



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 15 OCTOBER 2012

RELEASED TO THE PUBLIC ON THURSDAY 18 OCTOBER 2012

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 15 OCTOBER 2012**

THE MEETING OPENED AT 6.30PM

1. PRESENT

Councillors

Cr. Steven Tsitas (Mayor)
Cr. Stanley Chiang
Cr. Gaetano Greco
Cr. Vince Fontana
Cr. Nick Katsis
Cr. Tim Laurence
Cr. Ben Morgan
Cr. Trent McCarthy

Council Officers

Daniel Freer – Acting Chief Executive
Michael Ballock – Director City Works and Development
Fred Warner – Group Manager People and Performance
Katrina Knox – Group Manager Community Services
Kerrie Jordan – Acting Director Corporate and Business Services
David Shepard – Acting Director City Design and Environment
Jacinta Stevens – Acting Manager Corporate Governance
Ron Downes – Council Business Coordinator
Katia Croce – Council Business Officer
Karl Hale – Senior Communications Officer

In opening the meeting, the Mayor, Cr. Tsitas, commented on the various challenges and achievements of the present Council over the past 4 years, adding that he is very proud to have led the Council in 2011/2012.

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Chiang disclosed a conflict of interest in Report Item No. 8.3 (Condition of High Street between Clarendon Street and Dundas Street Thornbury) - see Page 17.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

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

THAT the Minutes of the Ordinary Meeting of Council held on 1 October 2012 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 496

5.1 REPORT OF CR. GAETANO GRECO

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

- Italian Pensioners Group.
- Reservoir Italian Elderly Citizens Group.
- Council Briefing Session.
- Resident concerns including cracked footpath, parking issues, laneway restoration and planning.
- Chaired Darebin Public Education Advocacy Committee meeting.

5.2 REPORT OF CR. STANLEY CHIANG

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

- Chinese Youth Dancing function.
- Chinese Ministerial Consultative Committee meeting.
- Planning Committee meeting.
- Council Briefing Session.

As a retiring Councillor, Cr. Chiang recounted his period on Council for the past 10½ years and highlighted his involvement in a large number of projects and programs, and his term as Mayor.

The Mayor, Cr. Tsitas, in response acknowledged the significant contribution made by Cr. Chiang as a Darebin City Councillor.

5.3 REPORT OF CR. TIM LAURENCE

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

- Council Briefing Session.
- Meeting with residents in Bundoora regarding dumped rubbish in Plenty Road.
- Meeting with residents regarding Powerlines issue in north-west Reservoir.
- Meeting with residents in East Reservoir regarding proposed development on the former 'Smorgy' sites.
- Consultation with vacant land owner in Merrilands Estate.
- Meeting with residents in East Reservoir regarding Bus services.
- Ganesh Chaturthi Festival.

Cr. Laurence also commended retiring, fellow La Trobe Ward Cr. Chiang on the contribution he has made as a long serving Darebin City Councillor.

5.4 REPORT OF CR. TRENT MCCARTHY

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

- Meeting regarding Merri Park.
- Council Briefing Session.
- Graffiti issues in Merri Parade to Westbourne Grove Northcote.
- Rates – Alphington resident.
- Building works in Thornbury.
- Building compliance in Northcote.
- Rubbish collection.
- Gaming Machines application at Grandview Hotel.
- Street works issue in Fairfield.
- Street tree issue in Thornbury.
- Dogs in All Nations Park.
- Issues around security and dumping at Urquhart Street, Railway Park area.

Cr. McCarthy extended congratulations to residents in Union Street Northcote for the installation of new pavers as part of a resident-run initiative.

Cr. McCarthy also congratulated Cr. Chiang on his 10½ years service to Darebin City Council and community.

5.5 REPORT OF CR. NICK KATSIS

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

- Planning Committee meeting.
- Constituent concerns.

Retiring Cr. Katsis thanked his fellow Councillors and the Executive Management Team and congratulated Cr. Chiang on the significant service he has given to the Darebin community.

5.6 REPORT OF CR. VINCE FONTANA

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

- Northern Blues Business Network Breakfast.
- Launched the Pink Ribbon Breakfast at Preston Market.
- Met with Fyffe Street Thornbury residents to discuss traffic and safety issues.
- The Basilicata Bocce Club Prostate Cancer Foundation BBQ.
- The Northern Bullants Best and Fairest Presentation Night.
- Met with residents of Cambrian Avenue Preston to discuss tree issues.

Cr. Fontana also extended 'best wishes' to retiring Councillors, thanked the officers for their support and assistance, and wished all candidates well in the upcoming 2012 Darebin Council Elections.

5.7 REPORT OF CR. BEN MORGAN

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

- Planning Committee meeting.
- Usual resident matters.

Retiring Cr. Morgan wished all his fellow Councillors and the Officers good luck in the future.

5.8 REPORT OF THE MAYOR, CR. STEVEN TSITAS

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

- Planning Committee meeting – 8 October 2012.
- Council Briefing Session – 8 October 2012.
- Council Meeting – 15 October 2012.

The Mayor, Cr. Tsitas, acknowledged the contributions made by each of the retiring Councillors and expressed pride in serving as Mayor of the City in 2011/2012.

6. PUBLIC QUESTION TIME

MINUTE NO. 497

*In accordance with Council's 2012 Caretaker Policy involving the Election Period, 'Public Question Time' is suspended and will **NOT** be held at this meeting.*

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 498

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

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

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

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 8 October 2012

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. G. Greco

THAT the record of the Assembly of Councillors held on 8 October 2012 and be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title: Councillor Briefing Session Date: Monday 8 October 2012 Location: Conference Room, Darebin Civic Centre
PRESENT:	Councillors: Cr Steven Tsitas (Mayor), Cr. Stanley Chiang, Cr Tim Laurence, Cr Gaetano Greco, Cr Trent McCarthy Council Staff: Daniel Freer, Michael Ballock, Katrina Knox, Kerrie Jordan, Fred Warner, David Shepard Jacinta Stevens, Sally Jones 7:40pm- 7:50pm
APOLOGIES:	Cr Vince Fontana

The Assembly commenced at 7:20pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Regional Kitchen – Value for Money report	No disclosures were made
2	12 month calendar of Culturally inclusive events	No disclosures were made Sally Jones entered the Assembly at the commencement of this matter at 7:40pm and left at the closure of this matter at 7:50pm
3	Three Year Cash Grants	No disclosures were made
4.	Administrative matters in relation to the CE and circulation of confidential information.	No disclosures were made
5	2011/2012 Councillor Initiatives – June 2012 Progress Report	No disclosures were made
6	School Crossing Supervisor Program	No disclosures were made

The Assembly concluded at 8.25pm

RECORD COMPLETED BY:	Officer Name:	Kerrie Jordan
	Officer Title:	Acting Director Corporate & Business Services

8. CONSIDERATION OF REPORTS

8.1 ANNUAL REPORT 2011/2012

MINUTE NO. 499

AUTHOR: Corporate Planner

REVIEWED BY: Acting Director Corporate and Business Services

SUMMARY:

The purpose of this report is to present the Darebin City Council Annual Report for 2011/2012.

The Annual Report includes:

- Council's progress against measurement indicators contained in the 2009-2013 Council Plan;
- Council's financial performance for the year through the audited standard, financial and performance statements;
- Information pertaining to Darebin City Councillors and committees;
- Comprehensive review of Council operations carried out during the year; and
- Other statutory reports.

CONSULTATION:

Mayor and Councillors
Chief Executive
Executive Management Team
Chief Financial Officer

COUNCIL RESOLUTION

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

THAT the Darebin City Council Annual Report 2011/2012 attached as **Appendix A** to this report be received.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

The Local Government Act (1989) and regulations require each Council in Victoria to prepare an Annual Report for each financial year containing a report of operations and audited standard, financial and performance statements.

Each Council must also present the Annual Report for each financial year at a Council Meeting within one month of providing the Annual Report to the Minister. The Minister must receive a copy of the Annual Report on or before 30 September each year.

ISSUES AND DISCUSSION

The Darebin City Council Annual Report (including Audited Statements) for 2011/2012 was completed and submitted to the Minister for Local Government on Thursday 27 September 2012.

The statutory notice for consideration of the Annual Report appeared in The Age on 28 September 2012 and copies appeared in the Preston Leader on 2 October 2012 and the Northcote Leader on 3 October 2012. The report has been available for inspection by the public since 28 September 2012.

A summary of the information contained within each of the sections of the Annual Report is provided below.

- The year in review – contains a reflection on the year by Council's Mayor and Chief Executive as well as an overview of our financial health. As the Council is currently in caretaker, the Mayor's reflection has been removed for presentation to Council, but will appear in the final publication of the Annual report following the elections on 27 October 2012.
- Councillors and committees – provides information about Darebin's Councillors and Committee members.
- Operational report – outlines Council organisation structure and provides a service description of each department.
- Performance report – presents the results of 19 performance indicators identified in the Council Plan and also provides details of some of Council's achievements during the year.
- Workplace report – outlines Darebin's workplace and our employees.
- Our Services – examines the activities identified in the Council Plan and Budget and reports on progress during 2011/2012.
- Diversity report – discusses Darebin's community profile and provides a report on Council's response to diversity.
- Environmental report – reviews Darebin's programs, achievements and provides a response to environmental performance.
- Financial Statements – details Council's financial situation, contains statements audited by the Victorian Auditor General and a copy of his audit opinion.

