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## **AGENDA**

Council meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 15 February 2016  
at 7.00pm.

Public question time will  
commence shortly after 7.00pm

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# Agenda

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## 1. MEMBERSHIP

Cr. Vince Fontana (Mayor) (Chairperson)

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Bo Li

Cr. Trent McCarthy

Cr. Steven Tsitas

Cr. Angela Villella

Cr. Oliver Walsh (Deputy Mayor)

Cr. Julie Williams

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Recommendation</b>
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**That** the Minutes of the Ordinary Meeting of Council held on 1 February 2016 be confirmed as a correct record of business transacted.

## 5. PUBLIC QUESTION TIME

**PLEASE NOTE:** Commencing from this Council meeting, questions must be submitted prior to the commencement of Council meetings.

- Questions can be submitted: Online until 4.00 pm on the day of the meeting at [darebin.vic.gov.au](http://darebin.vic.gov.au) or via email to [PQT@darebin.vic.gov.au](mailto:PQT@darebin.vic.gov.au)
- In person at the counter of the Preston Customer Service, 274 Gower Street, Preston until 5.00 pm
- At the Council Chamber from 6.45 pm to 7.00 pm

Council officers will be available to assist residents in the preparation of questions between 3.00 pm and 5.00 pm on the day of the Council meeting.

The Mayor will read the question and provide a response. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question.

Residents do not need to attend the meeting for a question to be answered.

A period of up to 30 minutes will be set aside to enable the Chairperson to read out the questions submitted by the public in accordance with the above guidelines and to provide responses.

Public Question Time may be extended at the discretion of the Council.

## 6. CONSIDERATION OF REPORTS

### 6.1 INTERNATIONAL WOMEN'S DAY 2016

**Author:** Manger Children, Families and Community

**Reviewed By:** Director Community Development

#### Report Background

This report provides details of the program of events across Darebin celebrating International Women's Day 2016 and seeks the appointment of a Council representative to deliver the welcome speech at the Molly Hadfield Social Justice Oration to be held on 10 March 2016.

#### Previous Council Resolution

At its meeting held on 20 May 2013 Council resolved to:

- (1) *Endorse an annual Molly Hadfield Social Justice Oration to be scheduled as part of the International Women's Day celebrations.*
- (2) *Supports the oration as an ongoing opportunity and platform for exploring and understanding key social justice issues impacting on older persons and on women in our community.*
- (3) *Following consultation with the Darebin Women's Advisory Committee and the Active and Healthy Ageing Community Advisory Board, shall determine the guest speaker.*

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

#### Council Plan Goal/Endorsed Strategy

Goal 2: Healthy and Connected Community.

*Strategy 2.16: promote gender equity, prevent violence against women and support the right of women to engage and participate fully and equally in all aspects of community life.*

Endorsed Strategies:

- Darebin's Health and Wellbeing Plan 2013-2017
- Darebin's Gender Equity Action Plan 2016

#### Summary

The City of Darebin has a long standing commitment to equity and inclusion and has actively embraced the mission to advance women's equal participation, address gender inequity and prevent violence against women.

In support of this commitment Darebin annually celebrates the United Nations International Women's Day with a range of events and activities across the month of March, including the annual Molly Hadfield Social Justice Oration. The oration is supported as an ongoing opportunity and platform for exploring and understanding key social justice issues impacting on older persons and on women in our community.

<b>Recommendation</b>
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**That Council:**

- (1) Notes the program of events in Darebin for International Women's Day 2016.
- (2) Appoint a Council representative to deliver the welcome speech at the 2016 Molly Hadfield Social Justice Oration.

### Introduction

Darebin Council traditionally supports International Women's Day through a range of events across March. Since 2013 that has included the Molly Hadfield Social Justice Oration, a free public community event providing an ongoing opportunity and platform for exploring and understanding key social justice issues impacting on women in our community.

Molly Hadfield OAM was a respected and recognised Darebin resident. Molly made an invaluable contribution as an activist on public housing, senior's rights, women's rights, public education, community health and peace; all of which were ultimately linked to her core belief and deep commitment to social justice.

### Issues and Discussion

#### Molly Hadfield Justice Oration

In 2016 the Molly Hadfield Social Justice Oration will be delivered by Celeste Liddle, a prominent social commentator, writer and activist. The event will include performances by the East Melbourne Chinese Association Dance Troupe and spoken word poet Jan Earthstar.

The oration is one of many events held across the municipality in the month of March.

#### Events across Darebin Celebrating International Women's Day

Further details about these events will be promoted on Council's website and various forms of communications and media.

Event Title	Details	Time and Date
Molly Hadfield Social Justice Oration	The oration will be delivered by Celeste Liddle and explores social justice themes of interest to women in our community. The event will also feature performances by Jan Earthstar and the North East Melbourne Chinese Association.	Thursday 10 March 2016 6:00 – 8:00 pm Preston Shire Hall Free
Darebin Libraries film screening – Utopia Girls	The Darebin Libraries are hosting a screening of Australian documentary <i>Utopia Girls</i> . Local historian and author, Claire Wright, builds the gripping story of how Australian women won the right to vote, making Australia an unlikely leader on the global stage.	Tuesday 8 March 2016 6.00 – 7.30 pm Northcote Library Free

Event Title	Details	Time and Date
Intercultural Centre Film Screening – My Sense of Modesty	The Intercultural Centre will host a Human Rights Film Festival film, My Sense of Modesty takes intelligent aim at Western preconceptions about art, women and religion. Hafsia is a passionate art history student, but if she wants to complete her final exam, she must do so without her hijab.	Tuesday 8 March 2015 11:00 – 1:00 pm Darebin Intercultural Centre Free
Get Active in Darebin	Get Active in Darebin's Summer program offers a wide range of fitness and sport activities suitable for all ages, abilities and fitness levels. Activities take place at a variety of parks, reserves as well as indoor locations across Darebin.	1st March to 18th March 2016 Free
Inspiring Soirees	Join in a social evening using everyday materials to create something new and inspiring. Fun, colourful, relaxed evening of exploring something creative and new.	Monday 21 March 2016 7.00 - 9.00 pm Span Community House, Thornbury Free
Common Garden Medicine Making	Learn how to harvest and prepare a variety of common garden herbs, weeds and kitchen ingredients to make your own home remedies to soothe everyday complaints. Lead by a qualified Naturopath.	Saturday 19 March 2016 1.00 – 4.00 pm Span Community House, Thornbury Free
Art Exhibition – Nu Yishu Series: VII Thread	Thread is the seventh in a series of international cultural exchange exhibitions known as Nu Yishu which translated from Mandarin means 'women's art'. Featuring artwork by seven RMIT graduates from Hong Kong and Melbourne, the artists explore the word thread and its many connotations.	24 February – 3 April Bundoora Homestead Art Centre Free

### Options for Consideration

The events detailed in the report are in support of International Women's Day 2016.

### Financial and Resource Implications

All Council events and activities that support International Women's Day are implemented within existing budgets.

### Risk Management

Council Officers will develop a risk management plan for events/activities; however there are no perceived risks beyond the standard of event management.

## **Policy Implications**

### **Economic Development**

There are no factors in this report which impact upon economic development.

### **Environmental Sustainability**

There are no factors in this report which impact upon environmental sustainability.

### **Human Rights, Equity and Inclusion**

The celebration of International Women's Day and the delivery of the Molly Hadfield Social Justice Oration recognises and celebrates the contribution of women across Darebin and beyond. The guest oration highlights key social justice and human rights issues that impact on women's health and wellbeing, such as housing, homelessness, family violence, social isolation and economic inequity.

### **Other**

The celebration of International Women's Day and the commemoration of Molly Hadfield aligns with Council's commitment to gender equity, as articulated in the Council Plan 2013-2017 and reiterated in the Gender Equity Action Plan 2015-2016, as well as with the principles articulated in the Active and Healthy Ageing Strategy 2011-2021.

### **Future Actions**

The celebration of International Women's Day through a program of events and activities held across March 2016.

### **Consultation and Advocacy**

Darebin Women's Advisory Committee were consulted in the planning for 2016 International Women's Day events across the City of Darebin.

### **Related Documents**

- (1) 20 May 2013 - Options for Commemoration of Molly Hadfield
- (2) Darebin's Gender equity Action Plan 2015/2016

### **Disclosure of Interest**

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.

**6.2 SAFE PEDESTRIAN CROSSING MASSEY AVENUE RESERVOIR**

**Author:** Senior Coordinator Transport Management

**Reviewed By:** Director Assets and Business Services

**Report Background**

This report originates from Notice of Motion No. 183 at the Special meeting of 29 April 2015 which called for an investigation of a safe pedestrian crossing at the intersection of Glasgow Avenue and Massey Avenue

A report was submitted to the Council Meeting of 17 August 2015, where Council resolved to defer the report and investigate possible changes to the *Road Management Act 2004*.

**Previous Council Resolution**

At its Special meeting on 29 April 2015, Council resolved:

*That:*

- (1) *Council receive a report on the creation of a safe pedestrian crossing controlled by lights near the corner of Glasgow Avenue and Massey Avenue, Reservoir to enable school children from St Joseph the worker primary school and elderly residents.*
- (2) *Council consider the feasibility of preparing a submission to the relevant state government agency and Ministers to secure the relevant approval for a pedestrian crossing at this site and refer to the council budget process costing estimates in relation to this potential pedestrian safety project.*
- (3) *Consult with relevant residents and stakeholders in relation to this issue.'*

At its ordinary council meeting on 17 August 2015, Council resolved:

*That Council:*

- (3) *Defer the report.*
- (4) *The report come back to Council with information about the changes required to the Road Management Act and associated regulations to enable consideration of a safe pedestrian crossing at the location.'*

**Previous Briefing(s)**

This matter has not been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

This report relates to the Council Plan goal 2 of a healthy and connected community, the Darebin Transport Strategy 2007 – 2027 and the Darebin Safe Travel Strategy 2011-2015.

