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MINUTES OF THE COUNCIL MEETING

Held on Monday 18 July 2016

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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 18 JULY 2016**

THE MEETING OPENED AT 7.00 PM

1. PRESENT

Councillors

Cr. Vince Fontana (Mayor) (Chairperson)
Cr. Tim Laurence
Cr. Bo Li
Cr. Trent McCarthy
Cr. Steven Tsitas
Cr. Angela Villella
Cr. Oliver Walsh
Cr. Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Katrina Knox – Director Community Development
Steve Hamilton – Director Assets and Business Services
Allan Cochrane – Acting Director Corporate and Planning Services
Jacinta Stevens – Executive Manager Corporate Governance and Performance
Libby Hynes – Manager Environment and Natural Resources
Vicky Guglielmo – Manager Creative Culture
Verica Jokic – Senior Media Advisor
Katia Croce – Coordinator Council Business
Jody Brodribb – Council Business and Governance Officer

2. APOLOGIES

Cr. Greco is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

That the Minutes of the Ordinary Meeting of Council held on 4 July 2016 be confirmed as a correct record of business transacted.

CARRIED

5. PUBLIC QUESTION TIME**MINUTE NO. 282**

The Mayor, Cr. Fontana, responded to the following questions submitted for Public Question Time:

- **Serena O'Meley of Reservoir asked the following question:**

"Given that Governance Local Law 2013 Division 7 Section 54 sub-section 11 states that the name of the questioner the question and the response must be recorded in the minutes as an official record of the questions submitted to the meeting. Why is council only recording a summary of the public questions and their answers instead of keeping the mandated record. What steps will be taken to correct the existing and future of questions and answers in the minutes."

The Chairperson, Cr. Fontana provided the following response:

"A summary of the Public Question Time response is recorded in the minutes as the formal more detailed response is sent in writing to the resident by an officer at a time after the meeting."

"With the process that commences from this evening in relation to Public Question Time any question that is responded to in the Chamber and not taken on notice will be recorded in the minutes in full as the resident will not receive a detailed response in writing from an officer."

- **Serena O'Meley of Reservoir submitted the following question:**

"Will Darebin Council commit to finalising the purchase of the former Ruthven Primary School site and 1.8ha of land adjoining the Merri Creek at the former Lakeside Secondary College well before council enters into its pre-election caretaker period."

- **Michael Brennan of Reservoir submitted the following question:**

"Will this council offer the Education Department a reasonable amount to purchase the Ruthven site and have the deal done before the next council elections in October as the present delays due to low offers is causing concern in the community and are seen as slowing down the process."

- **Jane Miller submitted the following question:**

"Can we be informed of the current stage of the negotiations to purchase the between Council and the State Government?"

"Does the Council have information on timing of the continuation of these negotiations and what any next steps might be?"

As the questions from Ms O'Meley, Mr Brennan and Ms Miller were of a similar nature the Chairperson, Cr. Fontana provided the following combined response:

"Council is currently in negotiations with the Victorian Government in relation to the above mentioned parcels of land."

"It is uncertain at this point how long the negotiations will take and if the negotiations will produce an outcome which may be considered by Council to be acceptable."

Darebin City Council is committed to preserving these publicly-owned open space areas for community use.”

- **Paul Zamarian of Reservoir submitted the following question:**

“In relation to the Ruthven site could you please explain on what grounds it is not an option to lease the land and why?”

The Chairperson, Cr. Fontana provided the following response:

“The Department of Education and Training have advised Council staff that leasing the land would not be an option for Council as the Department of Education is only seeking to sell the land. This advice was provided verbally by officers from the Department of Education and Training.”

6. CONSIDERATION OF REPORTS**6.1 SOLAR \$AVER SPECIAL CHARGE SCHEME
DECLARATION**
MINUTE NO. 283

Author: Manager Environment and Natural Resources

Reviewed By: Director Assets and Business Services

Report Background

This report follows Council's resolution on 16 May, 2016 to give notice of its intention to declare a special charge in relation to the Solar \$aver scheme.

Previous Council Resolution

At its meeting held on 16 May 2016, which considered the award of tenders for the Solar \$aver program the Council resolved that:

- (1) *Council give notice of its intention to declare a special charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:*
 - a. *A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.*
 - b. *The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar \$aver scheme, which project:*
 - i. *Council considers there is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and*
 - ii. *arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
 - c. *The total:*
 - i. *cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$388,440.00; and*
 - ii. *amount for the special charge to be levied be recorded as \$388,440.00, or such other amount as is lawfully levied as a consequence of this resolution.*
 - d. *The special charge be declared in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.*
 - e. *The following be specified as the criteria which form the basis of the special charge so declared:*
Ownership of any land described in paragraph 1(d) of this resolution.
 - f. *The following be specified as the manner in which the special charge so declared will be assessed and levied:*
 - i. *a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar \$aver scheme, in respect of which a Householder Agreement has been executed, totalling \$388,440.00, being the total cost of the scheme to Council;*

- ii. to be levied each year for a period of 10 years.
 - g. *Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:*
 - i. *payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or*
 - ii. *payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
- (2) *Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.*
- (3) *Council, for the purposes of having determined the total amount of the special charge to be levied:*
- a. *considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and*
 - b. *formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.*
- (4) *Public notice be given in "The Northcote Leader" and "The Preston Leader" newspapers of Council's intention to declare, at its ordinary meeting to be held on 18 July 2016, the special charge in the form set out above.*
- (5) *Separate letters, enclosing a copy of this resolution, Appendix B to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.*
- (6) *The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.*
- (7) *Council's Manager Environment and Natural Resources be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.*
- (8) *The Mayor write to Minister for Energy and all local MP's voicing Council's support to the solar feed-in tariff in line with NAGA's stated position.*
-

Previous Briefing(s)

Councillor Briefing – 13 July 2015

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 3 – Sustainable and resilient neighbourhoods
- Community Climate Change Action Plan

Summary

This report recommends Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on residential properties participating in the Solar \$aver scheme.

Formal submissions on the proposal were sought and no submissions or objections were received. Since public advertising of the scheme, two households have requested to withdraw from the scheme due to changed circumstances, with one moving to the next scheme due to price changes. These households have been removed from the scheme and this change does not require further public notice and does not affect Council's declaration of the Special Charge Scheme.

