



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 2 APRIL 2012

RELEASED TO THE PUBLIC ON THURSDAY 5 APRIL 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 2 APRIL 2012**

THE MEETING OPENED AT 6.33 PM

1. PRESENT

Cr. Steven Tsitas (Mayor)
Cr. Diana Asmar (Deputy Mayor)
Cr. Gaetano Greco
Cr. Vince Fontana
Cr. Nick Katsis
Cr. Tim Laurence
Cr. Ben Morgan
Cr. Trent McCarthy

Council Officers

Rasiah Dev – Chief Executive
Vijaya Vaidyanath – Director Corporate and Business Services
Michael Ballock – Director City Works and Development
Daniel Freer – Director City Design and Environment
Ron Downes – Council Business Coordinator
Deb Equid – Events and Marketing Projects Coordinator

Council on 16 April 2012
(see Council Minutes Page
2) resolved to make this
correction (in *italics* below)
to the 2 April 2012 Council
Minutes

2. APOLOGIES

An apology was lodged for the absence of Cr. Chiang (*on leave of absence*)

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Fontana disclosed a conflict of interest in Item 9.3 (Notice of Motion No. 28 – Council Opposition to Planning Permit Application D/247/2011, 43-47 Simpson Street, Northcote) – see Page 71.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. D. Asmar

THAT the Minutes of the Ordinary Meeting of Council held on 19 March 2012 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 144

5.1 REPORT OF CR. GAETANO GRECO

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

- Springthorpe Village Residents Committee meeting.
- Cuban Community of Victoria Launch at Darebin Intercultural Centre.
- Better Neighbourhoods and Corporate Citizen Awards Presentation.
- Apprenticeships Plus Board meeting.
- Inner Northern Group Training Board meeting.
- Darebin Ethnic Communities Council Executive Briefing.
- Meeting with Italian Museum representative.
- Council Budget Workshop – 24 March 2012.
- Council Budget Briefing – 28 March 2012.
- Darebin Planning Scheme workshop.
- On-site meetings with residents.
- Attended to residents' inquiries.
- Culturally and Linguistically Diverse (CALD) Briefing Session.

5.2 REPORT OF CR. TIM LAURENCE

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

- Council Briefing Session – 26 March 2012.
- Council Budget Workshop – 24 March 2012.
- Council Budget Briefing – 28 March 2012.

5.3 REPORT OF CR. TRENT MCCARTHY

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

- Spoke at the Sports for Change fundraiser in Fitzroy.
- Council Briefing Session.
- Interviewed on Conversation Hour, 774 ABC Melbourne, about Council matters.
- Numerous resident and trader issues, including planning, traffic, tree protection, rubbish collections, Batman Park, governance, cycling (High Street and Darebin Road), heritage overlay and Brunswick Terminal Station.

Cr. McCarthy also extended congratulations to Victorian Aboriginal Health Services for the reopening of the Minajalku Centre in Thornbury and congratulations to Chalice Urban Orchard at Northcote Uniting Church, recipient of a Community Grant last year.

5.4 REPORT OF CR. BEN MORGAN

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

- Council Briefing Session – 26 March 2012.
- Council Budget Briefings – 24 and 28 March 2012.
- Council Municipal Strategic Statement Briefing.
- Planning Committee meeting.
- Usual resident matters, particularly planning and dumped rubbish issues.

5.5 REPORT OF CR. VINCE FONTANA

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

- Council Budget Workshop – 24 March 2012.
- Darebin Neighbourhood Watch/Bendigo Bank Community Connect meeting with the Preston Police.
- Friends of Baucau meeting at the Darebin Intercultural Centre.
- Planning Committee meeting.
- Council Briefing Session – 26 March 2012.
- Briefing presented by Darebin Community Health representatives.
- Inner Northern Local Learning and Employment Network AGM breakfast.
- Darebin Planning Scheme Review workshop.
- Council Budget Briefing Session – 28 March 2012.
- Attended to various resident issues.
- Officiated at the Santa Maria Debutant Ball.

5.6 REPORT OF CR. NICK KATSIS

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

- Planning Committee meeting.
- Strategic Projects Steering Committee meeting.
- Council Budget workshop – 24 March 2012.
- Attended to constituent concerns both onsite and via electronic media.

5.7 REPORT OF CR. DIANA ASMAR

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

- Darebin Disability Advisory Committee meeting.
- Strategic Projects Steering Committee meeting.
- Council Briefing Session.

- Planning Committee meeting.
- Resident meetings regarding trees, traffic, parking, waste bins, planning issues and heritage overlay.
- Various meetings with officers regarding residents concerns.
- Meetings and discussions with various Members of Parliament and Ministers.

5.8 REPORT OF THE MAYOR, CR. STEVEN TSITAS

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

- Council Meeting.
- Council Briefing Session.
- Strategic Projects Steering Committee meetings – 26 March 2012 and 2 April 2012.
- Northern Metropolitan Mayors and CEOs Delegation to Canberra.
- Addressed Grade 3 and 4 students at Westgarth Primary School.
- Re-opening of Minajalku Healing Centre Thornbury – Victorian Aboriginal Health Services.
- Leadership for Entrepreneurship and Innovation Course.
- Budget Briefing Sessions – 24 and 28 March 2012.
- Anniversary of Greek National Day Flag Raising.
- Launch of the Cuban Community in Victoria.
- Better Neighbourhoods and Corporate Citizen Awards Presentation.
- Reception – National Day of Greece.
- School Assembly – St. John's Greek Orthodox School.
- 30th Birthday Celebration and Launch of new brand Preston Neighbourhood House Learning Centre and Children's Services.
- On-site meeting – residents of Harold Street.
- Darebin Planning Scheme Review Workshop.
- Presentation of Bike – Full School Assembly – William Ruthven Secondary College.
- Launch of 'Go Halogen Free'.
- Official Opening Ceremony – Launch of Chalice Urban Orchard.
- A Month of Sundays "Opera in the Park" with Banda Bellini.

6. PUBLIC QUESTION TIME**MINUTE NO. 145**

The Mayor, Cr. Tsitas, invited questions from members of the public gallery.

The following questions were submitted:

- Lance McKain of Northcote asked a question about the Planning Committee's decision on 13 March 2012 to approve Planning Permit Application D/247/2011 in relation to 43-47 Simpson Street Northcote. The question was responded to by the Mayor, Cr. Tsitas, and the Director City Works and Development, Michael Ballock.
- Kevin Parker of Alphington asked a question about Council's engagement of Bryce Raworth to review the proposed Alphington North Heritage Overlay area. The question was responded to by the Director City Works and Development, Michael Ballock.
- Mark Tobias of Alphington asked a question about Council's decision on 19 March 2012 to abandon Amendment C108 Part B. The question was responded to by the Mayor, Cr. Tsitas.
- Julia Jamieson of Northcote asked a question about the Planning Committee's decision on 13 March 2012 to approve Planning Permit Application D/247/2011 in relation to 43-47 Simpson Street Northcote. The question was responded to by the Mayor, Cr. Tsitas and the Director City Works and Development, Michael Ballock.
- Allie Dawe of Northcote asked a question about the High Street Northcote Tram Route No.86 works. The question was responded to by the Mayor, Cr. Tsitas and the Director City Works and Development, Michael Ballock.
- Victor Sekulov of Northcote asked a question about the Planning Committee's decision on 13 March 2012 to approve Planning Permit Application D/247/2011 in relation to 43-47 Simpson Street Northcote. The question was responded to by the Mayor, Cr. Tsitas.
- Leanne Freeth of Thornbury asked a question about consideration of an interim heritage overlay in relation to 31-33 Comas Grove and 2A Hill Street Thornbury. The question was responded to by Cr. Fontana.

EXTENSION OF TIME**MOTION**

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

THAT the 'Public Question Time' Forum be extended for 15 minutes – 7.30pm.

A VOTE ON THE MOTION WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST

EXTENSION OF TIME

MOTION

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

THAT the 'Public Question Time' Forum be extended for 5 minutes – 7.31pm.

A VOTE ON THE MOTION WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST

A Division was called:

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

As the vote was tied, the Mayor, Cr. Tsitas, again exercised his casting vote against the motion.

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

EXTENSION OF TIME

MOTION

MOVED: Cr. T. McCarthy
SECONDED:

THAT the 'Public Question Time' Forum be extended for 3 minutes – 7.32pm.

The Mayor, Cr. Tsitas, rejected the proposed Motion.

After Public Question Time had concluded, 15 further questions were submitted in writing.

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 146

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:

- Municipal Emergency Management Planning Committee meeting – 22 February 2012
- Public Education Advocacy Committee meeting – 19 March 2012
- Budget Briefing to Councillors – 24 March 2012
- Budget Briefing to Councillors – 28 March 2012

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

THAT the record of the Assembly of Councillors held on 22 February 2012 and 19, 24 and 28 March 2012 be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Municipal Emergency Management Planning Committee
	Date:	Wednesday 22 February 2012
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Ct Steven Tsitas (Mayor) (Cr Tsitas entered the meeting at 11.45am).
	Council Staff:	Michael Ballock, Nik Filips, Michelle Marinelli, Rod Brazier, Chris Lo Piccolo, David Smith, Benson Or, Marnie Benney, Emily Fuller, Robin Ibbetson, Tiffany White and Alice Potter.
	Other:	
APOLOGIES:		Simone Morrison, Warren Brooker

The Assembly commenced at 11.45am (the meeting commenced at 10am)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	MEMPC Meeting Planner –Review of Section 8	No disclosures were made
2	CERM Review	No disclosures were made
3	IFMP/Victoria Fire Risk Register update	No disclosures were made
4	MERO report	No disclosures were made
5	General Business/Information Exchange	No disclosures were made

The Assembly concluded at 12.30pm

RECORD COMPLETED BY:	Officer Name:	Michael Ballock
	Officer Title:	Director City Works and Development



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Public Education Advocacy Committee
	Date:	Monday 19 March 2012
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Vince Fontana, Cr. Gaetano Greco, Cr Tim Laurence
	Council Staff:	Dalal Smiley, Wendy Dinning, Cheryl Hermence
	Other:	Representatives from La Trobe University, Department of Education, High School For Coburg Group, Preston Girls Secondary College and Community Members
APOLOGIES:		

The Assembly commenced at 4pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	The state of Darebin schools and the way forward paper discussion	No disclosures were made
2	Q2 Darebin Community Survey questions	No disclosures were made
3	Spatial Vision report for Darebin	No disclosures were made
4	End of year event	No disclosures were made
5	Other Business	No disclosures were made

The Assembly concluded at 5.45pm

RECORD COMPLETED BY:	Officer Name:	Shanaka Perera
	Officer Title:	Research Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Budget Briefing to Councillors
	Date:	Saturday 24 March 2012
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Steven Tsitas (Mayor), Cr Stanley Chiang, Cr Gaetano Greco, Cr Tim Laurence, Cr Vince Fontana, Cr Nick Katsis, Cr Ben Morgan
	Council Staff:	Rasiah Dev, Vijaya Vaidyanath, Daniel Freer, Michael Ballock, Katrina Knox, Fred Warner Kerrie Jordan, Chris Meulblok
	Other:	Nil
APOLOGIES:		Cr Trent McCarthy & Cr Diana Asmar

The Assembly commenced at 9.05am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Budget 2012/2013	No disclosures were made.

The Assembly concluded at 11.25am

RECORD COMPLETED BY:	Officer Name:	Vijaya Vaidyanath
	Officer Title:	Director Corporate and Business Services



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Budget Briefing to Councillors
	Date:	Wednesday 28 March 2012
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Steven Tsitas (Mayor), Cr Gaetano Greco, Cr Ben Morgan, Cr Tim Laurence (7.40pm) and Cr Vince Fontana (7.40pm)
	Council Staff:	Rasiah Dev, Vijaya Vaidyanath, Daniel Freer, Michael Ballock, Katrina Knox, Fred Warner. Kerrie Jordan
	Other:	Nil.
APOLOGIES:		Cr Trent McCarthy, Cr Stanley Chiang, Cr Nick Katsis, Cr Diana Asmar

The Assembly commenced at 7.15pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Budget 2012/2013	No disclosures were made. <i>(Crs. Laurence and Fontana entered the meeting during discussion – 7.40pm)</i>

The Assembly concluded at 9.45pm

RECORD COMPLETED BY:	Officer Name:	Vijaya Vaidyanath
	Officer Title:	Director Corporate and Business Services

SUSPENSION OF ORDER OF BUSINESS – 7.34PM

MOTION

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

THAT Items 9.1-9.7, 9.10 and 9.11 involving Notices of Motion Nos. 26-32, 35 and 36 be brought forward for Council’s consideration and be now dealt with.

A VOTE ON THE MOTION WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST.

SUSPENSION OF ORDER OF BUSINESS – 7.36PM

MOTION

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

THAT Items 9.1, 9.2 and 9.3 involving Notices of Motion Nos. 26-28 be brought forward for Council’s consideration and be now dealt with.

A VOTE ON THE MOTION WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST.

8. CONSIDERATION OF REPORTS

8.1 PLENTY ROAD BUNDOORA (ACTIVITY CENTRE) – OVERLAY CONTROLS

MINUTE NO. 147

AUTHOR: Manager City Development

REVIEWED BY: Director City Works and Development

SUMMARY:

This report follows up on a report presented to the Council meeting of 20 February 2012 where the Council sought additional information on potential overlay controls for the corridor of land along Plenty Road and Bundoora Park, Bundoora. The report identifies a way forward to complete the strategic justification work required for the implementation of potential built form overlay controls that could be applied along the Plenty Road corridor. The report explains that sufficient measures are already provided in the planning scheme to protect environmental assets within Bundoora Park.

COUNCIL RESOLUTION

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

THAT Council:

- (1) Update the *Plenty Road Integrated Land Use and Transport Strategy (2009)* and complete the public consultation process required for the future adoption of the report no later than 16 July 2012.
- (2) Prepare a draft Design and Development Overlay to be available for comment as part of the consultation process in relation to the *Plenty Road Integrated Land Use and Transport Strategy (2009)* with the overlay to provide appropriate height limit controls and design requirements for the Plenty Road corridor.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

Following a report to the Council on 20 February 2012 on potential built form guidelines and processes that could be undertaken to provide a more appropriate zone and overlay arrangement in Plenty Road between Main Drive and Grange Boulevard the Council resolved to:

- (1) *Note the guidelines in the report.*
- (2) *Develop an interim Environmental Significance Overlay and a Vegetation Protection Overlay for Bundoora Park and surrounds as a matter of urgency.*
- (3) *Develop a Design and Development Overlay for the west side of Plenty Road in Bundoora Park.*
- (4) *Request a report for the next meeting of Council on the options available for establishing interim and permanent design and land use controls on the area around the Smorgy's site.*

The report to Council on 20 February 2012 highlighted the degree of change that is occurring in the study through the Polaris development and completed developments in Lancaster Gate and on the western side of Plenty Road. It is clear the motivation for requesting this report is derived from the current planning application submitted for a 500 unit development on the former Smorgy's site at 1091 Plenty Road, Bundoora and a view that the planning scheme does not provide an adequate level of direction for the intensity of development proposed in this planning application.

