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MINUTES OF THE COUNCIL MEETING

Held on Monday 3 April 2017

Released to the public on Thursday 6 April 2017

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON MONDAY 3 APRIL 2017**

THE MEETING OPENED AT 6.00PM

WELCOME

The Chairperson, Cr. Le Cerf, in opening the meeting acknowledged the Wurundjeri people, the traditional owners of the land.

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Phil Shanahan - Acting Chief Executive

Steve Hamilton - Director City Futures and Assets

Katrina Knox - Director Community Development

Jacinta Stevens - Director Civic Governance and Compliance

Oliver Vido - Director Operations and Environment

Allan Cochrane - Chief Financial Officer

Bлага Naumoski - Manager Governance and Corporate Information

Katia Croce - Coordinator Council Business

Jody Brodribb - Council Business and Governance Officer

Dave Bell - Senior Media Advisor

2. APOLOGIES

Cr. Laurence and Cr. Messina are on approved leave of absence.

An apology was lodged for Cr. Greco.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 20 March 2017 be confirmed as a correct record of business transacted.

Council Resolution

MINUTE NO. 17-137

MOVED: Cr. S Rennie
SECONDED: Cr. S Amir

That the Minutes of the Ordinary Meeting of Council held on 20 March 2017 be confirmed as a correct record of business transacted noting that the Minute numbers have been corrected to read from 17-112 to 17-136, instead of 17-085 to 17-109.

CARRIED

5. QUESTION AND SUBMISSION TIME

The Chairperson, Cr Le Cerf, responded to the following questions submitted online for Question and Submission Time.

- **Serena O'Meley of Reservoir asked the following questions which were responded to by the Chairperson, Cr. Le Cerf:**

Regarding Strathallan Open Space

1. When will the officers' report be completed and made available to the public?

- The report to Council is currently being prepared. Information is being sought on the history of ownership of the land as this may impact upon future avenues of action that are available to Council.
- It is expected that the report will be ready in time to be included in the agenda for the 15 May 2017 meeting.

1(b) Can the Mayor report back on outgoing and incoming correspondence relevant to the Strathallan resolution?

- Letters have been sent to LaTrobe University and the members of Parliament as per the resolution.
- No response has been received as yet.
- I intend to provide information through the Mayor's column in the local newspaper as events progress.

2. When will the meeting with community representatives be convened and who will be invited?

- The meeting will be organised once more information is gathered and the positions of the University and the relevant Minister are known.

- The resolution requests that a meeting be arranged with community stakeholders and specifically names: Save Strathallan Open Space Community Coalition Inc., Springthorpe Owners Corporation and Strathallan Golf Club.

2 (b). Will the invitation include community groups/individuals who have expertise in the local environment and conservation?

- Council will consider a list of attendees to be invited once a purpose for the meeting is determined, as informed by receiving formal positions from the University and the relevant Minister.
- Ben Lemon of Thornbury asked the following question:

More often than not garbage trucks pass for collection before 6am on their scheduled day in our area, waking our baby every time.

Is this a reasonable time for the residents? If someone was to play bagpipes at this time every week I expect action would be taken? Could we implement a curfew in line with standard noise restrictions?

The Chairperson, Cr. Le Cerf provided the following response:

Council apologies for any inconvenience you may have experienced due to the waste service collection times.

Council's garbage collection routes can include some early starts in order to avoid the peak traffic periods congestion and where difficult access to streets exists.

Council has reviewed the collection times in your street and collections will be rescheduled to not commence prior to 6:00am on any given day.

- **Brian Sanaghan, West Preston asked the following question:**

My question is addressed to the CEO of the City of Darebin, Mr Shanahan.

What, if any, due diligence did you exercise in the decisions of the Darebin Council taken at the January 30th special meeting of council.

The Chairperson, Cr. Le Cerf provided the following response:

As a reminder, all public questions need to be addressed to myself as Chairperson and not addressed to the CEO or Council officers.

The observations made about Mr Shanahan being highly experienced and having almost encyclopaedic knowledge of the Local Government Act and other Local government law are very accurate.

In relation to his due diligence, he satisfied himself that there was nothing whatsoever to be risked or lost by Council nominating Councillor Coral Ross as Council's delegate to the MAV.

- **Brian Sanaghan, West Preston asked the following question:**

My question is to the CEO of Darebin City Council, Philip Shanahan.

Mr Shanahan,

The recent application to the Supreme Court for an injunction against the Municipal Association of Victoria was made in the names of Darebin Council and Coral Ross. Coral Ross was a co applicant.

Are you prepared to give a guarantee to the city's ratepayers that Coral Ross will be made to pay half of the costs of the action, including costs to council.

The Chairperson, Cr. Le Cerf provided the following response:

Again, all public questions need to be addressed to myself as Chairperson and not addressed to the CEO or Council officers.

No. Coral Ross was not a part of Mr Shanahan's considerations in him making a decision to take the matter to the Supreme Court. Coral Ross was simply our choice as our MAV Delegate.

- **Sally Mendes, Preston asked the following question:**

Removing trees and gardens, leaving a bald building block, is not in the interests of the people of Darebin, the birds and insects that inhabit those trees and plants.

When will the City of Darebin recognise the significant trees on private land and protect them by introducing local laws to stop clear felling of blocks.

The Chairperson, Cr. Le Cerf provided the following response:

Council values the Urban Forest not just on public land but also significant trees on private land.

Currently there are no controls on the removal of significant trees from private land.

Council is currently exploring the various options available to protect trees on private property.

- **Justin Passaportis, Preston asked the following question:**

Can the Council please advise what actions it is pursuing in relation to the ministerial sign off of Planning Scheme amendment C137? We have a developer at present seeking an amendment through VCAT at 161-195 High St (D75/2011), directly contravening the spirit of C137 in height, built form, size and bulk and neighbourhood character. If they are successful in this amendment, it will undermine the work and effort of the council in developing C137 and essentially open to the floodgate to other poor planning applications. Can the Council advise what resources it will allocate in opposing this amendment given the significance of this amendment?

The Chairperson, Cr. Le Cerf provided the following response:

Council officers are actively advocating to the Department of Environment, Land, Water and Planning, and the Minister's office for a decision on Amendment C137. To date, Council has not yet received an announcement by the Department of any impending decision on the Amendment. The length of time taken to make a decision on the Amendment is a concern and is certainly adding to the complexity of our tribunal hearings where applications are within the C137 area.

As you would be aware, officers have assessed the amended plans for the proposal at 161-195 High Street (D/75/2011) and based on the current amended plans, have sought not to support the proposal. Council will be represented at the Tribunal hearing, however who will be presenting at the hearing has not been determined at this time.

- **Maria Poletti, Preston (Dada) asked the following question:**

1. *Why aren't substandard, one page planning applications returned to developers after the initial assessment by the planning officer?*
2. *Alternatively, why not trigger the process to refusal based on the substandard application instead of hand-holding developers to improve their application and wasting officer's time?*

The Chairperson, Cr. Le Cerf provided the following response:

Council officers have on numerous occasions promptly refused planning applications, where they have been assessed to be not in accordance with the relevant provisions of the planning scheme and the concerns raised by officers have not been adequately addressed. In terms of the standard of information that applicants are allowed to submit Council has highlighted to the State Government - through several planning reform process reviews - of the need to tighten performance requirements for the quality and content of planning applications lodged.

- **Chris Erlandsen, Preston asked the following question:**

1. *On behalf of the community, we would like to know who was responsible for the decision made in 2007, to not advertise Stage 1B of the proposed development and in doing so, locking out the rights of the public?*
2. *What was the rationale for making such a decision?*

Please could I have a written reply, thanks.

The Chairperson, Cr. Le Cerf provided the following response:

Your questions have been taken on notice and a written response will be provided to you as requested.

The following question was raised at the meeting:

- **Giuseppe Ciccia of Reservoir submitted the following:**

Chronic criminal damage/vandalism of nature strip. Reported first 6-8 months ago. Does the Council support vandalism. Is council going to take more sever action in this matter?

