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MINUTES OF THE COUNCIL MEETING

Held on Monday 4 September 2017

Released to the public on Thursday 7 September 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 4 SEPTEMBER 2017**

THE MEETING OPENED AT 6.03PM

WELCOME

The Chairperson, Cr. Le Cerf opened the meeting with the following statement:

“I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today.”

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)
Cr. Steph Amir
Cr. Gaetano Greco (Deputy Mayor)
Cr. Trent McCarthy
Cr. Susanne Newton
Cr. Julie Williams

Council Officers

Oliver Vido – Acting Chief Executive Officer
Steve Hamilton – Director City Futures and Assets
Tiffany White – Acting Director Corporate Services
Jacinta Stevens – Director Civic Governance and Compliance
Allan Cochrane – Chief Financial Officer
Joanna Cuscaden – Manager City Design and Strategic Planning
Alison Breach – Coordinator Public Spaces
Katia Croce – Coordinator Council Business
Karlee Ferrante – Council Business Officer
Dave Bell – Senior Media Advisor

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.
Apologies were lodged for Cr. Lina Messina and Cr. Susan Rennie.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MINUTE NO. 17-308

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

That the Minutes of the Ordinary Meeting of Council held on 21 August 2017 be confirmed as a correct record of business transacted.

CARRIED

5. QUESTION AND SUBMISSION TIME

The Chairperson, Mayor, Cr. Le Cerf, responded to the following questions submitted for Public Question Time.

- **Peter Hogan**

I am writing in disgust at the decision our local council has made in regards to Australia Day.

I am a current rate payer in this council and have never been consulted about the decision that has been made by the council.

The 2016 census shows that the City of Darebin has a population of 146,719 people. The research conducted before the decision was made on Australia Day was to ask 80 people, a mere 0.0005 percent of the population.

I would like to know what avenues are available to overturn this decision and also to get a Mayor who will fix the issues with roads and overdevelopment of the area and not feather their own political ambitions.

Response:

Thank you for your feedback Mr Hogan. It has been noted.

As Darebin's democratically elected representatives, we are unashamedly showing leadership on an issue that we know hurts our Aboriginal and Torres Strait Islander community.

Continuing to celebrate our nation on a day that caused pain and exclusion is just not necessary or appropriate. Our position is borne of respect, compassion and doing what is right, not just doing what is popular.

There has been an on-going discussion about the appropriateness of 26 January as the day we celebrate this nation, for some years in Darebin and across Australia. As the Council on August 21 referenced, the first Day of Mourning was held in 1938, and continues to be held annually. And right here at Batman Park in Northcote on January 26, 1957, Pastor Sir Doug Nicholls spoke about the fact that it wasn't a day of celebration for the Aboriginal and Torres Strait Islander people and helped establish the reconciliation movement in this country.

To your point about consultation – the use of Advisory Committees for consultation purposes is fairly standard across Council. Nomination to Advisory Committees is generally open to all members of the Darebin community so there is a broad opportunity for community members to get involved.

I think it is also important to point out that it is not and never has been Council practice to hold plebiscite or opinion poll type processes in order to make decisions and that we generally focus our consultation processes on groups most impacted by our decisions.

I note that nothing in Council's motion stops members of our community marking January 26 in any way they chose to do so. However, Council will be marking the day in a culturally-appropriate way, in partnership with Aboriginal and Torres Strait Islander community.

We appreciate the overwhelming support we have received from the Darebin community since our decision on August 21, including the many touching and very personal messages from Aboriginal and Torres Strait Islander people. This is a small but important step in our reconciliation journey.

- **Anne Laver, Northcote**

Was the recent policy of adverse possessions of laneways and vacant land being submitted to and agreed by Council or is it Council officers acting without authority?

Response:

The 1997 policy allowed first right of refusal to purchase land after 15 years of occupation through adverse possession. In 2015 this clause was removed and land was sold to the highest bidder. I believe this change is problematic and inconsistent with community expectations. I am concerned the review called for in 2015 has not already taken place and have been reassured by officers today that consultation will now urgently take place in order to revise the policy.