## Summary

Pedestrian operated traffic signals have been requested by the community to assist pedestrians, particularly the elderly and school children, to cross Massey Avenue near Glasgow Avenue in Reservoir.

The previous report to Council dated 17 August 2015 noted that there is no history of collisions to support the applications for external funding and that the VicRoads warrant criteria to support the approval of this type of treatment were not met.

VicRoads Traffic Engineering Manual warrants were reviewed in October 2015 and have been downgraded from criteria to guidelines. On this basis, alterations to the regulatory frameworks are not considered necessary as, even though the previous warrants would not be met, discussions with VicRoads indicate that, given the treatment is proposed on a local road, they would not necessarily prohibit the installation of a pedestrian treatment if it is supported by Council, meets design guidelines and is supported by a safety assessment.

If this project were to progress through consultation and approvals were granted, the full cost of design, installation and maintenance of a pedestrian treatment would need to be funded by Council.

An alternative, lower cost, solution may be to remove the existing children's crossing and install a pedestrian zebra crossing at the same time as planned roundabout maintenance/upgrade works are undertaken at the Massey Avenue / Glasgow Avenue roundabout. Relocation of the existing school crossing supervisor to a proposed pedestrian zebra crossing may be possible through negotiations with VicRoads.

In order to avoid the need to meet VicRoads requirements and gain their approval for a pedestrian crossing, the removal of these treatments as major traffic control items or a change to the delegated powers of authority for the approval of major traffic control devices would be required in the *Road Safety (Traffic Management) Regulations 2009*. Such change is unlikely to eventuate as it may result in inconsistent and unpredictable application of pedestrian crossing treatments across municipalities and cause safety concerns around Victoria's road network.

## Recommendation

**That Council:**

- (1) Support the consultation with St Joseph the Worker Primary School, VicRoads and other relevant stakeholders to remove the existing school crossing and replace it with a zebra crossing at the roundabout of Massey Avenue at Glasgow Avenue as part of future upgrade works.
- (2) Acknowledge the requirements of obtaining approvals under the *Road Safety (Traffic Management) Regulations 2009* to implement major traffic control items.

## Introduction

The community has expressed concern about the lack of safe pedestrian crossing facilities on Massey Avenue, particularly for the elderly and children.

There is one existing school crossing present on Massey Avenue near Glasgow Avenue, which is not on the pedestrian desire line along Glasgow Avenue and is supervised only before and after school times.

Massey Avenue in Reservoir forms a link between Broadhurst Avenue and Edwardes Street, which carries significant vehicular traffic volumes including a high proportion of heavy vehicles.

The previous report to Council highlighted the regulatory difficulty and associated funding implications, in proposing pedestrian crossing facilities where there was no history of collisions and VicRoads warrant criteria were not met. As a result, Council resolved that a revised report be prepared to discuss changes needed to relevant Acts and Regulations to enable a safe crossing facility for pedestrians on Massey Avenue.

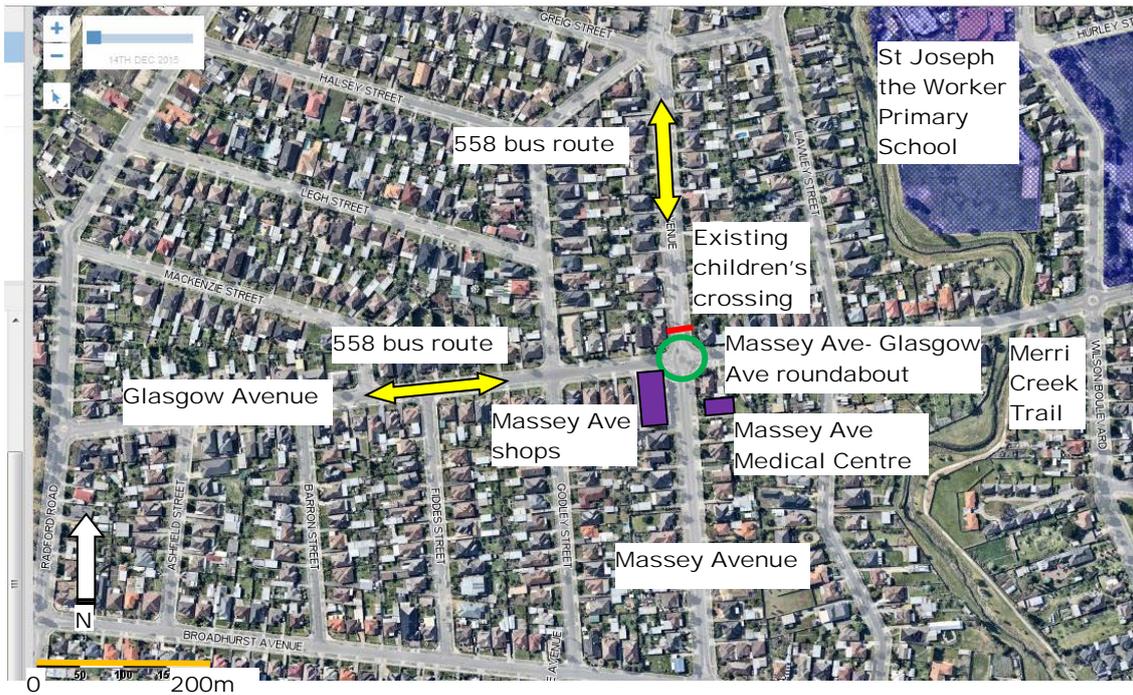
This report explores the relevant Acts and Regulations pertinent to the installation of pedestrian facilities, highlights possible changes to allow Council to be the delegated authority for pedestrian treatments and offers a recommended treatment to provide a cost effective and safe solution for pedestrians that would align with the existing regulations.

## Issues and Discussion

Massey Avenue carries an average of 15,459 vehicles per weekday, including 9% heavy goods vehicles. The 85th percentile speed has been recorded as 59.5km/h which is in excess of the posted speed limit of 50km/h. Massey Avenue and Glasgow Avenue both carry sections of the 558 bus route.

Along Massey Avenue, there is a 2.5 kilometre gap between the intersection traffic signals at Mahoney's Road and Edwardes Street, which both have pedestrian crossing facilities. This means that there is no permanent controlled crossing to the shops or medical centre in Massey Avenue. The only available controlled crossing for pedestrians is a supervised school crossing on Massey Avenue, 30 metres north of the intersection of Glasgow Avenue, which only operates before and after school times.

Glasgow Avenue provides a useful pedestrian link across Merri Creek to access St Joseph the Worker Primary School. Glasgow Avenue has not been identified as part of Darebin's priority pedestrian network. The layout of the neighbourhood surrounding the roundabout of Massey Avenue and Glasgow Avenue can be seen below in Figure 1. Figure 2 shows the existing location and condition of the school crossing on Massey Avenue.



**Figure 1 Massey Avenue and Glasgow Avenue Reservoir**



**Figure 2 Existing Massey Avenue School crossing**

The roundabout at the intersection of Massey Avenue and Glasgow Avenue has been identified as needing major repairs due to significant damage from heavy vehicles. Prior to undertaking maintenance work, this roundabout has been reviewed to assess its current functionality and improve useability and safety for all road users. Modifications that have been identified are to incorporate traffic management properties to reduce vehicle speeds and improve the pedestrian and cycling environment. The implementation of a design that is sympathetic to the existing functions of the roundabout will also reduce long-term future maintenance costs.

Design work will commence in February 2016 on the upgrades to the roundabout, which will possibly include splitter islands / pedestrian refuges and/or zebra crossings and over-run aprons to cater for heavy goods vehicles. The implementation of the proposed design will be referred to Council’s future budget process.

**Strategic Considerations and Need**

The Transport Integration Act 2010 highlights that the transport system should be safe, promote health and well-being, and facilitate improved accessibility within local communities by active and public transport, thereby reducing the need for private car trips. As indicated on Figure 1, there are local shops and social infrastructure that (particularly when accessible by active transport) may contribute to a healthy local community and “local living” in line with the Darebin Transport Strategy and Plan Melbourne. The *Darebin Safe Travel Strategy* also includes an action to provide safe crossing points, especially around schools and activity centres.

The recently developed principal pedestrian network identifies key walking routes around Darebin. Glasgow Avenue is not one of those routes.

**Existing Operation**

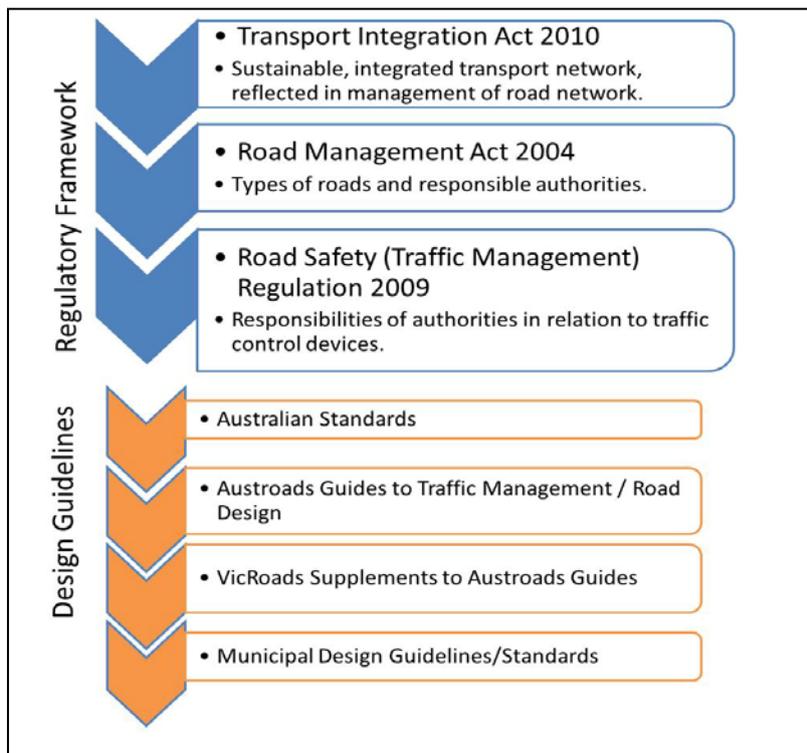
A survey was conducted on a school day in August 2015 during the morning peak between 8 am – 9 pm and the afternoon peak at 2:45 pm – 3:45 pm to observe and collect existing pedestrian activity at the school crossing. The afternoon period resulted in the highest recorded pedestrian volumes as shown below:

- 6 adults
- 28 children (8 of whom crossed alone)

The volume of traffic recorded in May 2015 indicates that an average of 15,459 vehicles use Massey Avenue each weekday.