- Statutory Reports – prescribed information that is governed by Parliamentary Acts, Regulations and Ministerial directions.

POLICY IMPLICATIONS

Environmental Sustainability

Some Councils choose not to print their Annual Report for environmental reasons. Darebin Council has chosen to print the Annual Report 2011/2012 in an attempt to keep the document accessible to the whole community. The Annual Report will be printed on recycled paper and print runs will be limited to reduce waste.

Social Inclusion and Diversity

Links to the Multilingual Telephone Line and TTY are listed inside the Annual Report, and will be printed on the back cover of the printed version. The Annual Report is also available in large print upon request. As mentioned in the previous section, the Annual Report is printed, as well as available in electronic format, in an attempt to make it accessible to all members of the Darebin community.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Production and printing of the Annual Report 2011/2012 will be completed within the Corporate Governance Department's operational budget.

CONCLUSION

The Annual Report 2011/2012 has been prepared in accordance with the requirements of the Local Government Act 1989, and is presented to Council for the purpose of receiving the Report.

FUTURE ACTIONS

A letter will be sent to the Minister for Local Government advising of Council's receipt of the Annual Report 2011/2012, together with further copies of the full report.

A copy of the Annual Report will be available for inspection by the public at Customer Service Centres and on Council's website.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Annual Report 2011/2012 (**Appendix A**)

Council Plan 2009-2013

Council Budget 2011/2012

8.2 FINANCIAL REPORT – 3 MONTHS ENDED 30 SEPTEMBER 2012**MINUTE NO. 500****AUTHOR: Acting Chief Financial Officer****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

A comprehensive financial review has been undertaken for the three months ended 30 September 2012 to assess the financial performance of Council year-to-date. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$73.1 million, which is \$3.4 million ahead of budget and capital works expenditure of \$3.0 million, which is \$0.8 million behind the budget. All material variations have been explained in the report.

CONSULTATION:

Managers and Coordinators.

COUNCIL RESOLUTION

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

THAT the contents of the “Financial Report for the three months ended 30 September 2012” included as **Appendix A** to this report be received and the year-to-date actual and budget operating and capital results be noted.

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

Under the Local Government Act 1989, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date. In complying with the Act, the attached report (**Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the three months ended 30 September 2012. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

ISSUES AND DISCUSSION

Operating Performance

For the three months ended 30 September 2012 Council has recorded an operating surplus before capital revenue and other items of \$70.9 million, which is \$2.0 million ahead of the year to date budget. The main items contributing to this favourable variance are other revenue and material and services, partly offset by unfavourable variances in user fees and other expenses. After capital and other items, the operating surplus is \$73.1 million, which is \$3.4 million ahead of the year to date budget.

Capital Performance

For the three months ended 30 September 2012 Council has expended \$3.0 million on the capital works program, which is \$0.8 million behind the year to date budget. The variance is due mainly to delays with works on roads and open space projects.

Financial Position

The Financial Position as at 30 September 2012 shows a cash balance of \$41.4 million which is \$7.6 million behind the year to date budget. The variance is due to a number of factors, primarily delays in the receipt of the first quarterly rates instalment and a reduced creditors balance compared to the year to date budget. The net current asset position of \$104.1 million is \$4.0 million greater than the year to date budget. The variance is due to the higher trade and other receivables, lower trade and other payables and a lower cash position compared with budget. The net asset position of \$1.194 billion is \$183.1 million greater than the year to date budget and reflects the impact of asset revaluations at 30 June 2012 of \$195.0 million.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

The Financial Report for the three months ended 30 September 2012 shows that Council's year-to-date operating result is a surplus of \$73.1 million and \$3.0 million has been expended on capital works.

FUTURE ACTIONS

A further financial report will be presented to Council for the four months ending 31 October 2012.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Nil

Cr Chiang disclosed a conflict of interest in the following report classifying the type of interest as an indirect interest because of impact on residential amenity in that he conducts business in a nearby property and there is a reasonable likelihood that residential amenity will be altered if the matter is decided in a particular way. He left the meeting prior to consideration of the matter – 7.17pm.

8.3 CONDITION OF HIGH STREET BETWEEN CLARENDON STREET AND DUNDAS STREET, THORNBURY

MINUTE NO. 501

AUTHOR: Manager Assets and Properties

REVIEWED BY: Acting Director Corporate and Business Services

SUMMARY:

Council, at its meeting on 17 September 2012, resolved via 'General Business':

That Council receive a report on the condition of High Street between Clarendon Street and Dundas Street, Thornbury following recent works by utility companies, as well as what steps can be taken to address unsatisfactory and dangerous footpath and road surface repairs.

This report notes that temporary reinstatements are being used by the utility authorities following underground service renewal works along High Street. These temporary reinstatements are of a generally poor quality and are not intended to be permanent. The underground service works are nearing completion and officers are following up with the utility authority to ensure permanent reinstatement of road and footpath openings to an acceptable standard.

CONSULTATION:

Internal departments
APA Group

COUNCIL RESOLUTION

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

THAT Council note this report regarding recent works by utility companies along High Street from Separation Street in Northcote through to Dundas Street in Thornbury.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Council at its meeting on 17 September 2012 considered an item of 'General Business' relating to the condition of High Street between Clarendon Street and Dundas Street, Thornbury and resolved:

That Council receive a report on the condition of High Street between Clarendon Street and Dundas Street, Thornbury following recent works by utility companies, as well as what steps can be taken to address unsatisfactory and dangerous footpath and road surface repairs.

Recent works have been undertaken along High Street from Separation Street in Northcote through to Dundas Street in Thornbury to renew significant portions of the underground gas distribution network by APA Group. These works have involved excavation of road and footpath pavements owned by Council. APA Group had notified Council of these works in advance and Council advised of its reinstatement requirements.

As the works were extensive and undertaken over a period of weeks, temporary reinstatements of the road openings were used prior to final reinstatement

ISSUES AND DISCUSSION

Utility service authorities, such as gas, electricity, water and communications providers, have assets within road reserves. The Road Management Act 2004 requires the service authorities to make application to Council to undertake works on these underground assets. Such application is made via a 'Works Within Road Reserves' form which is proscribed in Appendix 2 of the Code of Practice for Management of Infrastructure in Road Reserves.

Under the Code of Practice, Council may only withhold consent or impose conditions on providing consent in relation to the following:

- a) Effect on road safety;
- b) Effect on the integrity of existing road infrastructure;
- c) Effect on planned infrastructure contained in a published business plan/program/strategy and/or in a planning scheme;
- d) Delays or inconvenience to road users, including pedestrians, people with disabilities and cyclists; and/or
- e) Effect on the efficiency and/or effectiveness of delivery of utility services.

APA Group submitted an application for works within road reserves for High Street, Northcote between Dundas Street and Separation Street in March 2012. The proposed works involved upgrade and renewal of approximately 3,280 metres of gas main. 80% of the works were to be completed by inserting a new gas main inside the existing gas main, the remaining 20% involved laying of new mains in open cut trenches.

On 17 April 2012 Council responded providing consent for the works with the following conditions:

- Trenching within the footpaths will require concrete footpath to be saw cut and reinstated from join to join to the existing bay width
- Road surface to be re-asphalted longitudinally from the lip of the kerb to the outer extent of the works in the road or two metres from the lip of kerb, whichever is greater
- All relevant permits to be obtained from VicRoads and Yarra Trams prior to commencement
- All works subject to Council's reinstatement requirements and procedures
- Approved hours of work as follows:
 - Monday to Friday - 9:00am to 5:30pm and 11pm to 7am
 - Friday/Saturday – 11:00pm Friday to 8:00am Saturday
 - Sunday - Midnight to 9:00am
- No more than 15 car spaces are to be occupied by the works during the day
- Temporary cold mix asphalt reinstatement can be used for up to one week, unless otherwise directed by Council
- Damage to Council assets to be repaired by the contractor to Council requirements
- Notification to be provided to Council seven days prior to commencement
- Council will not be responsible for any damages or accidents related to the works
- Traffic management to be provided in accordance with approved standards
- Traffic management plan to submitted prior to commencement of works
- Should access to private properties be affected as a result of the proposed works written notice to the owner/occupier is required to be provided by the contractor 24 hours prior to such access being restricted
- Advanced detailed notification of the proposed works to be provided in writing by APA Group to the residents and occupants of all affected properties impacted by the proposed works seven days prior to the commencement of works
- All naturestrip trees within the vicinity of works are to be bored under
- Any signs, lines or street furniture affected by the works are to be replaced immediately upon completion of the works and linemarking fully reinstated within seven days of completion of asphalt works.

APA Group have undertaken final reinstatements in the section of High Street between Separation and Martin Street.

Temporary reinstatements of the road and footpath are in place in the section of High Street between Martin Street and Dundas Street. These temporary reinstatements consist of cold mix asphalt patches, which whilst they are of a poor quality, the temporary patches are considered to be safe and fit for purpose at the time of preparing this report.

Officers are following up with APA Group to ensure that final reinstatements of the temporary asphalt patches are undertaken as soon as possible. The most recent advice from APA Group is that these works will be completed within the next few weeks.

POLICY IMPLICATIONS**Environmental Sustainability**

This report has no environmental sustainability implications.

