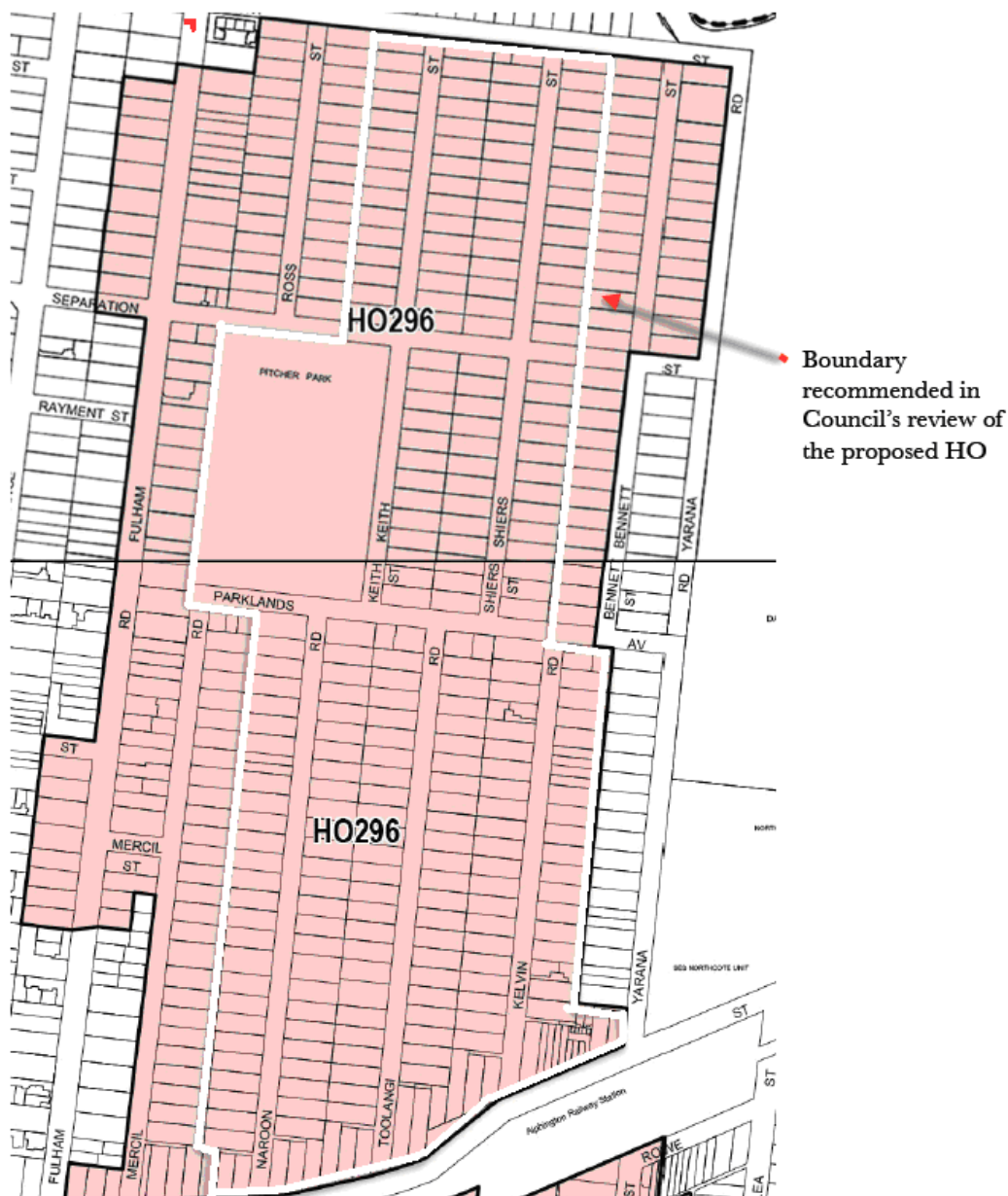


Figure 1: The extent of HO296

On 18 July 2011 a report was presented to Council on the exhibition of C108 and the number and nature of the submissions received. This report also contained a separate discussion of the Alphington North Precinct. Following a review by Council's heritage advisor and in discussion with the Department of Community Planning and Development (DPCD) and Heritage Victoria, the report recommended adopting a reduced Heritage Overlay area and modified controls for the Alphington North precinct. The report also recommended the consideration of built form controls and referring the amendment to a Panel. The original and revised HO are displayed in Figure 1 above. Council subsequently resolved the following:

That Council undertake a further public consultation process on the modified heritage overlay and on the design and built form controls as outlined in this report and report back to Council.

A further report to Council on 5 September 2011 advised that DPCD, in consultation with Heritage Victoria, had recommended that the review of the heritage assessment for the Alphington North Precinct should be undertaken by an independent heritage consultant. In addition, the report discussed splitting C108 into two parts to allow the Alphington North precinct to be considered separately whilst the remainder of the amendment proceeded to Panel. Council resolved:

That:

- (1) Council split Amendment C108 – Proposed Heritage Controls into two parts, separating the Alphington North Precinct to enable further consultation to occur.*
- (2) Council write to the Minister for Planning to seek the appointment of an independent planning panel for Part A of Amendment 108 – Proposed Heritage Controls which excludes the Alphington North Precinct.*

The Review Process

In response to both of these Council resolutions, Bryce Raworth Pty Ltd (conservation consultants and architectural historians) was engaged to carry out a review of the Alphington North Precinct on 6 September 2011.

The Review included a review of the Darebin Heritage Study and other previous documents, the Council Minutes of 18 July 2011, a street by street inspection and other historical research.

The brief for the consultant included the following tasks:

- Review the accuracy and integrity of the heritage citation report for the Alphington North Precinct and the extent to which the recommended Heritage Overlay should be applied.
- Update the classifications of properties and identify any streets or properties which should be re-classified to either contributory or non-contributory or that should not be affected by the heritage overlay at all.
- Determine whether a design and built form control could be applied to non-contributory properties and/or to any properties or streets surrounding the heritage overlay area. The purpose of a design and built form control would be to ensure that those properties that are not protected from demolition are protected from oversized, unsympathetic new developments.

The Review took place over 4 months from September 2011 to December 2011. The draft report, which is attached (see **Appendix A**), was received by Council on 20 December 2011.

Part A of Amendment C108

The Panel Hearing for C108-A was held on 21 and 22 November 2011 and the Panel delivered the Report on 23 December 2011. See Report No. 8.1 to this meeting regarding the Panel Hearing for C108-A.

The introductory session of the Panel Hearing served as a background and overview of the whole Darebin Heritage Study.

All submitters from the Alphington North area were directly notified of the Hearing and invited to attend as observers for their own information. The same Panel members will also hear C108-B should it be required.

ISSUES AND DISCUSSION

The Review is an independent assessment of the existing precinct by a respected heritage consultant with a number of years experience. The Review also makes commentary on the appropriateness of the proposed heritage controls and provides a discussion of the history and settlement of the precinct and an analysis of the level of integrity and intactness normally expected of a heritage overlay area. Key findings of the Review are that the loss of contributory buildings and unsympathetic additions have substantially compromised the significance of the place.

Specifically the Review found that:

- The impact of recent demolitions and redevelopment is particularly pronounced on Fulham, Kelvin and Mercil Roads and the northern end of Keith Street.
- Other streets which appear more intact contain many buildings from the post-war period which are not considered significant.
- A number of remaining original buildings have been subject to renovations which are "extremely detrimental" to the original character.
- The shops on Wingrove Street are typical of this era of development and are modest and heavily altered.
- The garden character identified has more to do with the mature street trees rather than elements in the private domain.
- Pitcher Park makes a limited contribution to an "inter-war garden suburb", is sparsely planted and contains pavilions of limited architectural or historical interest.

The Review also compares the Alphington North precinct to others included in the Heritage Overlay as part of Amendment C108-A, including:

- The Sumner Estate;
- The Preston Tramways Estate;
- The Preston State School precinct;
- The Regent G.E. Robinson Park precinct; and
- The Preston Oakhill Avenue precinct.

Many of these areas do not compare to the “verdant” and heavily treed streetscapes of Alphington although they are generally more intact.

The main conclusion of the Review is a significant reduction in the extent of the HO to include the Toolangi Road and Naroon Road area (including adjoining houses in Wingrove Street) and a separate satellite section at the northern end of Shiers Street. These streets present the most intact areas within the original precinct, although Shiers Street is more marginal in terms of heritage interest and is not integral to the core precinct.

The modified HO map is displayed in Figure 2.



Figure 2: Revised HO boundary as recommended by the Review.

Design Controls

The Review briefly addresses the issue of large and unsympathetic developments raised as a concern by many submitters. For those areas of the existing Precinct excluded from the revised HO, this report recommends that this issue “*could be better handled by design and built form controls other than the heritage overlay*”.

The introduction of design and built form controls will need to be justified in more detail by a separate study and report. There would also need to be a community consultation process before changes could be implemented through a new planning scheme amendment. The issue for Council include whether these controls should only apply to Alphington alone and consequently the allocation of resources to undertake the work and the time required for preparation and implementation through the amendment process. The interim HO currently in place has restricted demolitions and redevelopments for over 12 months whilst C108 has been exhibited. Should C108-B, in the revised format, be adopted by Council and incorporated into the Planning Scheme it will replace the interim controls.

This would mean there would be no controls in place to trigger the requirement for a planning permit for those areas/streets not covered by the HO. This is currently the situation for all other residential areas in the City of Darebin.

The Review has also established that a number of the streets outside of the proposed HO have been significantly compromised by recent developments. Considering design controls will not restrict demolitions, over time when original housing stock is replaced, it may be less apparent as to why the controls are in place. In regard to the area's "garden character", it is the consultant's view that the generous front setbacks "is another common interwar trait" and that the leafy character has more to do with the mature street trees in the public realm rather than private gardens.

The Review therefore recommended that Council takes no further action to protect built form in the streets of Alphington North omitted from the revised HO as part of this Review.