The planning application for 1091 Plenty Road is the subject of a further information request and is yet to be advertised. Early plans submitted in support of this application proposed 550 apartments spread across 5 apartment towers, 7 to 10 storeys in height. Amended plans are being prepared by the proponents in response to a number of design related issues that have been raised in a further information request. It is important to point out that, as a starting basis for this application, a comprehensive set of environmental and archaeological site assessments have been undertaken.

The cultural heritage assessment confirms that the subject land contains no items of significance and its consequent development will have no impact on the 57 places that have been identified within a 2 kilometre radius of the site. The report notes there has been significant site disturbance and the likelihood of any artefacts of significance being found on site is low. The report has been undertaken in consultation with Aboriginal Affairs Victoria and concludes that no further site assessment in the form of a Cultural Heritage Management Plan is required.

A full tree inventory and arboricultural report has also been completed and independently assessed by Council's arborist. Most of the trees are located nearby within Bundoora Park and on adjoining Crown Land. The native vegetation on the site is either exotic species, planted or has regenerated from the planted vegetation. The native vegetation on site is exempt from requiring a planning permit to be granted prior to removal.

Impacts associated with the potential development on the 1091 Plenty Road site in regard to the large trees located within Bundoora Park have been carefully considered and the report requires generous tree protection zones to ensure the root zone of each tree is protected. This report and recommendations have been checked and assessed on site by Council's arborist and are supported. Officers understand that the proposed development is planning on complying with all recommendations in this report.

ISSUES AND DISCUSSION

State Requirements for the Preparation of Planning Scheme Amendments

Any Planning Scheme Amendment requires authorisation by the Department of Planning and Community Development and this is used as a checking point on the content and strategic

merit of changes proposed in the planning scheme. Ministerial Direction No.11 requires strategic assessment of all planning scheme amendment proposals and ensures Council carefully consider the following:

- How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?
- How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
- Does the amendment make proper use of the Victoria Planning Provisions?
- How does the amendment address the views of any relevant agency?
- Does the amendment address the requirements of the *Transport Integration Act 2010*?

These considerations pose a challenge for the application of both interim and permanent overlay controls on the former Smorgy's site. Given Council has undertaken its own natural heritage study in addition to further site specific assessments there is no evidence in these reports to support or justify additional site specific environmental overlay controls.

Can a Vegetation Protection Overlay (VPO) and Environmental Significance Overlay (ESO) be applied over Bundoora Park?

Council does have the ability to apply both a VPO and ESO over Bundoora Park, although due to considerations outlined in the previous section in relation to Ministerial Direction No.11 this would be difficult to justify and is also considered unnecessary. Under the Public Park and Recreation Zone any development and use that is not proposed by the relevant public land manager cannot proceed unless the public land manager, which in this case is Council, has consented to the planning application. This means Council has the power to stop any planning application made in relation to development and land use on Bundoora Park.

Through its current zoning its significance as either an environmental or recreational asset is already acknowledged and provided with the strongest possible protection in the planning scheme. The addition of overlays would be superfluous and present no difference in the manner in which planning applications are required or would be considered in respect to land use and development activity on Bundoora Park. Both ESOs and VPOs are intended to apply on land either in private ownership or still in private ownership and proposed to be included in a future reserve. In summary, these are intended to elevate the consideration of environmental impacts where Council would otherwise have no opportunity to both require a planning permit and assess environmental or native vegetation related issues.

Interim Controls

Officers of the Department of Planning and Community Development (DPCD) have advised that the Minister for Planning is particularly reluctant to provide support for the application of interim protection controls. In this case, there is also insufficient justification for the application of interim environmental overlay controls with high value areas already being protected by public ownership and appropriate zoning controls (in the planning scheme).

The fact there is a current application afoot is not sufficient justification to be able to successfully argue a case for interim controls to be applied. Confirmation of this advice from DPCD can be tabled at the Council meeting if required.

Alternative options available to Council to address the issues

It is a statutory requirement that before considering amendment to the planning scheme the responsibility authority should investigate and answer:

- Are there alternative ways of achieving it?
- Is a scheme amendment the only, or the best way of achieving it?

As noted above, the proposed amendment does not fulfill the requirements set out in the relevant Ministerial Direction, Practice Note and the Planning and Environment Act 1987.

Built Form Controls

There is however a body of work already completed that requires only a minor review that could be applied to provide sufficient justification for built form controls to be provided through a Design and Development Overlay (DDO) along Plenty Road from Bell Street through to Grimshaw Street.

The *Plenty Road Integrated Land Use and Transport Strategy (2009)* requires a brief update that could be completed in 4 – 6 weeks to enable a formal consultation process to be commenced. This document is yet to be adopted by the Council and could be updated to provide a more complete set of guiding principles and design requirements for development along Plenty Road. As outlined in the report to Council on 20 February 2012, this could inform a proposed DDO that applies the following design based principles.

A plan showing the *Plenty Road Integrated Land Use and Transport Strategy (2009)* Study Area is shown below:



Urban Design Principles

- Building height and setbacks will be determined by a site's context, recognising sensitive interfaces, the size and slope of a particular site. This will require a gradation of building heights from existing single storey development and recognition of sensitive interfaces (private open space in backyards).
- All buildings fronting Plenty Road should have a clear visible address to Plenty Road and should avoid blank walls in preference to providing a continuous glazed frontage to the street.
- Buildings should be brought forward to the street edge with car parking located to the sides and rear of sides to avoid the visual dominance of car parking fronting Plenty Road.
- Any Buildings with a common boundary to Bundoora Park should be in discreet forms with avoidance of lengthy continuous built edges to the park. These buildings should also be terraced away from the park where multi storey development is proposed to provide a podium edge to the park of 3 – 4 storeys. This will limit the height of development on sites adjoining Bundoora Park.
- View lines from Plenty Road through to Bundoora Park should be maintained on larger development sites with pedestrian access and view lines preserved by segmenting the buildings on larger frontages.
- A diversity of dwelling types should be encouraged throughout the precinct ranging from studio apartments through to 3 bedroom housing.
- The scale and massing of buildings need to take the role and function of this section of Plenty Road as a neighbourhood activity centre into consideration as there is no discernable character to establish a consistent form of height control.
- The amenity of adjoining and nearby residential properties will be taken into account with regard to overlooking, overshadowing and visual bulk impacts.
- Prioritisation of pedestrian movement within sites, with separation of vehicle access to be provided where practical.
- Direct and integrated Disability Discrimination Act 1992 compliant pedestrian pathways within sites that connect to public walkways.
- The use of high quality materials will be encouraged.
- Development will be required to consider the provision of a reasonable standard of internal amenity to proposed dwellings, which will be demonstrated by:
 - Access to light and ventilation
 - Layout of habitable rooms
 - Access to areas of private, communal and public open space.
- Appropriate internal amenity to communal open space should be provided through:
 - Access to light
 - Wind impacts.
- A high level of Environmentally Sustainable Design (ESD) will be encouraged for larger development projects.

These principles could potentially be embedded in a Design and Development Overlay that is strategically justified by the work already completed through the *Plenty Road Integrated Land Use and Transport Strategy (2009)*. It is suggested that the Council support the completion of

this project and commencement of public consultation on both the strategy and proposed overlay controls. If completed Council could potentially be in a position to have a proposed planning scheme amendment process formally commenced by August 2012.

POLICY IMPLICATIONS

Environmental Sustainability

There are environmental benefits with facilitating urban renewal opportunities in and around activity centres. New developments that are located within a walkable catchment to these areas promote more sustainable forms of transportation including walking, cycling and using public transport. The project is consistent and in line with:

- Going Places – Darebin Transport Strategy 2007 – 2027
- Darebin City Council Climate Change Action Plan (2007 – 2009)
- Darebin Community Climate Change Action Plan
- Climate Change and Peak Oil Adaptation Plan.

Social Inclusion and Diversity

Darebin is ranked as the fifth most socially and economically disadvantaged municipality within the metropolitan context. This is reinforced by the significantly lower number of households with car ownership compared to the metropolitan average. By facilitating redevelopment within strategic areas that have a walkable catchment to existing services and infrastructure it will address the long term living costs for current and future marginalised and disadvantaged individuals within Darebin.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

If Council wishes to proceed with the implementation of the Plenty Road Integrated Land use and Transport Study (November 2009) or additional built form controls there will be unbudgeted expenditure to cover the costs associated with a consultation program and planning scheme amendment. These costs would be in the order \$40,000 assuming a Panel Hearing will be required.

It should be noted that this work has not been programmed within the 2012/2013 draft budget and is likely to be undertaken in 2013/2014 financial year, unless there is a re-prioritization of work plans with the Strategic Planning Unit.

CONCLUSION

Whilst officers appreciate the intentions behind providing the additional environmental controls over Bundoora Park and the former Smorgy's site, it is difficult to justify the need for such controls. Both interim and permanent controls in the context set out in the Council resolution of 20 February 2012 are unlikely to be supported and based on available reports further work is unlikely to add any basis of environmental significance outside Bundoora Park.

If Council requires additional controls to be applied to development this is best provided through the completion of the *Plenty Road Integrated Land Use and Transport Strategy (2009)* and application of a Design and Development Overlay. This will provide height limit controls/guidelines along the Plenty Road corridor and ensure sensitive interfaces adjoining Bundoora Park are provided with an appropriate design response.

FUTURE ACTIONS

- Planning and Environment Act, 1987
- Ministerial Direction No. 11 - Strategic Assessment of Amendments
- Practice Note No. 46 - Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments
- Integrated Transport Act, 2010
- Darebin Planning Scheme Review Report 2011
- Internal review of Plenty Road Integrated Land Use and Transport Study (November 2009).
- Council briefing on recommendations and consultation plan.
- Allocation of funding to complete consultation and planning scheme amendment.
- Consultation to be undertaken in accordance with plan supported by Council.
- Preparation of planning scheme amendment.
- Council report for planning scheme amendment.
- Completion of planning scheme amendment process.

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

- Darebin Planning Scheme Review
- Polaris Development Plan 2011.
- Plenty Road Integrated Land use and Transport Study (November 2009).
- Darebin - North East Corridor Strategy (1998)
- Integrated Transport Act (2010)
- Melbourne 2030 (2003)
- Melbourne @ 5 million (2008)
- Victorian Integrated Housing Strategy (2010)
- Amendment VC71 (Revised State Planning Policy Framework) (2010)

- Darebin Municipal Strategic Statement (2006)
- Darebin Health and Wellbeing Plan 2009 - 2013 (2009)
- Going Places – Darebin Transport Strategy 2007 – 2027
- Urban Renewal Strategy for Plenty Road and High Street (2011).
- Amendment VC75 (Revised State Planning Policy Framework) (2011)
- Darebin Transport Strategy 2007 – 2027 (2007)
- Council Minutes – 20 February 2012 and 5 March 2012

8.2 REMOVING CHEWING GUM STAINS FROM FOOTPATHS IN SHOPPING STRIPS**MINUTE NO. 148****AUTHOR: Manager City Works****REVIEWED BY: Director City Works and Development****SUMMARY:**

At its meeting of 5 March 2012 (item 11.4), Council resolved:

“That Council Officers report back to the next Council meeting on current practices, potential options and resource implications for removing chewing gum stains from footpaths in key shopping strips”.

This report outlines the past and current practices for cleansing of footpaths in shopping centres and the options and resources required to remove of chewing gum from the footpaths in the key shopping strips.

Three options / levels of service are proposed for consideration to remove chewing gum and continue to maintain the footpaths in key shopping centres:

- (1) Steam clean to remove chewing gum and high pressure water cleaning of footpath once per year using contractors.
- (2) Initial steam clean to remove chewing gum and regular high pressure water cleaning of footpath 4 times per year using contractors.
- (3) Initial steam clean to remove chewing gum using contractors and regular high pressure water cleaning of footpath every 3 days using purpose built high pressure wash vehicle and Council staff.

CONSULTATION:

External Providers of Cleansing Services

External Providers of Cleansing Equipment

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. T. Laurence

THAT Council refer the cleaning of footpaths to the 2012/2013 Budget process for consideration.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

At its meeting of 5 March 2012 (item 11.4), Council resolved:

“That Council Officers report back to the next Council meeting on current practices, potential options and resource implications for removing chewing gum stains from footpaths in key shopping strips”.

This report will discuss the past and current practices for cleansing of footpaths in shopping centres and the options for removal of chewing gum from the footpaths.

Past and Current Cleansing Practices

Prior to 1995/1996, cleansing services in shopping centres included high pressure water cleaning of footpaths six days per week in the key shopping centre areas. In 1995, the service was outsourced to Berkley Challenge. The practice changed at this time where the high pressure water cleaning was removed from the service to reduce water use.

In April 2001, the contract with Berkley Challenge was terminated and cleansing services was again delivered by Council staff. The level of service provided to the key shopping centres has not changed much during this time which includes emptying of litter bins, litter collection and sweeping of roads and footpaths seven days per week, all year round. Recently, external cleaning of the litter bins has been added to the cleaning regime.

ISSUES AND DISCUSSION

Methods of Removing Chewing Gum from Footpaths

The main methods of removal of chewing gum are to freeze the chewing gum and to scrape it off the footpath surface or to use steam to dissolve the chewing gum from the surface. Both methods are very labour intensive but are the best ways to remove chewing gum that has been on the surface of the footpath for a long time. The preferred method used by cleansing contracts is the steam which costs approximately \$6-15/m² depending on the concentration of gum on the footpath.

Options to Maintain Chewing Gum Free Footpaths

As the footpaths in the key shopping areas have not been cleaned using any other method apart from sweeping for many years, the initial clean would need to be undertaken using steam to remove existing chewing gum. Once the initial clean is completed, the use of frequent high pressure water cleaning every 4-13 weeks would keep the footpaths clear of chewing gum. The frequency is dependant on the site and the equipment used to undertake the clean.

Another option is to undertake one steam clean and a high pressure clean every year. This option would allow chewing gum to build up over twelve months but requires less resources.