Due to the slow take up of the Solar \$aver program, the scheme has been split into two special charge schemes, with this being the first of the two schemes to be declared. A further scheme is being considered by Council.

Recommendation

That:

- (1) Darebin City Council ("Council") having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 ("Act"), and otherwise according to law, hereby declares a Special Charge ("Special Charge") under section 163 of the Act as follows:
 - a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar \$aver scheme, which project:
 - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and
 - ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$388,440.00; and
 - ii. amount for the special charge to be levied be recorded as \$388,440.00, or such other amount as is lawfully levied as a consequence of this resolution.

- d. The special charge be declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the special charge so declared:
Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar \$aver scheme, in respect of which a Householder Agreement has been executed, totalling \$388,440.00, being the total cost of the scheme to Council;
 - ii. to be levied each year for a period of 10 years.
 - g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) Council, for the purposes of having determined the total amount of the special charge to be levied:
- a. considers and formally records that only those rateable properties included in the Solar \$aver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.
- (4) Council directs that notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Rate are that –
- a. there is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;

- b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.
- (5) Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar PV system.
- (6) Council receive a further report in the first quarter of 2017 regarding the Solar \$aver program options.

Motion

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

That:

- (1) – (6) As per Officer Recommendation

Cr. Laurence proposed to the mover that point (7) be added as follows. This was accepted by Cr. McCarthy.

- (7) Due to the slow take up of the Solar \$aver program and following Council's previous correspondence to the Minister for Energy, Environment and Climate Change, the Member for Northcote, Ms Fiona Richardson MP, the Member for Bundoora, Mr Colin Brooks MP, the Member for Thomastown, Bronwyn Halfpenny MP, the Members for Northern Metropolitan Region, Ms Jenny Mikakos MP, Mr Craig Ondarchie MP, Mr Nazih Elasmir MP, Ms Fiona Patten MLC and Mr Greg Barber MP and Federal members, Mr David Feeney MP and Mr Robin Scott MP, that the Mayor now write to Premier of Victoria voicing Council's strong support to a solar feed-in tariff in line with NAGA's stated position of a fairer feed in tariff of between 11-14c/kWh and also point out that Darebin Council:
- Advocates against increased network charges, especially if they are specific to solar PV owners
 - Requests that any "cost reflective" tariffs are consumer wide and do not have different penalty tariffs for solar customers
 - Urges the State Government to ensure that any tariffs are designed to incentivise battery storage and have at least a benign impact on the business case for solar PV.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

That:

- (1) – (6) As per Officer Recommendation
- (7) Due to the slow take up of the Solar \$aver program and following Council's previous correspondence to the Minister for Energy, Environment and Climate Change, the Member for Northcote, Ms Fiona Richardson MP, the Member for Bundoora, Mr Colin Brooks MP, the Member for Thomastown, Bronwyn Halfpenny MP, the Members for Northern Metropolitan Region, Ms Jenny Mikakos MP, Mr Craig Ondarchie MP, Mr Nazih Elasmir MP, Ms Fiona Patten MLC and Mr Greg Barber MP and Federal members, Mr David Feeney MP and Mr Robin Scott MP, that the Mayor now write to Premier of Victoria voicing Council's strong support to a solar feed-in tariff in line with NAGA's stated position of a fairer feed in tariff of between 11-14c/kWh and also point out that Darebin Council:
 - Advocates against increased network charges, especially if they are specific to solar PV owners
 - Requests that any "cost reflective" tariffs are consumer wide and do not have different penalty tariffs for solar customers
 - Urges the State Government to ensure that any tariffs are designed to incentivise battery storage and have at least a benign impact on the business case for solar PV.

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

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

That:

- (1) Darebin City Council ("Council") having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 ("Act"), and otherwise according to law, hereby declares a Special Charge ("Special Charge") under section 163 of the Act as follows:
 - a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar \$aver scheme, which project:
 - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and

- ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$388,440.00; and
 - ii. amount for the special charge to be levied be recorded as \$388,440.00, or such other amount as is lawfully levied as a consequence of this resolution.
 - d. The special charge be declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the special charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$388,440.00, being the total cost of the scheme to Council;
 - ii. to be levied each year for a period of 10 years.
 - g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) Council, for the purposes of having determined the total amount of the special charge to be levied:
- a. considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.

- (4) Council directs that notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Rate are that –
- a. there is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;
 - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.
- (5) Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar PV system.
- (6) Council receive a further report in the first quarter of 2017 regarding the Solar \$aver program options.
- (7) Due to the slow take up of the Solar \$aver program and following Council's previous correspondence to the Minister for Energy, Environment and Climate Change, the Member for Northcote, Ms Fiona Richardson MP, the Member for Bundoora, Mr Colin Brooks MP, the Member for Thomastown, Bronwyn Halfpenny MP, the Members for Northern Metropolitan Region, Ms Jenny Mikakos MP, Mr Craig Ondarchie MP, Mr Nazih Elasmir MP, Ms Fiona Patten MLC and Mr Greg Barber MP and Federal members, Mr David Feeney MP and Mr Robin Scott MP, that the Mayor now write to Premier of Victoria voicing Council's strong support to a solar feed-in tariff in line with NAGA's stated position of a fairer feed in tariff of between 11-14c/kWh and also point out that Darebin Council:
- Advocates against increased network charges, especially if they are specific to solar PV owners
 - Requests that any "cost reflective" tariffs are consumer wide and do not have different penalty tariffs for solar customers
 - Urges the State Government to ensure that any tariffs are designed to incentivise battery storage and have at least a benign impact on the business case for solar PV.

CARRIED

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.05 pm and returned at 7.06 pm.

Cr. Williams temporarily left the meeting during discussion of the above item at 7.08 pm.

6.2 SOLAR \$AVER PROGRESS REPORT AND SECOND SPECIAL CHARGE SCHEME**MINUTE NO. 284****Author:** Manager Environment and Natural Resources**Reviewed By:** Director Assets and Business Services**Report Background**

At the Council meeting held 23 November 2015, Council resolved to allocate \$1 million in the 2015/2016 budget for a second round of the Solar Saver program and adopted providers for the Solar Saver and solar bulk buy. The project has had a slower take up this year likely due to slightly higher systems prices and lower feed in tariffs and accordingly two special charge scheme processes are being undertaken. This report is for the proposal to declare the second special charge scheme, following Council's resolution on 16 May 2016 to give notice of its intention to declare the first special charge scheme in relation to the Solar Saver scheme.