POLICY IMPLICATIONS

Environmental Sustainability

Conservation of places of heritage can contribute to sustainability. The Heritage Study and heritage controls can help to achieve inter-generational equity, one of the principles of ecologically sustainable development, by ensuring that places of significance inherited from past generations are passed on to future generations in good condition. The Heritage Study and heritage controls ensure that there is re-use of places of significance which may otherwise be left derelict or demolished. Exemptions from Planning Permits for environmentally sustainable features will be recommended in the revised C108-B.

Social Inclusion and Diversity

The *Darebin Heritage Study* is based on principles of social inclusion and diversity. It is based on a broad definition of heritage and assesses and promotes cultural heritage for all different people. The study includes pre-contact and post-contact Aboriginal heritage and Migrant heritage. Also, tangible cultural heritage is an important part of expression of cultural identity and can assist to provide a sense of place and wellbeing to a community or communities.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The review of the Alphington North Precinct has been an additional cost to Council above the cost of preparing the Darebin Heritage Study and Amendment C108.

Should Amendment C108-B proceed to a Panel, this will incur costs including funding the panel members and preparing an expert witness report however this is within the allocated heritage budget. Panel costs however will be reduced as Council has requested that the same members from the C108-A Panel also hear the Part B Panel – this will remove the need to reintroduce the background of the Darebin Heritage Study.

To introduce design controls in other parts of the area outside the HO will incur significant additional costs including separate consultant report and a Planning Scheme Amendment.

CONCLUSION

The conclusions from the Heritage Consultant to reduce the extent of the Alphington North Precinct offers Council a means to progress C108-B with an up to date assessment of the area.

It is important that if C108-B is to be heard by a Panel, it is with a defensible precinct boundary. It is clear from the review and other research carried out by Council that there have been significant changes to the Alphington North area since the Darebin Heritage Study commenced in 2007 which has significantly compromised the integrity of the area as a heritage precinct. The Toolangi Road and Naroon Road area together with the northern section of Shiers Street maintain the strongest sense of heritage character and opportunity for permanent heritage protection.

It is proposed that Council note the review and its recommendations, and, in accordance with the resolutions of 18 July 2011 and 5 September 2011, the further consultation with the Alphington North community will take place over February 2012. The outcome of this consultation will be reported back and Council can then consider whether to refer all submissions to a Panel or abandon the amendment at an upcoming meeting in March 2012. The introduction of design controls in the other parts of the area omitted from the HO is not recommended by the Review.

FUTURE ACTIONS

Once Council notes the Review and recommendations:

- The review report will be distributed to all owners and occupiers in the existing Alphington North Precinct over February 2012.
- Findings from this consultation will be collated and reported back to Council in March 2012 for a determination on C108-B. At that stage Council may decide to either abandon the amendment or that all submissions as well as any new responses be referred to a Panel.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Council Minutes – 18 July 2011 and 4 September 2011

Appendix A – Draft Report, Bryce Raworth Pty Ltd, December 2011

8.3 PLANNING PERMIT D/605/2011 - 6 PLATEAU ROAD RESERVOIR**MINUTE NO. 44****AUTHOR: Principal Planner****REVIEWED BY: Director City Works and Development****SUMMARY:**

Following the issuing of planning permit D/605/2011 for use of the land for a mushroom factory, complaints have been received from Dyson Street Reservoir residents regarding:

- (a) The use of Dyson Street for the purpose of vehicular access to the rear of the site;
- and
- (b) The extent of public notification carried out during the advertising phase of the application.

At its meeting on 19 December 2011 Council resolved that:

- (1) *Officers, including Council's VCAT specialist, arrange a meeting with the residents of Dyson Street, Reservoir and provide advice on the options available to residents with respect to Planning Permit Application D/605/2011, 6 Plateau Road, Reservoir.*
- (2) *Officers investigate reasons why appropriate signage was not provided at the site and why Council failed to consult with all residents in Dyson Street. Further, Council ensure measures are put in place to correct errors of this nature in future and that a report be provided to Councillors at a briefing session in early 2012.*

RECOMMENDATION

THAT Council receive and note this report regarding planning permit D/605/2011 – 6 Plateau Road Reservoir.

COUNCIL RESOLUTION

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

THAT consideration of the matter be deferred until the next Council meeting.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND****The Site**

The subject site is within the Industrial 3 zone (IN3Z) and is affected by the Development Contributions Overlay (DCPO1) and is located on the east side of Plateau Road Reservoir with a total site area of 2968 square metres.

Records indicate that a 6.1 metre wide Right of Way formerly existing to the east and separating No.24 Dyson Street and the subject land, was acquired by the subject land on 21 August 2008 and Gazetted on 18 October 2007 (see *Transfer of Land* document attached – **Appendix A**). Consequently, it appears a 6.1 metre wide section of the southern boundary of the subject site has existing legal access rights direct to Dyson Street.

An existing saw-toothed factory building exists on the land. The building is sited in a manner that provides a 7 metre hardstand at the front and a 23 metre gravel based area at the rear adjacent Dyson Street. An existing crossover from Plateau Road provides access to the site frontage and the loading bay. The rear (east) of the site adjoins a residential property at No.24 Dyson Street. To the north, south and west of the site are industrial uses.

The Application

Planning Permit application D/605/2011 was received on 29 July 2011. Further information under Section 54 of the Planning and Environment Act was requested on 26 August 2011. The further information was submitted to Council on 8 September 2011. Notice of the application was on 20 September 2012. This process is discussed in detail below.

Planning Permit D/605/2011 and associated endorsed plans were issued under delegation on 28 October 2011 and allowed use of the land for the purpose of industry (mushroom production), construction of extensions to the existing factory and a reduction to the car parking requirement.

The application was referred externally to the Environment Protection Authority (EPA) who did not object to the application, subject to conditions which are included on the planning permit.

The application was also referred internally to Council's Transport Management and Planning and Capital Works Units, who did not object to the application subject to conditions which are included on the planning permit.

ISSUES AND DISCUSSION**Vehicular Access from Dyson Street**

The subject site has an existing 6.1 metre abuttal to Dyson Street along its southern boundary. The application proposed a 3 metre extension to the existing crossover which serves No.24 Dyson Street to provide vehicular access to the rear of the site.

The crossover is proposed to provide vehicular access to staff vehicles only. No loading or unloading, or access for heavy vehicles will be conducted via the Dyson Street crossover. Permit (D/605/2011) conditions No.13, No.14 and No.15 were introduced to protect the amenity of the residents in Dyson Street and gave effect to the intended level of control vehicular access via these conditions which state:

Permit Condition 13:

Delivery vehicles are to access and egress the site from Plateau Road only. The rear car park is to be restricted for staff use only. Delivery access / egress, loading, unloading and waste collection must be from Plateau Road access only.

Permit Condition 14:

No heavy goods vehicles are permitted to access the site from Dyson Street.

Permit Condition 15:

Before the occupation of the development commences vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. The vehicle crossing to Dyson Street must not exceed 3.0 metres in width. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

At the time the application was received, there was no crossover opening to the subject site from Dyson Street; however, it is reasonable to assume that had the applicant applied separately for a crossover permit prior to the application, the Council would have been obliged to allow this to occur on the basis that it is legal access.

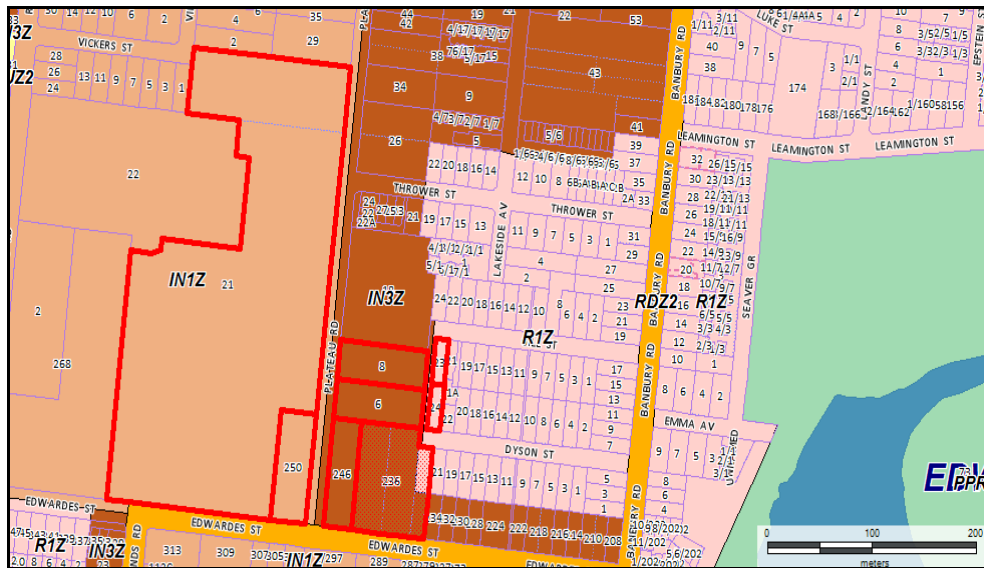
The rear of the site is to accommodate fifteen (15) car parking spaces for staff only, who are likely to enter the site during the morning period and exit after working hours. Unlike a retail use or similar intensive public use of the land, the expected volume of traffic to be generated by the staff of the mushroom factory is not considered to be excessive and can be absorbed by Dyson Street and surrounding street networks. In terms of traffic volumes this would be equivalent to five residential units being added to the end of the street with concentrations being at the start of business, end of the working day and to a lesser extent lunch times. All commercial and visitor traffic will remain accessible via Plateau Road.

The presence of both residential and commercial/industrial traffic along local streets is not considered to be uncommon in this area eg. along Edwardes Street, Thrower Street, Banbury Road, Lakeside Avenue, Kolverne Street, Zinnia Street and far north as Broadhurst Avenue which have both residential and industrial land abutments.

The key consideration for residents was to ensure that heavy vehicle access is provided via Plateau Road and prevented by way of a planning permit condition and through the practical restriction of the site to a crossover that is 3 metres in width.