- **Deborah Platanas**

Regarding Item 6.2

As the UDF applies specifically to the Cazaly Ward, I would like to know in what manner have the Cazaly councillors expressed and advocated the concerns of the residents to other councillors and with other bodies, namely the strategic planning department? Namely – What changes or amendments are they going to propose?

Response:

This matter will be discussed at Item 6.2 of this meeting. It isn't appropriate at this point in time to pre-empt council discussion/decision.

- **John Berriman, Bundoora**

Will the Council write to La Trobe University indicating a preparedness to enter into negotiations for the purchase of the Strathallan Open Space?

Response:

Council is yet to consider the offer, however, we remain committed to protecting the land as open space and we will consider a notice of motion in relation to this tonight.

- **Serena O'Meley, Reservoir**

Can you please confirm that Darebin Council has now written to the University accepting the offer of the proprietary negotiations and can you report on any other correspondence that has been exchanged or negotiations that have taken place between Darebin Council, the University and/or State Government to progress the purchase and/or protection of Strathallan Golf Course?

Response:

Thank you for your question, the response is similar to the one that I gave. We have not written back to La Trobe but hopefully that will happen very soon. I think the other point that I should have made earlier in relation to the consultation and the timing with this letter is, it is unusual that we received the letter during the consultation process, La Trobe has put out there to say it is an open consultation process that will help them decide the future of this land, and at the same time they have sent us a letter saying do you want to buy the land. So I think those two things are inconsistent with each other and perhaps it has affected the consultation process or the outcomes of the consultation process which is disappointing in my opinion.

- **John Berriman, Bundoora**

Comment

This consultation process after a fair bit of teeth warming said that a golf course was not an option and the university were considering. So I think you know where I stand on the University.

- **Brian Sanaghan, West Preston**

Mr Sanaghan made a statement regarding St Georges Rd land and was thanked by the Chairperson, Mayor, Cr. Le Cerf.

- **Geoff Richards, Reservoir**

Question 1

From January 1st this year the Commonwealth institute introduced a revised formula for the pension entitlement and changing the asset test meant cancellation of my part time pension. A health care card was issued and on that it said concessions vary between different states and eligibility talk to the people concerned and that concession has been granted to me from VicRoads and from the Utilities but not Darebin Council. So my question is will Council review that I believe it's an anomaly which you probably have realised has happened. So could Council review that situation please?

Response:

In response to your first question I will refer the matter to the CEO to follow up. We will get a response to that and see if it is an anomaly, but we will hand it to the CEO to review.

Question 2

I haven't had an answer to my question at the last meeting?

Response:

It doesn't sound like any of the officers have been in touch with you from the last meeting but we will ask them to do so now, I would have expected that it would have happened and I am sorry that that hasn't been followed up.

Responses to Public Questions taken on notice at the Council meeting on 21 August 2017

At the Council meeting held on 21 August 2017, the following questions were taken on notice by the Chairperson.

- **John Nugent, Epping**

Question about public toilets in Keon Park not being open. We look through the city, we go to Westgarth Street and High Street then we go up a little further and we have one in Batman Park and then there is one in all nation park. Then we come a little further and we see that the area is Preston and we only have to look up the corner of the road and there is the public toilet there. We go across past Cramers and there is a public toilet on the corner of Mary Street and Preston Football ground and there is also another public toilet on the other side of the football ground. The next thing we come to Reservoir and that's an area I know pretty well and the 2 public toilets there, we have got one in Edwards Street next to the library and on the other side of the railway line.

We have another public toilet that is open all the time on the Corner of Cheddar Road and Broadway so before you. Then we come to Keon Park and there are no public toilets there at all. Now I know the Council will ring and ask questions about it but there we now have people coming into the shop and asking if they can use the public toilets. Council like to listen and say the public toilets will be open when the football grounds are open. Let's look at it this way, football grounds don't open until about 5pm so if you want to go out at 10 you are in a spot of trouble.