Options for Consideration

Three options are proposed for consideration:

- (1) Steam clean to remove chewing gum and high pressure water cleaning of footpath once per year using contractors.
- (2) Initial steam clean to remove chewing gum and regular high pressure water cleaning of footpath 4 times per year using contractors.
- (3) Initial steam clean to remove chewing gum using contractors and regular high pressure water cleaning of footpath every 3 days using purpose built high pressure wash vehicle and Council staff.

Resources Required

The initial clean would only be required once if regular high pressure water cleaning is undertaken subsequent to the initial clean. The approximate cost of a contractor to undertake this work for the six major shopping strips is estimated at \$140,000.

Regular high pressure water cleaning undertaken by a contractor will cost approximately \$4-6/m² depending on the state of the footpath. The cost of a contractor to undertake this work for the six major shopping strips is estimated up to \$85,000 per clean or \$340,000 per annum (13 week cycle). The 13 week cycle is proposed as many contractors have high cost equipment that can clean to a high level that requires less frequent cleans.

If regular high pressure water cleaning undertaken by staff, it would require the purchase or lease of a purpose built high pressure wash vehicle costing approximately \$150,000-\$190,000 with an expected life of the vehicle of seven years. Running costs including maintenance are approximately \$35,000 per annum and labour costs are approximately \$40,000 per annum. If the vehicle is leased over a seven year period, the cost per annum is estimated at \$43,000.

Procuring a vehicle and running it ourselves will take a few months to get to the same level of clean compared with the contractors due to the nature of the equipment. However, it will enable a greater level of service to be provided with the high pressure water cleaning being undertaken every three days and will enable Council to quickly respond to any requests for one-off cleans due to food spills, etc.

The annual costs for the options described above are:

- Option 1 – \$205,000
- Option 2 – \$340,000 plus \$140,000 (first year only)
- Option 3a (Lease Vehicle) – \$118,000 plus \$140,000 (first year only)
- Option 3b (Purchase Vehicle) – \$75,000 plus \$330,000 (first year only).

POLICY IMPLICATIONS

Environmental Sustainability

The service described in the report requires the use of water in its delivery. Recycled or tank water could be used if the quality of water available was good enough to be used in public spaces. This cost implications of using a water source other than potable water will require further investigation.

Social Inclusion and Diversity

The service described in the report, if implemented, would lift the amenity of the six key shopping strips which would assist to provide traders and visitors to these shopping precincts better trading / shopping experience at these locations.

Other

The Liveability and Regeneration goal described in the Council Plan 2009-2013 states that Council “ensure our built and natural environment continues to meet the changing needs and expectations of Darebin’s community”. The service described in the report, if implemented, would enhance the liveability of the municipality by lifting the amenity of the six key shopping strips and providing clean footpaths for these major activity precincts.

FINANCIAL AND RESOURCE IMPLICATIONS

The service described in the report is a new service costing over a seven year period between \$855,000 (Option 3b) and \$2,520,000 (Option 2) to deliver depending on the level of service adopted. The costs of the preferred option would be referred to the 2012-2013 budget process if this service implemented.

CONCLUSION

This report outlined the past and current practises for cleansing of footpaths in shopping centres and the options and resource required to remove of chewing gum from the footpaths in the key shopping strips.

Three options / levels of service are proposed for consideration to remove chewing gum and continue maintain the footpaths in key shopping centres:

- (1) Steam clean to remove chewing gum and high pressure water cleaning of footpath once per year using contractors.
- (2) Initial steam clean to remove chewing gum and regular high pressure water cleaning of footpath 4 times per year using contractors.
- (3) Initial steam clean to remove chewing gum using contractors and regular high pressure water cleaning of footpath every 3 days using purpose built high pressure wash vehicle and Council staff.

FUTURE ACTIONS

If any of the options detailed in this report are implemented, the following actions will need to be undertaken:

- Consult with stakeholders on timing of the cleansing works
- Procure the services / machinery
- Undertake the service at the agreed frequency.

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 – 5 March 2012

**8.3 RESIDENT PARKING RESTRICTIONS – CLARKE STREET
NORTHCOTE BETWEEN HIGH STREET AND RAILWAY
STREET****MINUTE NO. 149****AUTHOR: Manager Major Projects, Engineering and Transportation****REVIEWED BY: Director City Works and Development****SUMMARY:**

At its meeting on 6 February 2012 Council resolved:

That Officers undertake a survey of residents on the south side of Clarke Street, Northcote between High Street and Railway Street with respect to the recently introduced resident parking restrictions and the outcome of this survey be reported back to Council as soon as possible.

Following this resolution, on 13 February 2012 a survey was sent out to the 65 residences on the south side of Clarke Street seeking their opinion regarding the recent installation of parking restriction within the street. The consultation period was open for three weeks.

There was an excellent 52% response rate from residents, with 55% of the respondents in favour of keeping the parking restrictions.

CONSULTATION:

Residents on the south side of Clarke Street Northcote

RECOMMENDATION**THAT:**

- (1) The parking restrictions on the south side of Clarke Street Northcote remain as currently installed.
- (2) Council write to the residents of Clarke Street Northcote advising them of the outcome of this report.

COUNCIL RESOLUTION**MOVED: Cr. D. Asmar****SECONDED: Cr. N. Katsis**

THAT consideration of the matter be deferred to enable the Officers to meet with residents on site.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Clarke Street, Northcote is a residential street which intersects with High Street. The street is 8 metres wide. Due to the width of the street, parking is only allowed on the south side to ensure two 3 metre traffic lanes. There are 28 parking bays available within the street. The high demand for parking within the street is generated by the residents of Clarke Street, Merri Railway Station and the retail shops on High Street.

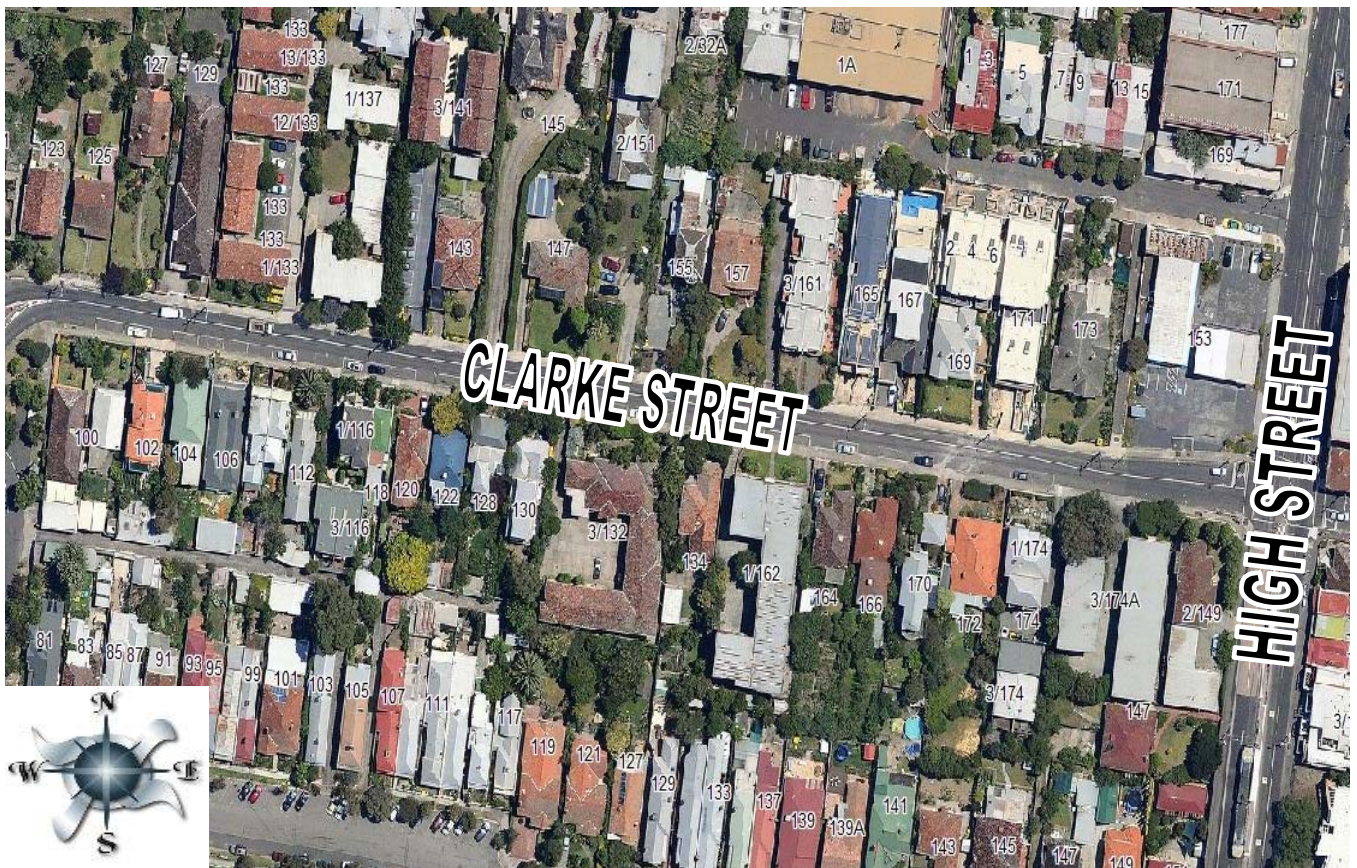


Figure 1 – Clarke Street, Northcote

Council received, on 8 September 2011, a petition signed by residents in Clarke Street which demonstrated support for altering on-street parking controls. Further investigations were conducted by Council Officers. These investigations included visiting Clarke Street at three different times and days to determine the parking demand on the street. The results are shown in the table below.

Site Inspection Dates and Times	Parking Demand
01/09/2011 at 10.15 am	85%
05/09/2011 at 2.30 pm	75%
09/09/2011 at 12.00 pm	100%
Average	87%

As there was a parking demand greater than 75% (the trigger point for parking saturation), a resident survey was conducted to determine whether residents wanted on-street parking controls. The parking controls proposed were two hour parking restrictions on the south side

of Clarke Street which will operate between 8am and 6pm. Letters and surveys were sent to all 123 residents on Clarke Street between High Street and Railway Place. Of the 123 surveys sent out, 36 responses were received, with two letters being returned to sender.

The results are shown in the table below.

Parking restrictions?	Responses
Yes	27
No	9
Majority in Favour	75%
Response Rate	30%

As there was a clear majority in favour of the restrictions, residents were notified by letter of the outcome on the 24 October. The 2 hour parking restriction signs were installed on 3 January.

ISSUES AND DISCUSSION

At its meeting on 6 February 2012 Council resolved:

That Officers undertake a survey of residents on the south side of Clarke Street, Northcote between High Street and Railway Street with respect to the recently introduced resident parking restrictions and the outcome of this survey be reported back to Council as soon as possible,

A resident survey was sent to all 65 properties on the south side of Clarke Street, asking residents whether they “Support the parking restrictions or Do not support the parking restrictions”. Officers received 34 responses with no letters being returned to sender. The results are displayed in the table below.

Support Changes?	Responses
Yes	19
No	15
Majority in Favour	56%
Response Rate	52%

As a majority of surveyed residents are in favour of keeping the parking restrictions following the second survey, the restrictions should remain and no further action be taken.

Council has received a number of enquiries/letters from residents about the parking changes in Clarke Street following the changes to the signage. There has been a range of reactions to the changes, including in favour of the changes, against the changes, and neutral.

POLICY IMPLICATIONS

Environmental Sustainability

There are no environmental sustainability issues.

Social Inclusion and Diversity

There are no social inclusion and diversity issues.

Other

This report has considered the *Darebin Transport Strategy 2007-2027*.

FINANCIAL IMPLICATIONS

Nil

FUTURE ACTIONS

That Council write to the residents of Clarke Street advising them of the outcome of this report.

CONCLUSION

As the majority of Clarke Street, Northcote residents are in favour of keeping the restrictions following the second survey, as a consequence the restrictions should remain in Clarke Street, Northcote and no further actions be taken.

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989 (Vic)* 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 – 5 March 2012

**8.4 NORTHERN METROPOLITAN COUNCILS DELEGATION TO
CANBERRA – MARCH 2012****MINUTE NO. 150****AUTHOR: Acting Executive Coordinator****REVIEWED BY: Chief Executive****SUMMARY:**

This report provides a summary of the Mayor and Chief Executive's participation in a delegation of northern metropolitan councils to Canberra during March 2012. The delegation met with Commonwealth Government Ministers, senior ministerial staff, senior bureaucrats and local Members of Parliament representing Melbourne's northern region.

CONSULTATION:

Banyule City Council
Hume City Council
Moreland City Council
Nillumbik City Council
Whittlesea City Council
Yarra City Council

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. D. Asmar

THAT Council note this report on the outcomes of the northern metropolitan councils delegation to Canberra and:

- (1) Work with the northern metropolitan councils to forward a letter of appreciation to each respective Minister and their advisors that met with the delegation from the northern metropolitan councils on 20 March 2012.
- (2) Write a letter of appreciation to the local members of Federal Parliament expressing its gratitude for the support and assistance provided by them and their staff in relation to the northern metropolitan councils visit to Canberra on 20 March 2012.
- (3) Write a letter of appreciation to NORTH Link and Regional Development Australia – Northern Melbourne for their support and assistance.
- (4) Continue to work with the northern region councils, NORTH Link and the Melbourne North Regional Development Authority to support and enhance Melbourne's north.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

On 19 September 2011, Council considered a report entitled "Northern Councils Regional Group". Following consideration of this report, Council resolved to join a group of northern metropolitan Melbourne councils to advocate on key priorities for the Melbourne's north.

The northern councils group includes Banyule City Council, Darebin City Council, Hume City Council, Moreland City Council, the Shire of Nillumbik, Whittlesea City Council and the Yarra City Council.

The northern councils previously sent a delegation of Mayors and CEOs to Canberra on 23 November 2011, to meet with various Commonwealth Government Ministers, senior ministerial staff, senior bureaucrats and local Members of Parliament representing Melbourne's northern region. This delegation was well received and it is considered to have improved the profile of Melbourne's north.

On 19 March 2012, Council considered a further report entitled "Northern Councils Regional Group" which recommended that the Mayor and the Chief Executive travel to Canberra to represent Darebin as part of the northern councils' delegation to meet with Ministers and/or senior officers of the Commonwealth Government to advocate for projects that will benefit Melbourne's northern suburbs.