**Regulatory Framework and Design Requirements for Pedestrian Treatments**

This section sets out the regulatory and design framework required for installing a pedestrian crossing treatment. The framework is diagrammatically represented in Figure 3 below.



**Figure 3 Key Regulatory and Design Requirement for Pedestrian Crossings**

The objectives of the *Transport Integration Act 2010* should be reflected in road network management, which is detailed in the *Road Management Act 2004*. The Road Management Act 2004 sets out the nature of different roads including the declaration and classification of roads as well as the road management functions of authorities, such as Councils.

Massey Avenue and Glasgow Avenue are both municipal roads that are managed by Council.

The *Road Safety (Traffic Management) Regulations 2009* set out the responsibilities of road authorities to manage roads, including the installation, operation and maintenance of traffic control devices (refer S.10). Pedestrian operated traffic signals and pedestrian crossing signs are designated as major traffic control devices, irrespective of the road classification. Delegated powers allow Council to install, remove or alter traffic control devices associated with a school crossing (S.10 (2)(b)).

Therefore, even though Massey Avenue is a municipal road, pedestrian treatments such as a pedestrian (zebra) crossing and pedestrian operated signals would require the approval of VicRoads. Council may remove or alter the existing school crossing on Massey Avenue, without VicRoads permission.

The selection of an appropriate road crossing for pedestrians and its subsequent design are set out in the Australian Standards, Austroads Guides to Traffic Management and Road Design and supported by VicRoads Supplements to these Austroads Guides. These guides seek to achieve consistency in application and design of pedestrian treatments across all municipalities.

### **Design Criteria for Pedestrian Crossings**

VicRoads are now moving away from a criteria warrants approach and the October 2015 Traffic Engineering Manual (TEM) (VicRoads Supplement to Austroads Guide to Traffic Management Part 6) provides general guidelines for determining an appropriate crossing type, given the pedestrian and vehicular traffic volumes, together with appropriate speed environments. This revised approach gives more flexibility with what can be approved by VicRoads.

In discussing the new guidelines with VicRoads, they have indicated that it would now be more likely for endorsement of pedestrian crossing proposals to be given, as long as the site is suitable, the design is safe and all stakeholders including nearby schools, other user groups and Council are in agreement.

### **Determining the Appropriate Type of Pedestrian Crossing Using the New Guidelines**

The new warrant guidelines are the same as the old warrant criteria for pedestrian crossings, however there is now flexibility for VicRoads in approving proposals. An assessment has been undertaken using the VicRoads Traffic Engineering Manual warrant guidelines, which determined that a children's crossing, pedestrian 'zebra' crossing without flashing lights and pedestrian operated signals can all be considered given the site conditions and pedestrian / traffic volumes.

There are situations where a pedestrian 'zebra' crossing is deemed not suitable due to visibility or unexpectedness where a pedestrian operated signal could be used in its place. This location was assessed as being suitable for a pedestrian 'zebra' crossing as visibility is good and a zebra crossing would be expected near a strip of shops.

The calculations and considerations to determine an appropriate pedestrian crossing type have been attached in **Appendix A** to this report.

## Options for Consideration

### Pedestrian Treatments

There are four options for consideration to improve accessibility and safety for pedestrians near the Massey Avenue and Glasgow Avenue roundabout.

#### Option 1: Do Nothing

There is no record of collisions during the last five years and there is already a supervised children's crossing in place that provides safe access for school students before and after school time. This route is not on the priority pedestrian network and Council will achieve better value for money by concentrating resources along identified priority routes.

#### Option 2: Pedestrian Operated Signals

Whilst this option would provide for a safe pedestrian crossing point it would need to be located at least 20 metres from the pedestrian desire-line along Glasgow Avenue. This option could be referred to the capital works funding process however there is low justification for the costs (in the order of \$200k plus ongoing operating and maintenance costs) based on the existing pedestrian demands and safety history.

#### Option 3: Fully Signalise the Intersection of Glasgow Avenue and Massey Avenue

This option would provide the highest order of accessibility and safety for pedestrians in a relative car dominated road environment. This option is not recommended as there is not a strong justification for the significant costs associated with a fully signalised intersection based on existing pedestrian demands and safety history.

#### Option 4: Design, Consult and Deliver a zebra crossing at Glasgow Avenue

This option is to progress design work and subsequent consultation with stakeholders that incorporates a pedestrian 'zebra' crossing as part of the roundabout upgrade work at the intersection of Massey Avenue and Glasgow Avenue. This proposal would seek relocation of the school crossing supervisor to a new zebra crossing. This option is recommended as it would provide a convenient and safe facility for all pedestrians (including school children) while mitigating vehicle speeds to further improve safety for vulnerable road users. This option would not be of significant cost to Council as it would be associated with a broader package of works to renew the roundabout.

### Alterations to Existing Regulatory Framework

Consideration was given to potential changes to the relevant acts and regulations to remove the need to gain VicRoads approval of a pedestrian crossing on Massey Avenue at Glasgow Avenue. The alteration required would be to remove pedestrian crossings from the list of major traffic control items in Road Safety (Traffic Management) Regulations 2009.

This option is not recommended as it is likely to lead to an inconsistent application and implementation of pedestrian treatments across various municipalities, which is likely to reduce their effectiveness.

## **Financial and Resource Implications**

Proposals such as this one, where there is no history of collisions, would require the project sponsor (Council) to provide the full cost of the design, implementation and maintenance of any project where approval is being sought.

A submission would be made to Council's Capital Works Program for works associated with the upgrade of the Massey Avenue / Glasgow Avenue roundabout. These works could be amended to incorporate a zebra crossing on Massey Avenue.

## **Risk Management**

Design work will be subject to an independent road safety audit to ensure the safety of Darebin's road users and community.

## **Policy Implications**

### **Economic Development**

There are no factors in this report which impact upon economic development.

### **Environmental Sustainability**

Any consideration for installing additional assets which would require electricity consumption or on-going maintenance such as traffic signals should be referred to the Environmental Sustainability team for comment.

### **Human Rights, Equity and Inclusion**

Any design for pedestrian facility changes must comply with current legislation and best practice design guides such as AustRoads Guide to Road Design..

### **Other**

Consultation with all stakeholders including St Joseph the Worker Primary School, VicRoads, residents and adjacent businesses is vital in delivering a project truly tailored to the needs of users.

### **Future Actions**

- To progress design works for the roundabout upgrade work, incorporating a zebra crossing and modified splitter islands / pedestrian refuges.
- Roundabout upgrade works to be referred to a future Capital Works Program for funding consideration.

### **Consultation and Advocacy**

Council staff and external organisations that have been consulted in preparing this report include:

- Transport Engineer
- Acting Team Leader Transport Engineering
- Senior Coordinator Transport Management
- VicRoads

**Related Documents**

The following documents relate to this report:

- *Transport Integration Act 2010*
- *Road Management Act 2004*
- *Road Safety (Traffic Management) Regulations 2009*
- VicRoads Supplements to Austroads Road Design Guides
- Plan Melbourne 2014
- Darebin Transport Strategy 2007 – 2027
- Darebin Safe Travel Strategy 2010 - 2015

**Disclosure of Interest**

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.

### 6.3 PROPOSAL TO CHANGE THE NAME OF THE FEDERAL SEAT OF BATMAN

**Author:** Manager Children Families and Community

**Reviewed By:** Director Community Development

#### Report Background

This report is in response to two Council resolutions from meetings held on 16 December 2013 and 19 May 2014. The actions and timelines outlined in these reports have not been achieved and this report provides an updated plan to progress the proposal.

#### Previous Council Resolutions

At its meeting on 16 December 2013, Council resolved:

*That Council:*

- (1) *Council notes and supports recent calls by Wurundjeri elders and other local Aboriginal leaders to change the name of the Federal seat of Batman, in the spirit of reconciliation.*
- (2) *Council commits to working with the Wurundjeri Tribe Land and Compensation Council and the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission to develop and advocate for options for consideration by the Australian Electoral Commission.*
- (3) *Council receives a report on the results of consultation with the Wurundjeri Tribe Land and Compensation Council and the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission, along with the process and timeframe for making a submission.*
- (4) *Consultation also occur around other relevant locations such as Batman Park.'*

At its meeting on 19 May 2014, Council resolved:

*That Council:*

*Approves the recommended actions and timing outlined in this report relating to the renaming processes of the Batman Electorate and Batman Park.'*

#### Previous Briefing

This matter has been to a Briefing on 12 May 2014 in relation to the Council report from the Council meeting held on 19 May 2014.