Mayor we need something open, if you are not prepared to do it at Keon Park open the doors of the pavilion so we can use them and it's a disgrace that I have to get up and ask these questions.

Katrina Knox, Director Community Development provided the following written response:

Thank you for your questions raised at public question time at the Council meeting held on 21 August 2017 regarding Public Toilets at Keon Park.

As previously communicated the toilets available at Keon Park within the Donath West pavilion are open when organised practices or games are in progress. At this time there are no plans to open the toilets at Donath West outside of these times.

There are public toilets in Keon Park nearby at Dole Reserve that are open daily.

Please find attached the previous correspondence regarding this matter:

- 2 May 2016 Ref: A2450378
- 21 June 2016 Ref: AA129999

- 23 September 2016 Ref: A3794684
- 3 April 2017 Ref: A4084619

- **Geoff Richards, Reservoir**

This is in relation to this lady's parking and I want to follow on from that. One of the main problems is that people use their garages for storage which I hope Council will address as well as we get cars out on the street and that's not the purpose of my question tonight. Also parked in my Storey Road street is a caravan longer than the normal size that we have so my question there is can Council reiterate what is allowed to be birth, tied, whatever in the street? The same applies to building along there too as there are b-doubles there while construction is on. Can we establish please what can be left on the street? It's a danger to actually park on the nature strip on one side otherwise we wouldn't get passed the door.

Due to an administrative oversight, a response has not yet been provided to Mr Richards. The written response will be provided as soon as possible and will also be recorded in the minutes of the next Council meeting (18 October 2017).

With leave of the Chairperson, Mayor, Cr. Le Cerf, Cr. Williams requested a minute silence be observed for the late Northcote seat holder the Honourable Fiona Richardson MP as she was a trailblazer for women regarding the fight for the Royal Commission into Family Violence.

Council observed one minute silence in her honour.

6. CONSIDERATION OF REPORTS

6.1 DRAFT 2016/2017 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT

Author: Financial Accountant

Reviewed By: Acting Director Corporate Services

Report Background

Section 131 of the *Local Government Act 1989* (the "Act") requires Council to prepare in respect of each financial year an annual report containing:

- A report of operations;
- Audited financial statements;
- A performance statement; and
- A copy of the report on the performance statement.

The Act requires that the annual report be submitted to the Minister within three months of the end of the financial year. Council is required to pass a resolution giving approval in principle to each of the Statements. The Act also requires Council to authorise two Councillors to certify each of the Statements after any changes recommended, or agreed to, by the auditor have been made. Regulations 21 of the Local Government (Planning and Reporting) Regulations 2014 (the "Regulations"), specify that the Financial Statements must be certified by the Principal Accounting Officer, two Councillors and the Chief Executive Officer, prior to the Auditor-General signing the audit report.

To assist Council in approving in principle the Financial Statements and Performance Statement for the 2016/2017 year, the Audit Committee should review the draft Statements with the benefit of comments by Council management and the Victorian Auditor-General's Office representative. The Audit Committee, after it is satisfied with comments of Council management and the Victorian Auditor-General's Office representative, should then make a recommendation to Council to adopt in principle each of the Statements for the 2016/2017 year.

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 – A well governed Council

Summary

The report recommends that Council approve in principle the Financial Statements and Performance Statement for the 2016/2017 financial year and authorise two Councillors to sign the Statements in their final form.

The financial statements disclose a surplus for the year of \$21.63 million.

Recommendation

That Council:

- (1) Approves in principle the Financial Statements for the 2016/2017 year enclosed in **Appendix A** to this report.
- (2) Authorises Councillors..... and to sign the Financial Statements in their final form after any changes recommended, or agreed to, by the Auditor have been made.
- (3) Approves in principle the Performance Statements for the 2016/2017 year enclosed in **Appendix B** to this report.
- (4) Authorises Councillors..... and to sign the Performance Statement in its final form after any changes recommended, or agreed to, by the Auditor have been made.