Public Notification:

Under the provisions of the Industrial 3 Zone, the application was not exempt from public notice. Public notification of the application was carried out in accordance with the provisions of section 52(1) (a) and (b) and 52(2) of the Planning and Environment Act 1987 whereby owners and occupants of directly adjoining properties were notified in writing of the application; and a public sign was posted on the site's Plateau Road frontage for a period of 14 days. The map below outlines the properties notified. No objections were received.



A sign was not posted on the Dyson Street interface or properties other than directly abutting properties in Dyson notified as the Responsible Authority was satisfied that the granting of the planning permit would not cause material detriment to any other person (for reasons discussed above).

Council's notification, although considered discourteous by residents, was consistent with the requirements of the Act and consequently no technical error has occurred.

It is also important to note that due to direct abuttal of many of the residential properties in Dyson Street to industrial land, primary consideration has been given to respecting the residential amenity in the assessment and application of conditions for the proposal. These conditions of approval which are readily enforceable provide reasonable protection for the amenity of adjoining residential land.

Grounds for Appeal by Residents

There are two areas under the Planning and Environment Act (1987) where residents could potentially lodge an application for review before VCAT on the grounds that Council has not provided sufficient public notice. This includes both a general review and review where a cancellation of permit is sought.

A review of relevant VCAT cases has confirmed that both the permit and public notification process met the statutory requirements of the Act. These cases have considered what the Planning Environment Act means by adjoining owners and how far reaching notice should be provided and confirm that notification is required where there is a shared boundary.

Officers including Council's legal advocate have met a resident representative on 17 January 2012 and provided examples of these cases and a full disclosure of the officer's report in relation to the application, together with copies of the planning permit and endorsed plans. This meeting was worthwhile in providing clarity on what the application is proposing and in demonstrating that a high priority has been given to considering the residential amenity of Dyson Street residents.

Whilst this is not expected to fully appease all Dyson Street residents it has commenced discussions and provided the opportunity for concerned residents to be fully informed about the proposal and the decision made.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONCLUSION

Public notification was carried out in accordance with the provisions of the Planning and Environment Act (1987) in respect to planning permit D605/2011. Importantly the amenity of residential uses was taken into account when determining the application.

Meetings have commenced with resident representatives with a very open and accountable approach taken. Officers are confident this has restored some faith from residents that their basic concerns have not been ignored and that a major emphasis of the application process and subsequent permit has been about protecting their amenity.

FUTURE ACTIONS

A further meeting is to be arranged between Council's Statutory Planning staff and residents.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

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

8.4 DOG OFF LEAD AREA ALL NATIONS PARK - PETITION**MINUTE NO. 45****AUTHOR: Senior Landscape Architect****REVIEWED BY: Director City Design and Environment****SUMMARY:**

A petition requesting that Darebin City Council support and allocate funding to install additional park infrastructure in the designated dog off lead area at All Nations Park was brought to Council's attention at its meeting on 19 December 2011.

Council resolved as follows:

That Council note the petition containing 294 signatures regarding the currently designated dogs off lead area at All Nations Park and that a report be presented to the first Council meeting of 2012 regarding what actions will be taken in response.

The items requested by the petition are:

- A bin for owners to put dog poo bags in
- Tap and bowl for fresh drinking water for dogs
- Seats for the humans
- Lighting to allow users to be safe in the area after 5:30 pm in winter.

The issues raised by the petition were already being investigated and actioned by Council staff due to a previous request by the same resident. The majority of the works requested have already been carried out, with the remaining drinking water item due to be installed by the end of February 2012.

CONSULTATION:

Coordinator, Public Realm
Manager Darebin Parks
Coordinator Leisure Services
Open Space Maintenance Coordinator
Team Leader Horticulture, Rucker Ward
Facilities Maintenance Coordinator
Team Leader, Direct Works
Darebin Electrical Contractors

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. D. Asmar

THAT Council responds to the lead petitioner with an outline of the works undertaken at All Nations Park.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

All Nations Park is a District Park located in Northcote. The park was opened in February 2002. The original Master Plan for the park did not specify a dog off lead area. As a result of community requests, an area was nominated in Darebin's Animal Management Strategy.

The designated dog off lead area is an open grassy area bounded on 3 sides by parkland footpaths and on the north side by Brickworks Lane. Bollard signage and on-path line marking indicate the extent of the dog off lead area.

In October 2011 a resident sent an email to Council's general information email address to express her concern regarding the lack of park infrastructure for the dog off lead area at All Nations Park:

'There are several planning issues that have been identified by regular users of All Nations Park. Some of this has come about because the park was planned and then the dog off lead area was added later.

In summary, the dogs off lead area requires:

** Bin for owners to put dog poo in (suggest the one marked on map is moved as this is close to another one anyway).*

** Fresh drinking water tap and bowl for dogs (the one near the loos does not work, the bowl wont fill up and it doesn't drain and it is too far from dog area- dogs will just nick off to find it when they are thirsty, or go to the pond).*

** Seats for the humans (these seem to be all around the park except near here, so the humans sit on the concrete blocks, then the dogs congregate there and are on the path in the way of pedestrians and cyclists).*

** Lighting. In winter the area is pitch black by 5:30pm, as many of the users are there about this time. Later than this and it is not considered safe by a lot of park users although there are no other choices.'*

In response to these requests, and after discussions with the resident, Council Officers agreed to undertake a series of actions to address the matters raised and commenced works.

ISSUES AND DISCUSSION

A 294 signature petition requesting the following was received by Council on 14 December 2011:

'We, the undersigned request that Darebin City Council support and allocate funding to install the following in the dogs off lead area at All Nations Park:

- *A bin for owners to put dog poo bags in*
- *Tap and bowl for fresh drinking water for dogs*
- *Seats for the humans*
- *Lighting to allow users to be safe in the area after 5:30 pm in winter'*

Issues raised by the petition, and other related issues, were already being investigated and actioned by Council staff due to a previous request. The majority of the works requested have already been carried out with the remaining drinking water item due to be installed by the end of February 2012.

As of 25 January 2012 the following actions have already been carried out by Council:

1. A new bin has been installed as agreed with the resident. Completed January 2012.
2. The existing dog bowl next to the park toilets has been serviced and is now working as intended. Completed December 2011.
3. The placement of a new drinking fountain and dog bowl within the dog off lead area has been investigated and has been determined feasible. In order to off-set the cost of the drinking fountain Officers have identified an opportunity to partner with Yarra Valley Water in their 'Tap is Best' campaign that is offering to donate water bottle refill stations complete with dog bowl and drinking fountain to participating Councils. The unit has been ordered and is due to be fully installed by the end of February 2012.
4. Two new park seats have been placed within the western part of the dog off lead area, where it was determined by Council staff there was the greatest need for seating. Completed December 2011.
5. The existing park lighting adjacent to the dog off lead area has been serviced and upgraded. All fittings around the dog off lead area were cleaned and upgraded from 30w compact fluorescent fittings to a brighter 42w Induction lamp to increase lighting levels for users of the dog off lead area.

It is anticipated that all works will be completed for the Darebin Kite Festival on the 19 of February 2012.

POLICY IMPLICATIONS

Environmental Sustainability

The bin receptacle used came from refurbished stock. Upgrading and reusing old infrastructure is considered responsible both from an economic and resource perspective. The new dog bowl and drinking fountain will also include water bottle refill nozzles and promotion about reusing water bottles. The two new park seats are made of recycled plastic and the concrete pads on which they sit include recycled material.

The minor lighting upgrade undertaken in response to this request is considered appropriate and conforms to the 'Lighting in Open Space' recommendations within Darebin's Open Space Strategy. Additional lighting to specifically illuminate the entire dog off lead area would not be considered necessary or environmentally sustainable and would directly contravene the Open Space Strategy recommendations with regard to lighting large areas passive recreation areas in open space. The Open Space Strategy states that 'lighting will focus on entrances, buildings and paths, only in the cases where they provide a thoroughfare through the park'.

Social Inclusion and Diversity

It is clear from the support for the petition that this space is well used by a wide range of community members. Dog walking is a popular activity in the City of Darebin and is not limited to or exclusive of any social demographic. It should be supported and encouraged as an activity that encourages diverse community members to socialise while being active.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Minor works have been funded from existing budgets.

The new drinking fountain and dog bowl unit will be provided by Yarra Valley Water to offset the total cost of the new asset.

CONCLUSION

The requests in the petition have already been actioned due to a previous request. It is anticipated that all works will be completed for the Darebin Kite Festival on 19 February 2012.

FUTURE ACTIONS

- A drinking fountain with dog bowl will be installed within the dog off lead area by the end of February 2012. This will mark the completion of all requested works and the resolution of all issues raised regarding dog off lead area related infrastructure.
- Complete all works.

- The lead petitioner be informed of the outcome of the petition and the works carried out by Council.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Petition: All Nations Park – Dog Off Lead Area (14.12.2011)

Darebin Animal Management Strategy (2009)

Darebin Open Space Strategy (2007)

8.5 BUNDOORA PARK PICNIC SHELTER BOOKINGS**MINUTE NO. 46****AUTHOR: Manager Parks and Gardens****REVIEWED BY: Director City Design and Environment****SUMMARY:**

Bundoora Park is a large regional park located in the north-eastern end of the City of Darebin. The park is a popular location for visitors all year round and caters for all types of recreational activities. One of the more popular activities during the warmer months is for groups of people to have a picnic in the picnic shelters provided at the park. There are seven picnic shelters and five barbeque shelters.

Traditionally the picnic and barbeque shelters have been available for anyone to use without a booking requirement, with people being free to arrive on the day and use whichever shelters were available. As a result of several requests from groups wanting to book the shelters in advance, a trial booking system and fee was introduced for the picnic shelters in July 2010.

After the introduction of the booking fee several groups expressed their concern about the fee associated with an advanced booking and requested a review of the fee and booking system.

The purpose of this report is to provide a way forward that will address the needs of all users of the picnic shelters.

CONSULTATION:

Manager Darebin Parks

Manager Leisure and Public Realm

Director City Design and Environment

RECOMMENDATION**THAT:**

- (1) Council resolve to set aside at Bundoora Park one picnic shelter and one barbeque shelter for bookings at any given time for a fee of \$250 inclusive of GST.
- (2) The booking and reservation fee be adjusted annually as part of Council's fees and charges review.