The Chairperson, Cr. Le Cerf provided the following response:

No, I don't and I believe that my fellow Councillors do not support vandalism. I am really sorry to hear that about what has happened. I will refer this matter directly to the CEO to investigate and hopefully we can get the matter resolved shortly.

Responses to Public Questions taken on notice at the Council meeting on 20 March 2017

At the Council meeting held on 20 March 2017, the following questions were taken on notice by the Chairperson.

- **Chris Erlandsen of Preston**

1. *Assuming that the standard and volume of planning applications has not changed since 2015, why has Council now in 2017 "Know Your Council" shifted their explanation to saying that the delay in processing applications is due to the number of objections from the community.*
2. *Why doesn't the planning department simply reject planning applications after the initial stages/meetings if not up to standard, thus sending a strong clear message to applicants, while saving Council time and money and much angst from the community?*

The Director City Futures and Assets, Steve Hamilton has provided a written response to Mr Erlandsen as follows:

1. *Whilst there are a number of factors that can influence the processing time for planning applications, during 2016 there was an increase of over 1200 objections received for a similar total number of applications received when compared to 2015. One of the significant impacts of this was the need to report an additional 100 applications to Council's Planning Committee. Once an application needs to be decided by the planning committee there is a lead in time required to place an item on a planning committee agenda (an average of 6 weeks). This has a cumulative impact on our total days taken for decisions.*
2. *Council has on several occasions highlighted to the State Government through several planning reform process reviews of the need to tighten performance requirements for the quality and content of planning applications. This is a significant focus of our resources and our preference would be to spend this time delivering services to our community.*

- **John Nugent of Epping**

The Director Community Development, Katrina Knox has provided a written response to Mr Nugent as follows:

“Please see below a response to two questions you asked during public question time at the Darebin Council meeting of 20 March 2017.

Question 3 - Sporting fees going up

Madam Mayor we all know when council brought this new policy in, it put some club fees up by high as 130%. All clubs fees were increased. Madam Mayor could you please advise me if a club loses a girls team or boys team and don't get the same number of points as the previous year that their fees could go up by at least 30% thus bringing more pressure on clubs.

The Darebin Sporting Fees, Changes and Allocation policy was adopted by Council in 2014 and following this we have seen significant increases in sporting participation rates, particularly by women and girls. Your assertion that club fees increased by 130 per cent is incorrect. Fees and charges are linked to clubs' performance against the Council priorities of participation growth, good governance and Council relations.

Question 5 - Re: Sporting fees going up

Madam Mayor, following my last question, do council officers check the application form? Has the club filled out the form correctly? Do council officers check last years application against the current application to find out what is the reason? Do Council officers work with the junior club so they can get a better result? Is this council way of putting extra burden on junior clubs with high fees?

Performance subsidies are completed by clubs annually to determine applicable fees and charges. Council officers work closely with all clubs to build their capacity for participation growth, good governance and improved Council relations.

I note that you have previously been provided with information on this matter in a letter dated 1 February 2016. This has been attached at Appendix A for your information.”

- **Craig Walters of Preston**

Will homemade beer be allowed to enter this this years Darebin Homemade Food and Wine Festival?

If homemade beer is once again permitted to enter, could the title of the festival become the Darebin Homemade Food, Beer and Wine Festival or alternatively a bylaw passed declaring beer a food?

The Festival and Events Officer, Emily Fuller has provided a written response to Mr Walters as follows:

Once again, I am sorry you are disappointed that beer will not be included in the Darebin Homemade Food & Wine Festival competition this year. As I mentioned on the phone, this decision was made based on the small and decreasing number of entries received in the beer category of the competition over the last couple of years. In light of waning interest, the focus of our Meet the Makers Showcase this year will be our local home wine makers.

This does not mean home beer brewing will not be represented in the Darebin Homemade Food & Wine Festival program. The program has featured beer events &/or workshops over the last couple of years and we are indeed planning a beer brewing workshop for this year's program as we speak!

As promised, I will pass your contact details on to Ros Abercrombie who will be in touch with you regarding the Darebin Homemade Food & Wine Festival review. Your feedback would certainly be appreciated.

- **Nola Dillon of Kingsbury**

Question 1 - *When is Council going to look at an fix the parking problems in Kingsbury? I sent an email this AM re the parking. I can repeat it if need be?*

The Director City Futures and Assets, Steve Hamilton has provided a written response to Mr Erlandsen as follows:

Thank you for advising us of your ongoing concerns relating to illegal parking on Clunes Street and Ellerslie Street in Kingsbury. In managing our public parking, we need to ensure that the needs of those that rely on it are met. In line with this and as previously advised, the quickest way to have parking restrictions changed is by providing Council with a demonstration that there is support for the proposed changes, this is often done by way of petition. I note that we do not currently provide resident only parking zones in residential roads as they are not the best use of Council's road space in servicing our wider community.

Whilst we have not received a petition demonstrating support for changes in this area, we do appreciate that there are currently parking pressures in the area and are investigating ways to address this that improves safety and access for residents. We are hopeful of being able to develop a plan to manage parking across this precinct shortly and will be seeking community input prior to making any changes. Your thoughts would be welcomed through this process.

In regards to illegal parking, our traffic enforcement teams regularly patrol this area however should you observe any instances of illegal parking we encourage you to contact Customer Service on 8470 8888.

Question 2 - *I am on a dual occupancy. When I submitted my plans for my house I was refused an attic bedroom. Beside my home now I have 2 double storey units and at the back of my home there are plans (which council have ok'd) for 7 double storey units. I was told I couldn't have my attic as it would invade the neighbours privacy. What about my privacy?*

The Chief Executive Officer, Phil Shanahan has provided a written response to Ms Dillon as follows:

Thank you for your email about double story development near your home and your question at the Council Meeting on 20 March 2017.

These matters you raised have been drawn to my attention. I understand that the sequence of events around the issues you raise went something like this:

- *Your own planning application was approved in 2008 as a single storey dual occupancy (a new dwelling at the rear of an existing property).*

- *Earlier in 2008 you had an application lapse after being told that it did not comply with the planning scheme with upper floor setbacks not complying with the overlooking and setback requirements of the planning scheme .*
- *The application you refer to as "next door" at No 6 was a permit issued in 2010 where you were provided with a formal notice of the application but you did not object. This is 2 storeys and the setbacks and overlooking were assessed as fully complying with the planning scheme.*
- *The application at the rear of your property is a permit for No 9 Dunne Street, Kingsbury and was a permit issued by Victorian Civil Administrative Tribunal after Council had earlier refused the planning permit. On this occasion you did object.*

Having regard to these events, I can't agree that you have been discriminated against in any way. In fact, it appears to me that Council has an entirely consistent in its decision making.

6. CONSIDERATION OF REPORTS

6.1 TECHNICAL AND PRE-FEASIBILITY STUDY - BELL STREET LEVEL CROSSING REMOVAL

Author: Manager City Design and Strategic Planning

Reviewed By: Director City Futures and Assets

Report Background

In January 2016, following more than five years of advocacy by Darebin City Council, the Victorian State Government committed to removing (among others) the level crossing at Bell Street Preston.

This commitment is a significant investment in Darebin that will deliver substantial transport benefits to our city, and presents the opportunity to stimulate significant community outcomes, private sector investment, business growth and employment.

Following the State Government's announcement, Council identified a need to fully understand what the project involved and how Council could respond to help maximise the long-term community benefits in Darebin. Investment of this magnitude is rare, so the main focus of this work was investigating what further benefits we could advocate for on behalf of our community.

The essential questions Council sought to answer were:

1. What else can be achieved through these grade separation works to ensure our community gets the most out of this state-led investment in Darebin?
2. How can we ensure our community gets an outcome that lasts for generations to come?