#### Council Plan Goal/Endorsed Strategy

Healthy and Connected Community

Darebin Aboriginal Action Plan 2012-2017

## Summary

This report provides an updated project plan detailing how the project will be managed; the process for advocating for a change to the Federal seat of Batman through the 2017 redistribution process; the approach to the potential renaming of Batman Park; and a range of consultation and advocacy processes that will be undertaken tailored to the needs of the various stakeholders.

Any financial implications from the report would be referred to the 2016/2017 budget process.

## Recommendation

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman.

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## Introduction

At its meeting on 16 December 2013 Council resolved to support a change to the name of the Federal Division of Batman and other sites within Darebin including Batman Park, and committed to community consultation on these issues in the spirit of reconciliation.

A second Council resolution on 19 May 2014 endorsed actions and timelines in relation to the 16 December 2013 resolution. Unfortunately due to a change of management at the Wurundjeri Tribe Land and Compensation Council and associated delays in consultation these actions and timelines have not been achieved. This report provides a revised plan to progress the proposal.

## Issues and Discussion

### 1. Project Management

Project initiation documentation has been completed with the Federal Seat renaming process managed through the Equity and Diversity unit with the Batman Park renaming process to be managed through the Assets and Properties department. While discrete jurisdictions with separate administrative processes, there is overlap in relation to community and stakeholder engagement which is to be coordinated through an internal project working group structure.

Engagement with internal and external stakeholder has now commenced. This has included:

**Internal:** Communications and Marketing, Project Management Office, Aged and Disability, Public Realm, Community Wellbeing and Arts and Culture to inform the communications and engagement plan, timeframes and project elements.

**External:** City of Yarra, City of Whittlesea, Wurundjeri Tribe Land and Compensation Council, Member for Batman, Darebin Aboriginal Advisory Committee and the Australian Electoral Commission.

Broader community engagement is due to commence in March 2016, building on previous engagement activities and paving the way for the renaming processes for both the park and the Federal Electorate.

The project will be guided by Wurundjeri Council as a key stakeholder.

## **2. Federal Seat of Batman**

The Federal Seat of Batman takes in the whole of the City of Darebin and parts of the Cities of Whittlesea and Yarra. The final decision on the names of federal electoral divisions in a state or territory is made by the augmented Electoral Commission during the redistribution of that state or territory. In Victoria redistribution is scheduled for 2017 and officers are yet to be advised on dates and timeframes that this would take place.

The Australian Electoral Commission's (AEC) non-binding guidelines or conventions on the naming of electoral divisions to guide redistribution processes note that names of divisions should not be changed or transferred without very strong reasons. As such, the engagement and advocacy process will seek to garner community support and include this as evidence in the final submission.

Meetings have been conducted with the Cities of Yarra and Whittlesea with a view to lodging a joint submission, subject to the support of the Wurundjeri Tribe Land and Compensation Council as key stakeholder.

Contact has also been made with the office of the Member for Batman, the Hon. David Feeney MP to commence discussions about the name change.

Further discussion is proposed once the timeframes for the formal submission process to AEC are announced later in 2016.

## **3. Building the Narrative**

A community engagement process would commence in March 2016 to inform the submission process through advocacy and awareness raising. This process would build on previous engagement and link with key dates such as Wurundjeri Week to re-engage with communities and build a narrative around the story of the Batman Treaty in identifying the significance to Indigenous and non-Indigenous communities within Darebin. The process would also link in with the Batman Masterplan to identify opportunities for changing the name of the park. Methodologies may include storyboard, writing project, listening posts and cultural/information events to raise awareness and garner feedback.

The Wurundjeri Council has been approached seeking guidance in relation to naming options and engagement processes and officers are waiting on a response. Further engagement would be contingent upon receiving endorsement from Traditional Owner Groups regarding naming options.

## **4. Renaming Batman Park**

As mentioned previously, the park renaming process would be managed through Assets and Properties in consultation with internal and external stakeholders and aligning with broader engagement activities planned in the first part of 2016.

### 4.1 Background

At a meeting between Darebin Council and the Wurundjeri Council in April 2014, Wurundjeri elders expressed interest in working with Council to raise community awareness on the genesis of the Batman Treaty - what it entailed, who was involved and what was the impact on the Wurundjeri people. The position of the Wurundjeri Council is that Darebin Council can play a role in raising community awareness on the history of the Treaty first, leading up to calls for suggestions from the community to participate in the process of renaming the Park.

#### 4.2 Guidelines for Renaming

In accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 (Version 2)* and Council's *Road and Place Naming Policy 2003*, Council is able to investigate and determine the naming of places with local significance including suburbs, roads, bridges, bike paths, reserves and parks within the municipality.

Requirements from the *Guidelines for Geographic Names 2010* of relevance at this investigation stage are:

- Identification and use of Indigenous names is subject to consultation with and an agreement by all relevant Indigenous communities, and consultation should be undertaken prior to any broader public consultation on the proposed name(s). Advice to the naming authority is provided via a consultative group of relevant Indigenous groups.
- The naming of places and features should involve the public, particularly the local community directly concerned or affected. Various means exist to consult with communities. These should be transparent and the interested public involved through processes which are meaningful and informative.
- The level and form of the consultation is left to the discretion of the responsible naming authority and can vary depending on the naming proposal.

Other guidelines focus on limiting the length of names, use of compound names and avoiding duplication of names with other locations in close proximity.

#### 4.3 Engagement

Council is committed to consulting with the community and relevant stakeholders about the naming proposal. The guidelines within the Council Place Naming Policy and the *Geographic Place Names Act 1998* outline a consultation procedure including consulting with the local community, Emergency Services Telecommunications Authority (ESTA) and other relevant stakeholders and preparing a report for Council to consider and vote on.

Given the significance of this project, a communication and engagement plan would be developed to ensure that an inclusive process is followed. If Council approves the renaming, the proposal would be sent to the Registrar of Geographic Names. The Registrar would then check the name for conformance with the Guidelines for Geographic Names, and if accepted, the change would be published in the Victorian Government Gazette to allow for a 30 day public feedback period. If no objections are received within 30 days the name would be recorded in VICNAMES.

The consultation process for the naming proposal would include:

- Residents within 500 metres of the Batman Park would be sent a flyer informing them of the proposal and process, and providing them the opportunity to make a submission.
- A public notice would be placed in the local paper informing the community of the proposal and process, and providing them the opportunity to make a submission.
- A notice would be placed on Council's web page informing the community of the proposal and process, and providing them with the opportunity to make a submission.
- The consultation period would be for 28 days and would operate in accordance with Section 223 of the *Local Government Act 1989* (the Act).

This process would link in with and build on from the earlier engagement undertaken as part of the broader education and awareness (building the narrative) proposed to be rolled out in the first part of 2016.

On receipt of submissions, views would be collated and taken to a selection committee for a final decision based on the community feedback. This will then be forwarded to Council for consideration and resolution.

## **5. Other sites**

The project would scope and identify other potential sites for renaming to inform Council's position as part of project deliverables.

### **Options for Consideration**

Beyond the consultation and engagement outlined in the report, further initiatives and approaches would be considered as the project progresses.

### **Financial and Resource Implications**

Financial and resource implications in managing this complex project and ensuring effective community engagement processes would be referred to the 2016/2017 budget process.

### **Risk Management**

Risk analysis has highlighted community engagement and project management as a risk given the complexity of relationships and need to ensure all stakeholders have the opportunity to participate. The issue has potential political sensitivities that may also be divisive and impact on project outcomes if not well managed.

A well-managed and adequately resourced engagement, education and communication process would seek to minimise this risk as would ensuring an effective partnership relationship with the Wurundjeri Council and the broader Darebin Aboriginal community through the Darebin Aboriginal Advisory Committee.

### **Policy Implications**

#### **Economic Development**

There are no economic development implications from this report.

#### **Environmental Sustainability**

There are no environmental sustainability implications from this report.

#### **Human Rights, Equity and Inclusion**

Recognition through renaming of the Federal Electorate of Batman and the Park Renaming aligns with Council's commitment to human rights, equity and inclusion commitments to reconciliation and self-determination for Traditional Owners and Aboriginal and Torres Strait Islander communities as articulated in the Darebin Aboriginal Action Plan, Community Health and Wellbeing Plan and Darebin Council Plan.

This project advances reconciliation and recognises the positive impacts on health and wellbeing that increased visibility and recognition has for Aboriginal communities in Darebin.

The project has applied the Equity and Inclusion Planning process in project design and implementation.

### **Other**

There are no further policy implications from this report.

### **Future Actions**

Note: These are indicative timeframes only.

- March-June 2016 - Commencement of community engagement/consultation and advocacy process seeking support for Federal renaming.
- June/July 2015 – Commencement of consultation process for park renaming.
- Ongoing – partnership and planning meetings with Wurundjeri Council, Darebin Aboriginal Advisory Committee (which includes a Wurundjeri Council representative), City of Yarra, City of Whittlesea, the Federal Member for Batman and other stakeholders as required.
- August 2016 - commencement drafting of submission to AEC based on outcomes of engagement and support.
- October - Report to Council with recommendations – date to be confirmed.
- Lodgement of Submission to AEC 2017 – date to be confirmed.

### **Consultation and Advocacy**

#### Internal consultation

- Coordinator, Public Realm
- Manager, Assets and Properties
- Human Rights Officer
- Aboriginal Contact Officer

### **Related Documents**

- Council Minutes – 16 December 2013 and 19 May 2014

### **Disclosure of Interest**

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.

**6.4 FINANCIAL REPORT – 6 MONTHS ENDED 31 DECEMBER 2015**

**Author:** Financial Accountant

**Reviewed By:** Director Corporate Services

**Report Background**

Under the *Local Government Act 1989*, at least every three months the Chief Executive is required to present to the Council a statement comparing budgeted and actual revenues and expenses for the financial year to date.