Previous Council Resolution

At its meeting held on 16 May 2016 which considered the award of tenders for the Solar Saver program, Council resolved:

That:

- (1) *Council give notice of its intention to declare a special charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:*
 - a. *A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.*
 - b. *The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which project:*
 - i. *Council considers there is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and*
 - ii. *arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
 - c. *The total:*
 - i. *cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$398,551.00; and*
 - ii. *amount for the special charge to be levied be recorded as \$398,551.00, or such other amount as is lawfully levied as a consequence of this resolution.*
 - d. *The special charge be declared in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.*
 - e. *The following be specified as the criteria which form the basis of the special charge so declared:*

Ownership of any land described in paragraph 1(d) of this resolution.

- f. *The following be specified as the manner in which the special charge so declared will be assessed and levied:*
- i. *a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$398,551.00, being the total cost of the scheme to Council;*
 - ii. *to be levied each year for a period of 10 years.*
- g. *Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:*
- i. *payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or*
 - ii. *payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
- (2) *Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.*
- (3) *Council, for the purposes of having determined the total amount of the special charge to be levied:*
- a. *considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and*
 - b. *formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.*
- (4) *Public notice be given in "The Northcote Leader" and "The Preston Leader" newspapers of Council's intention to declare, at its ordinary meeting to be held on 18 July 2016, the special charge in the form set out above.*
- (5) *Separate letters, enclosing a copy of this resolution, Appendix B to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.*
- (6) *The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.*

- (7) *Council's Manager Environment and Natural Resources be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.*
- (8) *The Mayor write to Minister for Energy and all local MP's voicing Council's support to the solar feed-in tariff in line with NAGA's stated position.*

Previous Briefing(s)

Councillor Briefing – 13 July 2015

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 3 – Sustainable and resilient neighbourhoods
- Community Climate Change Action Plan

Summary

This report provides a progress report on the Solar \$aver program and recommends Council initiate the declaration of a second Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on residential properties participating in the Solar \$aver scheme.

Take up of the Solar \$aver scheme had remained slower than expected. Even though letters were sent out to a further 10,500 pensioners and many other organisations were consulted, only \$740,237 has been allocated. As solar pricing and Feed in Tariffs are likely to change in January 2017 and a further scheme to use remaining funds would not be able to be implemented prior to this time it is recommended that Council consider further options for the program in early 2017 when there is more certainty around pricing and benefits to participants.

The inclusion of low income rental properties for the first time in the Solar \$aver scheme, through a housing association, is expected to open up further opportunity across the market for low income rental homes to have solar installed.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

That:

- (1) Council give notice of its intention to declare a special charge in accordance with section 163 of the *Local Government Act 1989* (Act) as follows:
- a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on properties participating in the Solar \$aver scheme, which project:
 - i. Council considers there is or will be a special benefit to those persons/co-operative/associations required to pay the special charge (and who are described in succeeding parts of this resolution); and

- ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$351,797; and
 - ii. amount for the special charge to be levied be recorded as \$351,797, or such other amount as is lawfully levied as a consequence of this resolution.
 - d. The special charge be declared in relation to all rateable land described in the table included as **Appendix B** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the special charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Agreement has been executed, totalling \$351,797, being the total cost of the scheme to Council;
 - ii. to be levied each year for a period of 10 years.
 - g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners/occupiers of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) Council, for the purposes of having determined the total amount of the special charge to be levied:
- a. considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.

- (4) Public notice be given in "The Northcote Leader" and "The Preston Leader" newspapers of Council's intention to declare, at its ordinary meeting to be held on 19 September 2016, the special charge in the form set out above.
- (5) Separate letters, enclosing a copy of this resolution, **Appendix B** to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners/occupiers of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner/occupier will be liable, the basis of calculation of the special charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- (6) The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- (7) Council's Manager Environment and Natural Resources be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.
- (8) Consider a further report in the first quarter of 2017 regarding the Solar \$aver program options.

CARRIED

6.3 SURPLUS STATE GOVERNMENT LAND – 45 MERRI PARADE, NORTHCOTE (VICTRACK RAILWAY LOT 34)**MINUTE NO. 285****Author:** Manager Assets and Properties**Reviewed By:** Director Assets and Business Services**Report Background**

This report provides Council with an update on negotiations with VicTrack regarding surplus VicTrack land at 45 Merri Parade, Northcote which had been offered to Council through the Victorian Government's First Right of Refusal process.

Previous Council Resolution

At its meeting held on 15 October 2015, Council resolved that:

"The Chief Executive write to the Chief Executive Officer of VicTrack and that the Mayor write to the local Members of Parliament and the Minister for Planning and the Minister for Environment, Climate Change and Water to:

- a. *Request the Victorian Government consider declaring surplus VicTrack land at 45 Merri Parade as a Crown Reserve*
- b. *Offer Council's services as Committee of Management for that land"*

and that:

"Council receive a report on the progress of negotiations for the gifting of land or protection of land for open space at the following sites:

- b. *45 Merri Parade, Northcote".*

Previous Briefing(s)

Councillor Briefing – 14 June 2016

Council Plan Goal/Endorsed Strategy

Goal – Vibrant City and Innovative Economy

- Promote an innovative, vibrant and thriving economy with physical infrastructure that is both well maintained and appropriately regulated

Summary

Council had previously received a report outlining notification via the Victorian Government's First Right of Refusal (FROR) process that a parcel of VicTrack owned land adjoining the Merri Creek at the corner of St Georges Road and Merri Parade in Northcote had been determined to be surplus to VicTrack's requirements. This surplus land was offered to Council, Victorian Government departments and the Commonwealth Government on a first right of refusal basis prior to being offered for private sale to the public. Only Council registered an interest in acquiring the land.