Social Inclusion and Diversity

This report has no social inclusion and diversity implications.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications to Council at this stage as reinstatement works are to be carried out by APA Group as per the conditions of consent.

Should the works not be carried out within a timely manner, Council is empowered under the Road Management Act 2004 to undertake the works and seek recompense from APA Group.

CONCLUSION

The Road Management Act 2004 recognises and supports the right of service authorities to locate and maintain utility infrastructure in road reserves.

APA Group applied to Council for consent to undertake gas main works in High Street between Separation Street in Northcote and Dundas Street in Thornbury. Council provided conditional consent for these works.

Officers are aware of the condition of temporary reinstatements undertaken by APA Group in High Street, Thornbury and are following the matter up with that company to ensure that permanent reinstatements are completed in a timely manner.

FUTURE ACTIONS

- Officers to continue to follow up the matter with APA Group
- APA Group to complete gas works along High Street (between Separation Street and Dundas Street)
- APA Group to undertake permanent reinstatement works

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- Minute No. 472, "Condition of High Street between Clarendon Street and Dundas Street, Thornbury", Darebin City Council, 17 September 2012
- Road Management Act 2004, State Government of Victoria
- Code of Practice for the Management of Infrastructure in Road Reserves, State Government of Victoria

Cr Chiang returned to the meeting at the conclusion of the above item – 7.20pm.

8.4 SCHOOL CROSSING SUPERVISOR PROGRAM**MINUTE NO. 502****AUTHOR: Acting Manager Economic Development and Civic Compliance****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

At its meeting on 3 September 2012, Council requested a report in September or October 2012 on improvements that can be made to the processes of assessment, consultation and prioritisation of the school crossing supervisor program as well as strategies to improve recruitment of school crossing supervisors.

CONSULTATION:

Coordinator Civic Compliance

Manager Major Projects, Engineering & Transport

Team Leader Traffic Enforcement

Manager Community Planning, Partnerships and Performance Staff

COUNCIL RESOLUTION**MOVED: Cr. T. McCarthy**
SECONDED: Cr. B. Morgan

THAT Council receive and note the contents of this report in relation to School Crossings.

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

The process for approval of school crossings is undertaken in accordance with the VicRoads Traffic Engineering Manual. The provision of a school crossing and then a supervisor is a two-step process.

The first step involves assessing the location of the crossing. The Traffic Engineering Manual states that the provision of a school crossing may be considered at locations where during any hour on a normal school day, 20 or more children cross the road within 20 metres of the proposed crossing location and the vehicle flow during the same hour exceeds 50 vehicles per hour.

At locations where these warrants are not met, Council needs to seek approval of VicRoads prior to installing a school crossing.

The second step is the provision of a supervisor. The State Government provides a subsidy to Councils for the adult supervision of school crossings. The subsidy is determined annually by distributing the total funds available between all Victorian municipalities, in proportion to the number of supervisors at eligible crossings. Hence the amount of the subsidy does not necessarily reflect the total cost of supervising the school crossings.

A condition of the subsidy is that supervisors be trained by Council in the procedures and traffic laws relating to supervisors and crossings generally.

ISSUES AND DISCUSSION

Assessment

As part of the VicRoads administrative arrangements of the school crossing subsidy program, Councils are required to review the eligibility of all crossings each year and provide VicRoads with a certified listing of eligible crossing locations and the number of supervisors required at each crossing by the end of November. This list is combined with all other municipalities' lists to determine the amount of the subsidy.

The review of the eligibility of each location is undertaken by Councils Major Projects, Engineering and Transport Department. This process involves a survey count on all existing sites and potentially new sites. This is done on a 3 year cycle to ensure that no data is more than three years old.

A school crossing is eligible for a subsidy if the following warrants are met

- *School Crossing for primary school children* – where the number of children (minimum 20) multiplied by the number of vehicles in the hour (minimum 100) exceeds 5,000
- *School Crossing for secondary school children* - where the number of children (minimum 20) multiplied by the number of vehicles in the hour (minimum 250) exceeds 25,000
- *Pedestrian operated signals* – more than 20 primary school children per hour,
- *Other crossings* – where the Council obtains VicRoads' agreement to the need for supervision on account of special needs (eg. Children with disabilities) or other factors affecting safety, such as excessive vehicle speed, road geometry, limited sight distance, volume of heavy vehicles or road width.

An assessment of 93 sites is being undertaken in preparation for the 2013/2014 subsidy application.

Consultation and prioritization

The location of schools crossings is determined by talking with the schools and by observation/parent concerns. Given the warrants for the location of school crossings, no specific consultation is undertaken in regard to the demand of school crossings.

Within Darebin there are currently:

- 92 established school crossings with an additional one being proposed for 2013/2014
- 68 crossings have a supervisor assigned to them

- 57 of the school crossings meet the criteria stipulated by VicRoads
- 35 are supervised due to a combination of reasons these being:
 - Traffic congestion
 - Number of children crossing
 - Community expectation.

Recruitment

Responsibility for the recruitment and management of the School Crossings Supervisors sits with Council's Civic Compliance Unit. The recruitment of school crossing supervisors is an ongoing task. There is a constant need to keep up the number of staff to cover the crossings including absences which is not unique to Darebin. Traditionally, the main form of recruitment was through the internet under 'School Crossing Supervisors' but unfortunately was difficult to find. As of August 2012 Council has permanently listed the vacancy under Darebin Jobs on Darebin's website.

Council also lists vacancies with Centrelink and runs advertisements in the local newspapers and may get into the Mayor's Column when there is enough space. The local newspapers have run stories relating to School Crossing Supervisors which does receive some interest. However it is challenging for the local newspaper to run these stories – as it is not of much interest to them. Job advertisements are also sent to schools for placement on noticeboards and in newsletters. We also have our Supervisors encourage others they meet and their peers to apply for the vacant positions.

A recent review of Council's recruitment process identified further opportunities for recruitment. These include:

- Articles in Darebin's Community News,
- Advertising at La Trobe University targeting students, and
- Investigating advertising at Senior Citizen Clubs.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil

Social Inclusion and Diversity

Darebin's demographics and cultural identity is recognised through the recruitment process as well as the provision of this service.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

For the 2012/2013 financial year Council received a subsidy of \$189,973 for 57 supervisors. The total cost of the service is \$800,874.

CONCLUSION

This report covers:

- The process followed by Council for the school crossing program, and
- The current and future strategies for recruitment of School Crossings Supervisors.

FUTURE ACTIONS

- Implement recruitment strategies outlines in the report.
- To undertake the assessment of the 93 sites for 2013/2014.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Survey data
VicRoads Children's Crossing Supervisor Scheme Guidelines

8.5 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**MINUTE NO. 503****AUTHOR: Council Business Coordinator****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at September 2012.

COUNCIL RESOLUTION**MOVED: Cr. B. Morgan**
SECONDED: Cr. T. Laurence

THAT the status report on Reports and 'General Business' items outstanding as at September 2012, attached as **Appendix A** to this report, be received and noted.

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

The status of outstanding reports and actions requested by Council resolution is reported to Council monthly.

ISSUES AND DISCUSSION

A schedule of the reports and actions outstanding as at September 2012 is attached as **Appendix A**.

The list of reports requested includes items raised by Councillors under 'General Business'.

Items are deleted from the list once the report or action has been completed and the completed status has been noted by the Council.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is recommended that this status report on Reports and 'General Business' items outstanding as at September 2012 be received and noted.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 3 December 2012.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Minutes of previous meetings of the Council.

8.6 COMMUNITY GRANTS SCHEME 2012/2013 – THREE YEAR CASH GRANTS**MINUTE NO. 504****AUTHOR: Group Manager People and Performance****REVIEWED BY: Acting Chief Executive Officer****SUMMARY:**

At its meeting on 6 August 2012, Council resolved:

That Council defer its decision on the 2012/2013 Three Year Cash Grants pending officers' review of the acquittal results.

At its meeting on 3 September 2012, Council considered a report in response to the above resolution. The report recommended that "Council approve the allocation of the 2012/2013 Three Year Cash Grants as detailed in this report and in the attached Appendix A". Council adopted the following resolution:

That Council approve the allocation of the 2012/2013 Three Year Cash Grants as detailed in this report and in the attached Appendix A with the exception of:

- *The Lebanese Al-Kataeb Association Inc.*
- *World Lebanese Cultural Union of Vic (WLCU) Inc.*
- *United Australian Lebanese Movement of Victoria.*

with further information to be provided regarding the expenditure of these grants and their compliance with the Local Government Act 1989 and other related rules and regulations, and further, that clarification be sought whether Council can seek return of 2011/2012 grant monies paid from organisations who have not spent funds in accordance with application made.

The report was presented to Council at its meeting on 1 October 2012, with Council adopting the following resolution:

That consideration of the matter be deferred until the next Council meeting on 15 October 2012 and that Council be briefed beforehand on the legal position at the Council Briefing Session on 8 October 2012.

This report provides information on:

- The actions taken following the Council resolution on 3 September 2012 and 1 October 2012, and
- Officers' recommendations for continued funding for the organisations mentioned in the resolution, action that can be taken against organisations who have not complied with the conditions of funding and improved governance of the Community Grant Funding process.