At the 19 March 2012 meeting, Council resolved that it:

- (1) *Note the participation of the Mayor and Chief Executive in the Northern Council's delegation to Canberra on 20 March 2012.*
- (2) *Note that the purpose of the Northern Councils' delegation to Canberra is to meet with key Government Ministers and advocate for priority matters affecting Melbourne's north.*
- (3) *Contribute up to \$3,000 towards the fee of the consultant to prepare an advocacy submission for Ministers as part of the visit to Canberra as well as to arrange and coordinate appointments with Ministers and senior Commonwealth Government bureaucrats.*

Melbourne's northern municipalities represent 904,000 people from multicultural backgrounds, 22% of Melbourne's population. The region generates 16% of Melbourne's GDP, 13% of Victoria's overall GDP and 5% of national GDP. Melbourne's north is an industrial powerhouse providing 58,226 jobs in manufacturing (17.7% of Victoria's total manufacturing workforce).

The region is the road, rail and air gateway to Melbourne. Major assets include tertiary education institutions; health, hospital and infrastructure; Melbourne Airport; many leading national businesses; and the new Melbourne Wholesale Fruit and Vegetable Markets.

Melbourne's north is characterised by a high degree of council collaboration and cooperation that enhances the liveability, employment and development of the region.

The delegation from Melbourne's northern municipalities sought to provide the Commonwealth Government with information on the social and economic contributions that the region makes to Victoria and Australia. As a region, it is intended to increase the

contribution to the economy and to achieve this through shared actions and synergies between the partner municipalities, Regional Development Australia and NORTH Link.

ISSUES AND DISCUSSION

Melbourne's northern metropolitan group attended a series of meetings/briefings with the offices of a number of Ministers, Parliamentarians and senior officers at Parliament House, Canberra on 20 March 2012. This was the second delegation of representatives from Melbourne's north.

Previously, the delegation had visited Canberra in November 2011 to provide an overview of the region, information on local projects needing funding and focused on the importance of the NBN to the region.

The March 2012 delegation sought to highlight three areas:

1. The impacts of industry job shedding in the region and a proposed strategy to meet industry needs and create the conditions to maintain and bring forward jobs
2. The region is best placed to deliver early outcomes from the NBN
3. Requests for \$190 million in projects to fund seventeen shovel ready projects.

The delegation had eight different meetings of 30mins-45mins in duration. The delegation also had a debriefing session with some local Members of Parliament at the end.

The meetings included detailed submissions from the delegation on the following:

- Manufacturing strategy for the north and recommendations
- NBN and its rollout, infrastructure, capacity building and creating jobs in the north of Melbourne
- Socio economic overview of Melbourne's north
- Seventeen 'shovel ready' projects for the seven councils, seeking a total Commonwealth funding of \$19 million.
- Whittlesea submitted proposals for extension of Edgars Road and a new Hume Freeway interchange including works around O'Hearns Road (around \$100 million) as part of the above list of projects.

Darebin's submission included:

- Requests for Commonwealth funding of \$3 million for the new Keon Park Community Hub
- \$800,000 funding for cogeneration works at Darebin aquatic and leisure centres
- Commonwealth funding to fit out the new Darebin Arts and Entertainment Centre (estimated to be \$25 million).

Participants in the meetings were provided with a series of information papers (Melbourne's North: Socio-economic overview, and NBN and Melbourne's North The Perfect Connection) and project information sheets (Keon Park Community Hub, Cogeneration at Darebin Aquatic and Leisure Centres, and Darebin Arts and Entertainment Centre).

A copy of the 'Canberra Visit Report – Feedback and Recommendations' is attached as **Appendix A** to this report.

The delegation made submissions to following key members of the Parliament and had discussions with the relevant senior officers of the Federal Parliament:

- Minister for Climate Change and Energy Efficiency and Minister for Industry and Innovation Greg Combet AM MP's Chief of Staff Alan Behm
- Minister for Regional Australia, Regional Development and Local Government, and Minister for the Arts Simon Crean MP's advisor Bill Bolitho
- Member for Melbourne Adam Bandt MP's research and policy officer James Bennett
- Deputy Prime Minister and Treasurer Wayne Swan MP's advisor Matt Vine
- Minister for Sport, Minister for Multicultural Affairs and the Minister Assisting for Industry and Innovation Senator Kate Lundy's advisor Sean Sammon
- Minister for Employment and Workplace Relations, Minister for Financial Services and Superannuation Bill Shorten MP's advisor Steve Michelson
- Minister for Broadband, Communications and the Digital Economy, Minister assisting the Prime Minister on Digital Productivity Senator Stephen Conroy's advisor Andy Byrne
- Minister for Infrastructure and Transport Anthony Albanese MP's advisor Nick Seow
- Member for McEwen - Rob Mitchell MP
- Member for Wills - Kelvin Thompson MP
- Member for Scullin - Harry Jenkins MP
- Member for Calwell – Maria Vamvakinou MP.

Apart from the follow up on funding for the projects the delegation had previously submitted during its earlier visit, the following further actions were agreed upon:

- Follow up letters to be sent to all relevant Ministers and Parliamentarians.
- Steve Michelson, a senior officer from the office of the Minister for Employment and Workplace Relations, and Minister for Financial Services and Superannuation will visit some businesses and the Darebin Enterprise Centre within March/April 2012 to follow up on the delegation's submission on creating more jobs in the north.
- Minister Bill Shorten and others from the Federal Parliament will provide a budget briefing to the businesses, tertiary institutions and councils in May 2012 over a business breakfast, possibly at Rydges Bell City in Preston.
- NORTH Link will coordinate providing further information requested by the Federal Parliamentary officers.
- Minister Greg Combet and his Chief of Staff Alan Behm is expected to visit Melbourne's north to understand first hand the manufacturing industry in the north and recent impacts on employment. The Minister is keen to look at disadvantages and equity issues faced by these industries and the workers.
- The new Melbourne North's Manufacturing Strategy will be submitted to the Prime Minister's task force on Manufacturing (which was appointed by the Prime Minister and government to report on what can be done to support jobs and a future for manufacturing in Australia).
- Explore the possibility of holding a Community Cabinet meeting in the north in 2012.
- Harry Jenkins MP will facilitate a meeting of the delegation with the Minister for Housing, Minister for Homelessness, and Minister for Small Business - Brendan

O'Connor - in Melbourne to advance some of the recommendations in the Melbourne North's Manufacturing Strategy.

POLICY IMPLICATIONS

Environmental Sustainability

It is anticipated that the advocacy actions of the northern region councils will lead to improved environmental outcomes.

Social Inclusion and Diversity

It is anticipated that the advocacy actions of the northern region councils will lead to improved social inclusion and diversity outcomes in the north of metropolitan Melbourne.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Expenditures associated with the trip (flights, travel, etc.) were funded through existing allocations.

\$3,000 was contributed towards the cost of consultant's fees to prepare an advocacy submission for Ministers as part of the visit to Canberra as well for arranging and co-ordinating appointments with Ministers and senior Commonwealth Government bureaucrats.

CONCLUSION

The March 2012 delegation from Melbourne's north was able to convey concise, well considered strategies as well as low cost 'shovel ready' projects that would make a significant difference over a large region that is home to nearly one million people.

The delegation stressed that fact that diversity is the strength of the North.

FUTURE ACTIONS

- Sending of letters of appreciation
- Working with the northern region councils to follow up on actions
- Meeting with Steve Michelson at the Darebin Enterprise Centre
- Budget briefing by Minister Bill Shorten in May 2012
- Meeting with Minister Brendan O'Connor and Harry Jenkins MP

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 report, "Northern Councils Regional Group" – 19 March 2012

8.5 RESERVOIR VILLAGE BUSINESS DISTRICT SPECIAL RATE LEVY RENEWAL**MINUTE NO. 151****AUTHOR: Manager Economic Development and Civic Compliance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

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

- A Special Rate for the Reservoir Village Business District has been in place since 1999. The current Special Rate Scheme expires on 30 June 2012.
- The special rate will assist in delivering the 2012 – 2015 Business Development and Employment Strategy's objective to 'Strengthen the unique characteristics of Darebin's Activity Centres'.
- This report proposes that Council give public notice of its Intention to Declare a Special Rate for the Reservoir Village Business District. It also seeks submissions from owners and traders liable to pay the proposed Special Rate for the purposes of marketing, promotion and development of the Reservoir Village Business District.

CONSULTATION:

Reservoir Village Trader Association

Reservoir Village business owners and occupiers

COUNCIL RESOLUTION**MOVED: Cr. G. Greco**
SECONDED: Cr. T. Laurence**THAT:**

- (1) In accordance with Section 163(1), (1A), (1B) and (1C), and Section 163B(3) of the *Local Government Act 1989* ('the Act'), Council resolves to give public notice in the 'Preston Leader' and the 'Northcote Leader' newspapers pending Council's endorsement of this recommended form of communication to the local businesses, notifying of its intention to make a declaration of a Special Rate for the encouragement of business and commerce in the Reservoir Village Business District and that a copy of the public notice be sent to each person who will be liable to pay the Special Rate.
- (2) Specify the following for the purposes of Section 163(2), 163 (2A) and 163 (2B) of the Act:
 - (a) The total amount of the Special Rate to be levied is -

- i) For the first year of the Special Rate - \$64,080
 - ii) For each of the subsequent years the Special Rate remains in force - the previous year's amount to be levied plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
 - (b) The total amount of the Special Rate which may be levied is not to exceed the following, which is calculated in accordance with Section 163(2A) of the Act:
 - i) For the first year of the Special Rate - \$64,080
 - ii) For each of the subsequent years the Special Rate remains in force - the previous year's total amount of the Special Rate calculated in accordance with Section 163(2A) of the Act plus that amount multiplied by the Consumer Price Index Rate provided by the Australian Bureau of Statistics for the previous financial year.
 - (c) For the purposes of 2(b) above:
 - i) The 'benefit ratio' (R) to be levied on liable persons is 100 per cent for properties
 - ii) There are no properties receiving a special benefit from the Special Rate which are not to be levied the Rate;
 - iii) The 'community benefit' from the Special Rate is zero.
 - (d) The criteria to be used as the basis for levying the Special Rate is:
 - i) For the first year of the proposed Special Rate – each Rateable property included in the Special Rate is to pay the amount as specified in **Appendix A** calculated on the respective property's Capital Improved Value with a rate of 0.0012303 applied.
 - ii) The manner in which the Special Rate is assessed (that is, the criteria to be used as the basis for levying the Special Rate) is: For the first year and subsequent years of the Special Rate – each commercially zoned property included in the Special Rate is to pay the amount calculated in **Appendix A** of the respective property's Capital Improved Value.
- (3) Council facilitate a Reservoir Village traders information session in line with the Notice of Intention to Declare.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

The Reservoir Village Trader Association has written to Council asking that Council renew the Special Rate for the Reservoir Village Business District. This will in effect continue on from the current Special Rate which ceases on 30 June 2012. The new scheme is proposed to run for five years from 1 July 2012 to 30 June 2017.

ISSUES AND DISCUSSION

The success of local shopping centres such as the Reservoir Village Business District is extremely important to the local community. A vibrant, active and successful shopping centre can provide the following benefits to the community:

- Local employment
- Diversity of businesses
- Space for community to socialise and shop
- Meeting places
- Expressions of various cultures
- Entertainment
- Social inclusion.

The vision in the Business Development and Employment Strategy 2012-2015 adopted by Council in March 2012 seeks to have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment. It is also a priority of Council to 'Strengthen the unique characteristics of Darebin's Activity Centres'. In order to achieve this objective this shopping strip needs to be successful. A vibrant Reservoir Village Business District will also support Council to prepare a Structure Plan to guide and manage the way the Reservoir Activities Area will develop and change over time.

Since 1999, the Reservoir Village Business District has had a Special Rate Scheme in place for the properties used for retail and commercial purposes within the Centre. The area to be included within the Special Rate is shown below in Figure 1.

Map of Proposed Reservoir Village Business District Special Rate Levy

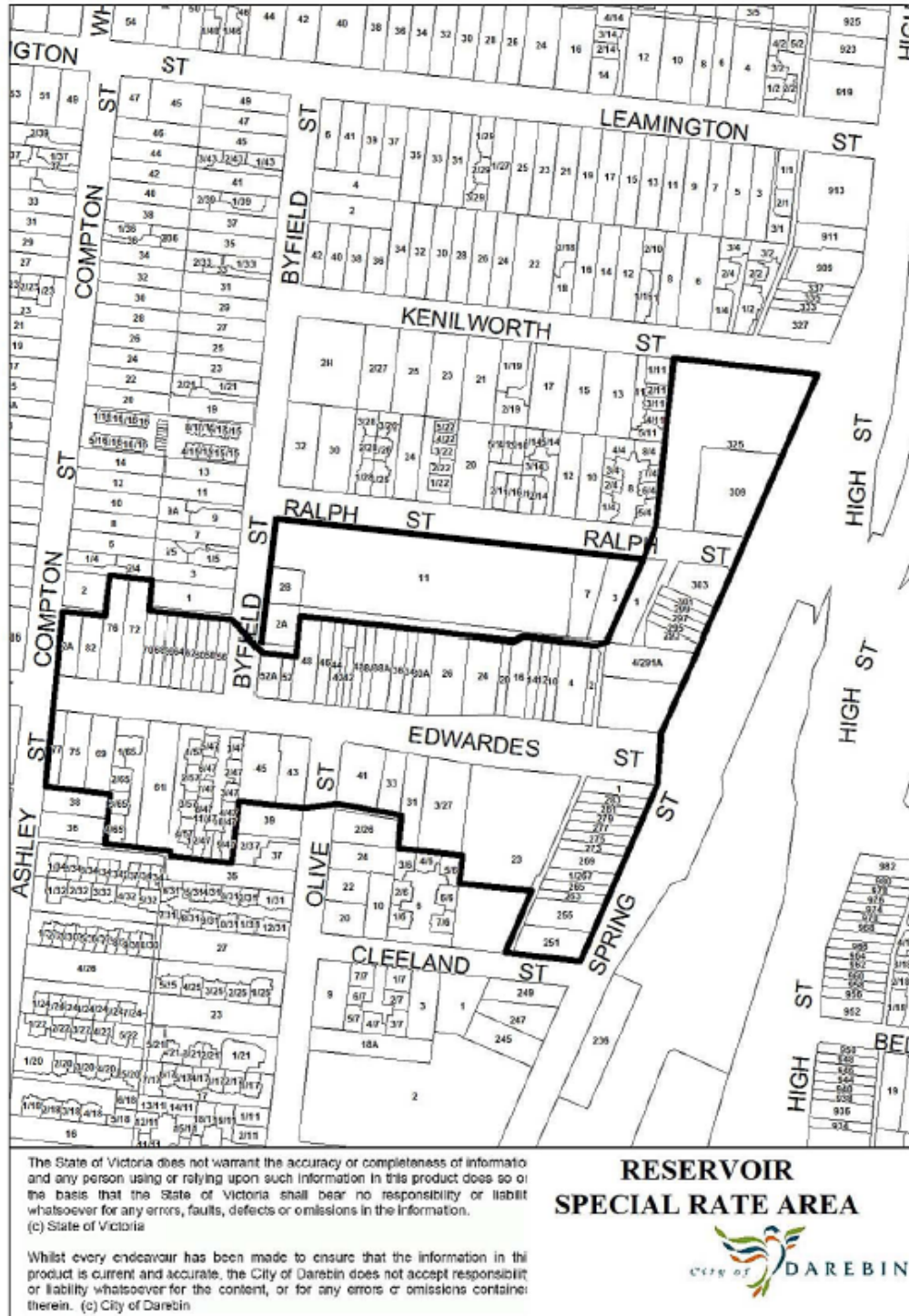


Figure 1

The scheme was introduced originally in 1999 and has been re-introduced every five years. The final year of the current scheme is expected to raise around \$50,000.