The land was assessed using the Darebin Property Management Strategy's Decision Logic Map (**Appendix A**). The assessment has identified the land as being clearly required for public purposes and capable of providing ongoing strategic value however the \$1.5M valuation offered by VicTrack was considered excessive. On the basis of this assessment Council resolved to advocate for the land to become a crown reserve with Council as committee of management. The Department of Environment, Land, Water and Planning nor Melbourne Water have both advised Council that they did not support such a proposal.

Following community interest in the matter, VicTrack declared that they would not sell the land to developers and would find a way to work with Council to preserve this land for future community use. VicTrack (in conjunction with Council) subsequently issued joint valuation instructions to the Valuer General noting that, if the land were to be sold, it would be sold on the condition that it remains open space. A revised valuation was obtained which valued the land at \$500,000 (approx. 7.25% of the market value of the land as a residential development). VicTrack has also offered Council an alternative opportunity to enter into a five-year community lease for the land at a cost of \$300 per annum.

The lease option, whilst inexpensive, does not guarantee that the land would be protected for any longer than the term of the lease, currently five years. Council's advocacy efforts have been successful in gaining some concessions from VicTrack, however if continued, they are unlikely to result in permanent protection of the land at no cost to Darebin ratepayers and may damage our present positive relationships with VicTrack and the state government. This report recommends that Council accept VicTrack's offer of sale for the land in order to preserve the open space values of the creek environs and also to permanently protect this valuable landmark site from future development.

Recommendation

That Council:

- (1) Acquire Lot 1 on TP861393K, Certificate of Title Volume 4333, Folio 531 (also known as 45 Merri Parade, Northcote) from VicTrack for an amount no greater than \$500,000, plus costs.
- (2) Make arrangements for the funds to be transferred from the Open Space Reserve during the 2016/17 financial year to enable the purchase of surplus VicTrack land at 45 Merri Parade, Northcote.
- (3) Write to the local Members of Parliament, the Minister for Environment and the Chief Executive Officer of VicTrack thanking them for their assistance in preserving the section of the Merri Creek at the intersection of St Georges Road and Merri Parade for future generations and protecting this landmark site from inappropriate development.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

That Council defer this item to a subsequent Council meeting.

CARRIED

Cr. Williams returned to the meeting during discussion of the above item at 7.20 pm.

6.4 SURPLUS STATE GOVERNMENT LAND – 48 RONA STREET, RESERVOIR (MELBOURNE WATER)**MINUTE NO. 286****Author:** Manager Assets and Properties**Reviewed By:** Director Assets and Business Services**Report Background**

This report provides Council with an update on negotiations with Melbourne Water with regard to surplus Melbourne Water land at 48 Rona Street, Reservoir which has been offered to Council through the State Government's First Right of Refusal process.

Previous Council Resolution

At its meeting held on 15 October 2015, Council resolved that:

"The Chief Executive write to the Chief Executive Officer of Melbourne Water and that the Mayor write to the local Members of Parliament to request review of the offer of surplus Melbourne Water land at 48 Rona Street, Reservoir (with a view to gifting the land to Darebin City Council) which is required by Council as open space to address a strategic deficiency in playspaces within the local area."

And that:

"Council receive a report on the progress of negotiations for the gifting of land or protection of land for open space at the following sites:

a. 48 Rona Street, Reservoir"

Previous Briefing(s)

Councillor Briefing – 14 June 2016.

Council Plan Goal/Endorsed Strategy

Goal – Vibrant City and Innovative Economy

- Promote an innovative, vibrant and thriving economy with physical infrastructure that is both well maintained and appropriately regulated

Summary

Council had previously received a report outlining notification via the Victorian Government's First Right of Refusal (FROR) process that a parcel of Melbourne Water owned land in Rona Street, Reservoir had been determined to be surplus to Melbourne Water's requirements. This surplus land was offered to Council, Victorian Government departments and the Commonwealth Government on a first right of refusal basis prior to being offered for private sale to the public. No other government department registered an interest in the land.

The land was assessed using the Darebin Property Management Strategy's Decision Logic Map (**Appendices A and B**). The assessment has identified the land was located in a position which would enable Council to fill a strategic gap in the playspace network, however the residential use valuation of \$1.25M for 1,268m² of land was considered to be excessive and not value for money, particularly given Council's intent to utilise the land as open space.

On the basis of this assessment Council resolved to request Melbourne Water to review their declaration of the land as surplus with a view to Melbourne Water gifting the land to Council. Melbourne Water have subsequently advised that they are bound by the Victorian Government's land policies and guidelines, which requires them to sell surplus land at current market value. As an alternative to purchase of the land at 48 Rona Street, Melbourne Water have provided Council with an option to provide playspace in this area by offering a long-term community lease over the adjacent pipe track land (**Appendix C**) – an open space that is approximately 15m wide and 120m long (1,800m²). This area is considered to be large enough to place a playground, whilst avoiding the underground Melbourne Water pipes.

Melbourne Water have also presented an option to extend the offer of a long term community lease for the land adjacent to 48 Rona Street to the entire pipe track from railway line next to the reservoirs in the north diagonally down to Elizabeth Street in the south – spanning a distance of approximately 2.2km (refer to **Appendix D**).

Should the land at 48 Rona Street not be acquired for municipal open space, Melbourne Water has advised that it is their intention to sell the land on the open market to a private developer. Given the unusual shape of the 1,200m² site and the underlying GRZ2 zoning, it is likely that the land would become a multi-storey multi-unit development. As the land is currently zoned as PUZ1 a planning scheme amendment would be required to change the zone. It is likely that such an amendment would be made via the state government's Fast Track Government Land Service.

Recommendation

That Council:

- (1) Authorise officers to enter into a long-term community-based lease arrangement with Melbourne Water for section of the Yan Yean pipe track between Rona and Cameron Streets in Reservoir with the intention of providing neighbourhood playspace and otherwise making the land available for use by the general public.
- (2) Refer sufficient additional funding to the 2017/18 budget to allow for the increased maintenance costs of the land and playspace equipment.
- (3) Refer funding for the construction of a neighbourhood playspace within the Yan Yean pipe track between Rona and Cameron Streets in Reservoir to the 2017/18 capital works program for funding consideration.
- (4) Write to the local Members of Parliament, the Minister for Water and the Managing Director of Melbourne Water thanking them for their assistance in obtaining a positive outcome for the local community.