**Previous Resolution**

Not applicable

**Briefing Date**

8 February 2016

**Council Plan Goal/Endorsed Strategy**

Open and Accountable Democracy

**Summary**

A comprehensive mid-year financial review has been undertaken for the six months ended 31 December 2015 to assess the financial performance of Council year-to-date and the forecast financial position as at 30 June 2016. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$63.15 million, which is \$4.90 million ahead of budget and capital works expenditure of \$12.20 million, which is \$3.31 million behind the budget.

The forecast actual result for the year ending 30 June 2016 is an operating surplus of \$6.51 million and capital works expenditure of \$40.22 million. The forecast underlying result for the year ending 30 June 2016 is a surplus of \$0.61 million. All material variations have been explained in the report.

All material variations have been explained in the report.

**Recommendation**

**That** Council receives the contents of the “Financial Report for the six months ended 31 December 2015” included as **Appendix A** to this report and notes the year-to-date and full-year forecast actual and budget operating and capital results.

## Introduction

In compliance with the *Local Government Act 1989*, the attached report (**Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the six months ended 31 December 2015. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

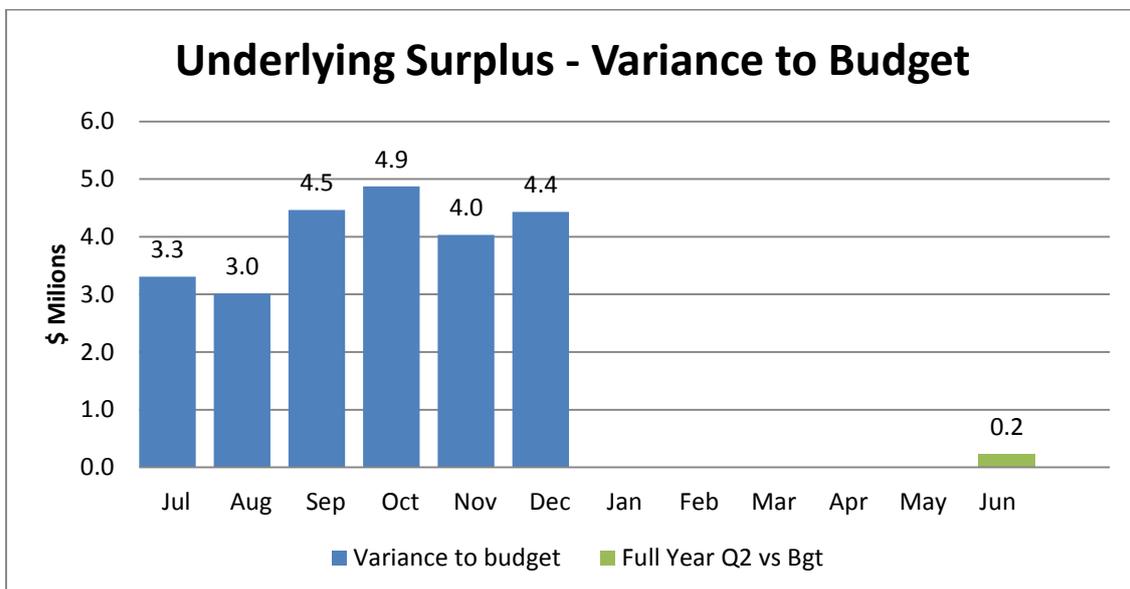
In addition, a detailed review of the estimated financial results for the year ending 30 June 2016 has been performed as part of Council's mid-year review process. The outcomes of this review are included within the report as the forecast financial results.

## Issues and Discussion

### *Operating Performance*

For the 6 months ended 31 December 2015, Council has recorded an operating surplus of \$63.15 million. This is \$4.90 million ahead of the year to date budget. The main items contributing to this favourable variance are rates, employee costs, materials and services and depreciation and amortisation. The forecast operating result for the year ending 30 June 2016 is an operating surplus of \$6.51 million, which is \$0.37 million less than budget.

The year to date adjusted underlying surplus is \$59.40 million, which is \$4.46 million ahead of budget. The underlying result is the net surplus for the year adjusted for capital grants and contributions and timing differences on grants received and spent. The forecast adjusted underlying surplus is \$0.62 million, which is \$0.23 million more than budget.

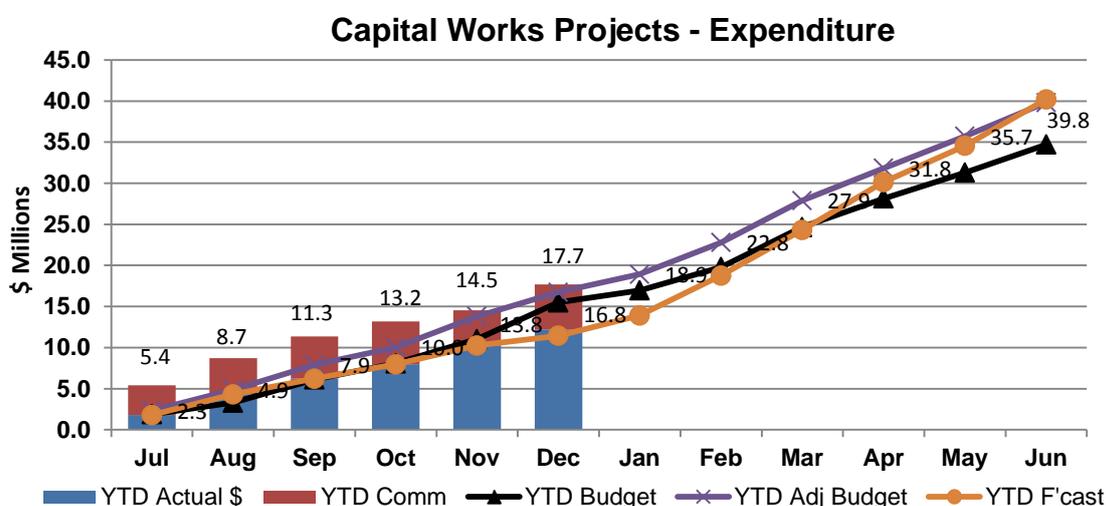


### *Capital Performance*

For the 6 months ended 31 December 2015, Council has expended \$12.20 million on the capital works program. This is \$3.31 million behind the year to date budget. The variance is due mainly to delays in purchase of plant and equipment, roads and transport and road safety works.

As at 31 December 2015, a further \$5.48 million has been committed by way of issued purchase orders. Commitments are not reflected in the reported capital expenditure and indicate that many projects are well advanced. The forecast total to be expended on capital works for the year ending 30 June 2016 is \$40.22 million, which is \$5.52 million more than the adopted budget. At this stage total of nil expenditure is forecast to be carried forward into the 2016/2017 year.

	YTD Budget	YTD Adj Budget	YTD Actual
% of budget expended	45%	45%	35%
% of budget expended and committed	45%	45%	51%



**Financial Position**

The Financial Position as at 31 December 2015 shows a cash and investment balance of \$56.54 million which is \$18.17 million ahead of budget. The variance is due mainly to timing differences in receipt of other income, payments to employees, delay in payments for capital works and a higher opening cash and investment position compared with budget.

The cash and investment balance of \$56.54 million was sufficient to meet restricted cash and intended allocation obligations of \$25.95 million at the end of December. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds, statutory reserves and cash for intended allocations such as cash held to fund future capital works.

The net current asset position is \$88.46 million which is \$10.48 million more than budget. The net asset position of \$1.24 billion is \$1.47 million less than budget. The forecast Financial Position as at 30 June 2016 shows a cash position of \$44.94 million and net current assets of \$20.28 million.

**Options for Consideration**

Nil

**Financial and Resource Implications**

There are no Financial and Resource Implications considerations relating to this report.

**Risk Management**

The Financial Report for the 6 months ended 31 December 2015, will be presented to Council's audit committee for review at its next meeting in March 2016.

**Policy Implications****Economic Development**

There are no Economic Development considerations relating to this report.

**Environmental Sustainability**

There are no Environmental Sustainability considerations relating to this report.

**Human Rights, Equity and Inclusion**

There are no Human Rights, Equity and Inclusion considerations relating to this report.

**Other**

There are no other considerations relating to this report.

**Future Actions**

A further financial report will be presented to Council for the nine months ending 31 March 2016.

**Consultation and Advocacy**

Managers and Coordinators

**Related Documents**

Nil

**Disclosure of Interest**

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.

## 6.5 PROPOSED RIGHT OR WAY (ROAD) DISCONTINUANCE ADJOINING 12 AND 14 INVERNESS STREET, RESERVOIR

**Author:** Manager Assets and Property

**Reviewed By:** Director Assets and Business Services

### Report Background

This is to report the outcome of the statutory procedures to discontinue the road adjoining 12 and 14 Inverness Street, Reservoir and sell the land.

### Previous Resolution

Ordinary meeting date- 20 July 2015

*That Council:*

- (1) *Commence the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 ("the Act") to discontinue the road (Road 1) adjoining 12 and 14 Inverness Street, Reservoir shown hatched on **Appendix A**, and*
- (2) *Give public notice under Sections 207A and 82A and 223 of the Local Government Act, 1989 of the proposed discontinuances (Road 1) adjoining 12 and 14 Inverness Street, Reservoir in the appropriate newspapers and on Council's website and such notice state that if discontinued, Council proposes to sell the land from the roads (Road 1) to the adjoining owners by private treaty.'*

### Briefing Date

Councillor Briefing – 8 February 2016

### Council Plan Goal/Endorsed Strategy

Goal: Excellent Service – Strategy 5.4 Long term responsible financial planning  
Strategy: Property Asset Management Strategy- May 2015

### Summary

Council received an application from the owner of 12 Inverness Street, Reservoir for the discontinuance and sale of the right-of-way adjoining their property. Macquarie Lawyers were commissioned to undertake the process to facilitate the possible discontinuance and sale of the 3.05m wide section of right of way (Road).