Council Resolution

MINUTE NO. 17-309

MOVED: Cr. S Amir
SECONDED: Cr. G Greco

That Council:

- (1) Approves in principle the Financial Statements for the 2016/2017 year enclosed in **Appendix A** to this report.
- (2) Authorises Councillors Kim Le Cerf and Gaetano Greco to sign the Financial Statements in their final form after any changes recommended, or agreed to, by the Auditor have been made.
- (3) Approves in principle the Performance Statements for the 2016/2017 year enclosed in **Appendix B** to this report.
- (4) Authorises Councillors Kim Le Cerf and Gaetano Greco to sign the Performance Statement in its final form after any changes recommended, or agreed to, by the Auditor have been made.

CARRIED

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

- Lisa Oakley
- Debbie Platanas
- Jacinta Caraballo
- David Lunardi
- Adrian Boutsakis
- Jordan McInnes

6.2 URBAN DESIGN FRAMEWORK 2015 ST GEORGES ROAD AND PLENTY ROAD CORRIDORS – SHOWERS STREET ADDENDUM

Author: Manager City Design and Strategic Planning

Reviewed By: Director City Futures and Assets

Report Background

The area of Showers Street, Preston which is to be included within this 'Addendum' to the Urban Design Framework 2015 St Georges Road and Plenty Road Corridors (adopted by Council August 2017), is located between the eastern side of St Georges Road and the rail reserve, and is adjacent to (and was formally included within) the Oakover Village precinct. The Oakover Village precinct is a strategic area located to the south-west of Preston at the intersection of St Georges and Oakover Road. The proximity of multiple transport options, community services and commercial activity make it an attractive site for redevelopment and urban renewal. Showers Street however, which sits directly adjacent to Oakover Village precinct, is uniquely distinguished from the balance of the precinct by its well-established residential character and smaller lot sizes.

Showers Street was initially included in Precinct 7 Oakover Village section of the *St Georges Road and Plenty Road Corridors Urban Design Framework 2015* (UDF 2015) and within sub-precinct 4 (Kenwood/Showers) of Schedule 11 to the Development Plan Overlay (DPO11) Oakover Village DPO11. The Independent Planning Panel (panel report released in 2014) which was set up to hear submissions to Amendments C136, C137 and C138 observed that the Oakover Village precinct has redevelopment potential however expressed concern about the scale of change envisaged for smaller residential streets (not fronting St Georges Road) such as Showers Street.

Approval of Amendment C136 (15 September 2016) formally removed Showers Street from DPO11. The Minister for Planning instead applied Schedule 16 to the Design and Development Overlay (DDO16) St Georges Road Corridor and the Residential Growth Zone Schedule 1 (RGZ1) to Showers Street. The Minister for Planning's decision has now necessitated the need to update Precinct 7 within the UDF 2015 and prepare specific design guidelines for Showers Street, which recognises Showers Street residential characteristics as distinct from the strategic urban development corridor of St Georges Road.

These design guidelines seek to recognise Showers Street as a largely intact residential pocket which is distinguished from the balance of the St Georges Road Corridor, and to ensure that expectations of the scale and change in Showers Street is managed more strictly

by considering the requirements for change and the capacity of the modestly sized lots to accommodate taller built form.

Previous Council Resolution

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

Previous Briefing(s)

Councillor Briefing – 28 August 2017

Council Plan Goal/Endorsed Strategy

Goal 3 – A liveable city

Summary

The UDF 2015 was developed to set a clear direction for residential and mixed-use growth along the St Georges Road and Plenty Road corridors (the Corridors). The updated UDF 2015 (version 1.3) was presented to Council for adoption on 21 August 2017 as a single document for both the Plenty Road and St Georges Road corridors. It now reflects its status as a reference document in the Darebin Planning Scheme.