Council Resolution

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That Council:

- (1) Authorise officers to enter into a long-term community-based lease arrangement with Melbourne Water for section of the Yan Yean pipe track between Rona and Cameron Streets in Reservoir with the intention of providing neighbourhood playspace and otherwise making the land available for use by the general public.
- (2) Refer sufficient additional funding to the 2017/18 budget to allow for the increased maintenance costs of the land and playspace equipment.

- (3) Refer funding for the construction of a neighbourhood playspace within the Yan Yean pipe track between Rona and Cameron Streets in Reservoir to the 2017/18 capital works program for funding consideration.
- (4) Write to the local Members of Parliament, the Minister for Water and the Managing Director of Melbourne Water thanking them for their assistance in obtaining a positive outcome for the local community.
- (5) Write to the Minister for Planning, Minister for Water and the Environment, upper and lower house MPs in the northern region and Managing Director of Melbourne Water requesting that the land at 48 Rona Street be formally recognised for its current use as public open space or other forms of public zoning, and its strategic importance as part of Darebin's Open Space Strategy, and request that the land use zoning be recognised and retained in this regard for the future use of Darebin residents

CARRIED UNANIMOUSLY

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.25 pm and returned at 7.27 pm.

The Coordinator Council Business, Katia Croce, circulated an amended Appendix A (the Planning Committee Charter) in the following item to Councillors and the gallery prior to the meeting.

6.5 PLANNING COMMITTEE CHARTER

MINUTE NO. 287

Author: Manager City Development

Reviewed By: Director Assets and Business Services

Report Background

During 2016, Council's Planning Committee meetings saw an increase in applications that are considered procedural in nature. Traditionally the Planning Committee was established to provide an opportunity for Councillors to review the more significant or controversial planning applications lodged for consideration in the City of Darebin.

This was enabled through officers of Council having delegation to consider all planning applications where 4 or less objections have been received. As described in **Appendix A** the current Planning Committee Charter amongst other criteria is in place to allow the Planning Committee comprising all Councillors to consider planning applications where 5 or more objections have been received. Up until the start of 2016 this proved to be an adequate filter for determining the more significant applications of public interest.

The following statistics show the number of items considered by the Planning Committee during the term of this Council.

- 2013 – 83 applications
- 2014 – 81 applications
- 2015 – 82 applications
- 2016 (to 14 June) – 94 applications

The processing of this increased number of applications, and increased objections has resulted in increased officer workload.

Previous Council Resolution

At its special meeting held on 9 November 2015, Council resolved:

That:

(1) *Council, pursuant to section 86 of the Local Government Act 1989 establish the following Special Committees for the 2015/2016 Council year:*

- *Planning Committee*
- *Hearing of Submissions Committee*
- *Bundoora Homestead Board of Management*

with the purpose, membership, scope of activity and delegated authority as detailed in the respective Committee Charters included in this report.

.....'

Council further resolved that the Planning Committee meet twice monthly and be comprised of all Councillors.

Previous Briefing(s)

Councillors were briefed on this issue at a workshop held on 3 March 2016.

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy: Provide a 'whole of organisation' response in the way we make decisions, develop policy and deliver programs and services; have a clear and transparent rationale for decisions and govern in a transparent and accountable manner in accordance with our Charter of Good Governance.

Summary

This report recommends that the Planning Committee consider to ensure that the more procedural applications be considered under delegation by Council officers.

This is achieved by amending the charter of the Planning Committee. The changes proposed to the Planning Committee Charter propose to maintain the requirement for 5 objections, and add a further requirement that these objections must be received from persons owning or residing at property within 200 metres of the property that is the subject of the application.

Recommendation

That Council amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.

Motion

MOVED: Cr. O. Walsh
SECONDED: Cr. -

That Council amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.

Cr. Laurence proposed to the mover that he would second the motion with the following amendment. This was not accepted by Cr. Walsh.

That Council:

- (1) Amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.
- (2) Amend the Planning Committee Charter Membership rules to include all elected Councillors with the exception of any Councillors with 3 or more residential investment properties or commercial properties listed on the register of interests within the Darebin boundaries or in adjoining cities.

Amendment

MOVED: Cr. T. Laurence
SECONDED: Cr. -

That Council:

- (1) Amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.
- (2) Amend the Planning Committee Charter Membership rules to include all elected Councillors with the exception of any Councillors with 3 or more residential investment properties or commercial properties listed on the register of interests within the Darebin boundaries or in adjoining cities.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS WITH CR. TSITAS ASSUMING SECONDING RIGHTS:

Motion

MOVED: Cr. O. Walsh
SECONDED: Cr. S. Tsitas

That Council amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.

A VOTE ON THE MOTION WAS PUT AND TIED.

THE CHAIRPERSON, CR. FONTANA USED HIS CASTING VOTE IN FAVOUR OF THE MOTION.

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

Council Resolution

MOVED: Cr. O. Walsh
SECONDED: Cr. S. Tsitas

That Council amend the Planning Committee Charter to ensure that the delegation requirement for 5 objections or more be further clarified to require the 5 objections to be received from land owners or residents of properties located within 200 metres of the subject property.

CARRIED

Cr. Walsh called for a Division:

For

Cr. Steven Tsitas
Cr. Vince Fontana
Cr. Tim Laurence
Cr. Oliver Walsh

Against

Cr. Bo Li
Cr. Trent McCarthy
Cr. Julie Williams
Cr. Angela Villella

The Chairperson, Cr. Fontana used his casting vote to declare the motion carried.

6.6 ESTABLISHMENT OF BATMAN PARK NAMING COMMITTEE**MINUTE NO. 288****Author:** Manager Children Families and Community**Reviewed By:** Director Community Development**Report Background**

This report seeks Council's endorsement to establish a statutory process to progress the Council resolution 19 May 2014.

Previous Council Resolution

This report is informed by three (3) previous Council resolutions:

16 December 2013:

'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.'*

19 May 2014:

'That Council approves the recommended actions and timing outlined in this report relating to the renaming processes of the Batman Electorate and Batman Park.'

19 February 2016:

'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 and Batman Park.'