Considering the questions above, Council proactively sought independent expert analysis to identify and understand the feasible engineering options to remove the Bell Street level crossing removal, and to investigate what other works could be undertaken at the same time, such as associated urban renewal projects in Preston. The analysis also sought to understand the practicalities of removing the Cramer Street and Murray Road level crossings at the same time, rather than separately. The analysis report is presented as **Appendix A**.

It is clear that an expanded project to remove four busy, consecutive level crossings in Preston would yield greater long-term transport and community benefits than removing only one.

This report provides a summary of the technical and financial feasibility work undertaken to inform Council about the project and potential opportunities to maximise community benefits in Darebin as a result of grade separations.

Council anticipates that this work can and will be used by the Level Crossing Removal Authority (LXRA) throughout their community consultation process to help build community understanding and enable Darebin citizens to provide informed feedback on the project to the State Government.

It is important to note that this technical study was proactively commissioned by Council to help with its own understanding of grade separations, and with a clear purpose of informing Council regarding what action could be taken to ensure the maximum community outcomes are achieved on these intergenerational infrastructure projects.

Council's role on these projects is as a stakeholder, and not decision maker. Therefore, being fully informed was vital for Council to be able to successfully advocate for sustainable community outcomes.

Previous Council Resolution

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

Previous Briefing(s)

Briefings to Councillors throughout 2016 as part of the project development.

Council Plan Goal/Endorsed Strategy

1. Promote an innovative, vibrant and thriving economy with physical infrastructure that is both well maintained and appropriately regulated.
2. Develop a strong physical, social and economic environment that supports and enhances the health and well-being of all Darebin residents.

Summary

The State Government's announcement to remove four level crossings in Darebin in 2018 presents a once-in-a-generation State investment in Darebin.

These projects are an opportunity to realise significant broader investment, business growth and improved private and public transport outcomes and to enhance associated public realm and open space for our community. The four level crossings the State Government has committed to removing in Darebin are: Grange Road (Alphington), Bell Street (Preston) which includes Oakover Road and High Street (Reservoir).

This report (and attached analysis report as **Appendix A**) considers the practical options available for removing level crossings on the Preston section of the South Morang line, demonstrating that a realistic opportunity exists to remove not just the Bell Street level crossing (including Oakover Road) but also the Cramer Street and Murray Road crossings at the same time.

This report does not consider the Grange Road or High Street level crossing removals, acknowledging that they are separate projects.

This report recognises:

1. The demonstrated need to remove level crossings at Cramer Street and Murray Road to reinvigorate, activate and improve accessibility through the Preston central precinct and deliver a reliable public transport network.
2. The significant and long-term community benefits that can be achieved by removing these additional level crossings, including improved connectivity; opportunities for increased open space; new walking and cycling paths that are integrated with public transport networks; and removal of the barrier the existing rail line presents between east and west Preston.
3. Council's strong support for a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road.
4. That the only way to feasibly remove all four level crossings, now or in the future, is through a rail over solution. A rail under solution would be an open trench which does not provide long-term benefits as shown in Table 2, and precludes the grade separation of Murray Road and Cramer Street.

The opportunity to provide factual information to our community so that they can about grade separation projects proposed for Darebin. To do this, Council calls for a commitment from the State Government to confirm that the only way to future proof the grade separation of Cramer Street and Murray Road is to construct a rail over option for Bell Street.

5. In summary, Council's own thorough feasibility study presents a compelling case for undertaking four level crossing removals in Preston at the same time, using a rail-over solution to deliver maximum long-term community benefits.

The following person made a submission in relation to this item and was thanked by the Chairperson, Cr. Le Cerf:

- *Bo Li*

Recommendation

That Council:

- (1) Welcomes and commends the Victorian Government for its commitment to remove level crossings at Grange Road (Alphington), Bell Street (Preston) and High Street (Reservoir) through grade separation.
- (2) Confirms its strong support for these grade separations, and notes that it undertook its own research to determine what else could be done to maximise the positive outcomes for our community.
- (3) Recognises that transport infrastructure must be planned and built in the public interest, with transparent, evidence-based, accountable and participatory planning processes.
- (4) Notes that grade separation projects are intergenerational projects that must meet the needs of existing and future communities.
- (5) Notes that it has a stakeholder and advisory role in these projects only, and that the removal of level crossings is a State Government led project.
- (6) Notes the high need to remove level crossings at Bell Street, Cramer Street and Murray Road for our community.
- (7) Strongly supports the delivery of a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road in order to maximise the benefits of the government's project and to avoid significant waste, increased cost and community disruption that would result from removing additional crossings at a later date.
- (8) Recognises that the only way to feasibly remove all four level crossings now or in the future is through a rail-over solution.
- (9) Writes to and requests the Level Crossing Removal Authority to include Cramer Street and Murray Road as part of any future community consultation process and use the information contained in this report to inform the community, enabling them to actively participate in transport infrastructure planning.
- (10) Writes to and formally requests the Minister for Transport to instruct the Level Crossing Removal Authority to include level crossing removals at Cramer Street and Murray Road as part of the Bell Street package of work.
- (11) Informs the Minister for Transport and other Ministers of Council's:
 - a) Willingness to work in partnership with the State Government to deliver maximum community outcomes from the grade separations in Preston; and

- b) Desire to own and undertake open space management for all open and public spaces that arise from these works between Oakover Road and Murray Road, Preston. This includes, but is not limited to, the creation and activation of public space and east-west connections to Ray Bramham Gardens from the east (between Oakover Road and Bell Street) and between Mary Street and Arthur/Edith Streets, north of Bell Street.

Motion

MOVED: Cr. S Newton
SECONDED: Cr. J Williams

That Council:

- (1) Welcomes and commends the Victorian Government for its commitment to remove level crossings at Grange Road (Alphington), Bell Street (Preston) and High Street (Reservoir) through grade separation.
- (2) Confirms its strong support for these grade separations, and notes that it undertook its own research to determine what else could be done to maximise the positive outcomes for our community.
- (3) Recognises that transport infrastructure must be planned and built in the public interest, with transparent, evidence-based, accountable and participatory planning processes.
- (4) Notes that grade separation projects are intergenerational projects that must meet the needs of existing and future communities.
- (5) Notes that it has a stakeholder and advisory role in these projects only, and that the removal of level crossings is a State Government led project.
- (6) Notes the high need to remove level crossings at Bell Street, Cramer Street and Murray Road for our community.
- (7) Strongly supports the delivery of a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road in order to maximise the benefits of the government's project and to avoid significant waste, increased cost and community disruption that would result from removing additional crossings at a later date.
- (8) Recognises that the only way to feasibly remove all four level crossings now or in the future is through a rail-over solution.
- (9) Writes to and requests the Level Crossing Removal Authority to include Cramer Street and Murray Road as part of any future community consultation process and use the information contained in this report to inform the community, enabling them to actively participate in transport infrastructure planning.
- (10) Writes to and formally requests the Minister for Transport to instruct the Level Crossing Removal Authority to include level crossing removals at Cramer Street and Murray Road as part of the Bell Street package of work.
- (11) Informs the Minister for Transport and other Ministers of Council's:
 - a) Willingness to work in partnership with the State Government to deliver maximum community outcomes from the grade separations in Preston; and
 - b) Desire to own and undertake open space management for all open and public spaces that arise from these works between Oakover Road and Murray Road, Preston. This includes, but is not limited to, the creation and activation of public

space and east-west connections to Ray Bramham Gardens from the east (between Oakover Road and Bell Street) and between Mary Street and Arthur/Edith Streets, north of Bell Street.

Cr. McCarthy proposed to the mover and seconder that the motion be amended as follows. This was accepted by Cr. Newton and Cr. Williams.