Draft design guidelines for Showers Street (north and south side) are proposed as an addendum to the UDF 2015 (version 1.4). Preparation of the design guidelines is in response to:

- Concerns expressed by Showers Street landowners and residents in two separate meetings with Council about the new planning controls introduced into the Darebin Planning Scheme through approval of Amendment C136.
- The Panel Report (31 July 2014) recommendation to create a separate Design and Development Overlay (DDO) or controls under the zone to the land on the north side of Showers Street.
- The Victorian Civil and Administrative Tribunal (VCAT) hearing [for Gonsalves and Darebin CC [2016] VCAT 2035 (2 December 2016)] which highlighted that DDO16 does not provide sufficient built form and design guidance for those properties in Showers Street.

This subsequent revised version 1.4 of the UDF 2015 includes the draft Showers Street design guidelines which now requires adoption by Council.

Council Resolution

MINUTE NO. 17-310

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

That Council adopts the draft Showers Street design guidelines as an addendum to the Urban Design Framework 2015 St Georges Road and Plenty Road Corridors to be a reference document in the Darebin Planning Scheme as shown in **Appendix A** to this report.

CARRIED

Joanna Cuscaden, Manager City Design and Strategic Planning, left the meeting at the conclusion of the above item at 6.47pm.

6.3 PROPOSED ROAD DISCONTINUANCE ADJOINING 2 AND 4 COMBIE STREET AND 13 SOUTH STREET, PRESTON**Author:** Property Manager**Reviewed By:** Director Operations and Environment

Report Background

This report provides Council with information regarding the outcome of statutory procedures relating to the proposed discontinuance and sale of part of the right-of-way adjoining 2 – 4 Combie Street and 13 South Street, Preston, as shown hatched in the site plan in **Appendix A** (Road), and recommends that the Road be discontinued and sold.

Previous Council Resolution

At its meeting held on 3 April 2017 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 adjoining 2 and 4 Combie Street and 13 South Street, Preston, 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 2 Combie Street, Preston, by private treaty and transfer to itself any land from the road not sold to the adjoining property owners.”*

Previous Briefing(s)

10 August 2017

Council Plan Goal/Endorsed Strategy

Goal 6 – A well governed Council

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 statutory procedures 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. All stakeholders including adjoining property owners were consulted and no objections were raised at that time.

At its Ordinary Meeting on 3 April 2017, Council resolved to commence the statutory procedures and give public notice of the proposed discontinuance and sale of the Road. Public notice of the proposal was given in the Preston Leader and Northcote Leader newspapers on 2 May 2017 and 3 May 2017 respectively. Notification was also given on council's website. The notice period ended on 2 June 2017 with no submissions received.

This report recommends that following the completion of the statutory procedures relating to the proposed discontinuance and sale of the Road and having received no submissions, that the Road be discontinued and sold by private treaty in accordance with Council policy and transfer any land not sold to itself.

Council Resolution

MINUTE NO. 17-311

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

That Council:

Having given public notice of a proposal to discontinue the road adjoining 2 and 4 Combie Street and 13 South Street, Preston, 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;
- (5) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties; and
- (6) Delegates power to the Chief Executive Officer to do all other acts to enable any land from the Road not sold to the adjoining property owners to be transferred to Council.

CARRIED

6.4 PROPOSED ROAD DISCONTINUANCE ADJOINING 3 TO 13 TRACEY STREET AND 54 TO 56 ELLIOT STREET, RESERVOIR**Author:** Property Manager**Reviewed By:** Director Operations and Environment

Report Background

This report provides Council with information relating to the outcome of statutory procedures into the proposed discontinuance and sale of part of the right of way adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir, as shown hatched on the site plan in **Appendix A** (Road) and recommends the discontinuance and sale of the Road.

Previous Council Resolution

At its meeting held on 15 May 2017 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 adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir, shown hatched on **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 3 to 13 Tracey Street and 54 and 56 Elliot Street, 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 – 10 August 2017

Council Plan Goal/Endorsed Strategy

Goal 6 – A well governed Council

Summary

This report provides the history and background relating to the right-of-way adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir (Road), shown hatched on the site plan **Appendix A**, as well as the outcome of the statutory procedures into its proposed discontinuance.