Previous Briefing

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

Darebin Council Place Naming Policy

Summary

This report seeks Council's endorsement to establish the Batman Park Naming Committee ('The Committee') as required under:

1. The Darebin Council Place Naming Policy; and
2. The Geographic Place Names Act 1998.

The Committee will be established at the required juncture to consider each naming proposal and make a recommendation to Council.

Council's endorsement to establish the Committee at this stage anticipates Council's positive disposition towards renaming Batman Park following a comprehensive community consultation process undertaken by Council in conjunction with the Wurundjeri Tribe Land and Compensation Council.

The composition of the Committee will provide Council with a range of community views on each naming proposal and will be supported by technical advice from Council staff.

Recommendation

That Council:

- (1) Endorse the establishment of the Batman Park Naming Committee to advise Council on a recommended name change for Batman Park.
- (2) Endorse the composition of the Batman Park Naming Committee as follows:
 - The Mayor
 - The relevant ward councillors
 - A representative from the Wurundjeri Council
 - A representative from the Darebin Aboriginal Advisory Committee
 - A representative from the local Historical Society or similar community based agency
 - An officer representative from the Property Unit
 - An officer representative from the Community Development Directorate

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. J. Williams

That Council:

- (1) Endorse the establishment of the Batman Park Naming Committee to advise Council on a recommended name change for Batman Park.
- (2) Endorse the composition of the Batman Park Naming Committee as follows:
 - The Mayor
 - Any interested Councillors
 - A representative from the Wurundjeri Council
 - A representative from the Darebin Aboriginal Advisory Committee

- A representative from the local Historical Society or similar community based agency
- An officer representative from the Property Unit
- An officer representative from the Community Development Directorate

CARRIED UNANIMOUSLY

Cr. Tsitas temporarily left the meeting during discussion of the above item at 7.52 pm and returned at 7.57 pm.

6.7 ARTS STRATEGY 2014-2020 - YEAR 2 PROGRESS REPORT AND THE DAREBIN ARTS AMBASSADORS ADVISORY REFERENCE GROUP**MINUTE NO. 289****Author:** Manager Creative Culture**Reviewed By:** Director Community Development**Report Background**

1. To provide Council with a Year 2 Progress Report on the Arts Strategy 2014-2020; and
2. To seek endorsement of a renewed Terms of Reference for the Darebin Arts Ambassadors aligned to a proposal to recruit new members.

Previous Council Resolution

At its meeting on 2 December 2013, Council resolved:

'That Council adopt the Creative Darebin – Darebin Arts Strategy 2014 – 2020.'

At its meeting on 6 May 2013, Council resolved:

'That Council:

- (1) *Dissolve the Darebin Arts Forum.*
- (2) *Endorse the establishment of the Darebin Arts Ambassadors to operate under the Terms of Reference outlined in this report.'*

Previous Briefing(s)

This matter has not previously been the subject of a Council briefing.

Council Plan Goal/Endorsed Strategy

Darebin Arts Strategy 2014-2020

Darebin Council Plan 2013-2017, Goal 4 – A Thriving Creative Culture

Summary

The Arts Strategy 2014-2020 is nearing the conclusion of its second year of policy implementation. This report provides Council a progress report on the achievements of the strategy for the period 2015-2016 as well as forecasting future priorities and focus areas for the year 2016- 2017.

In addition to the progress report details of a renewed Terms of Reference for the Darebin Arts Ambassadors Reference Group and of the recruitment of new members in November 2016 are provided.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. A. Villella

That Council:

- (1) Note the Arts Strategy 2014-2020 Year 2 Progress Report attached as **Appendix A** to this report.
- (2) Endorse and adopt the updated Darebin Arts Ambassadors Reference Group Terms of Reference attached as **Appendix C** to this report.
- (3) Endorse the proposal to recruit new Ambassadors in alignment with the updated Darebin Arts Ambassadors Reference Group Terms of Reference.

CARRIED

7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS**7.1 BEDFORD ROAD CAR PARK, RESERVOIR****MINUTE NO. 290****Author:** Senior Coordinator Transport Management**Reviewed By:** Director Assets and Business Services**Report Background**

Council has carried a Notice of Motion to investigate alternative parking restrictions and hours of operation within the car park bounded by Bedford Road and Bernard Street to the south of the shops on Broadway, Reservoir.

Previous Council Resolution

At the Council meeting of 5 October 2015, it was resolved:

'That Council resolves to consult the community, including traders and employees, in relation to current parking limits between 7 am and 9 am that are applied in the Bedford Road car park in Reservoir to allow for options for resident parking via longer time limits or resident permits.'

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 1: A Vibrant City and Innovative Economy

Summary

In response to the Council resolution on 5 October 2015, Broadway traders were consulted regarding current parking restrictions. It is noted that as the car park is a facility that is provided for traders and customers in the Broadway area, surrounding residents were not consulted. Alternate on street parking is available to cater for residential demands in the area and is managed accordingly.

Council officers visited the shops along Broadway between High Street and Whitelaw Street Reservoir. The majority of responses received supported no changes to the existing car parking restrictions.

Recommendation

THAT Council note this report on the Bedford Road car park in Reservoir.

Council Resolution

MOVED: Cr. T. Laurence

SECONDED: Cr. T. McCarthy

THAT Council defer this report to the next Council meeting.

CARRIED

8. NOTICES OF MOTION

8.1 EXTENSION OF GILBERT ROAD TRAM ROUTE 11

MINUTE NO. 291

NOTICE OF MOTION NO.

292

CR. ANGELA VILLELLA

Take notice that at the Ordinary meeting to be held on 18 July 2016, it is my intention to move:

That the Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:

- i. Previous community and council support and advocacy for the extension*
- ii. It has been a long-standing issue in the community and well over due*
- iii. Improvement in public transport for the growing diverse community to better access services is urgently required*

Notice Received: 4 July 2016

Notice Given to Councillors: 11 July 2016

Date of Meeting: 18 July 2016

Motion

MOVED: Cr. A. Villella

SECONDED: Cr. B. Li

That the Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:

- i. Previous community and council support and advocacy for the extension.
- ii. It has been a long-standing issue in the community and well over due.
- iii. Improvement in public transport for the growing diverse community to better access services is urgently required.

Cr. Laurence proposed to the mover and seconder that the Motion be amended as follows. This was not accepted by Cr. Villella or Cr. Li.