COUNCIL RESOLUTION

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

THAT consideration of the matter be deferred to enable consultation to occur with those groups who raised this issue.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Bundoora Park has seven picnic shelters and five barbecue shelters located throughout the park. The picnic shelters are a popular place for visitors on weekends. During the weeks leading up to Christmas the shelters are particularly popular with groups holding their Christmas functions. From late November through to early January all shelters are usually occupied by 8am on both Saturdays and Sundays. People who have a particular preference for one shelter or another often arrive very early to occupy and, in effect, reserve the shelter for their family or group for that day.

In previous years the only option available for any type of booking at Bundoora Park was the option to reserve an area of land with no shelter or facilities. This was often the practice of larger groups who would set up a marquis on the reserved area of land for their function. In previous years there has been no opportunity to pre book the picnic shelters.

Staff observed over a number of years that some groups were using the picnic shelters for their functions without paying a fee and without the additional need to hire a marquis by "reserving" a shelter earlier in the day. Over time, several groups have expressed a willingness to pay a fee if it meant they could reserve a particular shelter. At the beginning of the 2010/2011 financial year a fee was introduced to allow for anyone to make an advanced booking and reservation of a shelter.

ISSUES AND DISCUSSION

Groups have always had an option to reserve an area of land without a picnic shelter for functions with a booking fee of \$250 in 2010/2011. To date there have been no complaints about this fee, however several groups have suggested they would be happy to pay the same fee for the use of the shelters. In recent years, some groups have realised that there was no fee associated with the use of the picnic shelters and have got in early in the day to occupy the shelter. This has resulted in the loss of income from the land reservation fee. It has also meant that the shelter has then been unavailable for any other groups who arrive later in the day to use the shelter. Ordinarily this does not cause an issue as there are usually other shelters available; however in peak periods when the shelters are in most demand, some groups have missed out on a picnic shelter.

In an attempt to resolve these issues, a fee was introduced to try to provide a system to reserve the picnic shelters. This fee was applicable only where groups wanted to book a particular shelter in advance. There was no fee applicable where groups would arrive on the day of the event and use whatever shelter was available. This was seen by officers as an effective way to provide bookings for groups whilst still allowing people to use the shelters free of charge if available.

The introduction of the picnic shelter booking fee resulted in three community and family groups raising concerns about the fee and seeking an exemption from the fee. On several occasions the local media has supported these groups and the removal of the booking fee. As a result of this concern the booking fee has been temporarily waived until pending the outcome of this report.

The table attached at **Appendix A** is a comparison of neighbouring municipalities and Parks Victoria and the fees they charge for the use of similar facilities. In all cases there was no fee applicable for general picnic areas and BBQ facilities. In all organisations below there was provision for bookings and fees for higher quality rotundas and shelters.

In the six months that the booking fee was in place a total of thirty six bookings were taken. Nine of those bookings were cancelled by the user and fees were refunded. The total income from the remaining 27 bookings was \$6,750.

Through the process of reviewing the picnic shelter booking fees officers considered several options to manage the use of the shelters in the future:

1. Remove all booking fees and the ability to book shelters. This allows equal access for all on a first come first serve basis however it does not give individuals or groups the ability to book a shelter in advance and therefore have guaranteed use on a given day. This may also result in groups avoiding the fee for reserving an area of land as mentioned earlier in this report.
2. Continue with the booking fee as it stands for any of the picnic shelters. This option is not seen to be desirable as it will inevitably mean that there is increased reservations at the most popular time of the year around Christmas. This allows anyone to use the picnic shelters on a 'first come first serve' basis providing they are not all pre booked. This may also lead to members of the community who cannot afford the booking fee missing out on a shelter.
3. Set aside one picnic shelter and one BBQ shelter for bookings on any given day. This provides the opportunity for groups to pay the booking fee for a guaranteed use of a shelter on the day of their choice. This also allows six picnic shelters and four BBQ shelters at any given time for use by anyone on a 'first come first serve' basis. This option will also provide a revenue stream for Bundoora Park and it is estimated that financial returns would be similar to those in the trial year of 2010/2011.

The recommended option is to set aside one picnic shelter and one BBQ shelter for bookings on any given day. As discussed above this option allows formal bookings and reservations for those groups that would like the reassurance of knowing a shelter will be available for them whilst also providing the majority of shelters for use free of charge on a 'first come first serve' basis.

POLICY IMPLICATIONS

Environmental Sustainability

As the booking fee neither increased nor decreased the total use of the facilities there has been no direct impact on environmental sustainability.

Social Inclusion and Diversity

The use of picnic and barbeque shelters at Bundoora Park is free and available to all users including groups and individuals at any time during the parks opening hours. There are seven picnic shelters and five barbeque shelters. The recommendation in this report is to allow pre booking of only one picnic and one barbeque shelter at any given time which will mean the majority of shelters are still available for the community to use free of charge.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The total income from the six month period where the booking fee was in place was \$6,750. This income has offset the administration and enforcement required to apply the reservation to a particular shelter. There is a net benefit from the process of approximately \$5,400. The recommendation in this report is to allow pre booking and reservation of one picnic shelter and one barbeque shelter at any given time which should provide a similar financial return in future years.

CONCLUSION

Through the process of reviewing the picnic shelter booking fees, officers have concluded that there is an option that will allow both the reservation and booking fee system as well as providing free use of the majority of the shelters.

This recommended option as discussed earlier in this report is to set aside one picnic shelter and one BBQ shelter for bookings on any given day. This allows people with the means to pay the booking fee guaranteed use of a shelter on the day of their choice. This also allows six picnic shelters and four BBQ shelters at any given time for use by anyone on a 'first come first serve' basis. This option will also provide a revenue stream for Bundoora Park and it is estimated that financial returns would be similar to those in the trial year of 2010/2011. This option is the recommended option in this report.

FUTURE ACTIONS

- Consultation with all interested groups
- Bookings that have been taken to date will be honoured.

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

Appendix A – Comparison of booking fees at neighbouring municipalities and Parks Victoria

8.6 REVIEW OF DIFFERENTIAL RATE FOR VACANT RESIDENTIAL LAND

MINUTE NO. 47

AUTHOR: Chief Financial Officer

REVIEWED BY: Director Corporate and Business Services

SUMMARY:

This report is in response to the 'General Business' item raised at the Council meeting on 19 December 2011:

That Council officers prepare a report for the first Council meeting in 2012 with a review of the Differential Rate for vacant residential land and an examination of the impact of reducing or removing the differential rate.

In 2011/2012, the differential rate for vacant residential land contributed revenue of \$960,988 and vacant business land contributed \$627,373 to Darebin Council. The number of properties rated under the vacant land differential rate since the introduction of the rate in 2010/11 and the rate revenue generated is:

Rated at Vacant land rate	Residential Vacant		Business Vacant		TOTAL Vacant	
	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s
2010/2011	609	\$1,005	144	\$750	753	\$1,755
2011/2012 - current	283	\$960	113	\$627	396	\$1,587

This report addresses the reduction in the differential rate for vacant residential land only.

To ensure Darebin is financial sustainable, any loss of rate revenue resulting from a reduction of the differential rate will need to be offset by a reduction in expenditure or funded by additional revenue sources.

The financial impact of reducing the differential rate for vacant residential land is \$160,000 for every reduction of 0.5 times the residential rate. This equates to 0.2% of rate revenue.

Council is unable to revise the differential rates for 2011/2012. The differential rates to be applied in 2012/2013 will be determined as part of the budget deliberations with Councillors.

CONSULTATION:

- Coordinator Revenue Services
- City Valuer

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. T. McCarthy

THAT Council note this report regarding the differential rate for vacant residential land.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

At its meeting on 19 December 2011, Council resolved under 'General Business':

That Council officers prepare a report for the first Council meeting in 2012 with a review of the Differential Rate for vacant residential land and an examination of the impact of reducing or removing the differential rate.

Council, through the Local Government Act 1989, has the ability to apply what are known as 'differential rates' to different classes of property. Different rates in the dollar are applied to residential land, business land, vacant residential land, vacant business land and land that is used for electronic gaming machines.

The application of differential rates enables Council to use property rates to achieve policy outcomes. In the case of vacant land, an increased rate has been applied to encourage landowners to develop this land.

The increased rate for vacant land was introduced in 2010/2011 at one and a half times the residential rate (or one and half times the business rate for business vacant land). This was increased to three times the residential land rate (or twice the business rate) for 2011/2012. The maximum allowable difference is four times the base rate.

The differential rate is not applied to land for which a building permit has been issued. Should a building permit be obtained during the course of the financial year the extra amount will be refunded pro-rata.

Funds raised by differential rates are used to maintain Council services, expansion of other services to meet identified needs and to support Darebin's continued economic development.

ISSUES AND DISCUSSION

Definition of vacant land

The definition of vacant land included in the declaration of the rates is:

Any land:

- *On which no dwelling or other building designed or adapted for permanent occupation is constructed or*
- *In respect of which no building permit has been issued under the Building Act 1993.*

If a ratepayer obtains a building permit during the financial year, their rates are reassessed using the residential differential rate effective from the date of the building permit. A supplementary rate notice is issued and remaining instalments for the year adjusted.

After the rates notices were issued in August 2011, 120 rate payers have provided details of building permits.

In 2010/2011 a property required an occupancy permit issued under the *Building Act 1993* to be rated as residential land. This requirement was changed in 2011/2012 to a building permit. The change from occupancy permit to building permit reduced the number of properties rated as vacant land by 260.

The number of properties rated under the vacant land differential rate since the introduction of the rate in 2010/2011 is:

Rated at Vacant land rate	Residential Vacant		Business Vacant		TOTAL Vacant	
	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s
2010/2011	609	\$1,005	144	\$750	753	\$1,755
2011/2012 – August when rates notices issued	375	\$1,192	114	\$686	489	\$1,878
2011/2012 – current	283	\$960	113	\$627	396	\$1,587

The number of properties, especially residential vacant land properties, has reduced since August 2011 because ratepayers have been more diligent in ensuring Council receive the building permit or the land has been redeveloped.