In 2015, Council received an enquiry from 'The Mayflower Group Reservoir', the owners of 56 Elliot Street, Reservoir, requesting the discontinuance and sale of the Road to facilitate a proposed redevelopment of the existing 38 bed nursing home and independent living units on the site. Initial investigations identified that Road was not constructed or used for access, and a majority of the Road appeared to have been enclosed within the applicant's property for many years. The Road is not listed on Council's Register of Public Roads; however it remains a road on title.

Additionally, a small part of the Road which is currently open and unused, directly adjoining 54 Elliot Street, is also proposed to be discontinued as part of this proposal and sold to the owners of that property.

At its Ordinary Meeting on 15 May 2017, Council resolved to commence the statutory procedures and give public notice of the proposed discontinuance and sale of the Road. Public notice of the proposal was given in the Preston Leader and Northcote Leader newspapers on 30 May 2017 and 31 May 2017 respectively. Notification was also given on Council's website. The notice period ended on 30 June 2017 with no submissions received.

This report recommends that following the completion of the statutory procedures relating to the proposed discontinuance and sale of the Road and having received no submissions, that the Road be discontinued and sold by private treaty in accordance with Council policy and transfer any land not sold to itself.

Council Resolution

MINUTE NO. 17-312**MOVED: Cr. S Newton****SECONDED: Cr. G Greco****That Council:**

Having given public notice of a proposal to discontinue the road adjoining 3 to 13 Tracey Street and 54 and 56 Elliot 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;
- (5) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties; and
- (6) Delegates power to the Chief Executive Officer to do all other acts to enable any land from the Road not sold to the adjoining property owners to be transferred to Council.

CARRIED

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

Anne Laver made a submission on the following item and was thanked by the Chairperson, Mayor, Cr. Le Cerf.

The Chairperson, Mayor, Cr. Le Cerf then read a submission on behalf of Nicky Passaportis on the following item.

7.1 OAKOVER ROAD SLIP LANE REVIEW

Author: Urban Designer

Reviewed By: Director City Futures and Assets

Report Background

The report is in response to Notice of Motion from 4 April 2016 and 4 July 2016 and discusses the feasibility of creating a permanent open space at the Oakover Road slip lane.

Previous Council Resolution

At its meeting held on 4 April 2016, Council resolved:

- *Maintain the closure of the slip lane at the corner of Oakover Road and High Street after the removal of the pop up park at this location.”*
- *Be presented with a report on the feasibility of a permanent green open space at this location in consultation with the JUMP community reference group and other stakeholders. The report may consider how such green open space can be constructed and maintained by community members or groups.*

At its meeting on 4 July 2016, Council resolved to:

- *‘Maintain the closure of the Oakover Road and High Street ‘slip lane’ to enable community consultation and a detailed traffic study to be conducted. This will enable a full analysis of the issues to be addressed with a report provided to Council on the outcomes with recommendations for consideration.’*

Previous Briefing(s)

- Council Briefing – 20 February 2017 and 10 August 2017.
- Council E Bulliten – 26 June 2017 and 5 July 2017

Council Plan Goal/Endorsed Strategy

Goal 1 – A sustainable city

- Goal 1.2 – We will increase sustainable transport through safer streets for walking and cycling, and advocacy for public transport.
- Goal 1.3 – We will expand and improve our network of open and green spaces, parks and natural environments to provide the lungs for our city and reduce the impacts of climate change.

Summary

- This report provides an overview of the community consultation and traffic investigations to assist in understanding the feasibility of creating a permanent space at the Oakover Road slip lane site.

Council Resolution

MINUTE NO. 17-313

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

That Council:

- (1) Endorses Option 1 as outlined in this report, to support the permanent closure of the Oakover Road slip lane to create a permanent public space as illustrated in **Appendix A.**
- (2) Notifies all submitters of Councils resolution regarding the Oakover Road slip lane.
- (3) Notifies all properties within a 500m radius of the subject site of Councils resolution regarding the Oakover Road slip lane.