CONSULTATION:

Community Grants Officer
Community Planning, Partnerships and Performance
Community grant applicants mentioned in the resolution
Legal Advisors

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. N. Katsis

THAT Council:

- (1) Approve the allocation of the 2012/2013 Three Year Cash Grant for:
 - The Lebanese Al-Kataeb Association Inc.
 - World Lebanese Cultural Union of Vic (WLCU) Inc.
 - United Australian Lebanese Movement of Victoria.
- (2) Take no further action in seeking a return of 2011/2012 grant monies paid to organisations that may have not spent funds in accordance with application made.
- (3) Receive a further report in December 2012, identifying the recommended Community Grants process for 2013/2014, including the recommended wording for the application, letter of offer and acquittal documentation.

CARRIED

A Division was called:

For

The Mayor, Cr. S. Tsitas
Cr. T. McCarthy
Cr. T. Laurence
Cr. S. Chiang
Cr. G. Greco
Cr. N. Katsis

Against

Cr. B. Morgan
Cr. V. Fontana

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

REPORT

INTRODUCTION AND BACKGROUND

The Community Grants Program is a key community development program undertaken by Council each year. The program encourages and supports the development of community based programs which enable the active participation of Darebin residents. The program is available to 'not-for-profit', locally based community groups and organisations or those meeting a demonstrated need or interest of Darebin residents.

ISSUES AND DISCUSSION

Return of Grant money

Following Council's resolution passed on Monday 6 August 2012 Council officers sent a letter to the 23 organisations currently funded under the 3 Year Cash Grant stream requesting the following information:

- Copy of the organisation's financial statement for 2011/2012 financial year.
- Evidence (including receipts) of expenditure of the grant money from Darebin Council.
- Details on the program/project outcomes. (Details must include evidence on whether the project/program was completed in accordance with the original application, when and where it was undertaken/provided, how and what the grant money was spent on.)

Council officers reviewed the information provided by the organisations to ensure that the project objectives were delivered and the grant money expended as indicated in their approved application.

Council endorsed Officer's recommendation that the following organisations no longer receive funding:

- Florinian Elderly Citizens Club Inc
- The Alawi Islamic Social Centre
 - Language Arabic classes for children 5 years over (primary school age)
 - Arabic Speaking Women's Information sessions and Cultural Annual Event
- Darebin African Resource Centre Inc
- Sierra Leone Australia Community of Victoria.

The decision to cease funding is consistent with item 5.8 of the conditions of grant which states *Non compliance with the conditions detailed in these Conditions of Grant may result in the funded group /organisation being requested to return the funds to Council or the funded group/ organisation being ineligible for future funding.*

Council's request to seek clarification on whether Council can seek reimbursement of grant monies in addition to ceasing future funding is determined by item 5.8 above. All of the organisations signed an agreement to comply with conditions of grant that included item 5.8.

Council will note that item 5.8 addresses the continuance of funding and the capacity to seek reimbursement in situations where conditions of funding have not been complied with.

However, in situations where non compliance has occurred, the wording in item 5.8 provides Council with a choice of whether to cease future funding or seek reimbursement. Item 5.8 does not provide for Council to implement both actions.

As Council has already determined to cease funding, to the above organisations, the option of seeking reimbursement is not available to Council in accordance with the conditions of funding.

Item 5.8 would similarly apply to the organisations mentioned in Councils resolution of 3 September 2012 provided a serious breach of the conditions of grant was established. As these organisations have not had their funding ceased, the option of a return of previous grants remains available. Matters relating to the compliance with the conditions of grant for these organisations are discussed later in this report.

The conditions of funding have been updated. Council will, with all new applications, have the capacity to implement both actions. A further report on the conditions of grant, application and acquittal process and the content of the letter of offer are subject of a recommendation in this report.

United Australian Lebanese Movement of Victoria

The United Australian Lebanese Movement of Victoria is funded for two projects. The Lebanese Film Festival and the Lebanese Cultural Festival and Lebanese National Day of Celebration. Both programs have already had two years of funding.

Both programs meet our community grant objective of encouraging and supporting the development of community based programs which enable the active participation of Darebin residents. Both programs were successfully run with the organisation providing acquittal details with additional information that satisfies the acquittal requirements. Where formal evidence was not available, a statutory declaration was provided. Whilst Officers would normally seek more concrete evidence, in this circumstance it is difficult to reject the statutory declaration as the invoices etc not provided relate to ancillary and peripheral costs that in the past have not required evidence and may not have required receipts or invoices. E.G. Administration overheads.

The organisation had assumed total expenditure of \$17,040.00 for the Lebanese Cultural Festival and Lebanese National Day of Celebration and \$16,428 for the Lebanese Film Festival. The actual amount spent was \$10,520 and \$10,460 respectively.

The budget assumptions on both programs were clearly overestimated. The suggested cost of key items such as films, venue hire, for the Lebanese Film Festival and advertising, administration and musicians for the Lebanese Cultural Festival and Lebanese National Day of Celebration were underspent.

There is no evidence that the under expenditure adversely impacted on the programs outcome or was deliberately orchestrated to reduce the amount contributed by the organisation. There is also no evidence that the programs will not exhaust the entire assumed budget in the third and final year of the funding.

World Lebanese Cultural Union of Victoria Inc

The World Lebanese Cultural Union of Victoria Inc was funded to provide a program that Honours and Supports VCE students and the Independence of Lebanon.

The program meets our community grant objective.

The program was successfully run with the organisation providing acquittal details with additional information that satisfies the acquittal requirements. Formal evidence was not available for the cash prizes provided to students as no receipts or invoices were provided.

The organisation had assumed total expenditure of \$23,700. The actual amount spent was \$18,350. The catering costs and student prize money were two areas that were underspent. \$4,000 and \$400 was underspent respectively.

Students are required to submit an application to be considered for a prize. The criteria required a pass mark of 90 percent or better. Five students were honoured for achieving the criteria.

There is no evidence that the under expenditure adversely impacted on the programs outcome or was deliberately orchestrated to reduce the amount contributed by the organisation. There is also no evidence that the programs will not exhaust the entire assumed budget in the third and final year of the funding. Officers of Council will monitor actions taken to ensure every effort is taken to promote and consider applications from Lebanese students for successfully completing VCE.

The original application while not stating that the student prizes would be cash, clearly identified that prizes would be awarded to successful students. Legal advice received supports the view that no Act, Regulation or Rule had been breached by Council providing grant money that was partly to be provided as a cash prize.

This grant has two years to run.

Lebanese Al-Kateab Association Inc

The Lebanese Al-Kateab Association was funded to provide a Festive Celebration and several Informative days.

The program meets our community grant objective.

The programs were successfully run with the organisation providing acquittal details with additional information that satisfies the acquittal requirements. Formal evidence was not available in the original Acquittal form for the final informative day as it had not been completed at the time the Acquittal was required to be provided. The evidence was provided at a later date.

The organisation had assumed total expenditure of \$28,400. The actual amount identified in the original Acquittal was \$22,675.

A further \$6,000 was spent on the program not undertaken at the time the acquittal was provided.

Receipts and invoices have been provided to confirm expenditure.

The original application identified the purpose of the informative days and cited the range of people that would be invited to attend. This included politicians, community leaders and neighbourhood residents. The organisation has confirmed to Council that politicians from at least the two main political parties were invited and in attendance at a number of the informative days.

That is no evidence that the programs were not developed to meet the objectives set out for community grants and the objectives determined in the application for grant. Furthermore, as there is no evidence that the organisation was favouring one political party over any other, Council is not placed in a compromising or legally questionable position by continuing with the grant funding for the duration of the agreement.

The program has two more years to run.

CONCLUSION

The acquittals demonstrate that it is common for funded organisations to not fully spend the assumed budget.

These organisations in the main are not professional businesses that financially plan for strategic business decisions. They are ostensibly community groups that organise to genuinely seek to contribute to their community and the municipality. There is no evidence that when financially planning for an event that assumed expectations on expenditure would not be met.

POLICY IMPLICATIONS

Environmental Sustainability

A recommended community grants priority is environmental sustainability. Therefore the community grants program will encourage community organisation initiatives related to the care and protection of our environment.

Social Inclusion and Diversity

The community grants program is a major platform for Council to further its social inclusion agenda. The grants relate to linking people together to improve community connectedness.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The funded amounts are available in the community grant budget.

FUTURE ACTIONS

Organisations will be notified of the result and cheques will be available to collect for successful applicants following the Council meeting.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Community Grants applications

2011/2012 Community Grants Program Conditions of Funding

Three Year Community Grants Acquittals

Council Minutes – 6 August 2012, 3 September 2012 and 1 October 2012.

8.7 ANNUAL REPORTS FROM COMMITTEES WITH COUNCILLOR REPRESENTATION**MINUTE NO. 505****AUTHOR: Acting Manager Community Planning Partnerships and Performance****REVIEWED BY: Group Manager People and Performance****SUMMARY:**

This report introduces an annual account from 29 Committees that have Councillor representation.