- (12) Receives a further report on proposed terms of reference and a recruitment process for a community reference group to work alongside Council in relational to the potential activity improvements to arise from this project.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. S Newton
SECONDED: Cr. J Williams

That Council:

- (1) Welcomes and commends the Victorian Government for its commitment to remove level crossings at Grange Road (Alphington), Bell Street (Preston) and High Street (Reservoir) through grade separation.
- (2) Confirms its strong support for these grade separations, and notes that it undertook its own research to determine what else could be done to maximise the positive outcomes for our community.
- (3) Recognises that transport infrastructure must be planned and built in the public interest, with transparent, evidence-based, accountable and participatory planning processes.
- (4) Notes that grade separation projects are intergenerational projects that must meet the needs of existing and future communities.
- (5) Notes that it has a stakeholder and advisory role in these projects only, and that the removal of level crossings is a State Government led project.
- (6) Notes the high need to remove level crossings at Bell Street, Cramer Street and Murray Road for our community.
- (7) Strongly supports the delivery of a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road in order to maximise the benefits of the government's project and to avoid significant waste, increased cost and community disruption that would result from removing additional crossings at a later date.
- (8) Recognises that the only way to feasibly remove all four level crossings now or in the future is through a rail-over solution.
- (9) Writes to and requests the Level Crossing Removal Authority to include Cramer Street and Murray Road as part of any future community consultation process and use the information contained in this report to inform the community, enabling them to actively participate in transport infrastructure planning.
- (10) Writes to and formally requests the Minister for Transport to instruct the Level Crossing Removal Authority to include level crossing removals at Cramer Street and Murray Road as part of the Bell Street package of work.
- (11) Informs the Minister for Transport and other Ministers of Council's:
 - a) Willingness to work in partnership with the State Government to deliver maximum community outcomes from the grade separations in Preston; and

- b) Desire to own and undertake open space management for all open and public spaces that arise from these works between Oakover Road and Murray Road, Preston. This includes, but is not limited to, the creation and activation of public space and east-west connections to Ray Bramham Gardens from the east (between Oakover Road and Bell Street) and between Mary Street and Arthur/Edith Streets, north of Bell Street.
- (12) Receives a further report on proposed terms of reference and a recruitment process for a community reference group to work alongside Council in relational to the potential activity improvements to arise from this project.

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

Council Resolution

MINUTE NO. 17-138

MOVED: Cr. S Newton
SECONDED: Cr. J Williams

That Council:

- (1) Welcomes and commends the Victorian Government for its commitment to remove level crossings at Grange Road (Alphington), Bell Street (Preston) and High Street (Reservoir) through grade separation.
- (2) Confirms its strong support for these grade separations, and notes that it undertook its own research to determine what else could be done to maximise the positive outcomes for our community.
- (3) Recognises that transport infrastructure must be planned and built in the public interest, with transparent, evidence-based, accountable and participatory planning processes.
- (4) Notes that grade separation projects are intergenerational projects that must meet the needs of existing and future communities.
- (5) Notes that it has a stakeholder and advisory role in these projects only, and that the removal of level crossings is a State Government led project.
- (6) Notes the high need to remove level crossings at Bell Street, Cramer Street and Murray Road for our community.
- (7) Strongly supports the delivery of a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road in order to maximise the benefits of the government's project and to avoid significant waste, increased cost and community disruption that would result from removing additional crossings at a later date.
- (8) Recognises that the only way to feasibly remove all four level crossings now or in the future is through a rail-over solution.
- (9) Writes to and requests the Level Crossing Removal Authority to include Cramer Street and Murray Road as part of any future community consultation process and use the information contained in this report to inform the community, enabling them to actively participate in transport infrastructure planning.
- (10) Writes to and formally requests the Minister for Transport to instruct the Level Crossing Removal Authority to include level crossing removals at Cramer Street and Murray Road as part of the Bell Street package of work.
- (11) Informs the Minister for Transport and other Ministers of Council's:

- a) Willingness to work in partnership with the State Government to deliver maximum community outcomes from the grade separations in Preston; and
 - b) Desire to own and undertake open space management for all open and public spaces that arise from these works between Oakover Road and Murray Road, Preston. This includes, but is not limited to, the creation and activation of public space and east-west connections to Ray Bramham Gardens from the east (between Oakover Road and Bell Street) and between Mary Street and Arthur/Edith Streets, north of Bell Street.
- (12) Receives a further report on proposed terms of reference and a recruitment process for a community reference group to work alongside Council in relational to the potential activity improvements to arise from this project.

CARRIED UNANIMOUSLY

Phil Shanahan, Acting Chief Executive temporarily left the meeting during discussion of the above item at 6.28pm and returned at 6.29pm.

6.2 NOTICE OF INTENTION TO DECLARE RESERVOIR VILLAGE BUSINESS DISTRICT SPECIAL RATE LEVY**Author:** Business Development Coordinator**Reviewed By:** Director City Futures and Assets

Report Background

The Reservoir Village Trader Association has written to Council requesting that Council renew the Special Rate for the Reservoir Village Business District. This will in effect continue on from the current Special Rate which ceases on 30 June 2017. The new scheme is proposed to run for five years from 1 July 2017 to 30 June 2022 and raise \$75,000 in its first year for the promotion and marketing of Reservoir Village.

Previous Council Resolution

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

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing. Councillors have received updates via the Councillor e-bulletin.

Council Plan Goal/Endorsed Strategy

Goal 1 - Vibrant City and Innovative Economy

Summary

This report sets out the process for the renewal of the Reservoir Village Business District Special Rate Scheme 2012-2017 and seeks Council's endorsement of this process.

- A Special Rate for the purposes of marketing, promotion and development of the Reservoir Village Business District has been in place since 1999. The current Special Rate Scheme expires on 30 June 2017.
- This report proposes that Council give notice of its Intention to Declare a Special Rate for the Reservoir Village Business District. It also seeks submissions from property owners and businesses liable to pay the proposed Special Rate for the purposes of marketing, promotion and development of the Reservoir Village Business District.

Council Resolution

MINUTE NO. 17-139**MOVED: Cr. S Newton**
SECONDED: Cr. S Rennie**That:**

- (1) In accordance with section 163(1), (1A), (1B) and (1C), and Section 163B(3) of the *Local Government Act 1989* ('the Act'), Council gives public notice in the 'Preston Leader' and the 'Northcote Leader' newspapers pending Council's endorsement of this recommended form of communication to the local businesses, notifying of its intention to make a declaration of a Special Rate for the encouragement of business and commerce in the Reservoir Village Business District and that a copy of the public notice be sent to each person who will be liable to pay the Special Rate.

-
- (2) Council specifies the following for the purposes of section 163(2), 163 (2A) and 163 (2B) of the Act:
- a. The total amount of the Special Rate to be levied is -
 - i. For the first year of the Special Rate - \$75,000
 - ii. For each of the subsequent years the Special Rate remains in force - the previous year's amount to be levied plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
 - b. The total amount of the Special Rate which may be levied is not to exceed the following, which is calculated in accordance with section 163(2A) of the Act:
 - i. For the first year of the Special Rate - \$75,000
 - ii. For each of the subsequent years the Special Rate remains in force - the previous year's total amount of the Special Rate calculated in accordance with section 163(2A) of the Act plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
 - c. For the purposes of 2(b) above:
 - i. The 'benefit ratio' (R) to be levied on liable persons is 100 per cent for properties
 - ii. There are no properties receiving a special benefit from the Special Rate which are not to be levied the Rate;
 - iii. The 'community benefit' from the Special Rate is zero.
 - d. The criteria to be used as the basis for levying the Special Rate is:
 - i. For the first year of the proposed Special Rate – each Rateable property included in the Special Rate is to pay the amount as specified in Appendix B calculated on the respective property's Capital Improved Value with a rate of 0.00106921 applied.

The manner in which the Special Rate is assessed (that is, the criteria to be used as the basis for levying the Special Rate) is: For the first year and subsequent years of the Special Rate – each commercially zoned property included in the Special Rate is to pay the amount calculated in **Appendix A** of the respective property's Capital Improved Value.
- (3) Council facilitates a Reservoir Village business information session in line with the Notice of Intention to Declare.
- (4) A Hearing of Submissions Committee meeting comprising all Darebin Councillors be held to hear any submissions lodged. Any persons who wish to be heard in support of their submissions will be heard a Hearing of Submissions Committee meeting on 8 June 2017, if required.
- (5) Following this, a further report will be made to Council outlining all submissions or objections. Council will then resolve to either adopt or abandon the Scheme.
- (6) If the Scheme is adopted, affected persons then have a period of 30 days to lodge an objection with the Victorian Civil and Administrative Tribunal.
- (7) Authorises the necessary execution of the agreement documents when available.