CARRIED

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

Council Resolution

MINUTE NO. 17-314

MOVED: Cr. G Greco
SECONDED: Cr. S. Newton

That an Urgent Business item relating to Asylum Seekers be admitted to the agenda and heard at Item 9.1.

CARRIED

9.1 ASYLUM SEEKERS

Motion

MOVED: Cr. G Greco
SECONDED: Cr. S. Newton

That:

- (1) A letter be sent to the Prime Minister of Australia and the Minister of Immigration and Border Protection to demand that asylum seekers entitlements are not reduced and that the six month Visa E Category be abolished.
- (2) The Government stops its cruel and inhumane treatment of asylum seekers;
- (3) The legal and human rights of Asylum Seekers are protected;
- (4) Families with children are allowed to stay in Australia under community protection;
- (5) Darebin Council commits to the relief efforts in support of any of the effected 400 asylum seekers and their families in Darebin;
- (6) Darebin Council engages with all relevant networks to support sector coordination in the delivery of such relief and support.

Cr. Amir requested that the numbering of the motion be amended as follows:

That:

- (1) A letter be sent to the Prime Minister of Australia and the Minister of Immigration and Border Protection to demand that asylum seekers entitlements are not reduced and that the six month Visa E Category be abolished.
 - (a) The Government stops its cruel and inhumane treatment of asylum seekers;
 - (b) The legal and human rights of Asylum Seekers are protected;
 - (c) Families with children are allowed to stay in Australia under community protection;

- (2) Darebin Council commits to the relief efforts in support of any of the effected 400 asylum seekers and their families in Darebin;
- (3) Darebin Council engages with all relevant networks to support sector coordination in the delivery of such relief and support.

This was accepted by Cr. Greco and Cr. Newton.

Amended Motion

MOVED: Cr. G Greco
SECONDED: Cr. S. Newton

That:

- (1) A letter be sent to the Prime Minister of Australia and the Minister of Immigration and Border Protection to demand that asylum seekers entitlements are not reduced and that the six month Visa E Category be abolished.
 - (a) The Government stops its cruel and inhumane treatment of asylum seekers;
 - (b) The legal and human rights of Asylum Seekers are protected;
 - (c) Families with children are allowed to stay in Australia under community protection;
- (2) Darebin Council commits to the relief efforts in support of any of the effected 400 asylum seekers and their families in Darebin;
- (3) Darebin Council engages with all relevant networks to support sector coordination in the delivery of such relief and support.

The Chairperson, Mayor, Cr. Le Cerf proposed a further amendment to the numbering of the motion as follows:

That:

- (1) A letter be sent to the Prime Minister of Australia and the Minister of Immigration and Border Protection to demand:
 - (a) That asylum seekers entitlements are not reduced and that the six month Visa E Category be abolished;
 - (b) The Government stops its cruel and inhumane treatment of asylum seekers;
 - (c) The legal and human rights of Asylum Seekers are protected;
 - (d) Families with children are allowed to stay in Australia under community protection;
- (2) Darebin Council commits to the relief efforts in support of any of the effected 400 asylum seekers and their families in Darebin;
- (3) Darebin Council engages with all relevant networks to support sector coordination in the delivery of such relief and support.

This was accepted by Cr. Greco and Cr. Newton.

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

Council Resolution

MINUTE NO. 17-315

MOVED: Cr. G Greco
SECONDED: Cr. S. Newton

That:

- (1) A letter be sent to the Prime Minister of Australia and the Minister of Immigration and Border Protection to demand:
 - (a) That asylum seekers entitlements are not reduced and that the six month Visa E Category be abolished;
 - (b) The Government stops its cruel and inhumane treatment of asylum seekers;
 - (c) The legal and human rights of Asylum Seekers are protected;
 - (d) Families with children are allowed to stay in Australia under community protection;
- (2) Darebin Council commits to the relief efforts in support of any of the effected 400 asylum seekers and their families in Darebin;
- (3) Darebin Council engages with all relevant networks to support sector coordination in the delivery of such relief and support.