Reports have been received for the following Committees:

1. Planning Committee
2. Hearing of Submissions Committee
3. Bundoora Homestead Art Centre
4. Audit Committee
5. Active and Healthy Ageing Community Advisory Board
6. Darebin Disability Advisory Committee
7. Darebin Early Years Reference Group
8. Darebin Environmental Reference Group
9. Darebin Housing Advisory Committee
10. Darebin Interfaith Council
11. Darebin Local Safety Committee
12. Darebin Women's Advisory Committee
13. DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee
14. Preston Business Advisory Committee
15. East Reservoir Neighbourhood Renewal Steering Committee
16. Northland Structure Plan Steering Committee
17. City of Darebin Art and History Collections Advisory Committee
18. Darebin Arts Forum
19. Darebin Australia Day Committee
20. Municipal Emergency Management Planning Committee
21. Darebin Creek Management Committee
22. Merri Creek Management Committee
23. Darebin Public Education Advocacy Committee
24. Same Sex Attracted and Gender Diverse Advisory Committee
25. Darebin Aboriginal Advisory Committee
26. Darebin Bicycle Advisory Committee
27. Darebin Ethnic Communities Council
28. Reservoir Structure Plan Community Reference Group
29. Darebin Enterprise Centre Ltd.

The aim of the attached accounts is to give Council a summary of key achievements from each of the Committees for 2011/2012.

CONSULTATION:

Executive Management Team

COUNCIL RESOLUTION

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

THAT Council notes the attached annual reports from various Committees that include Councillor representatives attached as **Appendix A** to this report.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

Darebin City Council has established a number of Standing Committees and Community Advisory Committees to facilitate efficient and effective decision making processes. Council also appoints Councillor representatives on externally established committees. This Report introduces an annual summary from all Committees on which Council is represented.

ISSUES AND DISCUSSION

There are a number of different committees on which Council is represented:

Special Committees are formal committees that either make decisions on behalf of Council, manage a service or facility on behalf of Council or advise and recommend to Council on a specific area of Council's functions or responsibilities. They operate within a formal delegated decision-making framework

Advisory Committees are formal committees that provide specialist advice on a specific area of Council's functions or responsibilities. They differ from Special Committees in that they do not have formal delegated authority from Council to make decisions or exercise any power, they instead make recommendations to Council for a formal decision.

Community Advisory Committees typically comprise one or more Councillors, Council Officers and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations. The progress, advice and recommendations of Community Advisory Committees is reported to Council through formal Officer reports (supplemented from time to time by verbal reports by Councillors).

Regional Bodies are external organisations comprising membership from a number of municipal Councils.

Darebin Organisations are external organisations based in the City of Darebin that operate at arms length from the City of Darebin.

POLICY IMPLICATIONS

Environmental Sustainability

Please refer to each Committee's report to ascertain information related to environmental impact.

Social Inclusion and Diversity

Each Committee has responded to this section in its report.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

This would vary from committee to committee and information is included in each report.

CONCLUSION

This is the second year that Council has received a combined set of reports from all Committees. The purpose of this exercise was to streamline the reporting and standardise the amount of information presented in terms of quality and volume. There is no doubt that all committees listed have been active and productive and continue to add value to Council's overall performance and provide an accountability mechanism that is in line with a modern democratic society. Reporting in this manner does not preclude a Committee from raising issues during the year on matters that require Council decision or action.

FUTURE ACTIONS

Next report from Committees will occur in October 2013.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

29 Committee Reports – see **Appendix A**.

9. NOTICES OF MOTION

9.1 LOCAL GOVERNMENT INVESTIGATIONS AND COMPLIANCE INSPECTORATE

MINUTE NO. 506

NOTICE OF MOTION NO. 58

CR. NICK KATSIS

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

THAT the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:

Recommendation:

1. *That the Minister investigate the feasibility of commencing an immediate and comprehensive forensic investigation through the Local Government Investigations and Compliance Inspectorate (the inspectorate) into the assets of current councillors and their immediate family members e.g. parents (including in-laws), brothers and sisters (including in-laws) and children. This forensic investigation is to be expanded to include assets kept in Trust accounts held personally and by the aforementioned.*
2. *That the findings of the investigation be published on the Darebin web site.*
3. *That appropriate actions are taken in relation to the findings of the investigation.*

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

Immediate discussion took place in relation to the admissibility of Notice of Motion Nos 58, 59, 60 and 61 (Items 9.1, 9.2, 9.3 and 9.4) in terms of the subject matters involved complying with the relevant requirements of the Local Government Act 1989 and Council's 2012 Caretaker Policy during the election period, the matter having been initially raised by Cr. Greco.

MOTION

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

THAT consideration of Notice of Motion Nos. 58, 59, 60 and 61 (Items 9.1, 9.2, 9.3 and 9.4) be deferred.

A VOTE ON THE MOTION WAS TIED.

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE IN FAVOUR OF THE MOTION.

THE MOTION WAS THEREFORE CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS

COUNCIL RESOLUTION

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

THAT consideration of Notice of Motion Nos. 58, 59, 60 and 61 (Items 9.1, 9.2, 9.3 and 9.4) be deferred.

CARRIED

A Division was called:

<u>For</u>	<u>Against</u>
The Mayor, Cr. S. Tsitas	Cr. T. McCarthy
Cr. T. Laurence	Cr. S. Chiang
Cr. G. Greco	Cr. B. Morgan
Cr. V. Fontana	Cr. N. Katsis

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

9.2 COUNCILLOR AND MAYORAL TERMS**MINUTE NO. 507****NOTICE OF MOTION NO. 59****CR. NICK KATSIS**

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation Four:

That the Minister investigates the option of capping councillor terms to a maximum of two and capping Mayoral terms to a maximum of one in any consecutive two terms to ensure a fairer and more equitable system.

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

ITEM DEFERRED

(See Minute No. 506 – Item 9.1)

9.3 LOCAL GOVERNMENT ACT**MINUTE NO. 508****NOTICE OF MOTION NO. 60****CR. NICK KATSI**

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation:

1. *That the Minister investigates the feasibility of amending the Local Government Act for the purpose of retracting state-wide Councillor Delegated Powers when determining planning applications (10 or more units or apartment blocks or where there are 30 or more objections) and especially for major projects (DAEC) and implement an independent or State Government controlled planning body or multiple bodies that would oversee and approve/reject the aforementioned planning matters for the sole purpose of ensuring informed, transparent and independent decisions on such planning matters based on current State Planning Codes.*
2. *That the Minister investigates the feasibility of amending the Local Government Act to legislate that all Council owned land that is to either be sold or developed in partnership with external investors, corporations or governmental bodies is scrutinised via a forensic auditing process prior to any such undertaking.*

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

ITEM DEFERRED

(See Minute No. 506 – Item 9.1)

9.4 ADMINISTRATOR**MINUTE NO. 509****NOTICE OF MOTION NO. 61****CR. NICK KATSIS**

Take notice that at the Ordinary Meeting of Council to be held on 15 October 2012, it is my intention to move:

***THAT** the Darebin Council resolve to write to the Local Government Minister, the Hon. Jeanette Powell, MP requesting:*

Recommendation:

That at the cessation of the current Councillors' term in office the council be replaced with an administrator under the Local Government Act to govern Darebin Council until general council elections in October 2016.

Notice Received: 11 October 2012

Notice Given to Councillors: 11 October 2012

Date of Meeting: 15 October 2012

ITEM DEFERRED

(See Minute No. 506 – Item 9.1)

The Mayor, Cr. Tsitas, temporarily left the meeting at the conclusion of Item 9 (Notices of Motion) – 8.03pm.

ELECTION OF ACTING CHAIRPERSON

The Acting Chief Executive Officer, Daniel Freer, called for nominations for the position of Acting Chairperson.

Cr. Chiang was nominated by Cr. Laurence, seconded by Cr. Greco, and there being no further nominations, was declared Acting Chairperson of the meeting.

Cr. Chiang assumed the Chair.

10. URGENT BUSINESS

The following report on this matter with a covering memorandum from the Council Business Coordinator, Ron Downes, was circulated to Councillors prior to the meeting, and indicated that it was proposed that the report be considered as urgent business at the Council meeting.

On the motion of Cr. Greco, seconded by Cr. Fontana, it was resolved that the item be dealt with at the meeting as a matter of urgent business.

10.1 GONSKI REVIEW OF SCHOOL FUNDING

MINUTE NO. 510

AUTHOR: Manager, Community Planning Partnerships and Performance

REVIEWED BY: Group Manager, People and Performance

SUMMARY:

This report responds to a Council request for information on the Gonski Review, recent government announcements, funding opportunities for schools and recommendations on whether Council should formally endorse the 'I give a Gonski' Campaign.

In 2010, the Australian Government formed a panel to consider and report on the current school funding model and recommend best ways for providing future funds to schools across sectors and states. Describing the current school funding arrangements as unnecessarily complex, the Report highlights duplication and inefficiency in funding by Australian state, territory and federal governments.

In responding to the report in a speech at the National Press Club in Canberra, the Prime Minister said she would begin discussions with the states through the Council of Australian Governments process about funding their fair share. Legislation is planned for the end of 2012 to formalize any agreements made between the State and Federal Governments.

In 2009, the Australian Government restructured its funding for schools when the Council of Australian Governments agreed to a new framework for federal financial relations. The majority of Australian Government funding for schools is provided under the National Schools Specific Purpose Payment (National Schools SPP), which has two components - one for government schools and one for non government schools.

There is also additional funding provided through National Partnerships (NPs) and other school education programs funded by annual appropriations.

The Australian Education Union (AEU) is leading a grassroots campaign aptly titled 'I give a Gonski' to bring a large contingent of parents, teachers and organizations together to lobby politicians to implement the recommendations, in particular, the extra funding recommended in the report. Advice has been provided by the Australian Education Union, that at the time of writing this report, no other Local Government Council is known to have formally endorsed the campaign, although a number of Councillors and Mayors have pledged support on an individual basis. Darebin Council has taken a leading role in advocating for improvement in

education through the establishment of its Public Education Advocacy Committee. The objective behind the AEU campaign is consistent with Council's objectives for its committee. It is recommended that Council formally endorse the 'I give a Gonski' campaign.