CARRIED UNANIMOUSLY

6.3 PRESTON MARKET PARKING AGREEMENT**Author:** Manager Health and Compliance**Reviewed By:** Director Civic Governance and Compliance

Report Background

On 17 October 2016, Council entered into an amended section 90D Agreement (Agreement) with the Preston Market management as a trial to undertake parking enforcement at the market. The Agreement expires on 27 April 2017 therefore this report seeks Council's approval to extend the trial for a further three month period, 29 July 2017, to allow the collection and analysis of data to determine if a longer term agreement is viable.

Previous Council Resolution

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

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Summary

Council signed a Parking Agreement to enforce parking provisions at the Preston Market in July 2016. The Agreement was varied on 17 October 2016 as Council renegotiated the enforcement commencement date of 29 October 2017.

The new end date will be 29 July 2017 to allow more data to be collected and better analysis to inform Council as to whether or not to continue to enforce parking provisions at the Preston Market.

Council Resolution

MINUTE NO. 17-140**MOVED:** Cr. S Rennie
SECONDED: Cr. T McCarthy**That Council:**

- (1) Resolves to extend the current Parking Agreement with the Preston Market management expiring 29 April 2017 for a further three month period.
- (2) Resolves for officers to sign the extended agreement under delegation on behalf of Council.
- (3) Notes a further report will be provided to Council prior to 29 July 2017 with information related to the data analysis.

CARRIED UNANIMOUSLY

**6.4 APPOINTMENT OF INDEPENDENT MEMBER OF THE
AUDIT COMMITTEE****Author:** Manager Corporate Risk**Reviewed By:** Director Corporate Services

Report Background

The Audit Committee is an Advisory Committee appointed by the Council pursuant to section 139 of the *Local Government Act 1989* to assist Council in fulfilling its responsibilities relating to risk management and financial management, control and reporting requirements. The Committee comprises of two Councillors and three external members, one of whom is currently the Chairperson.

Previous Council Resolution

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

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Endorsed Strategy 6.1 – Good Governance

Summary

At the Council Meeting held on 18 November 2013, the appointment of Mr Michael Said as an external member to the Audit Committee was resolved. Council determined that Michael Said's appointment to the Audit Committee be for a three year term (expiring December 2016) with the option of a further one year term (expiring December 2017) by mutual consent.

As Michael Said's three year term has now lapsed, it is proposed not to extend his appointment for an additional year, rather advertise to seek expressions of interest for a new external member to be appointed to the Audit Committee.

Council Resolution

MINUTE NO. 17-141**MOVED:** Cr. S Rennie**SECONDED:** Cr. S Amir**That Council:**

- (1) Resolves not to take up its option to extend the appointment of Mr Michael Said's position as an external member of Council's Audit Committee and to instead seek expressions of interest for an alternative independent member of the Audit Committee.

- (2) Delegates the appointment and contracting of a new external member of the Audit Committee to the two Council representatives of the Audit Committee, following consultation with other Councillors.
- (3) Resolves to have the Director Corporate Services write a letter of appreciation to Mr Michael Said for his three year tenure and contribution to the Audit Committee and the City of Darebin.

CARRIED UNANIMOUSLY

6.5 2016/2017 CAPITAL WORKS Q3 BUDGET REVIEW**Author:** Manager Strategic Assets Management**Reviewed By:** Director City Futures and Assets

Report Background

This report is provided to seek Council approval for changes to the 2016/2017 Capital Works Program budgets.

Previous Council Resolution

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

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 1 - Vibrant City and Innovative Economy

Strategy 1.5 – Existing and new physical assets and infrastructure

Summary

In June 2016, Council adopted the 2016-2017 Budget. The budget included a 2016/2017 Capital Works Program with a value of works budgeted at \$41.522M. Carry forward projects from 2015/2016 were initially forecast at \$5.055M, ended up at \$6.573M, creating a program of works with a total value of \$43,130,443 (adjusted budget) at the start of the 2016/2017 financial year.

Income and expenditure items are estimated at budgeting time and are often subject to changes during the course of the year. Sometimes additional grants are received which increases the funds available for expenditure or other projects may not proceed, reducing overall expenditure.

A third quarter financial review for the 2016/2017 Capital Works Program was completed in mid-March 2017 to identify any major changes that have occurred since the budget adoption.

Overall, the third quarter budget review projects a revised expenditure total of \$51.678M, which includes planned carry forwards of \$6.36M and delivers a surplus to Council of \$0.451M. Of the \$6.36M carry forwards from the 2016/2017 financial year, over \$5.5M is currently committed under contract or will be under contract by end June 2017, and all carry forwards are expected to be completed by end December 2017. The carry forwards mainly result from timing delays due to external factors and contractor availability issues. Impacts such as these are not uncommon for a program of this scale.

Council Resolution

MINUTE NO. 17-142

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

That Council adopts the revised capital works budget provided at **Appendix A** of this report which provides for total expenditure of \$51,677,538, including projected carry forward of \$6,360,571 of funds to the 2017/2018 budget for projects that are unable to be completed within the 2016/2017 financial year.

CARRIED UNANIMOUSLY

6.6 PROPOSED ROAD DISCONTINUANCE ADJOINING 2 AND 4 COMBIE STREET AND 13 SOUTH STREET, PRESTON**Author:** Property Manager**Reviewed By:** Director City Futures and Assets

Report Background

This report provides Council with information relating to the outcome of preliminary investigations into the proposed discontinuance and sale of part of the right-of-way adjoining 2 and 4 Combie Street and 13 South Street, Preston.

Previous Council Resolution

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

Previous Briefing(s)

20 February 2017

Council Plan Goal/Endorsed Strategy

Goal: Excellent Service

Strategy: 5.4 Long term responsible financial planning
Property Asset Management Strategy – May 2015

Goal: Vibrant City and Innovative Economy

Strategy: 1.4 Strategic Land Use and Sustainable Transport Planning Policies

Summary

This report provides the history and background relating to the right-of-way adjoining 2 and 4 Combie Street and 13 South Street, Preston, shown hatched on the site plan in **Appendix A**, as well as the outcome of the preliminary investigations into its proposed discontinuance.

In 1992 Council resolved to discontinue and sell part of the right-of-way/road which is bounded by Combie Street, South Street and David Street, Preston (ROW). However, the section of the right-of-way/road located between 2-4 Combie Street and 13 South Street, Preston (Road) was not included for discontinuance at that time.

In 2015, Council received an enquiry from an adjoining property owner requesting the discontinuance and sale of the Road. Initial investigations identified that whilst the Road is open, it is not constructed or used for access, and appears to be used for parking by the adjoining owners at 2 Combie Street. The Road is not listed on Council's Register of Public Roads; however it remains a road on title.

Council Resolution

MINUTE NO. 17-143

MOVED: Cr. J Williams**SECONDED:** Cr. S Amir**That** Council:

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* (“*the Act*”) to discontinue the road adjoining 2 and 4 Combie Street and 13 South Street, Preston shown hatched on **Appendix C**.
- (2) Gives public notice under sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council’s website and such notice state that if discontinued, Council proposes to sell the land from the road to the adjoining property owners by private treaty and transfer to itself any land from the road not sold to the adjoining property owners.

CARRIED UNANIMOUSLY

6.7 PROPOSED DISCONTINUANCE REAR 47 & 49 DAREBIN BOULEVARD AND 66 DUNDEE STREET, RESERVOIR**Author:** Property Manager**Reviewed By:** Director City Futures and Assets

Report Background

This report provides Council with an update on the outcome of the statutory procedures relating to the proposed discontinuance and sale of the right-of-way/road at the rear of 47 and 49 Darebin Boulevard and 66 Dundee Street, Reservoir.