The rate revenue to be generated in 2012/2013 assuming a 5% headline rate increase and no change in the number of vacant properties would be:

Rated at Vacant land rate	Residential Vacant		Business Vacant		TOTAL Vacant	
	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s	Number	Rate Revenue \$000s
2012/2013 – 5% rate increase	283	\$1,008	113	\$658	396	\$1,666

Enquiries

The increase in the differential rate for residential vacant land in 2011/2012 generated over 120 enquiries, an enquiry by the Ombudsman, media attention (from *The Age* and *Leader*) and a VCAT hearing. The Ombudsman and VCAT were satisfied that Council had complied with the *Local Government Act* and the matters resolved in Council's favour. All other enquiries were addressed after the seeking of legal advice.

Adjacent land

Legal advice sought provided clarification of the application of the *Land Valuation Act*, in relation to the application of the differential rate for adjacent properties where the vacant land is adjacent to a ratepayer's residence and being occupied by the ratepayer.

There were 28 properties that were reassessed and charged the residential differential rate as the vacant land was adjacent (next door) to their primary residence.

Financial Implications

In 2011/2012, the differential rate for vacant residential land contributed revenue of \$960,988 to Darebin Council. The average rate paid by these ratepayers was \$3,396 (note this is an average with rates paid by individual ratepayers ranging from \$434 to \$32,121).

The increase in the differential rate for vacant residential land from one and half times (in 2010/2011) to three times (in 2011/2012) resulted in additional rate revenue of \$480,494.

The financial impact of reducing the differential rate for vacant residential land is \$160,000 for every reduction of 0.5 times the residential rate. This equates to 0.2% of rate revenue.

Implications of changing the differential rate

To ensure Darebin is financial sustainable, any loss of rate revenue will need to be offset by a reduction in expenditure or funded by additional revenue sources.

Mechanism to change the differential rate

The *Local Government Act* section 158 (1) requires Council to declare rates by 31 August each year. Council is unable to revise the differential rates for 2011/2012.

The differential rates to be applied in 2012/2013 will be determined as part of the budget deliberations with Councillors.

Community consultation will occur as part of the 2012/2013 budget process in May/June 2012. The opportunity to object or support any changes to the differential rates will be advertised by public notice, information sessions will be held and a letter sent to any ratepayers adversely impacted. Ratepayers will have the opportunity to make written submissions and, if requested, be heard by the Council's Hearing of Submission Committee at its meeting to be held in June 2012 (tentatively 12 June 2012).

POLICY IMPLICATIONS

Environmental Sustainability

No environmental sustainability implications are contained in this report.

Social Inclusion and Diversity

No social inclusion and diversity implications are contained in this report.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The financial impact of reducing the differential rate for vacant residential land is \$160,000 for every reduction of 0.5 times the residential rate. This equates to 0.2% of rate revenue.

CONCLUSION

Removing or reducing the differential rate for vacant residential land will have a financial impact of \$160,000 for every reduction of 0.5 times the residential rate based on 2011/2012. The inclusion of the headline rate increase will increase this financial impact in 2012/2013.

To ensure Darebin is financial sustainable, any loss of rate revenue will be need to be offset by a reduction in expenditure or funded by additional revenue sources.

FUTURE ACTIONS

- Rates for 2012/2013 to be determined as part of the budget process.
- Community consultation to be held in May/June 2012 as part of the 2012/2013 budget deliberations.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- Local Government Act 1989
- 2011/2012 Budget Report
- Valuation of Land Act 1960

**8.7 BUSINESS DEVELOPMENT AND EMPLOYMENT
STRATEGY 2012 - 2015****MINUTE NO. 48****AUTHOR: Manager Economic Development and Civic Compliance****REVIEWED BY: Director Business and Corporate Services****SUMMARY:**

The Business Development and Employment Strategy 2012 – 2015, attached as **Appendix A**, outlines the framework and clarifies Council's role in providing economic development opportunities, creating the right conditions and environment for business success and increasing local employment opportunities.

This includes concentrating Council's actions in five key strategic directions:

- Marketing
- Employment and Skills
- Business and Industry Development
- Business Support
- Environmental Sustainability.

The Strategy has predominately been conducted in house with only a Background and Issues Assessment and the use of a facilitator provided by external consultants.

CONSULTATION:

Initial interest was sought to be part of the development of the Business Development and Employment Strategy through various communications including e-North, the Community News, mail-outs to database and existing relationships with businesses.

Council then held a number of industry forums and one-on-one consultations with over 120 businesses for the development of the draft Strategy. In addition to these workshops, the draft Strategy was guided by a Steering Committee and an Internal Project Team.

The draft Strategy was then circulated for comments to all participants of the industry forums and to the business database consisting of over 2,000 businesses. Council received eight submissions from the above circulation.

Darebin residents were given the opportunity to comment through the Leader newspaper and copies of the draft were provided in Council's customer service centres and all libraries. There were no comments received from members of the public.

Members of the Steering Committee and Internal Project Team were individually consulted on the draft Strategy to ensure that the Strategy was comprehensive and reflective of the discussions held and to incorporate any additional matters, actions or concepts which were not included. Businesses and other interested groups were also provided with the opportunity to be consulted individually.

Submissions were also received from industry representative bodies and individual businesses, as well as a number of Council's advisory committees, government and regional agencies.

Internal consultation

- Coordinator Equity and Diversity
- Coordinator Youth Services
- Acting Chief Health Officer
- Manager Communications and Advocacy
- Coordinator Compliance and Amenity
- Manager City Works
- Manager Community Planning, Partnerships and Performance
- Senior Coordinator Organisational Support and Development
- Acting Manager Libraries, Learning and Youth
- Executive Manager Environmental and Natural Resources
- Coordinator Transport Management
- Manager Arts, Culture and Venues
- Manager City Development
- Coordinator Ageing Communities
- Northcote Place Manager
- Chief Financial Officer
- Senior Strategic Planning Officer

RECOMMENDATION

THAT the Business Development and Employment Strategy 2012-2015 attached as **Appendix A** to this report be received and adopted.

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. T. McCarthy

- (1) **THAT** the Business Development and Employment Strategy 2012-2015 attached as **Appendix A** to this report be received and noted.
- (2) **THAT** a further report be submitted to Council for consideration after consultation with the Darebin Aboriginal Advisory Committee with a view to final adoption of the Strategy.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Introduction

The development of a three year Business Development and Employment Strategy for the City of Darebin is seen as an opportunity to facilitate sustainable economic growth and implement proactive actions that will improve employment, investment and business performance across Darebin. The Strategy outlines the vision, goals and strategic directions for Council's economic development agenda.

Vision

Darebin will have a positive and connected business environment with a dynamic and diverse economy that:

- has sustainable growth and operations and
- generates local employment opportunities.

Key strategic directions

To realise this vision the Strategy has identified five key strategic directions, each with a goal to guide Darebin's economic development:

Key strategic directions	Goal
Marketing	To build a 'brand' which promotes Darebin as a liveable city full of economic, social, art, cultural and education experiences
Employment and Skills	To provide Darebin residents the opportunity and capability to participate in the local workforce
Business and Industry Development	To assist businesses and industry to diversify and maximise opportunities for business development
Business Support	To provide effective support to businesses in Darebin
Environmental Sustainability	To create more environmentally sustainable businesses in Darebin

Under each of these key strategic directions there are clear objectives and a range of actions to deliver. The actions are intentionally general (not specific) to ensure that the Strategy is flexible and allows Council the ability to adopt actions that reflect changes in economic conditions and meet the needs of the business community.

Background

An Economic Development Strategy 1998-2002 was developed for Darebin. Over the last 10 years, there has been no strategy to guide the Economic Development Unit and Council. Initiatives undertaken during this time have been reactive with little long term strategic direction.

The Business Development and Employment Strategy 2012 - 2015 was an opportunity to review the actions undertaken in the past 12 years and introduce a more focused level of support to ensure continued economic prosperity for Darebin businesses and increased employment opportunities for residents.

Council commenced the Business Development and Employment Strategy by undertaking a detailed Background and Research Paper prepared by the National Institute of Economic and Industry Research (NIEIR). This work provided valuable research into understanding the key issues and trends that influence and affect the local economy and the Northern region.

Process

This is the process that has been undertaken to develop this Strategy:

Project Planning and Establishment Stage

- Project brief and plan
- Establishment of the Business Development and Employment Steering Committee and an Internal Project Team.

Background and Research Stage

- Literature review
- Economic profile review
- Development of draft vision for strategy.

Consultations

- Business, industry and community consultations.

Draft Business Development and Employment Strategy

- Assessment of strengths, weaknesses, opportunities and threats
- Identification of strategic themes and actions
- Development of a draft Business Development and Employment Strategy
- Stakeholder review of draft strategy
- Business Development and Employment Strategy Steering Committee review of draft strategy
- Approval Darebin's Business Development and Employment Strategy 2012 – 2015.

ISSUES AND DISCUSSION

The consultation and background paper identified a number of key issues and opportunities.

The following is a summary:

Issues

- The local economy in the City of Darebin is currently undergoing significant change from one of a traditional manufacturing to a knowledge economy.

- Businesses and developers felt Council was more of a regulator rather than a facilitator of business development – the general impression was that the regulatory processes hindered rather than fostered development.
- Industries (particularly manufacturing and retail) are facing challenges posed by changes in the economy, government regulations (such as the carbon tax) and increase competition from overseas and online business.
- Many local businesses are experiencing skills shortages, problems accessing labour and increasing associated costs in comparison to imported goods.
- The steep increase in the value of residential and commercial property is putting pressure on Darebin workers, residents and artists as an area to live in.
- There is a need to address the negative perception of Darebin. Council needs to build a consistent and clear 'brand' which promotes the City's liveable experiences, Council's business services and strategic sites to existing and future investors.
- The availability of good quality, up to date information for businesses is a priority for Council to attract investment and grow the employment base of the City. Darebin must be in a position of understanding the local economy and identifying trends and key growth sectors.
- Darebin needs to research its existing clusters and capture the 'creative' businesses and encourage future expansion in this direction.
- There is a need to increase the skill level of residents.
- There is a need to create opportunities for industry to utilise the pool of long term unemployed residents within the City.
- There is a lack of secondary education facilities in Darebin and this is indicative in the movements of families away from Darebin to the West and East of Melbourne.