CONSULTATION:

Darebin Public Education Advocacy Committee
Australian Education Union

RECOMMENDATION**THAT:**

- (1) Council note the findings of the Gonski Review and recent announcements by the Gillard Government.
- (2) Council formally endorse the 'I give a Gonski' campaign by the Australian Education Union.
- (3) Council continue to strongly advocate for accessible, suitable and affordable education for its community.

COUNCIL RESOLUTION

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

THAT:

- (1) Council note the findings of the Gonski Review and recent announcements by the Gillard Government.
- (2) Council formally endorse the 'I give a Gonski' campaign by the Australian Education Union.
- (3) Council continue to strongly advocate for accessible, suitable and affordable education for its community.
- (4) Council advise the various Schools in the municipality that Council is supporting the findings of the Gonski Review and 'I give a Gonski' campaign, and that School Councils and local Members of Parliament be also advised to this effect.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

This report responds to a Council request on 3 September 2012 that:

“Council receives a report at its next meeting regarding the Gonski Review of School Funding and recent announcement by the Gillard Government, what funding opportunities exist for Darebin schools and whether Council should formally endorse the ‘I give a Gonski’ Campaign by the Australian Education Union and a number of local primary and secondary schools”

Background of the Gonski Review of School Funding

In 2010, the Australian Government formed a panel to consider the current funding model and recommend on a sound approach for providing future funds to schools across sectors and states. While there have been some attempts by previous governments to examine education funding, this is the first significant review in almost 40 years.

The Gonski review panel aimed to make sense of the inconsistencies that have evolved through changes in governments and their policies, and outline recommendations about the most equitable ways to allocate money to schools.

David Gonski AC chaired the review panel (now known as the *Gonski review*). He holds several notable positions including Chancellor of the University of New South Wales and is the chairman of several publicly listed companies. Other members of the panel are people prominent for their work in education and politics.

Critics of Australia's current school funding arrangements say the system lacks clarity, equity and efficiency, and this creates more disadvantage and limits the nation's scholastic performance.

The review examined how the Australian Government distributes education funds. The review considered the multitude of social, financial and even emotional factors behind the distribution of funds. The state and federal governments are both responsible for financing education. The dual responsibility provides the states with some autonomy. However, the state governments remain heavily reliant on federal funding. With political affiliations, lobby groups, teachers, public service unions, church organisations and many others all demanding to have their say (and their share of the funding), the outcomes require clear policy direction.

The review panel met with interested parties and accepted written submissions from individuals and organisations across Australia. All this information was considered in their findings and recommendations.

ISSUES AND DISCUSSION

Summary of Key *Gonski Review* Findings

The Report makes 26 official findings and 41 recommendations.

Describing the current school funding arrangements as unnecessarily complex, the Report highlights duplication and inefficiency in funding by Australian state, territory and federal governments. The following observations are addressed throughout the Report:

- In addition to declining school academic performance compared to OECD countries in the last decade, Australia has a significant achievement gap between its highest and lowest performing students.
- Some of Australia's lowest performing students are not meeting minimum standards of achievement and the link between low levels of achievement and educational disadvantage is considered unacceptable. Educational disadvantage is seen particularly among students from low socioeconomic and Indigenous backgrounds.
- New funding arrangements would require the various levels of government to work in a more co-ordinated manner to meet the educational needs of Australian children, and to improve performance to an internationally competitive high standard. It is unacceptable to see educational outcomes that are determined by socioeconomic status or the type of school an Australian child attends.
- The panel estimated that the additional cost of their recommendations to governments would be \$5 billion per year (based on 2009 figures). This represents an approximate 15% increase in funding for school education. It is recommended that most of this increase go to government schools as the majority of Australian children attend government schools (approximately two thirds) and as a larger number of disadvantaged students attend government schools.

Summary of Gonski Report Key Recommendations:

- A new *Schooling Resource Standard (SRS)* should replace the current complex funding system. The *SRS* would allocate an amount per student that is required each year to provide them with a high quality education. The amount per student will allow for loadings to accommodate performance barriers (eg. students with a disability entitlement will get more). The *SRS* amount will initially be based on the cost of educating children in high performing schools, with the aim of 80 per cent of all students achieving above the national minimum standard in reading and numeracy.
- All government schools would be fully publicly funded for the amount of the *SRS* plus any applicable loadings. Non-government schools would be publicly funded at 20 to 25 per cent of the *SRS* per student. The assessment of a non-government school's public funding requirement should be based on the financial capacity of parents, enrolling their children in the school, to pay for the school's resource requirements.
- Funding for capital works (eg. a hall or other school buildings) should be available to both government and non-government schools from a separate funding system. There should be more public accountability for public funding of school capital projects.
- The present arrangement whereby the Federal government provides most of its school funding to private education institutions and state governments mainly fund public schools should change. Both levels of government should provide a more equitable distribution of funding between private and public education institutions. Such an outcome would remove political or other bias in different levels of government funding. Additionally, as there is a larger proportion of disadvantaged students in government schools, it is recommended that the Federal government play a greater role in funding government schools.
- School Planning Authorities should be established with representatives from government and non-government schools to develop a coordinated approach to planning for new schools and school growth. The Federal Government should establish a School Growth Fund for building new schools and for undertaking major school expansions. The School Planning Authorities would be responsible for the approval of funding for these projects.

- Federal and state governments should establish a *National Schools Resourcing Body* responsible for a range of tasks including, maintenance, development and review of the *Schooling Resource Standard (SRS)* and research, analysis, data collection and improvement for the development of school building standards.
- The Federal Government and state and territory governments should legislate for the new funding framework to ensure certainty and transparency of public funding for schools over a 12-year cycle.
- The Federal Government should do more to help schools raise money from philanthropic sources. For example, the Report proposes a fund that operates to attract support (cash and in-kind) from businesses and other trusts and foundations, private individuals and communities.
- Public accountability is highly regarded, with a recommendation that there be greater collection and publication of more sophisticated data that measures the relationship between educational outcomes and funding.
- Funding for the teaching of disadvantaged students should target flexible, evidence-based strategies, expertise in the leadership of the school, early intervention for students at risk of underperformance, and programs that encourage parent and community engagement.
- Governments should give priority to the collection of nationally consistent data on disadvantaged students so that funding is directed to where it is needed most, and improvements in educational outcomes can be measured and improved over time.

Recent announcements by the Gillard Government

Prime Minister Julia Gillard has called on the Australian people to get behind a \$6.5 billion "national crusade" to give children a better education, but has refused to detail how much the states will have to fund. It should be noted that before the commissioning of the Gonski Review that Prime Minister Gillard pledged that no school – Independent, Catholic or Public – would lose funding, and since the review has been published, has pledged that all schools will receive an increase in funding.

In a speech to the National Press Club in Canberra outlining her government's response to the Gonski funding reforms, the Prime Minister said she would begin discussions with the states through the Council of Australian Governments process about funding their fair share. Legislation is planned for the end of 2012 to formalize any agreements made between the State and Federal Governments.

Funding opportunities for Darebin Schools

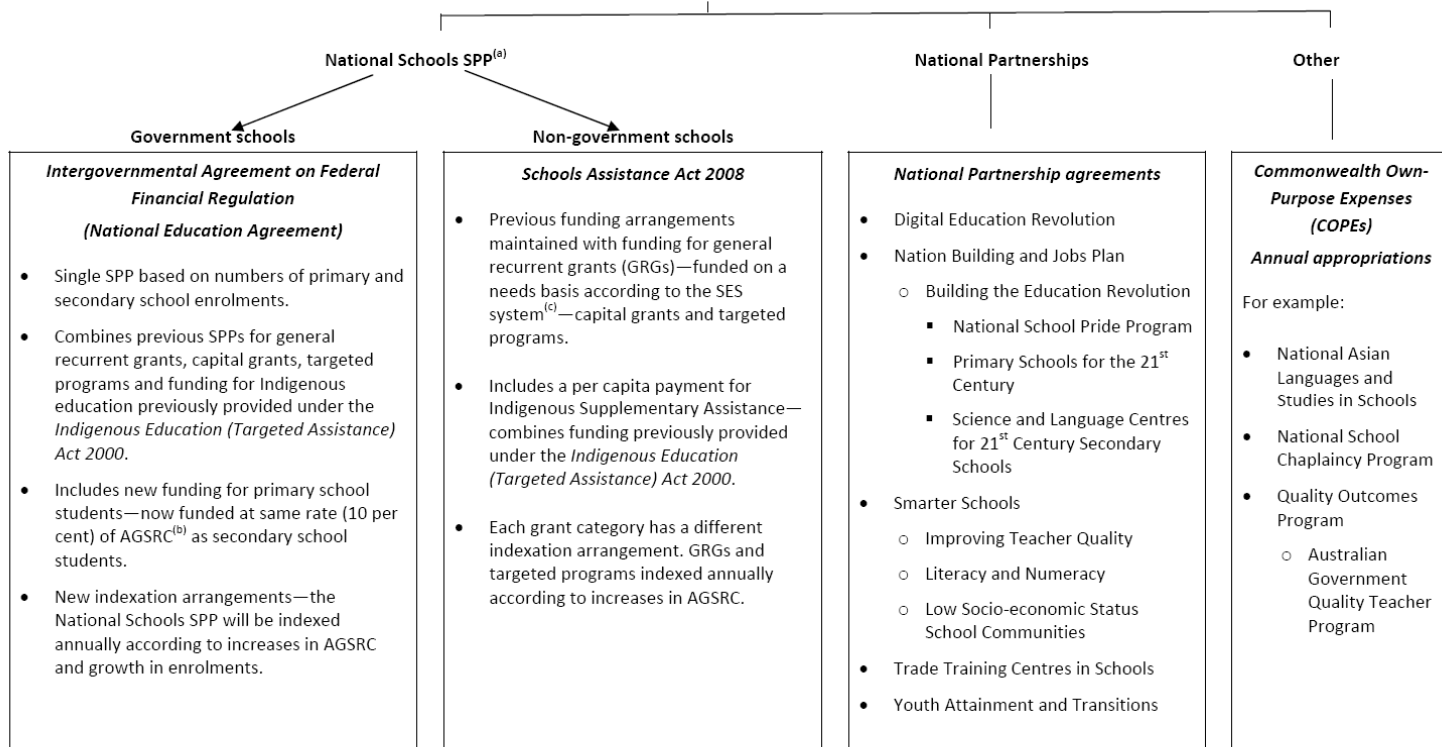
In 2009, the Australian Government restructured its funding for schools when the Council of Australian Governments agreed to a new framework for federal financial relations.