All of the immediate adjoining owners have been consulted regarding the proposal; no objections were received at that time.

In November 2014, the owners of both 12 and 14 Inverness Street confirmed their interest in acquiring the land from the Road at current market value as well as meeting all of the reasonable costs associated with Council discontinuing the Road, by signing 'in-principle' agreements for Council to progress the matter.

Public notice of the proposal was given in Preston and Northcote Leader newspapers in the week commencing Monday 27 July 2015. Notification was also given on Council's website. The notice period ended on 27 August 2015 with no submissions received by Council.

Before Council was in a position to consider this matter further, and on 4 September 2015, Council received notification from the owners of 14 Inverness Street's legal representative advising of their intention to make an application to Land Victoria to acquire title to the Road via adverse possession and not to proceed with the 'in-principle' agreement Council had with them. A title search confirmed that application had been made and was lodged on 8 September 2015 over the land.

Whilst an application has been made to Land Victoria for adverse possession of the land by the owner of 14 Inverness Street, Reservoir, the application presently remains unregistered on title. Council is, accordingly, within its powers to progress the proposal and seek to finalise the matter in accordance with the signed 'in-principle' agreements, legislation and Council Policy. It is otherwise noted that the owner of 12 Inverness Street still wishes to proceed with a sale of the land in the discontinued road in accordance with the 'in-principle' agreement which Council has with that person.

This report provides Council with the outcome of the statutory procedures for the proposed discontinuance and sale of a 3.05m wide right-of-way (road) adjoining 12 and 14 Inverness street, Reservoir and, now having completed them, recommends that the Road be discontinued and sold by private treaty in accordance with Council policy.

### Recommendation

**That** Council, having given public notice of a proposal to discontinue the section of road adjoining 12 and 14 Inverness Street, Reservoir, shown hatched on the plan enclosed as **Appendix A** to this report, and having received no submissions in respect of this proposal under section 223 of the *Local Government Act 1989*:

- (1) Discontinues the section of road in accordance with section 206 and schedule 10, Clause 3 of the *Local Government Act 1989*;
- (2) Directs that a notice be published in the Victoria Government Gazette;
- (3) Directs that the land from the road be sold by private treaty to the owners of the adjoining properties in accordance with Council policy and signed 'in-principle' agreements;
- (4) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties;
- (5) Delegate power to the Chief Executive to do all other acts, matters and things as are determined to be necessary to protect Council's right, title and interest in the discontinued road, including the commencement of legal proceedings if required.

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### Introduction

Council had received an application from the owner of 12 Inverness Street, Reservoir for the discontinuance and sale of the road shown hatched in the site plan (see **Appendix A**) and aerial photo (see **Appendix B**).

Council officers commenced investigations and commissioned Macquarie Lawyers to undertake the process to facilitate the possible discontinuance and sale of the 3.05m wide section of right of way (Road).

Investigations indicated that the Road is not listed on Council's Road Register, is not constructed and is not used for access. Additionally, the Road appears to have been enclosed within 14 Inverness Street for a considerable period of time.

## **Issues and Discussion**

### **Statutory requirements**

At its Ordinary Meeting of 20 July 2015, Council directed that the statutory procedures for the proposed discontinuance and sale of the road adjoining 12 and 14 Inverness Street, Reservoir, be commenced.

Public notice of the proposal was given in Preston and Northcote Leader newspapers in the week commencing Monday 27 July 2015. Notification was also given on Council's website.

Owners and occupiers of all of the adjoining properties were also notified in writing and were advised that submissions, in writing, would be considered by Council pursuant to the provisions of section 223 of the *Local Government Act 1989*.

The notice period ended on 27 August 2015 with no submissions received by Council.

Council and all necessary Service Authorities have been consulted in respect to the proposal and no objections have been received.

### **Adverse Possession Claim**

Before Council was in a position to consider this matter further, and on 4 September 2015, Council received notification from the owners of 14 Inverness Street's legal representative advising of their intention to make an application to Land Victoria to acquire title to the Road via adverse possession and not to proceed with the 'in-principle' agreement Council had with them. A title search confirmed that application had been made and was lodged on 8 September 2015 over the land.

According to the Department of Environment, Land, Water and Planning,

*"Adverse possession is a legal principle that enables the occupier of a piece of land to obtain ownership if uninterrupted and exclusive possession of the land for at least 15 years can be proven."*

Adverse possession claims cannot be made against the Crown, council-owned land and land owned by other public or service authorities and bodies. However, most roads remain in the name of the original subdividers and only vest with Council in some cases, so the legislative protection that Council enjoys on titled properties does not apply to these roads. The status of the road and whether it has been deemed a public highway often determines ownership and protection from possessory claims.

### **Options for Consideration**

#### **Option 1**

Council could proceed with the recommendation to discontinue and sell the land from the road adjoining 12 & 14 Inverness Street, Reservoir, in accordance with the signed 'in-principle' agreements and consistent with the statutory procedures which have been completed.

Whilst an application had been made to Land Victoria for adverse possession of the land by the owner of 14 Inverness Street, Reservoir, the application remains unregistered on title.

Council is within its powers to progress the proposal and seek to finalise the matter in accordance with legislation and Council Policy. On that basis it would be reasonable for Council to finalise the statutory procedures to discontinue and sell the land from the road to the adjoining property owners.

### **Option 2**

Council could defer consideration of the proposed discontinuance and sale of the land from the road adjoining 12 & 14 Inverness Street, Reservoir, pending the outcome of the lodged claim. If the claim is successful, this would result in a loss of a public asset and any potential income from the future sale of the road by Council.

If the claim is unsuccessful, Council could progress the proposal and seek to finalise the matter in accordance with legislation and Council Policy.

### **Option 3**

Council could abandon the proposal which would enable the adverse possession claim to proceed without opposition. This would result in the loss of a public asset and any future sale income by Council.

Potential litigation or complaint may also be forthcoming from the adjoining property owner at 12 Inverness Street as Council would not be able to fulfil the terms and conditions of (and may be seen to have unfairly and unreasonably abandoned) the signed 'in-principle' agreement it has with that person.

## **Financial and Resource Implications**

In November 2014, the owners of 12 and 14 Inverness Street, Reservoir had agreed to acquire the land from the Road, shown as Lots A & B as shown in **Appendix B**, at its current market value and to also meet all of Council's reasonable costs associated with undertaking the discontinuance, should Council resolve to discontinue and sell. The approximate income from the sale of the land from the Road is in excess of \$110,000.

Should Council wish to assert ownership rights over the land (and if Council discontinues the Road it will have an estate and interest in the land) or abandon the proposal, this may result in Council becoming responsible for legal/litigation costs. These costs could prove to be significant.

## **Risk Management**

Should Council not further progress the discontinuance and sale of the Road, then it presents a financial risk to Council in that income from the potential sale of the Road will not be achieved which may impact on the ability of Council to achieve targets projected in the 2015/16 Budget. It will also result in the loss of a public asset from Council's property portfolio.

Should Council wish to assert ownership rights over the land to prevent the loss of a public asset, then this will also presents a financial risk to Council in the form of additional legal/litigation expenditure.

## **Policy Implications**

### **Economic Development**

There are no factors in this report which impact upon economic development.

### **Environmental Sustainability**

There are no factors in this report which impact upon environmental sustainability.

### **Human Rights, Equity and Inclusion**

Consultation with the immediate adjoining owners has been undertaken and the statutory procedures extended this to the public by giving public notice of the proposal.

### **Other**

This report has been prepared having regard to the relevant legislation and Council's Sale of Minor Council Property Assets Policy.

### **Future Actions**

- Arrange for a notice to be published in the Victoria Government Gazette and for the land to be sold and transferred to the owners of the adjoining properties by private treaty in accordance with Council policy.
- Council to do all other acts, matters and things as are determined to be necessary to protect Council's right, title and interest in the discontinued road, including the commencement of legal proceedings if required.

### **Consultation and Advocacy**

All of the immediate adjoining owners had been consulted regarding the proposal and no objections were received.

In November 2014, the owners of both 12 and 14 Inverness Street confirmed their interest in acquiring the land from the Road at current market value as well as meeting all of the reasonable costs associated with Council discontinuing the Road, by signing in-principle agreements to progress the matter. The proposed division of the land is shown in **Appendix C**.

- Macquarie Local Government Lawyers
- Owners of adjoining properties
- Statutory Authorities
- Council Departments
- Notice of Council's intention to discontinue and sell the land from the road was advertised in the Local Leader Newspapers which extended consultation to the wider community.

**Related Documents**

- Site Plan (**Appendix A**)
- Aerial photo (**Appendix B**)
- Allocation plan (**Appendix C**)
- *Local Government Act 1989*
- *Road Management Act 2004*
- Council's Sale of Minor Council Property Assets Policy – May 2015
- Council Minutes – 1 February 2016

**Disclosure of Interest**

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.

## 7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS

### 7.1 STATION STREET SAFETY BARRIERS

**Author:** Senior Coordinator Transport Management

**Reviewed By:** Director Assets and Business Services

#### Report Background

This report is in response to a Council resolution, meeting minute No. 303 from the Council meeting held on 1 June 2015.

#### Previous Council Resolution

At its meeting held on 1 June 2015, Council resolved:

*'That officers prepare a report on increasing safety barricades in Station Street, Fairfield'*

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

#### Council Plan Goal/Endorsed Strategy

This report relates to the Transport Strategy 2007 – 2027.