Previous Council Resolution

At its meeting held on 1 August 2016 Council resolved:

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 at the rear of 47 and 49 Darebin Boulevard and 66 Dundee Street, Reservoir, shown hatched on the plan enclosed as **Appendix A**.*
- (2) *Give public notice under sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council's website and such notice state that if discontinued, Council proposes to sell the land from the Road to the adjoining property owner at 49 Darebin Boulevard, Reservoir, by private treaty and transfer to itself any land from the road not sold to the adjoining property owners.'*

Previous Briefing(s)

Councillor Briefing – 20 February 2017

Council Plan Goal/Endorsed Strategy

Goal 5: Excellent Service
Strategy: 5.4 Long term responsible financial planning
Property Asset Management Strategy – May 2015

Goal: Vibrant City and Innovative Economy
Strategy: 1.4 Strategic Land Use and Sustainable Transport Planning Policies

Summary

This report provides the history and background relating to the right-of-way/road at the rear of 47 and 49 Darebin Boulevard and 66 Dundee Street, Reservoir, shown hatched on the site plan in **Appendix B** and in the aerial photo in **Appendix D**, as well as the outcome of the statutory procedures into its proposed discontinuance.

At its meeting of 1 August 2016, Council resolved to commence the statutory procedures and give public notice of the proposed discontinuance of the road. Public notice of the proposal was given in Preston Leader and Northcote Leader newspapers on 22 August and 23 August 2016 respectively.

Adjoining property owners were notified in writing and notification was also given on Council's website. The notice period ended on 23 September 2016 and no submissions or objections were received.

The owner of 49 Darebin Boulevard has been the only property owner to confirm an 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. Internal and external referrals to Council departments and statutory authorities have also raised no objection but have indicated the need to have easements saved over the road, if discontinued.

This report recommends that following the completion of the statutory procedures for the proposed discontinuance and sale of the section of Road, and having received no submissions, that the Road be discontinued and sold by private treaty in accordance with Council policy. There would be no need for Council to transfer any land not sold to itself as Council is already the registered proprietor of the land.

Council Resolution

MINUTE NO. 17-144

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

That Council:

Having given public notice of a proposal to discontinue the road at the rear of 47 and 49 Darebin Boulevard and 66 Dundee Street, Reservoir, shown hatched on **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 road in accordance with section 206 and schedule 10, Clause 3 to 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) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water in the road in connection with any sewers, drains or pipes, under the control of that Authority in or near the road; and
- (5) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties.

CARRIED UNANIMOUSLY

6.8 PROPOSED SALE OF COUNCIL LAND ADJOINING REAR OF 4 GRANDVIEW ROAD AND 3 GRANGE STREET, PRESTON**Author:** Property Manager**Reviewed By:** Director City Futures and Assets

Report Background

This report seeks Council approval to commence statutory procedures for the proposed sale of a parcel of Council land from a discontinued road at the rear of 4 Grandview Road and 3 Grange Street, Preston.

Previous Council Resolution

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

Previous Briefing(s)

Councillor Briefing – 20 February 2017

Council Plan Goal/Endorsed Strategy

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

Goal: Vibrant City and Innovative Economy
Strategy: 1.4 Strategic Land Use and Sustainable Transport Planning Policies

Summary

This report provides the history and background relating to negotiations for the proposed sale of a parcel of Council owned land from a discontinued road at the rear of 4 Grandview Road and 3 Grange Street, Preston, shown hatched on the site plan in **Appendix A**.

In 1992, Council resolved to discontinue and sell part of the right-of-way/road which is bounded by Grandview Road, Grange Street, Bruce Street and Cramer Street, Preston. Not all parcels were sold at that time and Council took title to the remaining unsold parcels of land.

In 2015, Council received an enquiry from an adjoining property owner expressing interest in the possible acquisition of the land from the discontinued road. The land is contained within Certificate of Title Volume 10368 Folio 644 for which Council is the registered proprietor and is shown as Lot 11 on Title Plan TP7638X (**Appendix B**).

Council officers commenced negotiations with the owners of 4 Grandview Road and 3 Grange Street with a view to selling the land. The owner of 4 Grandview Road has expressed interest in acquiring the land, consistent with its current use/occupation, in accordance with Council Policy.

Council Resolution

MINUTE NO. 17-145

MOVED: Cr. T McCarthy**SECONDED: Cr. S Rennie**

That Council commence the statutory procedures under section 189 of the *Local Government Act 1989* (“*the Act*”) to sell the land from the discontinued road adjoining the rear of 4 Grandview Road and 3 Grange Street, Preston, shown hatched on **Appendix A**, contained within Certificate of Title Volume 10368 Folio 644 and known as Lot 11 on Title Plan TP7638X, to the owner of 4 Grandview Road, Preston, in accordance with Council policy.

CARRIED UNANIMOUSLY

6.9 SENIORS HOME GARDENING PROGRAM UPDATE**Author:** Manager Aged and Disability**Reviewed By:** Director Community Development

Report Background

This report is a response to the Council Resolution made on Monday 19 September 2016; that Council considers introducing a limited lawn mowing service with a means tested fee structure similar to what Whittlesea and Yarra Councils provide.

Previous Council Resolution

At its meeting held on 19 September 2016, Council resolved:

'That Council receive a further report for consideration in the mid-term budget review process on how it could introduce a limited lawn mowing service with a means tested fee structure similar to what Whittlesea and Yarra Councils provide.'

Previous Briefing(s)

Councillor Briefing – 28 April 2014

Councillor Briefing – 23 February 2015

Council Plan Goal/Endorsed Strategy

Goal 2 - Healthy and Connected Community

Active and Healthy Ageing Strategy 2011-2021

Summary

The Aged and Disability department currently operates a limited home gardening service as part of the Home Maintenance Service under the Commonwealth Home Support Programme (CHSP). The current service focuses on essential tasks and activities such as keeping access clear to ensure clients safety when navigating in their property. To introduce a lawn mowing service would change this service model.

The lawn mowing services operated by both Whittlesea and Yarra Councils were appraised, and two alternative models explored as potential options for Darebin City Council to establish similar services:

- In house service model
- Subcontracted service model

Based on the modelling in this report, the cost to Council in year one will be between \$138,700 and \$187,132 with ongoing costs of \$108,900 and \$157,331. It is also likely that demand for the service will be high requiring either or both additional resources and an operating a wait list for the service to manage the demand.

Additionally, significant reforms to the aged and disability sectors are creating a high level of uncertainty which will continue in the short to medium term. In light of this, Aged and Disability are undertaking quality and operational reviews of the services offered in order to better inform Council decision making when appropriate.

Council Resolution

MINUTE NO. 17-146

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

That Council:

- (1) Retains the current limited home gardening service within the property maintenance program.
- (2) Notes that the property maintenance service will be included within the aged care review process.

CARRIED UNANIMOUSLY

7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

Nil

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS**ADMISSION OF URGENT BUSINESS**

Council Resolution

MINUTE NO. 17-147**MOVED: Cr. T McCarthy****SECONDED: Cr. S Amir**

That an Urgent Business item relating to 'Stop Adani' be admitted to the agenda and heard at Item 9.1.