The funds raised by the Reservoir Village Business District Special Rate have been used by the Reservoir Village Trader Association over the last five years for:

- Promotional and marketing events
- Promotional advertising, marketing and public relations material
- Centre management, including employment of a Centre Co-ordinator
- Centre décor and displays
- Works to enhance the appearance and amenity of the Centre in addition to those provided generally by Council
- Incidental costs related to the above including expenses related to the declaration and levying of the Rate.

The Association has proposed a budget of \$64,080 for its programs in the first year of the Special Rate, with the annual CPI increases for each of the subsequent years after the first year.

The Reservoir Village Trader Association believes the fixed amount will provide the necessary funding to sustain a pro-active marketing approach and promotional campaign to assist Reservoir Village Business District to remain competitive.

The viability of the Reservoir Village Business District as one of Darebin's Major Activity Centres with a mix use of retail and professional services will be dependent on its ability to be represented as a cohesive management group of traders, allowing them to unite in effectively responding to external threats or opportunities so to protect their investment in the Darebin community.

The Reservoir Village Trader Association wishes to remain self-sufficient and to have the ability to provide a cohesive, holistic approach to marketing, promotion and to provide services to the centre over and above Council's standard services.

It has been practice with all Council's Special Rate schemes for 100% of the money raised by the scheme to be paid directly to the trader association's elected account, over four instalments throughout the year. The relevant association spends the funds as specified in the Special Rate Declaration and in accordance with an agreement between them and Council which calls for submission of annual budgets, regular financial reporting and audited annual financial statements.

Council has consulted extensively with the Reservoir Village Trader Association and has forwarded a survey to every trader (total of 90) involved in the proposal. Council received a total of 23 responses which indicated that traders were favourable towards the scheme. Most of the concerns raised were in relation to the effectiveness of how the money collected by the scheme is spent. A summary of the survey results follows.

EVALUATION SURVEY FOR THE PROPOSED RENEWAL OF THE RESERVOIR VILLAGE BUSINESS DISTRICT SPECIAL RATE SCHEME

SNAPSHOT OF RESULTS – 90 Properties 23 Responses

Response 25%

0 = Not Important

10 = Very Important

How Important is it for a local retail centre to have a Special Rate Scheme where the centre as a whole is promoted?													
	0	1	2	3	4	5	6	7	8	9	10	Not Completed	Total
	0	0	1	1	0	1	0	1	3	2	13	1	23
%	0	0	4	4	0	4	0	4	13	9	57	4	100%

How do you rate the effectiveness of the Reservoir Traders Association in promoting the Reservoir Village Business District?													
	0	1	2	3	4	5	6	7	8	9	10	Not Completed	Total
	0	0	2	3	1	3	3	2	2	1	3	3	23
%	0	0	9	13	4	13	13	9	9	4	13	13	100%

Would you support the renewal of the Special Rate Scheme for a further 5 Year period?				
	Yes	No	Not completed	Total
	18	5	0	23
%	78	22	0	100%

Copies of the surveys have been forwarded to the Reservoir Village Trader Association to assist in the preparation of their five year business plan.

POLICY IMPLICATIONS

Environmental Sustainability

There are no negative impacts on the environment associated with a Special Rate Scheme.

Social Inclusion and Diversity

There are no negative impacts on social inclusion and diversity associated with a Special Rate Scheme.

Other

Council Plan/ Policy

The vision of the Business Development and Employment Strategy 2012-2015 adopted in March 2012 is to have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment. To achieve this vision, shopping centres like Reservoir Village Business District need to be successful.

Legislative

The Local Government Act 1989 requires that Council must determine a number of matters when considering declaring a new Special Rate or Special Rate Renewal. These include:

a) The total cost of the Special Rate

The total cost of implementing this Rate would include:

- The annual amount which the Association has budgeted to spend on various marketing, promotional and other activities; and
- Council's own administrative costs in relation to the scheme.

With regard to the Association's programs, as stated above, it has budgeted to spend \$64,080 in the first year of the scheme and requests that this amount rise each subsequent year in line with CPI increases, for the remainder of the scheme.

b) The total amount of the Special Rate to be levied

In addition to the total cost of the scheme, Council must then decide the maximum amount that is able to be levied on liable property owners. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$R \times C = S$$

R is the 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which aren't to be levied (such as non-commercial community facilities).

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be rated to the shops. This must be attributed to, and paid for, by Council.

The community benefit **C** has been assessed and equates to zero.

C is the 'community benefit ratio' which is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the Special Rate, all being for the purpose of marketing, management and development of the Centre, will only benefit the commercial properties (all of which are rateable land) included in the Scheme area.

S is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the commercially zoned properties (ground floor only) shown on the map in Figure 1 above will receive a special benefit through increased economic activity. There are no rateable properties identified within this area which should not be levied in the Rate renewal. Also, it is considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the Centre will accrue to the businesses themselves.

Therefore, the total maximum amount that can be levied on liable property owners would be 100% of the total cost of the Scheme.

It has however been practice in previous schemes for Council to not recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the new scheme. It needs to be emphasised that Council's contribution (around \$15,000 annually) in providing its own resources towards the benefit of the Centre (which could otherwise be recouped from benefiting properties) is not inconsiderable and is highlighted for the record.

c) The criteria to be used as the basis for declaring the Special Rate

Council needs to specify the methodology it will use in determining how the payment of the Rate is to be apportioned amongst the benefiting properties. In this instance, it is proposed that all properties will pay a specific amount calculated against the rate in the dollar of their Capital Improved Value, in order to raise the total amount to be levied for each year to meet the Reservoir Village Trader Association's annual budget.

- 1 – 77 Edwardes Street (inclusive)
- 2AA – 84B Edwardes Street (inclusive)
- 251 – 325 Spring Street (inclusive)
- 1 and 2 Ralph Street (inclusive).
- 2A Byfield Street.

FINANCIAL AND RESOURCE IMPLICATIONS

Council's contribution in providing resources for the set up and administration of a new Special Rate Scheme is estimated to be \$15,000. This amount will not be recovered from the Reservoir Village Trader Association. It will be absorbed in Council's Business Development budget.

The Capital Improved Value (CIV) of commercial properties used to calculate the Special Rate Scheme is based on Council's 2010 valuations. Council is currently in the process of revaluing all properties, however due to statutory requirements and timelines these valuations cannot be utilised in this renewal.

CONCLUSION

The proposed renewal to the Special Rate provides a sound financial basis for the Reservoir Village Business District to promote their centre. The process invites public comment and Council can review the proposed scheme in light of public submissions.

FUTURE ACTIONS

Should Council resolve to proceed with an intent to re-introduce the special rate, the following would occur:

- (1) Public Notice of Council's intention to declare the special rate is currently being reviewed by Macquarie Lawyers & Strategists and will be advertised in The Preston Leader and Northcote Leader newspaper, and individual notices, including a copy of the public notice, will be sent to all property owners and occupiers.
- (2) A person affected by the special rate may make a written submission or objection (which may include a request to be heard) to Council, within 28 days of the publication of this notice. This will be considered in accordance with Sections 163A, 163B and 223 of the Local Government Act 1989. Submissions and objections will be directed to the Business Development Coordinator and any persons who wish to be heard in support of their submissions will be heard at a Hearing of Submissions Committee meeting on Monday 14 May 2012, if required.
- (3) Following this, a further report will be made to Council outlining all submissions and objections. Council will then resolve to either adopt or abandon the scheme.
- (4) If the scheme is adopted, affected persons then have a period of 30 days to lodge an objection with the Victorian Civil and Administrative Tribunal.
- (5) Authorise the necessary execution of the agreement documents when available.

DISCLOSURE OF INTERESTS

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

- Local Government Act 1989
- Business Development & Employment Strategy 2012-2015

**8.6 PROPOSAL TO DISCONTINUE AND SELL THE RIGHT-OF-WAY
(ROAD) REAR 445-449 HIGH STREET AND ADJOINING 1A
BEAVERS ROAD, NORTHCOTE**

MINUTE NO. 152

AUTHOR: Manager Assets and Properties

REVIEWED BY: Director Corporate and Business Services

SUMMARY:

In 2011, Council received an expression of interest to purchase a section of right-of-way adjoining 445-449 High Street and adjacent to 1A Beavers Road, Northcote (Road) from the registered proprietors of 1A Beavers Road Northcote (Roman Heights Pty Ltd).

Roman Heights Pty Ltd and the registered proprietors of 445-449 High Street, Northcote (Associated Entities) have lodged a planning permit application proposing a mixed use development of the properties. The Road is proposed to be included in the development. Accordingly, Council commenced the statutory procedures in accordance with the Local Government Act 1989 for the proposed discontinuance of the Road. The procedures have been completed and no objections were received regarding the proposed discontinuance of the Road.

This report recommends that Council formally discontinue the Road and sell the Road by private treaty to the owner of 1A Beavers Road, Northcote subject to them entering into a Section 173 agreement enabling the Road to be used for access by the registered proprietors of 445-449 High Street, Northcote.

CONSULTATION:

Maddocks Lawyers

Statutory Authorities

Council departments

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar

SECONDED: Cr. N. Katsis

THAT Council, having given public notice of the proposal to discontinue the road adjoining 445-449 High Street and adjacent to 1A Beavers Road, Northcote, shown hatched on the plan included as Figure 1 in this report, and being of the opinion that the road is not reasonably required for public use:

- (1) Discontinues the road in accordance with Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989;
- (2) Directs that a notice be published in the Victoria Government Gazette;

- (3) Directs that the land from the road be sold by private treaty to the owner of 1A Beavers Road, Northcote, in accordance with Council Policy guidelines;
- (4) Signs and seals all documents relating to the sale of land from the discontinued road to the owner of the adjoining property at 1A Beavers Road, Northcote; and
- (5) Enters into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 (Section 173 Agreement) that will;
 - a) Require the registered proprietors of 445-449 High Street, Northcote to have access to the road up until the commencement of construction of the proposed development pursuant to planning permit application D319/11;
 - b) Require the owners to consolidate the title to the road with the adjoining properties following the discontinuance and transfer by no later than 18 months after the day of sale.

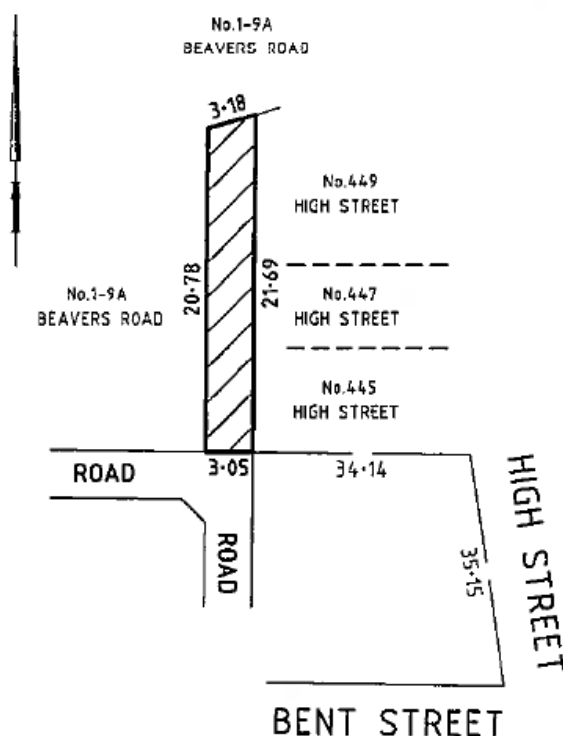
CARRIED

REPORT

INTRODUCTION AND BACKGROUND

In 2011, Council received an expression of interest to purchase a section of right-of-way adjoining 445-449 High Street and adjacent to 1A Beavers Road, Northcote (Road), shown hatched on the plan in Figure 1 below, from the registered proprietors of 1A Beavers Road Northcote (Roman Heights Pty Ltd).

**Figure 1
Right-of-way adjoining 445-449 High St and adjacent to 1A Beavers Rd, Northcote**



Roman Heights Pty Ltd and the registered proprietors of 445-449 High Street, Northcote (Associated Entities) have lodged a planning permit application (D319/11) with Council proposing a mixed use development of the properties which require the incorporation of the land from the Road in the development. The planning permit application is currently under consideration.

The 3.05 metre wide right-of-way is constructed and the section that forms part of the planning permit application is used by Roman Heights Pty Ltd and Associated Entities. To ensure the interests of the registered proprietors of 445-449 High Street, Northcote are protected, it is proposed that a Section 173 Agreement be placed over the land from the Road to enable access to the rear of their properties until the commencement of construction of the proposed development. It should be noted if the planning permit is refused, the Section 173 Agreement would remain over the land from the Road ensuring carriageway rights are retained by the Associated Entities.

On 28 June 2011, Council sought agreement from Roman Heights Pty Ltd prior to commencing the statutory processes to discontinue the right-of-way. Accordingly, Roman Heights Pty Ltd returned the agreement on 29 June 2011, agreeing to the terms of discontinuance and sale:

- A non-refundable application fee of \$5,000.00 to commence the investigation of the proposed discontinuance and sale (application fee)
- To purchase the land from the road subject to Council resolution at the market valuation (\$78,000.00) plus GST (less the application fee) payable to Council in transferring the road to the application. Subject to Council resolution.
- All costs and disbursements associated with the proposed discontinuance, transfer of land, preparation and lodgment of the Section 173 Agreement Subject to Council resolution be payable by the applicant..

On 22 September 2011, Maddocks Lawyers were instructed to commence the discontinuance process on Council's behalf.

ISSUES AND DISCUSSION

Site Inspection

On 12 December 2011, Council's surveyor, Barker Monahan Pty Ltd, undertook a site inspection of the Road which identified that the road is currently providing vehicular and pedestrian access to the owners of 445 and 447 High Street, Northcote and that northern part, which is located at the rear of 449 High Street, was enclosed by a gate.