Opportunities

- Darebin has a locational advantage which is highlighted by its proximity to the CBD, Melbourne airports and road networks. It also has great access to public transport.
- Darebin is a culturally rich and diverse City. In order to harness this diversity, Council needs to assist businesses in acknowledging the attributes and utilising the skills of its residents, so that they are able to adapt to change, innovate and exploit this competitive advantage.
- Darebin is perceived as an inner City with large pockets of vacant industrial and commercial land. Council needs to take a proactive and strategic approach to build on the opportunities that the City offers, unlocking the economic potential of land and create employment precincts.
- With improved Council services and a positive business environment there is an ability to create 1,000 jobs in 3 years.
- Recognising the growth of the intellectual assets of Darebin including La Trobe and NMITE and working with them to incorporate their value into the local business community.
- Many businesses were not aware Council had a Business Development Unit and did not realise that they were able to go to Council to get support.
- Understanding Darebin's role in the northern region of Melbourne and ways to best promote the advantages of the City to regional players was seen as essential.

- Improving the amenity and vibrancy of Darebin's activity centres and shopping strips was important to both retailers and large employers.
- Manufacturing is not in decline in Darebin. However, the type of manufacturing has transitioned from traditional labour orientated (Clothing, Footwear and Textiles) to advanced and technology based (food, research and development and design).
- Community agencies and employment providers felt Council had a role to support the social inclusion groups by facilitating access to businesses in order to increase training and employment outcomes for Darebin residents.
- The Preston Activity Centre is well positioned to accommodate additional office, retail, community and residential development.
- Northcote and Thornbury are considered the Arts, Music and Entertainment capital of the north.
- The need for a community business hub which houses the latest technology in meeting space and conferencing capabilities that could be incorporated in developments such as the Reservoir Library and the Darebin Arts and Entertainment Centre.
- Darebin has a competitive advantage for new and home based/micro businesses through the existence of Business Incubators including DECL and ArtsDECL, the Artery Co-op and La Trobe Technology Enterprise Centre.
- To build on the local pride that exists within Darebin's residential and business communities.

POLICY IMPLICATIONS

Environmental Sustainability

Environmental Sustainability is one of the five key strategic directions of the Strategy.

The objectives include:

1. Encourage existing businesses to work towards zero net emissions.
2. Attract and support green businesses in Darebin.
3. Increase the awareness of environmentally sustainable practices among businesses and promote their successes.

The actions under these objectives outline the ways Council will work to assist businesses to reduce their energy costs and lower their carbon footprint, resource use and waste production. Undertaking these actions will also support businesses to increase their efficiency.

Social Inclusion and Diversity

The Strategy recognises the nature of Darebin's community as highly diverse and where cultural diversity is one of Darebin's comparative advantages. This is reflected in the business environment by the cultural backgrounds of business owners, the types of businesses operating and their employees. The objectives and actions throughout the Strategy underpin the importance of harnessing this cultural diversity and improving the economic and employment opportunities for all Darebin residents.

The Equity and Inclusion Planning Tool was used during the consultation process of the Business Development and Employment Strategy to identify the relevant target groups, and

ensure that their knowledge and feedback were incorporated into the development of the Strategy. As Darebin's demographics and cultural identity evolve so will the actions intended in the Strategy to ensure that new ideas and innovations are captured and supported.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The implementation of the Business Development and Employment Strategy will require an additional \$380,000 to deliver the actions within the three year timeframe. Below is a breakdown of where the money would be allocated within the key strategic directions:

- **Marketing - \$128,000**
 - Creation of a brand for Darebin
 - Prospectus for Darebin.
- **Employment and Skills – Within operational budget and external funding to be sourced**
 - Activation of street level frontages
 - Tourism and brand awareness programs
 - Update of Retail Strategy (2005).
- **Business and Industry Development - \$155,000**
 - Digital Strategy for the City of Darebin
 - 2013 Census of Land Use and Employment
 - Feasibility study for community business hub
 - Industry forums including a senior business leaders forum (3 per year).
- **Business Support - \$22,000**
 - Made in Darebin concept
 - Business Welcome Kits
 - Business Communication Strategy.
- **Environmental Sustainability - \$75,000**
 - Expansion of the Light Smart program.

External funding will be sought to deliver programs where possible.

CONCLUSION

Darebin's future prosperity is dependent on a dynamic, diverse, and sustainable business sector. It is reliant on a number of factors which will assist in the planning and delivery of this vision. An accessible and skilled labour force, a strong City brand, and supportive and sustainable business environment are all crucial in building vibrant businesses and industries within Darebin.

FUTURE ACTIONS

- Launch the Darebin Business Development and Employment Strategy 2012 – 2015 at a business lunch on Thursday 8 March 2012.
- Implement actions and projects from the Strategy.
- Hold an annual business event in which achievements of the Strategy are reported back to Council and the Darebin business community.

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

- Darebin Business Development and Employment Strategy: Background and Issues Assessment June 2011
- Darebin Business Development and Employment Strategy: Policy Review June 2011

8.8 CHRISTMAS DECORATIONS FOR DAREBIN RETAIL CENTRES POLICY 2011-2015**MINUTE NO. 49****AUTHOR: Manager Economic Development and Civic Compliance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

The Christmas Decorations for Darebin Retail Centres Policy 2011 – 2015 has been developed to outline the City of Darebin's policy position on the supply, installation and payment of outdoor Christmas decorations for the four major retail centres in Preston, Reservoir, Northcote, and Fairfield.

CONSULTATION:

Preston Business Advisory Committee

Reservoir Village Traders Association

Northcote Business Association

Fairfield Village Traders Association

Manager City Works

COUNCIL RESOLUTION**MOVED: Cr. D. Asmar**
SECONDED: Cr. B. Morgan

THAT the Christmas Decorations for Darebin Retail Centres Policy 2011-2015 attached as **Appendix A** to this report be received and adopted.

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

In recent years, decorations have been increasingly difficult and costly to install as electricity companies and Yarra Trams have tightened procedures for the installation of decorations on power poles and tram wires. As a result, many of Darebin's retail precincts are no longer installing traditional street decorations. This has become very noticeable to the community and has resulted in escalated complaints with regard to the dullness and lack of Christmas spirit that was felt in some retail centres last year.

Council has committed to supporting the Preston Central, Reservoir Village, High Street Northcote and Fairfield Village Trader Associations by providing Christmas décor to be implemented over the next 5 years (2011 inclusive). This will assist retail centres to add vibrancy during the Christmas festive period. Christmas décor in this context refers to any visual feature that promotes the festive period. Council has encouraged the trader associations to purchase and install decorations that would reflect the unique characteristics of their centre and communicate this initiative to the community by various means of marketing and promotions.

ISSUES AND DISCUSSION

A five year strategic plan for Christmas decorations has been developed by each trader association for their centres. The following commitments have been made by each of the centres:

- Preston Central, Reservoir and Fairfield Villages have all contributed additional funds from their Special Rate Levy to increase the amount of décor in their centres.
- Northcote will not be adding additional funds to decorations. They have chosen to coordinate a marketing campaign around Christmas for their traders. Their plan also reflects infrastructure which will be able to be utilised all year around with a particular focus on Christmas.

Council is investing \$50,000 for the purchase, installation, removal, maintenance and storage of Christmas decorations for the four retail centres each year. Each of the centres will receive \$8,000 annually for the purchase of decorations. As the number of decorations increases, the costs for installation, removal and maintenance will also increase. This expense has been separated from the purchase of the Christmas decorations and will be allocated evenly to each of the centres on an annual basis.

Allocation of Christmas Decorations Capital Works

Retail Centre	Year 1	Year 2	Year 3	Year 4	Year 5
Preston	8,000	8,000	8,000	8,000	8,000
Fairfield	8,000	8,000	8,000	8,000	8,000
Reservoir	8,000	8,000	8,000	8,000	8,000
Northcote	8,000	8,000	8,000	8,000	8,000
Installation	13,000				
Installation and Maintenance*		18,000	18,000	18,000	18,000
Storage and shelving	5,000				

*Each year, with the increase in decorations, the installation costs are expected to increase. If any decorations require maintenance this expense is incurred within this allocation. In the strategic plans, the trader associations have committed the additional funds to co-contribute to the installation and removal expenses.

Timing of Installation

The installation dates for each centre were varied in 2011 due to the existing contracts and arrangements that are in place with existing contractors. However, for the next four years all centres will be expected to have their decorations installed between 16-30 November each year.

Council will be actively seeking to engage one or two contractors across the entire City to reduce the installation and removal costs. When this occurs, additional budget will be allocated to each of the Centres for additional decorations.

Christmas decorations installation dates for 2011 to 2015

Retail Centre	2011	2012 - 2015
Preston Central	16 November	16 – 30 November
Fairfield Village	7 December	16 – 30 November
Reservoir Village	16 November	16 – 30 November
High Street Northcote	2 December	16 – 30 November

Role of the Retail Trader Associations

- Present and update a 5 year strategic plan for Christmas decorations in their Centre.
- Responsible for sourcing and purchasing decorations.
- Responsible for co-ordinating the installation and removal of the decorations in the first year or until previous contract expires.
- Responsible to provide Council with volume (m3) of storage requirements to Council so that the correct amount of storage space can be allocated (each year).
- Responsible to coordinate any maintenance and service of any decorations.

Insurance

The Trader Associations are responsible for ensuring that the Christmas décor installers/contractors provide Council copies of the following documentation:

- Certificate of Currency
- Safe work message statements.

Role of Council

- Payment of submitted invoices for annual purchase of Christmas décor
- Storage
- Installation (where no contracts exist)
- Removal (where no contracts exist).