CARRIED**9.1 STOP ADANI**

Council Resolution

MINUTE NO. 17-148**MOVED: Cr. T McCarthy****SECONDED: Cr. S Amir****That** Council:

- (1) Divests all funds currently with Westpac, Bank of Melbourne and any other subsidiaries held in term deposits at the investment's maturity and where possible invest these funds with fossil fuel free financial institutions whilst complying with the current risk profile established within Council's Investment Policy.
- (2) Boycotts any future investment or borrowing with Westpac and its subsidiaries (once divested) until they publicly refuse financing Adani's Carmichael mine.
- (3) Receives a report in May regarding Council's current contract with Westpac as the supplier of cash and banking services, including options to exit.
- (4) Writes to the:
 - CEO and Chair of Westpac and Bank of Melbourne informing them of this decision and urging them to rule out support for the Adani mine.
 - Prime Minister, Federal Minister for Environment and Energy, Federal Minister for Agriculture and Water Resources, Federal Minister for Indigenous Affairs and Queensland Premier expressing extreme disappointment with the decisions to not only approve, but spend \$1 billion of taxpayers' money on this devastating project.
 - Leader of the Opposition, Shadow Minister for Climate Change and Energy, Shadow Minister for Environment and Water and Federal Member for Batman urging them to publicly commit to opposing the Adani mine and withdrawing any Commonwealth funds that support this project in anyway (in the event they form government at the next election). The letter should also request they advocate to their Queensland Labor colleagues to reconsider their decision to approve the mine.

- Victorian Premier, Treasurer and Minister for Energy, Environment and Climate Change urging them to publicly commit to opposing the Adani mine and introduce a ban to all new coal mines in Victoria.
 - Mayors and Councillors from Councils in the Northern Alliance for Greenhouse Action and other Victoria Greenhouse Alliances informing them of this decision and request they consider a similar decision.
- (5) Co-hosts a screening of the Guarding the Galilee documentary, in partnership with Darebin Climate Action Now.
 - (6) Participates in future #StopAdani events and promotes the campaign to the community.
 - (7) Reviews and integrates Council's Investment Policy and Fossil Fuel Investment Policy into one comprehensive policy. The review should identify and where possible remove any barriers to increasing the share of fossil fuel free investments.
 - (8) Receives a half-yearly briefing on the status of Council's investments and reviews this decision in six months.

CARRIED UNANIMOUSLY

ADMISSION OF URGENT BUSINESS

Council Resolution

MINUTE NO. 17-149

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

That an Urgent Business item relating to 'Amendment C137' be admitted to the agenda and heard at Item 9.2.

CARRIED

9.2 AMENDMENT C137

Recommendation

That:

- (1) The Mayor write to the Minister for Planning raising Council's continued concerns in relation to the fact Amendment C137 has not yet been approved as part of the Darebin Planning Scheme.
- (2) The letter should also draw to the Minister's attention the example of 161-195 High Street (D/75/2011), which would not be allowed to be considered by Council or VCAT had C137 already been approved and that such applications are resulting in apartment sizes that are not in keeping with the Minister's own Better Apartment guidelines.
- (3) A copy of this letter should be forwarded to all local MPs.

Motion

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

That:

- (1) The Mayor write to the Minister for Planning raising Council's continued concerns in relation to the fact Amendment C137 has not yet been approved as part of the Darebin Planning Scheme.
- (2) The letter should also draw to the Minister's attention the example of 161-195 High Street (D/75/2011), which would not be allowed to be considered by Council or VCAT had C137 already been approved and that such applications are resulting in apartment sizes that are not in keeping with the Minister's own Better Apartment guidelines.
- (3) A copy of this letter should be forwarded to all local MPs.

Cr. Rennie proposed of the mover and seconder that point (2) of the motion be amended as follows. This was accepted by Cr. McCarthy and Cr. Amir.

- (2) The letter should also draw to the Minister's attention the example of 161-195 High Street (D/75/2011), which would not be allowed to be considered by Council or VCAT had C137 already been approved and that such applications are resulting in apartment sizes **and quality** that are not in keeping with the Minister's own Better Apartment guidelines.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That:

- (1) The Mayor write to the Minister for Planning raising Council's continued concerns in relation to the fact Amendment C137 has not yet been approved as part of the Darebin Planning Scheme.
- (2) The letter should also draw to the Minister's attention the example of 161-195 High Street (D/75/2011), which would not be allowed to be considered by Council or VCAT had C137 already been approved and that such applications are resulting in apartment sizes and quality that are not in keeping with the Minister's own Better Apartment guidelines.
- (3) A copy of this letter should be forwarded to all local MPs.

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

Council Resolution

MINUTE NO. 17-150

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

That:

- (1) The Mayor write to the Minister for Planning raising Council's continued concerns in relation to the fact Amendment C137 has not yet been approved as part of the Darebin Planning Scheme.

- (2) The letter should also draw to the Minister's attention the example of 161-195 High Street (D/75/2011), which would not be allowed to be considered by Council or VCAT had C137 already been approved and that such applications are resulting in apartment sizes and quality that are not in keeping with the Minister's own Better Apartment guidelines.
- (3) A copy of this letter should be forwarded to all local MPs.

CARRIED UNANIMOUSLY

ADMISSION OF URGENT BUSINESS

Council Resolution

MINUTE NO. 17-151

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

That an Urgent Business item relating to 'CEO Employment Matters Committee – Independent Chairperson' be admitted to the agenda and heard at Item 9.3.

CARRIED

9.3 CEO EMPLOYMENT MATTERS COMMITTEE - INDEPENDENT CHAIRPERSON

Author: Director Civic Governance and Compliance

Reviewed by: Director Civic Governance and Compliance

Report Background

This report seeks Council endorsement to appoint an independent chairperson to the CEO Employment Matters Committee.

Previous Council Resolution

This reports addresses point (7) of the Council resolution relating to the CEO Employment Matters Committee dated 20 March 2017.

'That Council:

...

(7) Notes the appointment of an independent chairperson to the Chief Executive Employment Matters Committee will be the subject of a future Council Report.'

Previous Briefing(s)

This matter has been discussed by Councillor members appointed to the CEO Employment Matters Committee.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Summary

The independent chairperson will be responsible for assisting the Committee with all processes associated with the Chief Executive Officer. This ranges from the process leading up to the Council appointment of the Chief Executive Officer to the performance planning and review of the Chief Executive over the term of his or her contract.

Council Resolution

MINUTE NO. 17-152

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

That Council:

- (1) Resolves to appoint Mary Crooks as the independent chairperson of the CEO Employment Matters Committee for a period of two years with a further two, one year optional extension periods based on satisfactory performance.
- (2) Authorises the Director Civic Governance and Compliance to formalise the appointment.
- (3) Authorises the Director Civic Governance and Compliance, after consultation with members of the CEO Employment Matters Committee, to exercise the optional extension periods.

CARRIED UNANIMOUSLY**Introduction**

This report seeks approval to appoint an independent chairperson to the CEO Employment Matters Committee.

Issues and Discussion

On 21 March 2017, an Expression of Interest (EOI) was released on Council's webpage and via a job advertisement place on LinkedIn. In the week of 27 March 2017, an advertisement was also placed in the Preston and Northcote Leaders.

The EOI outlined the requirements of the Committee, refer below, and also requested individuals to submit their qualifications and experience.

- As a committee make recommendations to Council on contractual matters relating to the CEO or the person to act as the CEO, including, but not limited to, the following;
 - The appointment of the CEO or person to act as the CEO;
 - Remuneration and conditions of appointment of the CEO or person to act as the CEO;
 - Extension (i.e. reappointment) of the CEO or person to act as the CEO
- To conduct performance reviews of the CEO, and make any recommendations to Council as a result of the review; and
- To perform any other prescribed functions or responsibilities (nothing is yet prescribed)

At the time of closing the EOI, five individual expressions of interest were submitted for the position.

Evaluation

The evaluation committee comprised of the Director Civic Governance and Compliance, Mayor, Cr Le Cerf and Councillor members appointed to the CEO Employment Matters Committee.

There were some strong applications submitted through the Expression of Interest process and after thoroughly considering all responses submitted, the evaluation committee found that Mary Crooks demonstrated a higher level of expertise and ability that match the direction the current Council is taking. In summary, the evaluation committee recommend that Mary Crooks be selected as the preferred candidate based on Mary's:

- Skills and expertise;
- Understanding of community engagement;
- Ability to offer different dynamics and approach to the recruitment and performance processes;
- Credibility amongst the broader community;
- Understanding of the future direction Council is taking;
- Objectivity she will bring to the Committee; and
- Understanding of what the organisation is looking for in its next Chief Executive Officer.