Consultation

On behalf of Council, Maddocks Lawyers undertook consultation with Council departments, service authorities and abutting property owners in regard to the proposed discontinuance. No objections to the proposed discontinuance have been received.

It is proposed that a Section 173 Agreement be placed over the land from the Road to protect the access and egress rights of the adjoining High Street properties pending approval and commencement of the proposed development (D319/11). Should the planning permit application be refused or the development not be realised, the Section 173 agreement would ensure that carriageway rights to the High Street properties continue even though the land would belong to Roman Heights Pty Ltd.

Statutory Processes

On 21 December 2011, Maddocks Lawyers prepared a draft public notice for approval by Council. On 29 December 2011, Council’s Acting Manager Assets and Properties, acting under delegated authority, authorised the commencement of the statutory procedures for the proposed discontinuance and sale of the road.

Public Notice of 1A proposed discontinuance and sale was given in The Age on 10 January 2012 and in the Northcote Leader newspaper 11 January 2012. A copy of the public notice is shown in Figure 2 below.

Figure 2 – Public Notices

City of DAREBIN

**PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING
SUBMISSIONS UNDER SECTION 223**

Darebin City Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act), proposes to discontinue the road abutting 445-449 High Street and adjacent to 1A Beavers Road, Northcote shown hatched on the plan below, being the whole of the land contained in certificates of title volume 9034 folio 559 and volume 9034 folio 560 (Road), and sell the land to the adjoining property owner by private treaty.

In accordance with section 223 of the Act, any person wishing to make a submission must do so in writing by not later than 8th February 2012.

Submissions quoting reference fA195200, should be addressed to the Chief Executive, and can be hand delivered to Council’s municipal office at 274 Gower Street, Preston or posted to the following address:
Rasiah Dev
Chief Executive
Darebin City Council
PO BOX 91
PRESTON VIC 3072

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

All submissions will be considered in accordance with section 223 of the Act.

Following consideration of any submissions Council may resolve to discontinue the Road, part of the Road, or not discontinue the Road and sell the land from that Road or retain the land

Enquiries to: Assets and Properties, Darebin City Council on 8470 8213.

Rasiah Dev
Chief Executive
Darebin City Council

The Age 10/1/2012

City of DAREBIN

**PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING
SUBMISSIONS UNDER SECTION 223**

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All submissions will be considered in accordance with section 223 of the Act.

Following consideration of any submissions Council may resolve to discontinue the Road, part of the Road, or not discontinue the Road and sell the land from that Road or retain the land

Enquiries to: Assets and Properties, Darebin City Council on 8470 8213.

Rasiah Dev
Chief Executive
Darebin City Council

Northcote Leader 11/1/2012

Any submissions received would be considered in accordance with Section 223 of the Local Government Act 1989. No submissions were received following the required advertising period.

POLICY IMPLICATIONS

Environmental Sustainability

There are no factors associated with the proposal which will impact environmental sustainability.

Social Inclusion and Diversity

There are no factors in this report which will impact upon social inclusion and diversity.

Other

This report has been prepared having regard to Council's *Right of Way and Road Closure Policy*.

FINANCIAL AND RESOURCE IMPLICATIONS

Roman Heights Pty Ltd has agreed to purchase the land from the Road 'subject to Council approval' for agreed market value of \$85,800 inclusive of GST.

In addition to the payment of market value of the land, the applicant has agreed to pay Council's costs and disbursements associated with the discontinuance and sale of the road.

CONCLUSION

Having completed the statutory processes and being of the opinion the Road is no longer reasonably required for public use, it is considered that Council is in a position to formally discontinue the Road and sell the land from the Road by private treaty to the owner of 1A Beavers Road, Northcote in accordance with Council's Policy guidelines.

FUTURE ACTIONS

- Publish a notice regarding the discontinuance of the Road in the Victoria Government Gazette.
- Preparation and execution of the transfer of the land and Section 173 Agreement by the relevant parties.
- Lodge the fully executed transfer of land and Section 173 Agreement at Land Registry to affect the sale.

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's Right-of-Way and Road Closure Policy

8.7 PUBLICATION OF STATUTORY PUBLIC NOTICES**MINUTE NO. 153****AUTHOR: Manager Corporate Governance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

This report recommends that Council change the official newspaper for the publication of statutory notices required under the Local Government Act 1989 to the Northcote Leader newspaper and the Preston Leader newspaper, or The Age newspaper.

This change will reduce expenditure on Public Notices by approximately \$23,000 annually.

CONSULTATION:

Coordinator Council Business

Manager City Development

Management Accountant

Macquarie Lawyers and Strategists

RECOMMENDATION**THAT:**

- (1) Council statutory Public Notices required under the Local Government Act 1989, Planning and Environment Act 1987 or other acts be published in either:
 - a) The Age Newspaper; and/or
 - b) The Northcote Leader; and/or
 - c) The Preston Leader; and
- (2) The Chief Executive Officer or his delegate determine which option to use, having regard to the circumstances of each public notice, either specifically or generally.

COUNCIL RESOLUTION

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

THAT:

- (1) Council statutory Public Notices required under the Local Government Act 1989, Planning and Environment Act 1987 or other acts be published in either:
 - a) The Age Newspaper; and/or
 - b) The Northcote Leader; and/or
 - c) The Preston Leader; and
- (2) The Chief Executive Officer or his delegate determine which option to use, having regard to the circumstances of each public notice, either specifically or generally.
- (3) The proposal that the savings in advertising be used towards Council's CALD Community Strategy be referred to the 2012/2013 Council Budget process for consideration.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Section 3(1) of the Local Government Act 1989 defines a Public Notice as "*a notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose by ... the Council.*"

At its first meeting in July 1994, Council resolved to use The Age newspaper for this purpose. This selection has not been reviewed since. On 18 December 1995, Council adopted a policy to govern the placement of Public notices, which states "*whenever the Council is required to give public notice within the meaning of the Local Government Act and any other Act, the required notice will be given in The Age newspaper.*"

Statutory notices are frequently published in the Northcote Leader and Preston Leader newspapers in addition to The Age newspaper to increase the likelihood of residents within the municipality being notified of Council business. A 2008 internal review of corporate advertising recommended that Council change the official newspaper for the publication of notices to the Northcote Leader and Preston Leader newspapers or The Age newspaper. At the time of the review there was concern that the Northcote Leader and Preston Leader newspapers do not cover the whole municipality (particularly the Springthorpe estate area of Macleod), and that the official newspaper needed to circulate across the whole municipal district.

Council has obtained legal advice and determined it can use both the Northcote Leader newspaper and Preston Leader newspaper for the publication of public notices. There are significant financial and community benefits associated with using the local newspapers in preference to The Age newspaper. There is provision in the recommendation to allow

statutory public notices to be published in either The Age newspaper or the Northcote Leader and Preston Leader newspapers which allows the circumstances of each notice to be considered and ensures there is a publication available for urgent notices.

ISSUES AND DISCUSSION

Readership and circulation, accessibility as well as financial and environmental implications have been considered in development of this report.

Readership and circulation

Preston Leader and Northcote Leader Newspapers

Statutory public notices published in the Preston Leader and Northcote Leader newspapers can be viewed online or in print format. Preston and Northcote Leader newspapers are weekly publications that are delivered free of charge to residents within the Darebin community. Both newspapers are also available by subscription to households outside the municipality.

Readership and circulation figures – Northcote Leader and Preston Leader

	Circulation	Readership
Northcote Leader	24,296	27,000
Preston Leader	38,361	48,000

Source: Audit Bureau of Circulation Sept 10, Roy Morgan Research, Oct 08-Sept 10

The Preston Leader and Northcote Leader newspapers are also available via an online subscription service. The service sends an email to subscribers notifying of new newspaper issues. Preston Leader and Northcote Leader newspapers can also be read online without subscribing to the service.

Melbourne Times Weekly Newspaper

Melbourne Times Weekly is a free weekly newspaper delivered to residents letterboxes and is available online. The distribution maps of Melbourne Times Weekly show that the newspaper covers a large area of the inner northern metropolitan area and does not match municipal boundaries. The Melbourne Times Weekly does not cover the areas of Kingsbury and Bundoora which fall into the Northern Times Weekly distribution area.

Circulation figures – Melbourne Times Weekly and Northern Times Weekly

	Circulation
Melbourne Times Weekly	90,163
Northern Times Weekly	55,414

Source: Fairfax Media adcentre publishers estimate, March 2011

The Melbourne Times Weekly cannot currently be viewed online as print format without subscribing to the paper.

The Age Newspaper

The Age newspaper has been used as Council's official newspaper because it is daily and covers the whole municipality. Although some articles can be viewed online, a paid online subscription or purchase of a hard copy newspaper is required to view the whole newspaper.

Circulation figures - The Age newspaper

	Circulation
The Age (M-F)	190,600
The Saturday Age	275,000
The Sunday Age	225,400

Source: Roy Morgan Research, March 2011

	Readership
The Age (M-F)	668,000
The Saturday Age	857,000
The Sunday Age	695,000

Source: Audit Bureau of Circulations, March 2011

Any changes to the official newspaper needs to provide flexibility for Council Officers to consider the circumstances of each notice and select the most appropriate paper for publication. This will ensure that urgent notices can be published in a daily newspaper.

Online accessibility

A recent parliamentary acknowledgement of the inadequacy of the notification function of newspapers resulted in a legislative change which now requires that all Councils publish public notices on their websites. This makes public notices freely available to community members with access to the internet.

Access will be further improved through the implementation of a City of Darebin Public Notice subscription service which will notify registered community members via email when a new Public Notice is published on the Council website. This function will be implemented when the new content management system is introduced.

POLICY IMPLICATIONS

Environmental Sustainability

Based on circulation figures, the number of Preston and Northcote Leader newspapers printed is more than one third lower than The Age (weekday circulation figures). Using local newspapers has the environmental advantages of reducing the amount of paper used as well as reducing greenhouse gas emissions associated with production and transport.

Social Inclusion and Diversity

Publishing notices in the locally distributed free newspapers will eliminate financial barriers associated with accessing notices through The Age.

Other

Changing the official newspaper for publication of notices is considered to be an efficiency improvement that fits with the City of Darebin Council Plan 2009-2013, Prudence and Prosperity strategic objective.

FINANCIAL AND RESOURCE IMPLICATIONS

Analysis of 2010/2011 public notices associated with Council Business, Right of Ways, and Business Support advertising accounts identified that using only the Preston Leader and Northcote Leader newspapers instead of The Age could have saved Council \$23,132. Although it is difficult to predict the number of public notices that are advertised each year and to track the advertising costs that are distributed across a number of Council units, there are financial savings to be made by changing the official newspaper.

Analysis of public notice advertising in three key financial accounts

Account	2010/2011 Advertising expenditure	Saving if advertisement placed in Leader newspapers only
Council Business	\$ 15,567	\$ 9,957
Rights of Way	\$ 9,285	\$ 5,697
Business Support	\$ 15,104	\$ 7,478
Total		\$23,132

These figures do not include public notices required under the Planning and Environment Act 1987.

CONCLUSION

That Council endorse the recommendation to allow statutory public notices be published in either The Age newspaper or the Northcote Leader and the Preston Leader; and that the Chief Executive Officer or his delegate determine which option to use, having regard to the circumstances of each public notice.

FUTURE ACTIONS

- The recommendation will be implemented immediately, with the Chief Executive to delegate the authority to determine the appropriate newspaper to use in each circumstance to the:
 - Manager City Development (in relation to notices required under the Planning and Environment Act 1987)
 - Manager Corporate Governance (in relation to notices required under the Local Government Act 1989 and all other Acts).
- An online subscription service for public notices will be implemented when the website content management system is complete.

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 the Council Meeting July 1994
- Minutes of the Council Meeting 18 December 1995
- Corporate Advertising Review Report March 2008 (A412524)
- Local Government Act 1989

**8.8 REVIEW OF GOVERNANCE LOCAL LAW AND
COUNCILLOR CODE OF CONDUCT****MINUTE NO. 154****AUTHOR: Manager Corporate Governance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

At its meeting on 5 March 2012, Council resolved:

That Council receive a report at its meeting on 2 April 2012 outlining the process and timeline for the review of the Governance Local Law 2007 and the Councillor Code of Conduct 2009.

This report responds to that request and provides indicative process, timelines and resources implications of the reviews.

CONSULTATION:

Nil

RECOMMENDATION

THAT Council receive and note this report outlining the process and timeline for the review of the Governance Local Law 2007 and the Councillor Code of Conduct 2009.

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. B. Morgan

THAT the review of the Governance Local Law 2007 be considered as part of the 2012/2013 Council Budget process and that the Council receive and note this report regarding the review of the Governance Local Law 2007 and Councillor Code of Conduct 2009.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

At its meeting on 5 March 2012, Council resolved:

That Council receive a report at its meeting on 2 April 2012 outlining the process and timeline for the review of the Governance Local Law 2007 and the Councillor Code of Conduct 2009.

Local Laws

The Local Government Act 1989 (at section 111(1)) empowers Councils to make local laws “for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act”. The scope of Council’s ability to make a local law is subject to a range of legislative limitations, procedural requirements and sunset provisions.

Ordinarily, local laws are valid for a period of 10 years from the date of commencement, although they can be revoked by Council resolution sooner.

The City of Darebin currently has four local laws:

Local Law	Scope	Gazetted	Scheduled review
Parking Local Law 2002	Establishes the penalty for various parking infringements under the Road Rules, Victoria.	22 August 2002	2012
General Local Law 2005*	Covers use of Council land, amenity and nuisance issues such as ‘burning-off’, selling goods, advertising signs and keeping of animals.	14 July 2005	2015
General (Amendment) Local Law 2006*	Made minor amendments to the General Local Law 2005 relating to the introduction of alcohol restricted zones and street party permits.	21 September 2006	will be revoked with the review of the General Local Law in 2015
Governance Local Law 2007	Covers conduct of Council and Committee meetings, the common seal and election of Mayor.	29 November 2007	2017

* These two local laws, when read together, are referred to as the General Local Law 2005 (Consolidated).

In order to review the Governance Local Law 2007, Council can choose whether to amend the existing local law or to revoke the existing law and adopt a new one in its place. The process for amendment or replacement is essentially the same, except that amending a local law does not extend the sunset provision for an additional ten years while adopting a new one would.

In determining whether to amend or to revoke and replace a local law, Council should be guided by the degree of change being considered – simple insertions or modifications can be

addressed by amendment, while wholesale restructure and rewriting is better addressed by revocation and replacement.