That:

- (1) The Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:
 - i. Previous community and council support and advocacy for the extension.
 - ii. It has been a long-standing issue in the community and well over due.
 - iii. Improvement in public transport for the growing diverse community to better access services is urgently required.

- (2) Council expresses its strong support for the Federal Member David Feeney's election commitment to \$22 million in Federal funding for the extension of the Gilbert Road Route 11 tram and further resolves to refer to the 2017/2018 Council budget a complimentary capital amount of \$2 million in Council funding to further encourage the fast tracking of the extension of the Gilbert Road Route 11 tram.

Amendment

MOVED: Cr. T. Laurence
SECONDED: Cr. -

That:

- (1) The Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:
 - i. Previous community and council support and advocacy for the extension.
 - ii. It has been a long-standing issue in the community and well over due.
 - iii. Improvement in public transport for the growing diverse community to better access services is urgently required.
- (2) Council expresses its strong support for the Federal Member David Feeney's election commitment to \$22 million in Federal funding for the extension of the Gilbert Road Route 11 tram and further resolves to refer to the 2017/2018 Council budget a complimentary capital amount of \$2 million in Council funding to further encourage the fast tracking of the extension of the Gilbert Road Route 11 tram.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

Motion

MOVED: Cr. A. Villella
SECONDED: Cr. B. Li

That the Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:

- i. Previous community and council support and advocacy for the extension
- ii. It has been a long-standing issue in the community and well over due
- iii. Improvement in public transport for the growing diverse community to better access services is urgently required

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

Council Resolution

MOVED: Cr. A. Villella
SECONDED: Cr. B. Li

That the Mayor write to local state member Mr Robin Scott to commit to funding the extension of the Gilbert Road Route 11 tram to Reservoir Station Edward Street or end of Gilbert Road in the next state budget. The letter is to note the following:

- i. Previous community and council support and advocacy for the extension
- ii. It has been a long-standing issue in the community and well over due
- iii. Improvement in public transport for the growing diverse community to better access services is urgently required

CARRIED UNANIMOUSLY

8.2 ON-LINE BUDGET TOOL

MINUTE NO. 292

NOTICE OF MOTION NO. 293 CR. BO LI

Take notice that at the Ordinary meeting to be held on 18 July 2016, it is my intention to move:

***That** Council commits to initiate its on-line budget tool no later than end of February 2017 so that residents will have a say prior to the 2017/2018 budget submission process and to inform the Council's draft budget.*

Notice Received: 4 July 2016

Notice Given to Councillors: 11 July 2016

Date of Meeting: 18 July 2016

Council Resolution

MOVED: Cr. B. Li
SECONDED: Cr. O. Walsh

That Council commits to initiate its on-line budget tool no later than end of February 2017 so that residents will have a say prior to the 2017/2018 budget submission process and to inform the Council's draft budget.

CARRIED

Cr. Walsh temporarily left the meeting during discussion of the above item at 8.24 pm and returned at 8.26 pm.

8.3 FORMER RUTHVEN PRIMARY SCHOOL**MINUTE NO. 293****NOTICE OF MOTION NO.****294****CR. TIM LAURENCE**

Take notice that at the Ordinary meeting to be held on 18 July 2016, it is my intention to move:

That:

- (1) *Council notes the Promise of David Feeney MP to assist with \$1 million in funding to assist to buy the former Ruthven Primary School site and the offer of \$1 million in funding to construct a play space on the site.*
- (2) *The Mayor write to David Feeney MP to formalise how and when this promise will be delivered.*
- (3) *Council notes that the State Governments has not agreed to initial offers by council to buy the former Ruthven Primary School site based on the lowest range of offers adopted by the Council in June 2016.*
- (4) *Council noting this failure to reach agreement resolves to therefore make a final offer by council to buy the former Ruthven Primary School site based on the highest range of offers adopted by the Council in June 2016 and give the state government a one week deadline to respond.*
- (5) *Council convene a special council meeting on Tuesday 26 July 2016 to hear the response to the final offer to purchase the whole Ruthven Primary School site.*

Notice Received:**5 July 2016****Notice Given to Councillors:****11 July 2016****Date of Meeting:****18 July 2016**

WITH LEAVE OF THE CHAIRPERSON, CR. FONTANA, CR. LAURENCE AMENDED HIS NOTICE OF MOTION AS FOLLOWS:

Motion

MOVED: Cr. T. Laurence**SECONDED: Cr. O. Walsh*****That:***

- (1) Council notes that the State Governments has not agreed to initial offers by council to buy the former Ruthven Primary School site based on the lowest range of offers adopted by the Council in June 2016.
- (2) Council noting this failure to reach agreement resolves to therefore make a final offer by council to buy the former Ruthven Primary School site based on the highest range of offers adopted by the Council in June 2016 and give the state government a one week deadline to respond.
- (3) Council convene a special council meeting on Tuesday 26 July 2016 to hear the response to the final offer to purchase the whole Ruthven Primary School site.

A VOTE ON THE MOTION WAS PUT AND LOST.

Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>
Cr. Tim Laurence	Cr. Bo Li Cr. Trent McCarthy Cr. Julie Williams Cr. Steven Tsitas Cr. Vince Fontana Cr. Angela Villella

The Chairperson, Cr. Fontana declared the motion to be Lost.

Cr. Walsh temporarily left the meeting during discussion of the above item at 8.37 pm.

8.4 CLEAN GOVERNANCE ACTION - REMOVING THE 1% FROM OUR PLANNING COMMITTEE TO PROTECT THE 99% OF RESIDENTS

MINUTE NO. 294

NOTICE OF MOTION NO. 295 CR. TIM LAURENCE

Take notice that at the Ordinary meeting to be held on 18 July 2016, it is my intention to move:

That Council:

- (1) *Consult with the community about a change of our local laws to prevent wealthy property investor councillors who own 3 or more properties within in the City of Darebin from sitting on the Planning Committee and making decisions about planning applications.*
- (2) *Receive a further report on how many councillors this would affect and whether a quorum could be maintained if council adopted this practice for the remainder of this council term.*

Notice Received: 5 July 2016

Notice Given to Councillors: 11 July 2016

Date of Meeting: 18 July 2016

WITH LEAVE OF THE CHAIRPERSON, CR. FONTANA, CR. LAURENCE AMENDED HIS NOTICE OF MOTION AS FOLLOWS:

Motion

MOVED: Cr. T. Laurence
SECONDED: Cr. O. Walsh

That Council:

- (1) Consult with the community about a change of our local laws to prevent wealthy property investor councillors who own 3 or more residential and/or commercial properties within in the City of Darebin from sitting on the Planning Committee and making decisions about planning applications and strategic rezoning decisions on full council.