Sitting Fee

Council will pay a flat fee to the independent chairperson of \$1,200 per meeting, which has regard to the specific roles and responsibilities the chairperson is required to undertake.

The Chairperson Fee will be paid immediately following the scheduled committee meetings.

Options for Consideration

There are no further options for consideration.

Financial and Resource Implications

The cost of 4 Committee meetings per year will cost \$4,800 (\$1,200 per meeting). There may be a requirement to hold more than 4 meetings leading up to the appointment of the Chief Executive Officer.

Risk Management

There are no risks associated with this appointment.

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

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

Other

There are no other factors which impact on this report.

Future Actions

- Formally advise Mary Crooks of her appointment as the Independent Chairperson.
- Advise the unsuccessful applicants.

Consultation and Advocacy

- Councillors appointed to the CEO Employment Matters Committee

Related Documents

- Council Meeting minutes – 20 March 2017
- CEO Employment Matters Committee Charter

Attachments

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.

10. GENERAL BUSINESS

Nil

11. PETITIONS

11.1 TABLING OF PETITION

Council Resolution

MINUTE NO. 17-153

MOVED: Cr. S Newton

SECONDED: Cr. S Rennie

That the petition:

“We, the undersigned, residents of Kolverne Street, Reservoir, petition and call onto Darebin City Council the right to ask for a review of the panels members decision, to reconsider the appeal granted regarding DANGEROUS DOG ORDER to the dog residing in No. 3 Kolverne Street, Reservoir, in relation to an unprovoked attack and kill of a residents pet asleep in its owners own property on December 6th 2016.

*We proposed the dangerous dog order to be reviewed and to **be issues** to the owner. This is due to the fat the dog was roaming the street and entered the private property of a nearby resident resulting in **an unprovoked kill of another animal, as well as, known previous occasions of rushing attempting to harm other animals.***

It is the Council’s duty of care to its residents and victims of dog attacks to ensure that their concerns are taken into consideration and that dog owners’ rights are not put ahead of “community safety”. This request is in line with the overarching purpose of the Domestic Animals legislation, which is to secure the safety of the public.”

be tabled and referred to the Chief Executive Officer.

CARRIED UNANIMOUSLY

12. REPORTS OF STANDING COMMITTEES

Nil

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 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:

- Sexuality, Sex and Gender Diversity Advisory Committee – 21 February 2017
- Darebin Aboriginal Advisory Committee – 8 March 2017

Council Resolution

MINUTE NO. 17-154

MOVED: Cr. S Amir
SECONDED: Cr. J Williams

That the record of the Assembly of Councillors held on 21 February 2017 and 8 March 2017 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

CARRIED

14. REPORTS BY MAYOR AND COUNCILLORS

Council Resolution

MINUTE NO. 17-155

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

That Council note the Reports by Mayor and Councillors.

CARRIED

REPORT OF CR. KIM LE CERF, MAYOR

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

- Meeting regarding use of Council sporting grounds
- The Rotary Skill Workshop – Grand Opening and Community Morning Tea
- Meeting with Deputy Ombudsman
- Meeting with Embassy Vic
- Meeting regarding the Climate Change Action Plan
- Review responses from Recruitment Agency for CEO Appointment
- Darebin Community Legal Centre – Strengthening CALD Communities Family Violence Forum
- Briefing regarding Darebin Education Committee
- Meeting with Managing Director of Bright Sparks
- Cultural Diversity Week Evening Celebration
- MAV Event – Sustainable Buildings: Unlocking Local Leadership
- VLGA Delegates Dinner
- Briefing with the Hon. Robin Scott MP – Ongoing Kindergarten Funding
- Meeting regarding Climate Emergency Plan
- Darebin Community Health Harmony Day Afternoon Tea
- Kite Festival
- 2017 Newroz Festival – Kurdish Democratic Community
- Preston Symphony Orchestra Performance
- Briefing on Sir Doug Nicholls Oval
- Regular Catch Ups with A/CEO
- Regular Catch Ups with Communications/Media
- Meeting with Victoria Grants Commission
- Council Briefing
- Hearing of Submissions for Councillors Allowances Review
- Melbourne’s Northern Councils – Delegation to Canberra
- 2017 AFL Victoria Local Government Forum

- Renovation Celebrations - Haven Home, Safe
- Council Budget Briefing
- Teleconference with Jo Fisher To Progress Discussions Re Community Forums
- Discuss regarding New Urban Agenda Conference
- Introductory Meeting with Shushil Sharma – Northern Region Indian Seniors
- Evaluate Independent Chairpersons Submissions for CEO Employment Matters Committee
- #StopAdani Roadshow – Melbourne
- Council Meeting

REPORT OF CR. STEPH AMIR

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

- Kite Festival 26th March
- Council briefing 27th March
- Hearing of submissions 27th March
- Cazaly Ward Meeting to discuss budget 28th March
- Guest speaker at St Michael's Grammar School, talking about the role of local government 29th March
- Budget briefing 30th March

REPORT OF CR. TRENT McCARTHY

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

- Meeting with officers regarding sports clubs facilities and equity of access
- Launch of Rotary Skill Workshop at the Pavillon School
- Meeting re Climate Change Action Plan amendments
- Meeting re selection of recruitment firm for new CEO
- Meeting with Bright Sparks
- Wales Street Primary School Fete
- Council Briefing
- Hearing of Submissions Committee meeting
- Visit by Vicki Ward MP, Parliamentary Secretary for Industry & Employment
- The Bridge Annual General Meeting
- Darebin Community & Kite Festival
- Council Budget Briefing
- Meeting re Selection of Independent Chairperson for CEO Employment Matters Committee

REPORT OF CR. SUSANNE NEWTON

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

- Kookaburra Kindergarten, Reservoir Harmony Day Celebrations
- Sustainable Buildings: Unlocking Local Leadership (MAV Seminar)
- VLG Board Meeting
- VLG Delegates Dinner
- Bundoora Homestead Board of Management Workshop
- Preston Garden Club Autumn Show
- Kite Festival, Edwardes Lake Park
- Victorian Grants Commission meeting
- Council briefing
- Budget briefing
- Darebin Disability Advisory Committee Meeting

REPORT OF CR. SUSAN RENNIE

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

- Climate Change Action Plan meeting
- CEO recruitment meeting re recruitment firm selection
- Sustainable Building forum MAV
- Victorian Grants Committee meeting
- Transform Planning workshop
- Visit to Shiny Embroidery
- Councillor budget briefing
- CEO recruitment – evaluate independent chairperson submissions
- Attend and speak at Furlan Family Fun day event

REPORT OF CR. JULIE WILLIAMS

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

- Council Meeting
- Kite Festival
- Council Briefing
- Hearing of Submissions for Councillors Allowances Review
- Cazaly Ward Meeting to discuss 2018/18 budget
- NURP (Northland) Steering Committee
- Briefing prior to Darebin Disability Advisory Committee
- Darebin Disability Advisory Committee
- Attended to matters on Parking, met with Joffre Street residents, Preston Education Community Support, development, and other constituent matters.

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

Council Resolution

MINUTE NO. 17-156**MOVED: Cr. T McCarthy**
SECONDED: Cr. J Williams

That in accordance with section 89(2)(h) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following item which relates to a matter which the Council or special committee considers would prejudice the Council or any person:

15.1 Surplus Victorian Government Land - 421 High Street, Preston (DELWP)

CARRIED

The meeting was closed to the members of the public at 7.06pm.

Allan Cochrane, Chief Financial Officer and Dave Bell, Senior Media Advisor left the meeting at 7.06pm

The Council considered and resolved on Report Item 15.1 which had been circulated to Councillors with the Council Agenda Paper.

RE-OPENING OF MEETING

Council Resolution

MINUTE NO. 17-157**MOVED: Cr. S Amir**
SECONDED: Cr. S Rennie

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

CARRIED

The meeting was re-opened to the members of the public at 7.20pm.

16. CLOSE OF MEETING

The meeting closed at 7.21pm.