Code of Conduct

The Local Government Act 1989 (at section 76C) requires that Councils develop and approve a Councillor Code of Conduct containing certain prescribed matters and any other “*matters relating to the conduct of Councillors which the Council considers appropriate.*”

The Local Government Act 1989 requires that Council review its Code of Conduct within 12 months after a general election. There is no restriction on Councils reviewing or altering its Code of Conduct at another time, although this does not remove the requirement for the post-election review.

Council’s existing Code of Conduct 2009 was reviewed by Council within 12 months of the November 2008 general election and adopted by Council on 16 November 2009. The existing Code of Conduct is based on a model Councillor Code of Conduct developed by the Municipal Association of Victoria which complies with legislative requirements and addresses a range of relevant matters, many of which Councils (including Darebin) had included in their previous codes of conduct.

Apart from a requirement to provide a current copy of a Councillor Code of Conduct to each Councillor and to make a copy available for inspection by the public, there are no procedural requirements prescribed in the Local Government Act 1989 for the review of a Councillor Code of Conduct.

ISSUES AND DISCUSSION

The City of Darebin Governance Local Law 2007

A preliminary review of the City of Darebin Governance Local Law 2007 has identified two areas which could be addressed in a review or amendment.

Firstly, in relation to the election of a Mayor (or Committee Chairperson), the local law states:

“9.1.3 If there is more than one nomination the Councillors present at the meeting must vote for one of the candidates by a secret ballot.”

In 2008, an amendment to the Local Government Act 1989 (at section 90(1)(ca)) introduced a requirement that all votes taken at a meeting that is open to the public must not be in secret. As a result, the process prescribed in the local law for electing a Mayor by secret ballot is inconsistent with the requirements of the Local Government Act. Relevantly, the Local Government Act (at section 111(3)) states:

“111(3) A local law is inoperative to the extent that it is inconsistent with any Act or regulation.”

Thus, when read in conjunction with the Local Government Act 1989, clause 9.1.3 of the City of Darebin Governance Local Law 2007 can be taken to read:

“9.1.3 If there is more than one nomination the Councillors present at the meeting must vote for one of the candidates.”

Any review of the local law would provide an opportunity to remove this inconsistency, but that change would not in itself be of any legal effect.

Secondly, in relation to the need to seek permission to record a meeting, the local law states:

“33 *A person must not operate film, photograph, tape or operate equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson.*”

It would appear from the wording of Section 33 that the words “or operate equipment” are included erroneously and should read “or other equipment”. It is not considered that this is a material error that affects the operation of the local law as the intention of the clause is clear, despite the cumbersome wording.

Revoking and replacing the City of Darebin Governance Local Law 2007

The process to revoke the existing City of Darebin Governance Local Law 2007 and develop a new Local Law would begin with a benchmarking of other municipal local laws, to identify areas of commonality and best practice. Following this benchmarking, Council would provide a strategic direction to determine the scope and objectives of the review. This would be an opportunity to identify areas where the existing local law could be improved and objectives which are not currently being met by the wording of the existing local law.

Once the scope of the review is defined, a draft local law would be developed by Council officers, and independent legal advice would be sought on the wording and operation of the local law itself.

Following the development of a draft local law, a community consultation process would follow – seeking community and stakeholder feedback on the proposed changes. It is likely that this consultation process would include advertising in local newspapers, use of Council’s internet site and a public information session immediately prior to a Council meeting.

Feedback from the community consultation phase would then be brought to Council and any necessary modifications made. Further legal advice would then be necessary, with the cost of such advice largely depending on the degree of any changes made.

Following the development of a proposed local law, the Local Government Act 1989 (at section 223) then requires a public exhibition process, including the formal receipt of submissions and a meeting of Council’s Hearing of Submissions Committee, if required.

Once submissions have been considered, it is then open to Council to adopt the local law and notify the community both in the Victoria Government Gazette and by Public Notice of the commencement date. The resolution to adopt the new local law would also revoke the City of Darebin Governance Local Law 2007.

Process to revoke and replacing the City of Darebin Governance Local Law 2007

Week	Step	Cost estimate
1-3	Benchmarking	
3	Directions Briefing with Council to determine the scope and objectives of the review	
4-6	Development of a draft local law	
6 - 7	Seek legal advice on the draft local law	\$ 10,000
8-10	Draft Local Law to community consultation	\$ 2,000
11	Briefing with Council on outcomes of consultation	

12-13	Development of proposed local law	
14-15	Seek legal advice on the proposed local law	\$ 10,000
16	Briefing with Council to present the proposed local law	
17	Council resolution to place proposed local law on public exhibition	
17	Notice of intent to make a local law in the Victoria Government Gazette and publication of a Public Notice	\$ 1,000
17-21	Public Exhibition and receipt of submissions	
22	Meeting of the Hearing of Submissions Committee (if required)	\$ 500
23	Presentation of proposed local law to Council	
24	Notice of new Governance Local Law in the Victoria Government Gazette and publication of a Public Notice	\$1,000
		\$ 24,500

Amending the City of Darebin Governance Local Law 2007

An alternative approach to reviewing the local law would be to amend the existing local law through the development and adoption of a new local law which is designed to amend the existing local law. This approach is suitable if the proposed amendments are limited in scope and comprise simple insertions or modifications rather than wholesale restructure and rewriting.

In a statutory sense, the process to an amending local law is identical, but the limited scope and degree of the change is likely to require less Council Officer time and less legal advice.

The eventual resolution to adopt the new (amending) local law would not revoke the City of Darebin Governance Local Law 2007, but from that point forward, the two laws would be read together as a consolidated local law.

Process to adopt a City of Darebin Governance (Amendment) Local Law

Week	Step	Cost estimate
1-2	Benchmarking	
2	Directions Briefing with Council to determine the scope and objectives of the review	
3-4	Development of a Draft Local Law	
5	Seek legal advice on the Draft Local Law	\$ 5,000
6-7	Draft Local Law to community consultation	\$ 1,000
8	Briefing with Council on outcomes of consultation	
9-10	Development of Proposed Local Law	
11	Seek legal advice on the Proposed Local Law	\$ 5,000
12	Briefing with Council to present the Proposed Local Law	
13	Council resolution to place Proposed Local Law on public exhibition	
13	Notice of intent to make a local law in the Victoria Government Gazette and publication of a Public Notice	\$ 1,000
13-17	Public Exhibition and receipt of submissions	
18	Meeting of the Hearing of Submissions Committee (if required)	\$ 500
19	Presentation of Proposed Local Law to Council	
20	Notice of new Governance (Amendment) Local Law in the Victoria	\$1,000

Government Gazette and publication of a Public Notice

\$ 13,500

City of Darebin Councillor Code of Conduct 2009

The process to review the City of Darebin Councillor Code of Conduct 2009 can be determined by Council as there are no specific procedural requirements prescribed in the Local Government Act 1989.

The process to develop a new code of conduct would begin with a benchmarking of other municipalities, to identify areas of commonality and best practice. Following this benchmarking, Council would provide a strategic direction to determine the scope and objectives of the review.

Once the scope of the review is defined, a draft code would be developed by Council officers, and independent legal advice would be sought on the wording and operation of the code itself.

Following the development of a draft code, a community consultation process would follow. It is likely that this consultation process would include advertising in local newspapers and use of Council's internet site.

Feedback from the community consultation phase would then be brought to Council and any necessary modifications made. Further legal advice would then be necessary, with the cost of such advice largely depending on the degree of any changes made. Following the development of a proposed code it would be presented to Council for consideration and it would be then open to Council to adopt the code of conduct.

Process to review the City of Darebin Councillor Code of Conduct 2009

Week	Step	Cost estimate
1-3	Benchmarking	
3	Directions Briefing with Council to determine the scope and objectives of the review	
4-6	Development of a Draft Councillor Code of Conduct	
6 & 7	Seek legal advice on the Draft Councillor Code of Conduct	\$ 5,000
8-10	Draft Councillor Code of Conduct to community consultation	\$ 1,000
11	Briefing with Council on outcomes of consultation	
12	Development of Proposed Councillor Code of Conduct	
13	Seek legal advice on the Proposed Councillor Code of Conduct	\$ 2,000
14	Briefing with Council to present the Proposed Councillor Code of Conduct	
15	Presentation of Proposed Councillor Code of Conduct to Council	
		\$ 8,000

Regardless of whether or not Council conducts an immediate review of the Councillor Code of Conduct 2009, a further review will be required within 12 months of the formation of a new Council in November 2012.

It is expected that the Municipal Association of Victoria will prepare a model Councillor Code of Conduct for distribution to the sector ahead of the 2012 Council elections (as they did in

2008), and that basing a new City of Darebin Councillor Code of Conduct on this model document could significantly reduce the need to seek external legal advice.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications arising directly from this report.

Necessary funding for part of the 2013 review of the Councillor Code of Conduct has been submitted to the Council budget process for 2013/2014 (with the remainder to be submitted to the 2014/2015 budget process).

Necessary funding for the 2017 review of the Governance Local Law 2007 will be submitted to the 2016/2017 and 2017/2018 Council budgets.

A decision to immediately commence a review of either the Councillor Code of Conduct or the Governance Local Law would result in a commitment of expenditure not currently included in the 2011/2012 budget or submitted to the 2012/2013 budget,

CONCLUSION

This report outlines the process for reviewing both the Governance Local Law 2007 and the Councillor Code of Conduct 2009 and presents them for Council's information. The next review of the Governance Local Law is scheduled for 2017 and the Councillor Code of Conduct review is scheduled for 2013.

FUTURE ACTIONS

- A review of the Councillor Code of Conduct 2009 will commence in early 2013 and will be completed by October 2013.
- A review of the Governance Local Law 2007 will be conducted ahead of its sunset in November 2017.

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

- City of Darebin Governance Local Law 2007
- City of Darebin Councillor Code of Conduct 2009
- Local Government Act 1989
- Council Minutes – 5 March 2012

8.9 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING

MINUTE NO. 155

AUTHOR: Council Business Coordinator

REVIEWED BY: Director Corporate and Business Services

SUMMARY:

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

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. V. Fontana

THAT the status report on Reports and 'General Business' items outstanding as at March 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 March 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 February 2012 be received and noted.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 7 May 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.

The Mayor, Cr. Tsitas, temporarily left the meeting at the conclusion of the above item – 8.25pm

The Deputy Mayor, Cr. Asmar, assumed the Chair.

9. NOTICES OF MOTION

9.1 NOTICE OF MOTION – PART B OF AMENDMENT C108 – RESPONSES TO REVIEW OF ALPHINGTON NORTH HERITAGE PRECINCT

MINUTE NO. 156

NOTICE OF MOTION NO. 26

CR. TRENT MCCARTHY

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“**THAT** the following resolution of the Council on 19 March 2012:

- 9.1 Part B of Amendment C108 – Responses to Review of Alphington North Heritage Precinct

That Council:

- (1) *Abandon Amendment C108 Part B.*
- (2) *Request the Minister for Planning to remove immediately the interim overlay controls for the North Alphington Precinct.*

be revoked.”

Contingent upon adoption of this Motion, I further intend to move:

“**THAT** Council:

- (1) *Finalise the Alphington North Heritage Precinct: Review of Proposed Heritage Overlay Area, Draft December 2011.*
- (2) *Write to the Minister for Planning to seek the appointment of an independent planning panel for Amendment 108 Part B – Proposed Heritage Controls for Alphington North Precinct to hear all submissions to C108 and the recent responses to the Review process.”*

Notice Received: 26 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

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

THAT the following resolution of the Council on 19 March 2012:

9.1 Part B of Amendment C108 – Responses to Review of Alphington North Heritage Precinct.

That Council:

- (1) *Abandon Amendment C108 Part B.*
- (2) *Request the Minister for Planning to remove immediately the interim overlay controls for the North Alphington Precinct.*

be revoked

The Mayor, Cr. Tsitas, returned to the meeting during discussion of this item and resumed the Chair – 8.27pm

A VOTE ON THE MOTION WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST.

A Division was called:

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

As the vote was tied, the Mayor, Cr. Tsitas, again exercised his casting vote against the Motion.

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

9.2 NOTICE OF MOTION – RATING OF PROPERTIES**MINUTE NO. 157****NOTICE OF MOTION NO. 27****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT Council receive a report at its next meeting to enable the properties at 31 Zoe Circuit, Northcote and 23 Plimsoll Grove, Fairfield to be rated as ‘residential’ rather than ‘vacant residential’, effective from 1 July 2011.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. V. Fontana

THAT Council receive a report at its next meeting to enable the properties at 31 Zoe Circuit, Northcote and 23 Plimsoll Grove, Fairfield to be rated as ‘residential’ rather than ‘vacant residential’, effective from 1 July 2011.

Cr. Asmar proposed to the Mover and Seconder of the Motion, Cr. McCarthy and Cr. Fontana, that the Motion be amended to read as follows, and this was accepted:

“THAT Council receive a report at its next meeting to consider the properties at 31 Zoe Circuit Northcote and 23 Plimsoll Grove Fairfield and any other similar properties to be rated as ‘residential’ rather than ‘vacant residential’, effective from 1 July 2011.”

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

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy

SECONDED: Cr. V. Fontana

THAT Council receive a report at its next meeting to consider the properties at 31 Zoe Circuit Northcote and 23 Plimsoll Grove Fairfield and any other similar properties to be rated as ‘residential’ rather than ‘vacant residential’, effective from 1 July 2011

CARRIED UNANIMOUSLY

Cr. Fontana disclosed a conflict of interest in the following matter classifying the type of interest as an indirect interest by indirect financial interest and describing the nature of the interest as that the Architect involved with the subject planning permit application has undertaken work for him in the past.

Cr. Fontana left the meeting prior to consideration of this matter – 9.05pm

**9.3 NOTICE OF MOTION – COUNCIL OPPOSITION TO
PLANNING PERMIT APPLICATION D/247/2011, 43-47
SIMPSON STREET, NORTHCOTE**

MINUTE NO. 158

NOTICE OF MOTION NO. 28

CR. TRENT MCCARTHY

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT:

- (1) Council informs VCAT that with respect to Application D/247/2011, 43-47 Simpson Street, Northcote, Council opposes the granting of a permit on the following grounds:
 1. Insufficient car parking has been provided for residents and visitors of the four (4) storey development.
 2. The height and form of the development will appear visually bulky when viewed from the secluded private open space of the adjoining residential property known as 149 Roberts Street, Northcote.
 3. The proposal is an overdevelopment of the site.
 4. The proposal is inconsistent with the Municipal Strategic Statement and the Darebin Planning Scheme.
- (2) Council's advocate inform the Tribunal at the VCAT hearing of this change in position and present this position as the adopted position of the Responsible Authority.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

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

THAT:

- (1) Council informs VCAT that with respect to Application D/247/2011, 43-47 Simpson Street, Northcote, Council opposes the granting of a permit on the following grounds:
 1. Insufficient car parking has been provided for residents and visitors of the four (4) storey development.
 2. The height and form of the development will appear visually bulky when viewed from the secluded private open space of the adjoining residential property known as 149 Roberts Street, Northcote.
 3. The proposal is an overdevelopment of the site.
 4. The proposal is inconsistent with the Municipal Strategic Statement and the Darebin Planning Scheme.
- (2) Council's advocate inform the Tribunal at the VCAT hearing of this change in position and present this position as the adopted position of the Responsible Authority.