- (2) Receive a further report on how many councillors this would affect and whether a quorum could be maintained if council adopted this practice as a trial for the remainder of this council term.

A VOTE ON THE MOTION WAS PUT AND LOST.

Cr. Walsh called for a Division:

<u>For</u>	<u>Against</u>
Cr. Tim Laurence	Cr. Angela Vilella
	Cr. Oliver Walsh
	Cr. Vince Fontana
	Cr. Steven Tsitas
	Cr. Julie Williams
	Cr. Trent McCarthy
	Cr. Bo Li

The Chairperson, Cr. Fontana declared the motion to be Lost.

Cr. Walsh returned to the meeting at the commencement of discussion of the above item at 8.39 pm.

9. URGENT BUSINESS

Nil

10. GENERAL BUSINESS

Nil

11. PETITIONS

Nil

12. REPORTS OF STANDING COMMITTEES**12.1 AUDIT COMMITTEE****MINUTE NO. 295**

The Audit Committee is an Advisory Committee appointed, pursuant to section 139 of the *Local Government Act 1989*, to assist Council in fulfilling its responsibilities relating to internal control mechanisms and external reporting requirements.

A meeting of the Audit Committee was held on 6 June 2016. A summary report of the meeting is attached as **Appendix A** to this report. The minutes of the meeting, incorporating the reports considered by the Committee, have been circulated to Councillors.

Council Resolution**MOVED: Cr. O. Walsh****SECONDED: Cr. B. Li**

That the Report of the Audit Committee meeting held on 6 June 2016 be received and the Committee Recommendations be adopted.

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 296

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

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

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

An Assembly of Councillors record was kept for:

- Darebin Interfaith Council – 22 June 2016
- Council Briefing session – 27 June 2016
- Councillor/CEO Briefing session – 4 July 2016
- Strategic Workshop – 4 July 2016

Council Resolution

MOVED: Cr. J. Williams
SECONDED: Cr. B. Li

That the record of the Assembly of Councillors held on 22 and 27 June and 4 July 2016 be noted and incorporated in the minutes of this meeting.

CARRIED

14. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 297

Council Resolution**MOVED: Cr. A. Villella****SECONDED: Cr. J. Williams****That** Council note the Reports by Mayor and Councillors.**CARRIED****14.1 REPORT OF CR. VINCE FONTANA, MAYOR**

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

- HeadSpace launch at Greensborough
- Visit to Men's Shed in east Reservoir
- Council Strategic Workshop
- Pitch IT event in Preston
- Meeting with officers regarding Batman Park
- Meeting with Park Street residents re traffic issues
- Meeting with Wurundjeri representatives
- Launch of school holiday football event at Bill Lawry Oval
- Council Briefing session
- Planning Committee meeting
- Participated in Audit Committee Interviews
- CEO Performance review meeting
- Northern Metropolitan Mayors & CEO Forum
- For Love of Egypt event night at DAEC
- Community forum for Batman Park name change
- Meeting with CEO
- CALD press briefing with officers
- NAIDOC Ball
- Meeting with Traders and Peerless JAL
- Meeting With Normanby Avenue residents regarding planning matters

14.2 REPORT OF CR. BO LI

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

- Northland Urban Renewal Steering Committee meeting
- PitchIT grand final awards
- Council Briefing session

- Planning Committee meeting
- CEO Performance Committee meeting
- Preston Business Advisory Committee meeting
- Reservoir High School Deadly Koorie Health Day
- Community conversation regarding Batman Park
- Unveiling of the DECC genocide monument
- Discussion with officers regarding local fundraiser
- Residential issues including planning, parking and economic development

14.3 REPORT OF CR. TIM LAURENCE

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

- Strategic workshop
- Council Briefing session
- Planning Committee meeting
- CEO Performance review meeting
- Visited Grade separation Bentleigh and Ormond
- NAIDOC annual dinner dance
- Met with residents re Ruthven site
- Met with residents re building and rubbish issues Broadway
- Met with Reservoir and Kingsbury residents re noise and dumping issues
- Met with residents near railway line re grade separation issues in Reservoir
- Attended genocide monument opening with DECC, councillors and David Feeney MP

14.4 REPORT OF CR. TRENT MCCARTHY

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

- Planning Committee meeting
- Councillor Briefing
- Renaming Batman Park Consultation with Wurundjeri Elders Unveiling of the Darebin Community Monument in Honour of the Victims of Genocide and Atrocity Crimes
- 2016 Victorian NAIDOC Ball
- Meetings and representations on behalf of residents and traders in regard to various including planning, traffic, open space and amenity issues.

14.5 REPORT OF CR. JULIE WILLIAMS

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

- Chaired the Northland Urban Renewal Precinct Steering Committee meeting
- Pitch IT Grand Final Awards Ceremony
- Picasso and his Dog

- Visited Zwar Football oval due to drainage
- Victorian NAIDOC Ball
- Council Briefing session
- Planning Committee meeting
- CEO's Performance Review - Discussions with Consultant
- Chaired the Darebin Child Friendly City Advisory Committee meeting
- Chaired the Preston Business Advisory Committee meeting
- Melbourne Innovation Centre – Meeting with George
- Met with residents on concerns regarding RSL
- Deadly Koorie Health Day and NAIDOC – Reservoir High School
- Women in leadership roles – Our Lady Mercy College
- Public unveiling of the Darebin Community in Honour of All the Victims of Genocide and Atrocity Crimes
- Other Various Constituent matters

14.6 REPORT OF CR. ANGELA VILLELLA

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

-

14.7 REPORT OF CR. STEVEN TSITAS

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

-

14.8 REPORT OF CR. OLIVER WALSH

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

-

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

16. CLOSE OF MEETING

The meeting closed at 8.55 pm.