The majority of Australian Government funding for schools is now provided under the National Schools Specific Purpose Payment (National Schools SPP), which has two components—one for government schools and one for non government schools.

There is also additional funding provided through National Partnerships (NPs) and other school education programs funded by annual appropriations. The table below gives examples of the types of funding programs that fall into these categories.

Additionally schools have the option to have fundraisers to garner funds to supplement their funded budget. The Australian Education Union released the results of a survey of more than 11,000 public school principals and teachers, which show 71 per cent must fund-raise to buy equipment. Independent and Catholic Schools also engage in fundraising activities.

Figure 1. Australian Government funding for school education



(a) Specific Purpose Payment.
 (b) Average Government School Recurrent Costs.
 (c) Socioeconomic Status System.

The 'I give a Gonski' Campaign

The Australian Education Union (AEU) is leading a grassroots campaign aptly titled 'I give a Gonski' to bring a large contingent of parents, teachers and organizations together to lobby politicians to implement the recommendations, in particular, the extra funding recommended in the report. Advice has been provided by the Australian Education Union, that at the time of writing this report, 42,350 people have pledged their support on their website with a number of organizations also pledging support. The website also enables individual emails to be sent directly to the Premiers and Chief Ministers of all Australian States and Territories. Additionally, the AEU has informed Council that no other Local Government Council is known to have formally endorsed the campaign, although a number of Councillors and Mayors have pledged support on an individual basis. Darebin Council has taken a leading role in advocating for improvement in education through the establishment of its Public Education Advocacy Committee. The objective behind the AEU campaign is consistent with Council's objectives for its committee.

POLICY IMPLICATIONS**Environmental Sustainability**

Darebin City Council's interaction has been limited but has included working with schools to reduce wastage and expenses in energy usage, as well as providing free worm farms and compost bins to act as an educational tool and to reduce biodegradable waste costs to the school. Increased funding for schools may allow schools to have a greater capacity to participate in more environmentally sustainable activities.

Social Inclusion and Diversity

Darebin Council through the Darebin Public Education Advocacy Committee is conducting an Education Inquiry of public secondary schools to examine experiences, perceptions and disadvantage. Public schools take in the vast majority of disadvantaged students and there is strong evidence that funding increases are needed for public schools. Council will continue to advocate on behalf of the schools in its municipality to ensure that all of its community have equal opportunity and the education system meets our diverse needs

FINANCIAL AND RESOURCE IMPLICATIONS

There are no immediate costs to Council in formally endorsing the 'I give a Gonski' a campaign to Council. However, there are unquantifiable long-term benefits to supporting a campaign to increase funding of schools (including simplifying the funding process), as Darebin is home to many public, Catholic and independent schools and there is evidence that funding increases are much needed, especially for public schools.

CONCLUSION

The implementation of the Gosnki report will benefit the Darebin Community through children attending and developing at school, and the natural flow-on effect on the economy of having a skilled and educated workforce.

FUTURE ACTIONS

- If endorsed by Council, notice of Council's resolution to support the 'I give a Gonski' campaign will be communicated to the Australian Education Union and the Darebin Community.
- Continue to strongly advocate for accessible, suitable and affordable education for our community.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Council Minutes – 3 September 2012.

The Mayor, Cr. Tsitas, returned to the meeting during discussion of the above item and resumed the Chair – 8.08pm.

11. GENERAL BUSINESS**11.1 FYFFE STREET AND ANDERSON ROAD THORNBURY****MINUTE NO. 511****COUNCIL RESOLUTION****MOVED: Cr. V. Fontana****SECONDED: Cr. B. Morgan**

THAT Council officers undertake an assessment of the 'No Through' Road section on the corner of Fyffe Street and Anderson Road Thornbury in order to address safety issues and possible beautification works.

CARRIED UNANIMOUSLY**12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL****CLOSE OF MEETING****MOVED: Cr. S. Chiang****SECONDED: Cr. T. Laurence**

THAT in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following item which relates to a contractual matter or matter which the Council considers would prejudice the Council:

12.1 830 Plenty Road Reservoir D/829/2011

CARRIED

The meeting was closed to members of the public at 8.15pm.

The Council considered and resolved on Report Item 12.1 (830 Plenty Road Reservoir D/829/2011) which had been circulated to Councillors on Thursday 11 October 2012 with the Council Agenda Paper.

RE-OPENING OF MEETING**MOVED: Cr. S. Chiang****SECONDED: Cr. N. Katsis**

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 8.30pm

CONFIDENTIAL**12.1830 PLENTY ROAD RESERVOIR D/829/2011****MINUTE NO. 512****AUTHOR: Manager City Development****DIRECTOR: Director City Works and Development****SUMMARY:**

The purpose of this report is to gain a decision from the Council on a position achieved at mediation before the Victorian Civil and Administrative Tribunal (VCAT) on 26 September 2012. The position if agreed by the Council will settle the matter and enable a planning permit to be issued for the proposed development. Council has been requested by VCAT to keep the details relating to amended plans as confidential.

CONSULTATION:

All parties to the appeal were invited to participate in mediation on 26 September 2012 at VCAT.

RECOMMENDATION

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

COUNCIL RESOLUTION**MOVED: Cr. S. Chiang****SECONDED: Cr. N. Katsis**

THAT the following Council Resolution:

- (1) **THAT** the proposed modifications be supported and Terms of Settlement be signed at the mediation for 18 October 2012.
- (2) **THAT** Planning Permit Application D/829/2011 be approved and a Planning Permit be issued subject to the following conditions:
 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans circulated to all parties on 24 September 2012 (comprising plans identified as Project: Plenty Road Development, Job No. 1037, Drawn by Fender Katsalidis Architects, Drawing No's, TP001, TP002,

TP100, TP101, TP102, TP103, TP104, TP105, TP106, TP107, TP108, TP109, TP110, TP111 AND TP112 plot dated 1/10/2012);but modified to show:

Car Parking:

- (a) *The redesign of the basement car park to ensure that all car parking spaces can be reached from the lifts, without the use of stairs, and at a maximum gradient of 1:14 in accordance with AS1428.1.*
- (b) *Details on barriers / fences within the basement car park to avoid vehicles and pedestrians from falling between different levels.*
- (c) *Allocation of parking spaces for each dwelling, including secondary spaces for the townhouses south of the internal access road.*
- (d) *The deletion of the parking space on Drawing TP102, eastern building, immediately south of the access ramp to avoid interference with the access to two (2) townhouses.*
- (e) *The turning area at the eastern end of the internal access road modified to allow for the manoeuvrability of garbage collection trucks, areas not required for the turning area must be landscaped and a no parking sign displayed.*
- (f) *Lighting to the basement car parking, internal access roads and the street plaza and communal open space.*
- (g) *Pavement treatment and material of the turning area at the southern end of the Street Plaza to define the "drop-off zone".*
- (h) *Five (5) customer / visitor bicycle parking spaces in the street plaza.*
- (i) *Direct linear access from the ramp (western building) and the street plaza (eastern building) via automatic doors to the bicycle parking areas.*
- (j) *Sign posting of bicycle parking areas (signage dimensions 0.3m wide by 0.45m high with a white bicycle on blue background). Directional signage must also be provided to visitor bicycle parking from the street plaza and this area must remain accessible at all times.*

Sustainability:

- (k) *A notation for the Studios on Drawing no's. TP104, TP105, TP106, TP107 & TP108 to provide 'glazed openings in the wall between the bedroom and living room'.*
- (l) *A notation referencing the use of double glazing with low-e coating or triple glazing on all north, east and west orientated*