POLICY IMPLICATIONS

Environmental Sustainability

Where possible the trader associations are purchasing solar and environmentally efficient decorations. The decorations purchased during the five years will be reused over the five year period.

Social Inclusion and Diversity

There are no impacts on social inclusion and diversity.

Other

There are no other policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS

Council has committed \$50,000 annually for five years to deliver this policy.

CONCLUSION

The retail centres have welcomed this initiative and have expressed their appreciation to Council. It has given each of the trader associations further direction and support for their shopping strips.

FUTURE ACTIONS

Coordinate with trader associations to streamline the installation and removal process of the Christmas decorations.

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

Nil

8.9 COMMITTEE APPOINTMENTS**MINUTE NO. 50****AUTHOR: Governance and Corporate Planning Manager****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

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 RFK Pty Ltd, Regional Kitchen Pty Ltd, Friends of Baucau Inc and the Better Neighbourhoods Award and Corporate Citizen Award Selection Committee

CONSULTATION:

Group Manager Community Services

Manager Community Planning Partnerships and Performance

Coordinator Equity and Diversity

Research Projects Officer, Community Planning Partnerships and Performance

RECOMMENDATION**THAT** Council:

- (1) Appoint the Chief Executive Officer or his delegate as the City of Darebin Shareholder Representative for RFK Pty Ltd (trading as Community Chef).
- (2) Appoint the Chief Executive Officer or his delegate as the City of Darebin Shareholder Representative for Regional Kitchen Pty Ltd.
- (3) Appoint Cr Vince Fontana as the City of Darebin Ordinary Member of Friends of Baucau Inc until 27 October 2012.
- (4) Appoint the following persons to comprise the Better Neighbourhoods Award and Corporate Citizen Award Selection Committee for 2012:
 - Cr Diana Asmar, Deputy Mayor (Chairperson)
 - Cr _____
 - Libby Hynes – Council Officer
 - Nicola Johnson - Council Officer
 - Wendy Dinning - Council Officer
 - Dalal Smiley – Council Officer
 - Rohan Sadler - Bendigo Bank Preston
 - Suryian Naliya - Darebin Ethnic Communities Council
 - Ray Jordan - Darebin Disability Advisory Committee

- Inspector Debra Robertson - Darebin Local Safety Committee
- (5) Officers conduct an evaluation of the inaugural Better Neighbourhoods Award and Corporate Citizen Award following the 2012 event and provide the outcomes to Council as part of the 2012/2013 Budget process.

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. S. Chiang

THAT Council:

- (1) Appoint the Chief Executive Officer or his delegate as the City of Darebin Shareholder Representative for RFK Pty Ltd (trading as Community Chef).
- (2) Appoint the Chief Executive Officer or his delegate as the City of Darebin Shareholder Representative for Regional Kitchen Pty Ltd.
- (3) Appoint Cr Vince Fontana as the City of Darebin Ordinary Member of Friends of Baucau Inc until 27 October 2012.
- (4) Appoint the following persons to comprise the Better Neighbourhoods Award and Corporate Citizen Award Selection Committee for 2012:
 - Cr Diana Asmar, Deputy Mayor (Chairperson)
 - Cr Gaetano Greco
 - Libby Hynes – Council Officer
 - Nicola Johnson - Council Officer
 - Wendy Dinning - Council Officer
 - Dalal Smiley – Council Officer
 - Rohan Sadler - Bendigo Bank Preston
 - Suryian Naliya - Darebin Ethnic Communities Council
 - Ray Jordan - Darebin Disability Advisory Committee
 - Inspector Debra Robertson - Darebin Local Safety Committee
- (5) Officers conduct an evaluation of the inaugural Better Neighbourhoods Award and Corporate Citizen Award following the 2012 event and provide the outcomes to Council as part of the 2012/2013 Budget process.
- (6) The presentation of the awards be conducted in conjunction with an existing City of Darebin event and the planned \$5,000 cash award for the successful entrants not be provided.

CARRIED

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 RFK Pty Ltd, Regional Kitchen Pty Ltd, Friends of Baucau Inc and the Better Neighbourhoods Award and Corporate Citizen Award Selection Committee

ISSUES AND DISCUSSION**RFK Pty Ltd and Regional Kitchen Pty Ltd**

Known as Community Chef, the regional food kitchen is a partnership of 20 Victorian local governments which came together to construct and operate a purpose built, state-of-the-art food production facility in Altona.

The City of Darebin is the kitchen's major client, and has a contract with Community Chef for the supply of meals until February 2014.

The regional food kitchen is served by two companies, each with its own Board and shareholders, viz. Regional Kitchen Pty Ltd (which owns the building) and Community Chef (which runs the business). The City of Darebin is a shareholder of both companies, and since September 2010, Cr Laurence has been our appointed shareholder representative.

Cr Laurence has now tendered his resignation from those roles, and a replacement nominee is required.

A review of the existing shareholder representatives has shown that due to the operational nature of the role, most shareholders have appointed a Council officer, rather than a Councillor to the role. The Council officer represents the interests of the shareholder in a manner consistent with established Council policy.

This report recommends that Council appoint the Chief Executive Officer to both roles, with a provision for him to appoint a delegate to represent Council's interests. This allows the flexibility for the Chief Executive Officer to delegate the responsibility to the most appropriate Council officer, without the need for a further Council resolution due to staff departures or changes in organisation structure.

Friends of Baucau Inc

In 2010, both the City of Darebin and the City of Yarra determined to support the transition of the Friends of Baucau from being a committee of Council to becoming an independent community association. This was the starting point for the Friends of Baucau Incorporated, registered in October 2010. Council has expressed a commitment to continuing to have a friendship with the District of Baucau, and working together with the Friends of Baucau to achieve support for Baucau.

The structure for the new community based committee provides for the City of Darebin to nominate an ordinary member to the committee. This was recommended to Council at the Statutory meeting in December 2011, but was delayed until this year.

Following informal discussions with Council, it is recommended that Cr Vince Fontana be appointed to this role.

Better Neighbourhoods Award and Corporate Citizen Award Selection Committee

Council established this committee on 19 September last year, including determining the structure of the Committee. According to that structure, the Committee members will be the Mayor (as Chairperson), one other Councillor, four community representatives and four Council Officers.

Since the establishment of the committee, a promotional and mail-out campaign has been launched to support the awards, and administrative arrangements have been put in place to support the assessment process and the presentation event. Community representatives for the Selection Committee have been identified and approached to participate in the selection process. A number of entries have already been received.

In informal discussions with Councillors, the Mayor expressed a wish not to participate in the selection committee due to other commitments, and suggested the Deputy Mayor would be an appropriate Chairperson. This report recommends that the Deputy Mayor be appointed as Chairperson, and that Council nominate another Councillor to participate in the selection committee.

Also, as this is the first year of both Awards, this report also recommends that a review of the success of both awards be conducted following the presentation ceremony in March 2012, and that the outcomes of this review be provided to Council as part of the development of Council's 2012/2013 Operating Budget.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

This report recommends appointments to the positions of:

- Shareholder Representative, RFK Pty Ltd (trading as Community Chef).
- Shareholder Representative, Regional Kitchen Pty Ltd
- Ordinary Member, Friends of Baucau Inc
- Better Neighbourhoods Award and Corporate Citizen Award Selection Committee

and further recommends a review of the success of the Better Neighbourhoods Award and Corporate Citizen Award be conducted following the presentation ceremony in March 2012.

FUTURE ACTIONS

- Council's appointments will take immediate effect.
- A review of the inaugural Better Neighbours Award and Corporate Citizen Award will take place in April 2012, and the outcomes of this review will be provided to Council as part of the development of Council's 2012/2013 Operating Budget.

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 the Council meeting on 20 September 2010 – Item 7.9, Home and Community Care Meals Service – Agreement for the Supply of Menu Items
- Minutes of the Council meeting on 3 May 2010 – Item 7.9, Friendship Relationship with Baucau, Timor-Leste
- Minutes of the Council meeting on 20 December 2010 – Item 9.5, Transition of the Friends of Baucau Inc
- Minutes of the Council meeting on 19 September 2011 – Item 8.10, Good Neighbour and Corporate Citizen Awards

8.10 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING

MINUTE NO. 51

AUTHOR: Council Business Coordinator

REVIEWED BY: Director Corporate and Business Services

SUMMARY:

This report provides a summary of the status of reports and 'General Business' items outstanding as at December 2011.

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

THAT the status report on Reports and 'General Business' items outstanding as at December 2011, 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 December 2011 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 December 2011 be received and noted.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 5 March 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 NOTICE OF MOTION – DISSOLUTION OF PLANNING COMMITTEE****MINUTE NO. 52****NOTICE OF MOTION NO. 17****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 6 February 2012, it is my intention to move:

“**THAT** the Planning Committee Instrument of Delegation adopted by Council on 20 December 2010 be revoked and the Planning Committee established by Council on 5 December 2011 be dissolved.”

Notice Received: 2 February 2012
Notice Given to Councillors: 2 February 2012
Date of Meeting: 6 February 2012

MOTION

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

THAT the Planning Committee Instrument of Delegation adopted by Council on 20 December 2010 be revoked and the Planning Committee established by Council on 5 December 2011 be dissolved.

THE MOTION WAS PUT AND LOST

A DIVISION WAS CALLED:

FOR

Cr. T. McCarthy
Cr. T. Laurence

AGAINST

The Mayor, Cr. S. Tsitas
Cr. S. Chiang
Cr. B. Morgan
Cr. V. Fontana
Cr. N. Katsis
Cr. D. Asmar

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

9.2 NOTICE OF MOTION – DISSOLUTION OF COMMUNITY GRANTS COMMITTEE**MINUTE NO. 53****NOTICE OF MOTION NO. 18****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 6 February 2012, it is my intention to move:

THAT the Community Grants Committee established by Council on 5 December 2011 be dissolved.

Notice Received: 2 February 2012

Notice Given to Councillors: 2 February 2012

Date of Meeting: 6 February 2012

MOTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

THAT the Community Grants Committee established by Council on 5 December 2011 be dissolved.