#### Summary

In 2015, two separate incidents occurred in Station Street, Fairfield where motorists exiting on street car parking spaces mounted the kerb and drove into shop fronts. These incidents resulted in a call to investigate the installation of safety barriers along the length of Station Street. This report provides the findings of this investigation.

Through this investigation it was found that installing a continuous safety barrier along Station Street, Fairfield is undesirable at this time because of the negative impacts it is likely to have on accessibility, aesthetics and pedestrian movement. Instead, pedestrian safety, vehicle movement and foot traffic should be considered when creating a master plan for Station Street, Fairfield.

#### Recommendation

**That Council:**

- (1) Notes this report.
- (2) Refer a master plan for Station Street, Fairfield for consideration as part of the 2016/2017 Capital Works Program.

**Introduction**

Station Street, Fairfield is a VicRoads managed road and is approximately 7km from Melbourne’s CBD. The Fairfield activity centre is based around Station Street and contains various businesses, most of which actively use the footpath for their trade.

The retail activity centre extends approximately 350 metres north of the railway line. Station Street has a carriageway width of approximately 16.5m and a road reserve width of 25m. The current arrangement has angled parking on the west side and parallel parking on the east side with one trafficable lane in each direction. On both sides, parking is to a low kerb. There are kerb outstands at the intersection with Duncan Street and Wingrove Street, with some bollard treatments at these kerbs outstands already in place.

Officers have been asked to investigate the use of protective barriers along Station Street as a response to the recent vehicular incidents.

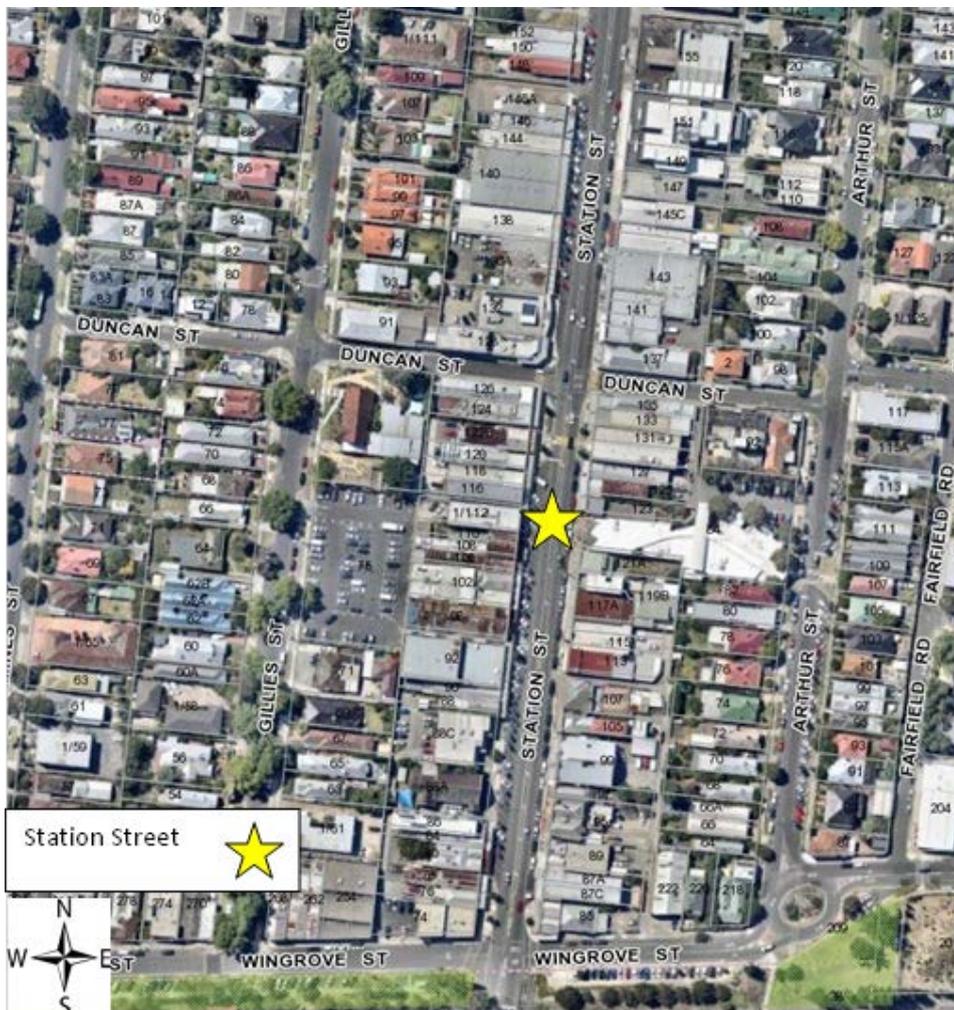


Figure 1 - Station Street, Fairfield

**Issues and Discussion**

Two separate incidents occurred in 2015, where motorists drove onto the footpath and collided with shopfronts on Station Street.

The first incident occurred on 27 February, 2015. The motorist reversed out of control across Station Street and mounted the kerb before coming into contact with a shop front. Police investigations concluded that the incident was caused by driver error.

The second incident occurred on 5 April 2015. The driver was intoxicated and police investigations again concluded that the incident was due to driver error. Neither of these incidents resulted in serious injury to a person.

### **History of traffic collisions on Station Street, Fairfield**

Apart from the two recent incidents in 2015, there have been no incidents in the past 5 years where a vehicle has mounted the footpath and come into contact with any shops on Station Street, Fairfield. Whilst these two incidents happened within a close timeframe to each other, given there has been no other similar incidents in the past 5 years, they are considered to be isolated incidents.

Victoria Police provided a crash report for Station Street Fairfield that documented 4 serious injury type incidents in the period from 2010 until December 2015. These incidents were traffic related, occurred on the carriageway and did not involve a vehicle mounting the footpath.

### **Possible barrier treatments**

There are products available to barricade the footpath from the road and selections of these products are included below for information.

1. Traffic Bollards - used by Moreland City Council in the Heathmont Activity Centre



2. Guardrail barrier – typically used in locations of incidents where vehicles have collided with building structures. Primarily used to protect the occupants of a vehicle if the vehicle were to lose control and run off the road.



3. Street furniture, trees and planter beds – Ideal for improving the functionality, safety and aesthetics of a shopping precinct.



4. Omni-Stop Bollards – VicRoads type approved for pedestrian protection at locations such as tram stops and footpath dining areas. Operating speed of adjacent traffic is recommended to be 40km/h for the correct operation of these devices.



#### **Aesthetics, amenity and ease of movement**

The installation of a continuous type barrier such as fencing or bollards/chain treatment, would dramatically change the look and feel of the current village shopping centre of Station Street. Further, this type of treatment would restrict access and entry from the on street parking to the footpath. This would result in pedestrians and cyclists being restricted from entering the footpath and forced to walk on the street to an opening in the barrier.

The retail activity centre is designed to allow for seamless pedestrian movement and access between footpath, abutting businesses and parked vehicles. Barriers would likely cause significant difficulty to individuals with visual and mobile impairments significantly affected. Additionally, a continuous barrier spanning the retail activity centre would become the dominant visual feature and change the look and feel of the area. It would also limit the area available for footpath trading.

#### **Proposed master Plan 2016/2017**

Station Street, Fairfield is one of Council's principal retail precincts and a capital bid is proposed to be submitted into the 2016/2017 budget to prepare a masterplan for the centre. This masterplan would follow on from the Fairfield Action Plan that is currently being developed. This strategic work would look holistically at the centre and identify areas where safety, amenity, accessibility and walkability can be improved.

The Fairfield Action Plan does not recommend the installation of safety barriers but suggests that a central median strip may be warranted as a way to improve pedestrian safety and amenity in the centre. Other urban design solutions may be street furniture such as bins, benches or cycle hoops placed at key nodes. The preferred outcome would be identified through extensive consultation associated with development of a master plan for the centre.

#### **Risks associated with safety barriers**

Safety barriers may pose a risk in themselves. If struck the barrier may be pressed into the path of vehicles, pedestrians or cyclists using the on street parking or footpath.

It is recommended that more investigation into the best outcome for the urban design of Station Street is required before changes of this magnitude are made.

Any type of barricade would take up space on the footpath. This may negatively impact the ability of Station Street retailers to have footpath trading permits and reduce available space for outdoor dining areas.

### **Other Council Precedents**

As part of investigating the placement of barriers on Station Street, Moreland, Banyule and Yarra Councils were contacted in order to ascertain examples of placing barriers in retail activity centres.

Moreland Council reported that they have had no notable works of a similar nature in their municipality, and are in the process of removing guardrails. Their recommendation was to avoid placing barriers in retail activity centres as they limited access and detracted from aesthetics of streetscapes.

Banyule Council reported that they avoided placing barriers in the footpath space and instead tried to educate retailers, pedestrians and drivers about safe use of the shared road space.

Yarra City Council was not supportive of the use of barriers in retail centres, stating that the negatives outweigh the positives in terms of their use.

### **Stakeholder Consultation**

Fairfield Traders Association have recently requested additional bicycle hoops or bollards incorporating bicycle hoops be installed within the centre to assist with crash attenuation.

VicRoads were contacted in relation to installing barricades along the length of the Station Street Activity Centre. Their advice was that crash attenuation items which operate by relying on deflection such as wire rope and guard-rail would not be recommended. This is due to those types of treatments requiring a clear zone behind them, which is used when absorbing the impact of a vehicle that has lost control. A product that VicRoads advised could be considered is the installation of omni-stop bollards which have protective properties and do not require a clear zone behind them. A requirement of this type of treatment is a recommended speed limit of 40km/h.