- windows and glazed doors on the respective Drawing TP200, TP201 & TP202 (refer also to condition 1(y) & (z)).*
- (m) *The location and size of the gas boiler and 92 solar panels to support the proposed gas central hot water system.*
 - (n) *Specifically for the eastern building:*
 - i. *A north orientated highlight window to the 2-bedroom apartment on Drawing TP103 overlooking the Street Plaza.*
 - ii. *Operable window to the south-west orientation or roof window to the second bedroom and bathroom of the 2-bedroom apartments/home offices fronting Plenty Road on Drawing TP104 & TP105.*
 - iii. *Operable window to the north-east orientation or roof window to the second bedroom and bathroom of the 2-bedroom apartments/home offices fronting Plenty Road on Drawing TP104 & TP105.*
 - iv. *High performance skylights, solar tubes or roof windows to bathrooms in the following apartments:*
 - a. *Drawing TP108 – the two (2) southernmost 2-bedroom apartments; and,*
 - b. *Drawing TP111 Level 11 – the most northern 3-bedroom apartments' ensuite and bathroom.*
 - (o) *Specifically for the western building:*
 - i. *Operable window to the north-east orientation of the 2-bedroom apartment fronting Plenty Road on Drawing TP105.*
 - ii. *High performance skylights, solar tubes or roof windows to bathrooms in the following apartments:*
 - a. *Drawing TP108 – each of the eastern most 2-bedroom apartments.*
 - (p) *Specifically for the townhouses:*
 - i. *North facing operable window to the kitchen of the townhouses on the northern side of the internal access road on Drawing TP102.*
 - ii. *High performance skylights or roof windows to bathrooms in each of the 23 townhouses on Drawing TP103.*
 - (q) *Operable windows in the corridors of the residential towers to provide ventilation.*
 - (r) *Details of the pedestrian link between the Street Plaza and the hotel.*
 - (s) *Water tanks referred to in 3.5 Water of the Sustainability Management Plan which provide:*
 - i. *150,000 litre capacity to the residential towers; and,*

- ii. 5,000 litre capacity for the fire system.
- (t) Waste recycling bins on each level of the residential towers.
- (u) Modifications to the Environmentally Sustainable Development Management Plan (refer to condition 5).

Amenity:

- (v) Floor Plan TP07 to confirm access to the balconies of all dwellings in the Western Tower.
- (w) A communal open space area at the eastern end and north of the internal access road.
- (x) Secure storage areas within the carport of all townhouses on the south side of the access road.
- (y) Acoustic measures designed to protect the amenity of prospective tenants to be notated on each floor and elevation plan (refer also to condition 1(k)).
- (z) A notation referencing the use of glazing with low reflectivity levels in the residential towers (refer also to condition 1(k)).
- (aa) External materials or treatment to minimise the potential for graffiti. A notation on Drawing TP200, TP201 & TP202 will suffice.
- (bb) A landscape plan in accordance with condition no.7 of this Permit.

Waste Management Plan:

- (cc) Amendments to the waste management plan to:
 - i. Remove reference to the use of a council contractor on page 5 of the report;
 - ii. Respond to any amendment to the plans arising from condition 1 (t) above;
 - iii. Bins for commercial tenancies to be stored on-site and screened from the public realm; and,
 - iv. Bin collection for commercial tenancies proposed from Plenty Road to occur before 7am on weekdays only.

Other:

- (dd) A single communal antenna for each tower (refer also to condition no. 24 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- (ee) Staging plan where the development is to be carried out in stages.

- (ff) *An integrated signage solution for the commercial tenancies which illustrates the location of future signage in respect to the overall architecture of the building.*
- (gg) *The placement of flues for the commercial tenancies where they may be used as eating establishments.*
- (hh) *Plans, elevations and cross sections showing:*
 - i. *Car parking spaces (1:100 scale);*
 - ii. *Vehicle access ways;*
 - iii. *Ramps; and,*
 - iv. *Headroom (1:25 scale).*
- (ii) *Details of the proposed elevation of the fencing to the home occupation facing Plenty Road.*

When approved, the plans will be endorsed and form part of this Permit.

2. *The development, including staging, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
3. *The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
4. *This Permit will expire if:*
 - *The development does not start within three (3) years from the date of this Permit; or*
 - *The development is not completed and the use has not started within five (5) years of the date of this Permit.*

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

5. *The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (identified as Sustainability Management Plan 830 Plenty Road, Reservoir, prepared by Sustainable Development Consultants dated 4 May 2012) to the satisfaction of the Responsible Authority but subject to the following amendments:*
 - (a) *At 3.1 Management section of the report:*
 - i. *Detail how the Building Users Guide will be applied to enable occupants to optimise the building's environmental performance.*
 - (b) *At 3.2 Indoor Environment Quality section of the report:*
 - i. *Provide a response to the following categories:*
 - *Day lighting;*
 - *Thermal comfort;*

- *Private external space; and,*
- *Natural ventilation.*

- (c) *At 3.3 Energy section of the report:*
- i. *Reference to the use of ceiling fans to living and common areas in lieu of air conditioners;*
 - ii. *Notation of the minimum use of double glazing with low-e coating on all north, east and west elevations and the provision of heavy lined drapes; and,*
 - iii. *Commentary on ventilation to the basement car park.*

Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Management Plan have been implemented in accordance with the approved Plan.

6. *Before the buildings and works commence, with the exception of demolition works and other minimum works necessary to achieve compliance with this condition, a site assessment of 830 Plenty Road, Reservoir, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The site assessment must include:*
- (a) *The nature of the previous land use or activities on the site;*
 - (b) *An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;*
 - (c) *Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and*
 - (d) *Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.*

Should the consultant's opinion be that an environmental audit be undertaken, before buildings and works start, either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of

Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority.

Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. *Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.*
8. *As part of the consultant team an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained.*
9. *Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:*
 - (a) *Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified;*
 - (b) *A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants. Trees should be of appropriate specimens and positioned to provide shade in the warmer months over the street plaza and warmth in the cooler winter months. The planting palette is to be derived from the City of Darebin's Indigenous Plant List;*
 - (c) *Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel). An*

emphasis should be placed on the provision of permeable surfaces;

- (d) Street trees within the nature strip/s adjacent to the property;*
- (e) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc;*
- (f) Edge treatment between grass (lawn) and garden beds;*
- (g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown;*
- (h) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided;*
- (i) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers;*
- (j) The provision of seating areas (informal lawn or furniture), sheltered areas as well as native tree species in the Street Plaza and communal open space;*
- (k) Clearly defined pedestrian corridor from the residential towers to the hotel;*
- (l) Landscape treatments at the T head of the proposed internal road to screen the blank commercial wall;*
- (m) The use of Water Sensitive Urban Design (WSUD) and rain gardens; and,*
- (n) A scale, North Point and appropriate legend.*

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

- 10. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.*

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- 11. The landscaping as shown on the endorsed Landscape Plan, including any landscaping which extends beyond the property boundaries, must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.*
- 12. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail*

recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings and on the amenity of the communal open space area.*
- (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).*
- (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the hotel car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.*

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

13. *Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:*

- (a) Constructed;*
- (b) Properly formed to such levels that they can be used in accordance with the plans;*
- (c) Surfaced with an impervious all-weather sealcoat; and*
- (d) Drained*

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

14. *Before the development is occupied, vehicular crossing(s) from the unnamed public road along the site's western boundary must be constructed to align with the approved internal access road to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.*

15. *The waste storage / collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.*

16. *Before the development starts the applicant must develop and deliver a comprehensive Travel Plan for the site. These Travel Plans must support the requested level of parking reduction for the site to be approved by the Responsible Authority. The Travel Plans must articulate how the developer intends to promote sustainable travel behaviour by individuals travelling to and from the site.*

17. *Before the use commences an all-weather sustainable transport display must be provided in a visually prominent location within the street plaza and either within the foyer of the hotel or courtyard. The display must include a transport plan and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.*
18. *Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.*
19. *All dwellings that share dividing walls and / or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.*
20. *Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each townhouse must be provided on the land to the satisfaction of the Responsible Authority.*

The external lighting must be designed, baffled and / or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
21. *The land must be drained to the satisfaction of the Responsible Authority.*
22. *With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.*
23. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.*
24. *Only one (1) communal television antenna may be erected on each tower and one (1) on each of the 23 townhouses to the southern end of the site.*
25. *Provision must be made on the land for letter boxes and receptacles for newspapers to each apartment and townhouse to the satisfaction of the Responsible Authority.*
26. *All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes associated with the*

commercial tenancies must be kept in a storage area screened from the public realm, to the satisfaction of the Responsible Authority.

27. *All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.*
28. *The amenity of the area must not be adversely affected by the use or development as a result of the:*
 - (a) *Transport of materials, goods or commodities to or from the land; and/or*
 - (b) *Appearance of any building, works, stored goods or materials; and/or*
 - (c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or*

and/or in any other way, to the satisfaction of the Responsible Authority.
29. *All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.*
30. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility: AS1428.1-1998, AS1428-2 1992, AS1428-3 1992 and AS1428-4 1992.*
31. *Before the development starts, a revised waste management plan, generally in accordance with Wastech Services Waste Management Plan, 830 Plenty Road, Reservoir, dated 4th October 2011 but modified to accord with the revised plans and to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.*

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

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

CARRIED

13. CLOSE OF MEETING

The meeting closed at 8.30pm.

At the close of the meeting, the Acting Chief Executive Officer, Daniel Freer, presented the Mayor, Cr. Tsitas, with a Year Book recording highlights of his term as Mayor, along with a floral gift for his wife, Sendi.