CARRIED

10. GENERAL BUSINESS

Nil

11. PETITIONS

12. REPORTS OF STANDING COMMITTEES

12.1 AUDIT COMMITTEE

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.

Meetings of the Audit Committee were held on 5 December 2016, 27 February 2017, 8 May 2017 and 17 July 2017. 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

MINUTE NO. 17-316

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

That the Reports of the Audit Committee meetings held on 5 December 2016, 27 February 2017, 8 May 2017 and 17 July 2017 be received and the Committee Recommendations be adopted.

CARRIED

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* (the Act) 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:

- Councillors Briefing Session – 10 August 2017
- Aged Care Reform Working Group – 14 August 2017
- Arts Hack for Darebin Arts Centre – 15 August 2017
- Darebin Women's Advisory Committee – 17 August 2017
- Darebin Bicycle Advisory Committee – 22 August 2017

Council Resolution

MINUTE NO. 17-317

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

That the record of the Assembly of Councillors held on 10, 14, 15, 17 and 22 August 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. 17-318

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

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:

- Northern College of Arts and Technology Tour
- Meeting with Mark Fennane, Executive Director – Victorian Public Tenants Association (VPTA)
- Walker Street Residents Meeting regarding Public Housing Renewal Program
- Darebin Falcons President's Brunch and Last Ever VFL Game at AH Capp Reserve
- Major Launch at Bundoora Homestead
- Regular Meeting with Communications
- Regular Meeting with A/Chief Executive Officer
- Ethnic Press Briefing
- Audit Committee Meeting
- Council Briefing Session
- Development in Darebin Tour
- Inner North Community Foundation Pathways to Employment Grant Celebration 2017
- Jobs for Youth Campaign Video
- Darebin Creek Management Committee meeting
- State Memorial Service – The Honourable Fiona Richardson MP
- Discussions re Proposed Council Plan Launch
- Discussions re Darebin Community News
- Darebin Education Committee
- Reservoir High School Performance
- Celebrate Father's Day with the Fitzroy Stars
- Council Meeting

REPORT OF CR. STEPH AMIR

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

- Darebin Bicycle Advisory Committee

- Press conference for Australia Day motion
- Meeting with Gail Cummings, VLGA
- Melbourne Innovation Centre Board meeting
- Cazaly Ward meeting
- Stakeholders meeting with DHHS regarding public housing development in Preston
- Council briefing session August 28th
- Development tour with the planning team (Bundoora, Preston and Thornbury)

REPORT OF CR. GAETANO GRECO

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

- Ganesh Chaturthi Celebration
- Major Launch at Bundoorra Homestead
- Kingsbury Bowls Club Opening of Greens
- Council Briefing
- Darebin Education Committee meeting
- Late Fiona Richardson MP Memorial Service
- Taste of India concert
- Meeting with Strathallan Open Space Community Coalition.

REPORT OF CR. TIM LAURENCE

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

-

REPORT OF CR. TRENT McCARTHY

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

- Council Briefing
- Memorial Service for the Late Fiona Richardson MP
- Interview with Inner Northern LLEN
- Walker Street Tenants and Local Residents Meeting
- Meeting with Public Housing Groups
- Farewell for Acting CEO
- Media interviews re January 26 decision
- Other matters on behalf of residents and traders

REPORT OF CR. LINA MESSINA

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

-

REPORT OF CR. SUSANNE NEWTON

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

- VLGA Board Meeting
- Darebin Falcons Brunch
- Major Launch at Bundoora Homestead Art Centre
- Council briefing session
- Tour of new developments in Darebin
- Meeting with Save Strathallan Open Space Community Coalition

REPORT OF CR. SUSAN RENNIE

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

-

REPORT OF CR. JULIE WILLIAMS

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

-

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

16. CLOSE OF MEETING

The meeting closed at 7.14pm.