The feedback from the Fairfield Traders Association and VicRoads would be considered in the development of the Station Street master plan.

### **Conclusion**

Installing a continuous safety barrier along Station Street, Fairfield is not recommended at this time because of the negative impacts it is likely to have on accessibility, aesthetics and pedestrian movement. It is recommended that pedestrian safety, vehicle movement and foot traffic would be considered throughout the development of a master plan for Station Street, Fairfield.

The interaction of pedestrians, cyclists and vehicles on Station Street will continue to be monitored.

## **Options for Consideration**

The following options are for Council to consider:

- (1) Note this report and the negative impacts that safety barricades along Station Street would have on the aesthetics, trade and ease of movement.
- (2) Consider development of a masterplan for Station Street, Fairfield as part of the 2016-2017 Capital Works Program. This masterplan would be created in collaboration with traders to identify and capitalise on opportunities for a more vibrant, safe and improved trading precinct.

## **Financial and Resource Implications**

Installing and maintaining a continuous barrier on Station Street, Fairfield would have associated costs.

## **Risk Management**

Should safety barricades not be installed along Station Street, Fairfield possibility still remains that an out of control vehicle may mount the footpath and impact a shopfront and/or pedestrians. This possibility exists at any location with indented parking.

It is recommended that any changes to improve safety should be referred to the Station Street masterplan to ensure a suitable solution is implemented.

## **Policy Implications**

### **Economic Development**

This report has considered the Business Development and Employment Strategy 2012-2015.

### **Public Realm**

This report has considered the GreenStreets Strategy 2012-2010.

### **Environmental Sustainability**

There are no factors in this report which impact upon environmental sustainability.

### **Human Rights, Equity and Inclusion**

There are no factors in this report which impact on human rights, equity and inclusion.

### **Other**

This report has considered the Fairfield Action Plan being developed by the Strategic Planning team with support from external urban designer, Hansen and other Council departments.

## **Future Actions**

Information within this report is to inform a possible master plan of the Station Street Fairfield, which has been referred to the 2016/2017 budget process.

### **Consultation and Advocacy**

The following staff and external organisations have been consulted in preparation of this report:

- Manager City Works
- Senior Coordinator Transport Management
- Coordinator Public Realm
- Coordinator Economic Development
- Strategic Planning
- Urban Designer
- VicRoads
- Victoria Police
- Fairfield Traders Association

### **Related Documents**

The relevant documents to this report include:

- GreenStreets Strategy 2012-2010
- Transport Strategy 2007 – 2027
- Business Development and Employment Strategy 2012-2015

### **Disclosure of Interest**

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.

## 8. NOTICES OF MOTION

### 8.1 CONDUCT OF 2016 LOCAL GOVERNMENT ELECTIONS AND SCHOOL FUNDRAISING AND EMPLOYMENT OPPORTUNITIES

NOTICE OF MOTION NO. 262 CR. TRENT MCCARTHY

Take notice that at the Ordinary meeting to be held on 15 February 2016, it is my intention to move:

**That:**

- (1) *In accordance with section 41A(2A) of the Local Government Act 1989, Council will conduct its 2016 General Election using the 'attendance' method, which includes a polling day of voters on the fourth Saturday in October.*
- (2) *As a matter of urgency, Council writes to the Victorian Electoral Commission (VEC) advising them of Council's decision to use the 'attendance' method for the 2016 General Election. Furthermore, Council writes to relevant agencies (eg. IntoWork, INLLEN, Spectrum MRC, ADEC, etc.) asking them to explore with Council how to maximise employment opportunities for the Darebin community, including assisting local young people and other jobseekers to secure polling day jobs.*
- (3) *Council writes to all 'occupier ratepayers' advising them of the application process and timeline to enrol to vote, as per the Local Government Act 1989 section 15.*
- (4) *Council writes to all Darebin primary and secondary school councils and fundraising committees advising them of this change and outlining the advantages of conducting local fundraising activities in conjunction with Council's Election Day.*
- (5) *Council receives a report in April on capacity building and in-kind support that can be provided to local schools to improve their fundraising opportunities on Council's Election Day.*

Notice Received: 1 February 2016

Notice Given to Councillors: 8 February 2016

Date of Meeting: 1 February 2016

## 9. URGENT BUSINESS

## 10. GENERAL BUSINESS

Nil

## 11. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 11.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council officer that considers matters intended or likely to be the subject of a Council decision.

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

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

An Assembly of Councillors record was kept for:

- Darebin Disability Advisory Committee – 1 February 2016

<b>Recommendation</b>
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**That** the record of the Assembly of Councillors held on 1 February 2016 be noted and incorporated in the minutes of this meeting.



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Disability Advisory Committee
	<b>Date:</b>	Monday 1 February 2016
	<b>Location:</b>	Function Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Julie Williams
	<b>Council Staff:</b>	Bridget Monro-Hobbs, Christine Mulholland and Mitchell Bowden
	<b>Other:</b>	Representative of Encompass House, representative of Clickability, representatives of SARU and community representatives.
<b>APOLOGIES:</b>		Cr. Gaetano Greco and Cr. Oliver Walsh

The Assembly commenced at 11 am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Present and apologies	No disclosures were made
2	Matters arising from previous minutes	No disclosures were made
3	'Clickability'	No disclosures were made
4	SARU (Self Advocacy resource Unit) Voice at the Table project	No disclosures were made
5	NDIS update	No disclosures were made
6	Standard agenda items	No disclosures were made
7	General Business	No disclosures were made

The Assembly concluded at 1 pm

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

## 12. REPORTS BY MAYOR AND COUNCILLORS

<b>Recommendation</b>
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**That** Council note the Reports by Mayor and Councillors.

**13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL****CLOSE OF MEETING**

**MOVED:** Cr.  
**SECONDED:** Cr.

**That** in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following items which relate to contractual and legal matters:

- 13.1 East Preston Neighbourhood House Construction Upgrade
- 13.2 Adverse Possession Claim Over Land at Rear 1 Bower Street, Northcote

**RE-OPENING OF MEETING**

**MOVED:** Cr.  
**SECONDED:** Cr.

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

**CONFIDENTIAL****13.1 EAST PRESTON NEIGHBOURHOOD HOUSE  
CONSTRUCTION UPGRADE**

**Author:** Manager Major Projects and Infrastructure

**Reviewed By:** Director Assets and Business Services

**Report Background**

Building works are to be commenced at the East Preston Neighbourhood House and a tender process has been undertaken to appoint a contractor to undertake the works.

**Previous Resolution**

This matter is not the subject of a previous Council resolution.

**Briefing Date**

This matter has not previously been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 2 – Healthy and Connected Community

**Summary**

This report summarises the tender process, including the tender responses, tender evaluation and assessment process and recommends the award of a contract to a suitable building contractor to upgrade a Department of Health and Human Services (DHHS) property as the East Preston Neighbourhood House (EPNH).

**Recommendation**

**That** the Council report and resolution remain confidential with the exception of the successful tender(s) name and contract period.

**CONFIDENTIAL****13.2 ADVERSE POSSESSION CLAIM OVER LAND REAR 1 BOWER STREET AND 185 WESTGARTH STREET, NORTHCOTE**

**Author:** Manager Assets and Properties

**Reviewed By:** Director Assets and Business Services

**Report Background**

This report is provided to Council on a confidential basis because it is to be considered by Council under section 89(2) of the *Local Government Act 1989* on the grounds that it contains legal advice on an adverse possession claim over what is now a discontinued road.

**Previous Resolution**

At its meeting held on 7 December 2015, Council resolved:

*‘That Council, having given public notice of the proposed discontinuance of the road and acquisition of title to the land adjoining 1 Bower Street and 185 Westgarth Street, Northcote, shown hatched on the plan enclosed as Appendix A to this report, and having considered a submission received in relation to the proposal in accordance with Section 223 of the Local Government Act 1989:*

- (1) Discontinues the road in accordance with Section 206 and schedule 10, Clause 3 of the Local Government Act 1989;*
- (2) Directs that a notice concerning the discontinuance of the road be published in the Victoria Government Gazette;*
- (3) Resolves to acquire title to the land from the discontinued road;*
- (4) Signs and seals all documents relating to the acquisition of land from the discontinued road;*
- (5) Advises the person who lodged the submission in relation to the proposal of Council’s decision and the reasons for the decision as follows:*
  - (a) the road, in Council’s opinion is not reasonably required for public use;*
  - (b) as no agreement is attainable between both adjoining owners in accordance with Council’s Right-of-Way and Road Closure Policy (1997)-*

*“5(a) - In offering the land for sale, due recognition be afforded to;*

    - (i) The original applicant;*
    - (ii) All other interested parties on the basis of an equitable distribution provided no section of any discontinued road is landlocked”*

*Council therefore intends to transfer title to itself in order to enable future negotiations with land owners regarding its distribution; and*
  - (c) that the discontinuance and acquisition of title from the road is within Council’s delegated power, in accordance with Section 206 and schedule 10, Clause 3 of the Local Government Act 1989;*

- (6) *A further report be presented to Council to commence the statutory process for sale of the land under Section 189 of the Local Government Act 1989, should agreement be reached with adjoining owners.'*

**Briefing Date**

8 February 2016

**Council Plan Goal/Endorsed Strategy**

Goal: Excellent Service – Strategy 5.4 Long term responsible financial planning

Strategy: Property Asset Management Strategy – May 2015

**Summary**

This report seeks Council approval to initiate legal proceedings, in the Supreme Court of Victoria, to challenge a claim of adverse possession over a former right-of-way located at the rear of 185 Westgarth Street and adjoining 1 Bower Street, Northcote (Road).

<b>Recommendation</b>
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**That** the Council report and resolution remain confidential.

**14. CLOSE OF MEETING**