THE MOTION WAS PUT AND LOST

A DIVISION WAS CALLED:

FOR

Cr. T. McCarthy
Cr. T. Laurence
Cr. V. Fontana

AGAINST

The Mayor, Cr. S. Tsitas
Cr. S. Chiang
Cr. B. Morgan
Cr. N. Katsis
Cr. D. Asmar

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

9.3 NOTICE OF MOTION – DISSOLUTION OF CEO PERFORMANCE REVIEW COMMITTEE**MINUTE NO. 54****NOTICE OF MOTION NO. 19****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 6 February 2012, it is my intention to move:

“**THAT** the Chief Executive Officer Performance Review Committee established by Council on 5 December 2011 be dissolved.”

Notice Received: 2 February 2012

Notice Given to Councillors: 2 February 2012

Date of Meeting: 6 February 2012

MOTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

THAT the Chief Executive Officer Performance Review Committee established by Council on 5 December 2011 be dissolved.

THE MOTION WAS PUT AND LOST

A DIVISION WAS CALLED:

FOR

Cr. T. McCarthy
Cr. T. Laurence

AGAINST

The Mayor, Cr. S. Tsitas
Cr. S. Chiang
Cr. B. Morgan
Cr. V. Fontana
Cr. N. Katsis
Cr. D. Asmar

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

9.4 NOTICE OF MOTION – VOTING MECHANISM FOR 2012 COUNCIL ELECTION**MINUTE NO. 55****NOTICE OF MOTION NO. 20****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 6 February 2012, it is my intention to move:

“THAT Part 5 of the following resolution of the Council on 19 December 2011 (in bold below):

9.13 *Agency Agreement for Electoral Services*

That Council:

1. *Appoint the Municipal Association of Victoria as the Council’s agent to undertake a public tender for the provision of electoral services for the 2012 election.*
2. *Authorise the Chief Executive to sign and seal the Deed of Agreement with the Municipal Association of Victoria for the tendering for the provision of electoral services for the 2012 election.*
3. *Authorise the Chief Executive to finalise contract arrangements with the preferred tender for the provision of electoral services for the 2012 election.*
4. *Acknowledge that by authorising the Chief Executive to enter into this contract, it is committing to the allocation of funds for the procurement of electoral services in the 2012/2013 Council budget.*
5. **Conduct the 2012 general election by postal voting.**

be revoked.

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

“THAT Council receive a further report at its meeting on 20 February 2012 on the experience of Councils that conduct general elections by attendance voting, and their reasons for doing so.”

Notice Received: 2 February 2012

Notice Given to Councillors: 2 February 2012

Date of Meeting: 6 February 2012

MOTION

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

THAT Part 5 of the following resolution of the Council on 19 December 2011 (in bold below):

9.13 Agency Agreement for Electoral Services

That Council:

1. *Appoint the Municipal Association of Victoria as the Council's agent to undertake a public tender for the provision of electoral services for the 2012 election.*
2. *Authorise the Chief Executive to sign and seal the Deed of Agreement with the Municipal Association of Victoria for the tendering for the provision of electoral services for the 2012 election.*
3. *Authorise the Chief Executive to finalise contract arrangements with the preferred tender for the provision of electoral services for the 2012 election.*
4. *Acknowledge that by authorising the Chief Executive to enter into this contract, it is committing to the allocation of funds for the procurement of electoral services in the 2012/2013 Council budget.*
5. *Conduct the 2012 general election by postal voting.*

be revoked.

During the debate, the Mayor, Cr. Tsitas, flagged the possibility of his researching Council's Governance Local Law 2007 etc to determine his capacity to exercise discretion to consider ruling certain Motions out of order.

Cr. McCarthy asked that the Mayor's comments be noted in the Council Minutes and this was duly agreed to by the Mayor.

THE MOTION WAS PUT AND LOST

A DIVISION WAS CALLED:

FOR

Cr. T. McCarthy

AGAINST

Cr. T. Laurence
 Cr. S. Chiang
 Cr. B. Morgan
 Cr. V. Fontana
 Cr. N. Katsis
 Cr. D. Asmar
 The Mayor, Cr. S. Tsitas

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

10. URGENT BUSINESS

Nil.

The Mayor, Cr. Tsitas temporarily left the meeting – 10.05pm

The Deputy Mayor, Cr. Asmar assumed the Chair.

11. GENERAL BUSINESS

11.1 COUNCIL MEMBERSHIPS

MINUTE NO. 56

COUNCIL RESOLUTION

MOVED: Cr. B. Morgan

SECONDED: Cr. N. Katsis

THAT Council Officers provide a report to Council outlining the costs and benefits associated with Council's membership of:

- (1) The Victorian Local Governance Association (VLGA).
- (2) The Northern Alliance for Greenhouse Action (NAGA)
- (3) The Municipal Association of Victoria (MAV)
- (4) The Victorian Employers Chamber of Commerce and Industry (VECCI).

CARRIED

11.2 RIGHT OF WAY BETWEEN NORTHERNHAY STREET AND SOUTHERNHAY STREET RESERVOIR

MINUTE NO. 57

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. B. Morgan

THAT Council Officers report back to Council on the status of the right of way located between Northernhay Street and Southernhay Street Reservoir and the options available to residents abutting the right of way to the rear of 27-55 Northernhay Street and 28-54 Southernhay Street.

CARRIED

11.3

TEMPORARY CLOSURE OF RIGHTS OF WAY**MINUTE NO. 58****COUNCIL RESOLUTION**

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

THAT Council Officers report back to Council on the methods or processes available which builders need to follow when notifying residents of possible temporary closure of certain rights of way in order to access construction sites.

CARRIED

The Mayor, Cr. Tsitas, returned to the meeting and resumed the Chair – 10.10pm

11.4

4 VERDUN GROVE RESERVOIR**MINUTE NO. 59****COUNCIL RESOLUTION**

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

THAT Council Officers visit and inspect the property at 4 Verdun Grove Reservoir and:

- (1) Identify any unauthorised works to the current building.
- (2) Inspect any newly erected buildings on site and whether they comply with planning and building permits.
- (3) Determine whether the current building or any other building on site is currently being used as a boarding house.

CARRIED

11.5 TRAM ROUTE 86 CONSTRUCTION WORKS**MINUTE NO. 60****COUNCIL RESOLUTION**

MOVED: Cr. D. Asmar
SECONDED: Cr. T. McCarthy

THAT, in consultation with the High Street traders, officers prepare a report on targeted promotions that could be used to support those parts of High Street Northcote and Westgarth impacted by the Route 86 construction works.

CARRIED**11.6 RESIDENT PARKING RESTRICTIONS – CLARKE STREET
NORTHCOTE BETWEEN HIGH STREET AND RAILWAY
STREET****MINUTE NO. 61****COUNCIL RESOLUTION**

MOVED: Cr. D. Asmar
SECONDED: Cr. T. McCarthy

THAT Officers undertake a survey of residents on the south side of Clarke Street Northcote between High Street and Railway Street with respect to the recently introduced resident parking restrictions and the outcome of this survey be reported back to Council as soon as possible.

CARRIED

11.7 109 EMMALINE STREET THORNBURY**MINUTE NO. 62****MOTION**

MOVED: Cr. T. McCarthy
SECONDED: -

THAT Council investigate allegations of breaches of the planning and building requirements at 109 Emmaline Street Thornbury and report to the next Council meeting on what action will be taken.

WITH LEAVE OF THE MAYOR, CR TSITAS, THE ABOVE MOTION WAS WITHDRAWN

11.8 FILMING OF 19 DECEMBER 2011 COUNCIL MEETING**MINUTE NO. 63****COUNCIL RESOLUTION**

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

THAT officers report to the next Council meeting explaining why Councillors and members of the public present in the gallery were not informed if permission had been granted to an individual to film the Council meeting of 19 December 2011.

CARRIED**11.9 CAR PARK – DI PALMA PLACE BUNDOORA****MINUTE NO. 64****COUNCIL RESOLUTION**

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

THAT Council officers report back to Council about options for extra consultation with residents and possible modifications to car park works to minimise residential impacts in Di Palma Place Bundoora in relation to the layout and landscaping of the overflow car park in the Lancaster Gate common area.

CARRIED

12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

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

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 Cleaning Services for Open Space Amenities (CT201135).

CARRIED

The meeting was closed to members of the public at 10.29pm.

The Council considered and resolved on Report Item 12.1 (Provision of Cleaning Services for Open Space Amenities (CT201135)) which had been circulated to Councillors on Thursday 2 February 2012 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. N. Katsis
SECONDED: Cr. D. Asmar

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

CARRIED

The meeting was re-opened to members of the public at 10.39pm.

CONFIDENTIAL**12.1 PROVISION OF CLEANING SERVICES FOR OPEN SPACE AMENITIES (CT201135)****MINUTE NO. 65****AUTHOR: Manager Darebin Parks****REVIEWED BY: Director City Design and Environment****SUMMARY:**

The current Cleaning Services for Open Space Amenities contract expired 1 February 2012.

A publicly advertised Request for Tender (CT201135) has resulted in eleven (11) submissions being received.

It is proposed to engage a suitably qualified cleaner to continue the Open Space Amenities cleaning beyond February 2012. Currently the varying service requirements are being undertaken seven days a week at various times depending on seasonal requirements and the site location.

The Tender Evaluation Panel (TEP) independently evaluated each tender submission and proposes awarding of the contract to the preferred tenderer.

CONSULTATION:

Senior Procurement Officer

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. D. Asmar

THAT the following Council Resolution:

That:

- (1) *Council resolves to enter into a contract for the Provision of Cleaning Services for Open Space Amenities with Reeves Maintenance Services for an initial two (2) year period from 1 February 2012 to 31 January 2014 at a cost of \$424,887 (incl. GST) plus an optional two twelve month extensions at a cost of \$424,887 (inc. GST) bringing the overall expenditure approval to \$849,774 (incl. GST).*
- (2) *Council resolves to sign and seal the contract under the common seal of Darebin City Council.*

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

CARRIED

13. CLOSE OF MEETING

The meeting closed at 10.40pm.