On the basis of Clause 22.4 of the Governance Local Law 2007, the Mayor, Cr. Tsitas, asked, after the motion was moved and seconded, whether it was opposed and advised that, as no opposition was indicated, he proposed to put it to the vote without debate.

Cr. McCarthy asked that his objection to the above be noted.

Further discussion and debate followed as a result of the motion subsequently being opposed (Cr. Greco).

THE MOTION WAS SUBSEQUENTLY PUT AND LOST.

A Division was called:

For

Cr. T. McCarthy
Cr. T. Laurence
Cr. G. Greco

Against

The Mayor, Cr. S. Tsitas
Cr. D. Asmar
Cr. N. Katsis
Cr. B. Morgan

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

Cr. Fontana returned to the meeting at the conclusion of the above item – 9.38pm

9.4 NOTICE OF MOTION – APPLICATION FOR PLANNING PERMIT D/683/2011, 96 CHEDDAR ROAD, RESERVOIR**MINUTE NO. 159****NOTICE OF MOTION NO. 29****CR. TIM LAURENCE**

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT:

- (1) Council informs VCAT that with respect to the Application for Planning Permit D/683/2011, 96 Cheddar Road Reservoir, Council opposes the granting of a permit on the following grounds:
 1. The proposed development fails to meet requirements of Clause 55 and does not respect the local neighbourhood character.
 2. The proposed development will have unacceptable overlooking and overshadowing impacts on properties to the east and south of the subject site.
- (2) Council's advocate inform the Tribunal at the VCAT hearing of this change in position and present this position as the adopted position of the Responsible Authority.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. Laurence
SECONDED: Cr. D. Asmar

THAT consideration of the matter be deferred until the next Council meeting.

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

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence
SECONDED: Cr. D. Asmar

THAT consideration of the matter be deferred until the next Council meeting.

CARRIED

**9.5 NOTICE OF MOTION – DOLE AVENUE STADIUM
REMEDIAL WORKS****MINUTE NO. 160****NOTICE OF MOTION NO. 30****CR. TIM LAURENCE**

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“**THAT** Council commit in principle to funding the urgent remedial works for the defective brick walls in the Dole Avenue Stadium in Keon Park in the 2012/2013 budget. That Council resolves to take action to ensure that all wall cracks and footings defects are rectified. That Council Officers refer the costings and options for these remedial works to the current budget process for consideration as a matter of urgency.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. G. Greco

THAT Council commit in principle to funding the urgent remedial works for the defective brick walls in the Dole Avenue Stadium in Keon Park in the 2012/2013 budget. That Council resolves to take action to ensure that all wall cracks and footings defects are rectified. That Council Officers refer the costings and options for these remedial works to the current budget process for consideration as a matter of urgency.

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

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. G. Greco

THAT Council commit in principle to funding the urgent remedial works for the defective brick walls in the Dole Avenue Stadium in Keon Park in the 2012/2013 budget. That Council resolves to take action to ensure that all wall cracks and footings defects are rectified. That Council Officers refer the costings and options for these remedial works to the current budget process for consideration as a matter of urgency.

CARRIED UNANIMOUSLY

The Mayor, Cr. Tsitas, temporarily left the meeting at the conclusion of the above item (Item 9.5) – 9.47pm.

The Deputy Mayor, Cr. Asmar, assumed the Chair.

9.6 NOTICE OF MOTION – PROPOSED NEW PUBLIC ARTWORK IN BUNDOORA

MINUTE NO. 161

NOTICE OF MOTION NO. 31

CR. TIM LAURENCE

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT Council refers to Council budget for 2012/2013 a new public artwork project on the crown land on the corner of Plenty Road and Snake Gully Drive Bundoora, that marks the entry to the Mt Cooper Estate and that clearly displays the name of the Mt Cooper Estate. That concurrently with budget consideration for funding by Council that Council Officers start negotiations with the relevant Federal authorities and utilities regarding this type of public use for this public land.

Furthermore, that subject to Council budget funding and Federal co-operation, that Council commits to working in consultation with Mt Cooper residents and Bundoora Park stakeholders on a public artwork design with materials such as iron, red gum and basalt rock that respects and reflects the local native vegetation, heritage and bush setting opposite Snake Gully Reserve and adjacent to Bundoora Park and that gives clear visible recognition of the estate name ‘Mt Cooper Estate’.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. G. Greco

THAT Council refers to Council budget for 2012/2013 a new public artwork project on the crown land on the corner of Plenty Road and Snake Gully Drive Bundoora, that marks the entry to the Mt Cooper Estate and that clearly displays the name of the Mt Cooper Estate. That concurrently with budget consideration for funding by Council that Council Officers start negotiations with the relevant Federal authorities and utilities regarding this type of public use for this public land.

Furthermore, that subject to Council budget funding and Federal co-operation, that Council commits to working in consultation with Mt Cooper residents and Bundoora Park stakeholders on a public artwork design with materials such as

iron, red gum and basalt rock that respects and reflects the local native vegetation, heritage and bush setting opposite Snake Gully Reserve and adjacent to Bundoora Park and that gives clear visible recognition of the estate name 'Mt Cooper Estate'.

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

COUNCIL RESOLUTION

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

THAT Council refers to Council budget for 2012/2013 a new public artwork project on the crown land on the corner of Plenty Road and Snake Gully Drive Bundoora, that marks the entry to the Mt Cooper Estate and that clearly displays the name of the Mt Cooper Estate. That concurrently with budget consideration for funding by Council that Council Officers start negotiations with the relevant Federal authorities and utilities regarding this type of public use for this public land.

Furthermore, that subject to Council budget funding and Federal co-operation, that Council commits to working in consultation with Mt Cooper residents and Bundoora Park stakeholders on a public artwork design with materials such as iron, red gum and basalt rock that respects and reflects the local native vegetation, heritage and bush setting opposite Snake Gully Reserve and adjacent to Bundoora Park and that gives clear visible recognition of the estate name 'Mt Cooper Estate'.

CARRIED

**9.7 NOTICE OF MOTION – PLANNING PERMIT APPLICATION –
1091 PLENTY ROAD BUNDOORA**

MINUTE NO. 162

NOTICE OF MOTION NO. 32

CR. TIM LAURENCE

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT recognising the environmentally sensitive area surrounding the residentially zoned site at 1091 Plenty Road Bundoora that Darebin Council endorses the decision to refer any planning application for this site that exceeds three storeys (a height currently outlined in Council's 2009 Plenty Road land use strategy) to full Council for consideration.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

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

THAT recognising the environmentally sensitive area surrounding the residentially zoned site at 1091 Plenty Road Bundoora that Darebin Council endorses the decision to refer any planning application for this site that exceeds three storeys (a height currently outlined in Council's 2009 Plenty Road land use strategy) to full Council for consideration.

The Mayor, Cr. Tsitas, returned to the meeting and resumed the Chair – 9.50pm

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

COUNCIL RESOLUTION

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

THAT recognising the environmentally sensitive area surrounding the residentially zoned site at 1091 Plenty Road Bundoora that Darebin Council endorses the decision to refer any planning application for this site that exceeds three storeys (a height currently outlined in Council's 2009 Plenty Road land use strategy) to full Council for consideration.

CARRIED UNANIMOUSLY

9.8 NOTICE OF MOTION – CONSULTATION – PLANNING PERMIT APPLICATION, 1091 PLENTY ROAD, BUNDOORA

MINUTE NO. 163

NOTICE OF MOTION NO. 33

CR. TIM LAURENCE

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT given that the site 1091 Plenty Rd Bundoora adjoins a regional park namely Bundoora Park that in the event of any application that exceeds 3 storeys that Darebin Council commits to written notification of the 7,000 plus Darebin resident households in the nearby and adjoining Darebin suburbs of Kingsbury, Bundoora and Macleod as well as key community groups who use Bundoora Park such as Friends of Bundoora Park, pensioner groups, walking groups, sporting clubs and golf club members.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

THE ABOVE NOTICE OF MOTION (NO. 33) WAS WITHDRAWN BY CR. LAURENCE.

9.9 NOTICE OF MOTION – PUBLIC COMMUNITY CONSULTATION MEETING – PLANNING PERMIT APPLICATION, 1091 PLENTY ROAD, BUNDOORA

MINUTE NO. 164

NOTICE OF MOTION NO. 34

CR. TIM LAURENCE

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT Council resolves to conduct a public community consultation meeting at Bundoora Homestead during the notification period and chaired by the three Ward Councillors if any plans exceeding three storeys are lodged with Council and proceed to advertising stage for the site at 1091 Plenty Road, Bundoora.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

THE ABOVE NOTICE OF MOTION (NO. 34) WAS WITHDRAWN BY CR. LAURENCE.

9.10 NOTICE OF MOTION – PROPOSED ADDITIONAL WIFI PROJECT FOR SPRINGTHORPE ESTATE**MINUTE NO. 165****NOTICE OF MOTION NO. 35****CR. TIM LAURENCE**

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“**THAT** Council recognizes the need to improve internet connections on Springthorpe Estate and to achieve this outcome Council scope the design, development and costing of an additional WIFI project for Springthorpe Estate in Macleod and that this information be submitted to the 2012/2013 budget for evaluation to secure a better internet connection outcome for these Darebin residents.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. D. Asmar

THAT Council recognizes the need to improve internet connections on Springthorpe Estate and to achieve this outcome Council Officers contact the NBN to lobby for NBN connection or an extension of a high speed fixed wire connection to the NBN network that will be rolled out nearby in La Trobe University.

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

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. D. Asmar

THAT Council recognizes the need to improve internet connections on Springthorpe Estate and to achieve this outcome Council Officers contact the NBN to lobby for NBN connection or an extension of a high speed fixed wire connection to the NBN network that will be rolled out nearby in La Trobe University.

CARRIED UNANIMOUSLY

9.11

NOTICE OF MOTION – WILLIAM RUTHVEN COLLEGE**MINUTE NO. 166****NOTICE OF MOTION NO. 36****CR. TIM LAURENCE**

Take notice that at the Ordinary Meeting of Council to be held on 2 April 2012, it is my intention to move:

“THAT Darebin Council resolves to support the community call for proceeds from the land sale of the closed Lakeside College in Radford Road Reservoir to be given to William Ruthven College to deliver the promised level of buildings and infrastructure on the merged school site at Mahoneys Road Reservoir. Furthermore that Council write to the Minister of Education and the Premier and local MPs for Thomastown and Preston regarding Council’s position on this matter.”

Notice Received: 29 March 2012

Notice Given to Councillors: 29 March 2012

Date of Meeting: 2 April 2012

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. G. Greco

THAT Darebin Council resolves to support the community call for proceeds from the land sale of the closed Lakeside College in Radford Road Reservoir to be given to William Ruthven College to deliver the promised level of buildings and infrastructure on the merged school site at Mahoneys Road Reservoir. Furthermore that Council write to the Minister of Education and the Premier and local MPs for Thomastown and Preston regarding Council’s position on this matter.

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

COUNCIL RESOLUTION

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

THAT Darebin Council resolves to support the community call for proceeds from the land sale of the closed Lakeside College in Radford Road Reservoir to be given to William Ruthven College to deliver the promised level of buildings and infrastructure on the merged school site at Mahoneys Road Reservoir. Furthermore that Council write to the Minister of Education and the Premier and local MPs for Thomastown and Preston regarding Council's position on this matter.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS

Nil.

11. GENERAL BUSINESS**11.1 POSSIBLE HERITAGE CONTROLS OR LAND USE
OVERLAY – 31-33 COMAS GROVE THORNBURY****MINUTE NO. 167****COUNCIL RESOLUTION**

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

THAT Council Officers prepare a report to consider options available for the possible introduction of heritage controls or a land use overlay on the site at 31-33 Comas Grove Thornbury.

CARRIED UNANIMOUSLY**11.2 HARD WASTE COLLECTION****MINUTE NO. 168****COUNCIL RESOLUTION**

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

THAT Council Officers prepare a report for the next Council meeting on the status of Hard Waste collection services in the municipality and the expected date and program roll out of the street hard rubbish collection.

CARRIED UNANIMOUSLY

**11.3 PROPOSED INSTALLATION OF CLEARWAY SIGNS - ST
GEORGES ROAD NORTHCOTE**

MINUTE NO. 169

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. D. Asmar

THAT Council receive a report on the proposal to install Clearway signs along St Georges Road Northcote from Aberdeen Grove to the new lights at the roundabout in consultation with property owners and occupiers.

CARRIED

**11.4 REVIEW OF INVOICE/STATEMENT FOR THE ELDERLY
AND DISABLED**

MINUTE NO. 170

COUNCIL RESOLUTION

MOVED: Cr. D. Asmar
SECONDED: Cr. T. Laurence

THAT Council investigate that the tax invoice/statement notification is disability friendly ie. font size and bold, accessibility for opening the four sided sealed envelopes and the layout including the debit and credit information be reviewed to be reader friendly for the elderly and disabled.

CARRIED UNANIMOUSLY

11.5 ADDITIONAL MEMBERS - SAME SEX ATTRACTED AND GENDER DIVERSE ADVISORY COMMITTEE

MINUTE NO. 171

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. D. Asmar

THAT Susan Lodge and Jo Grzelinska be added to the list of members of the Same Sex Attracted and Gender Diverse Advisory Committee endorsed at Council's meeting on 5 March 2012.

CARRIED UNANIMOUSLY

11.6 PROPOSAL TO INTRODUCE CYCLE LANES ALONG DAREBIN ROAD

MINUTE NO. 172

COUNCIL RESOLUTION

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

THAT Council receive a report at its next meeting regarding the Bicycle Victoria proposal to introduce cycle lanes along Darebin Road.

CARRIED

A Division was called:

For

Cr. T. McCarthy
Cr. T. Laurence
Cr. G. Greco
Cr. D. Asmar
Cr. V. Fontana

Against

The Mayor, Cr. S. Tsitas
Cr. N. Katsis
Cr. B. Morgan

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

11.7 EAST RESERVOIR BUS SERVICE

MINUTE NO. 173

COUNCIL RESOLUTION

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

THAT:

- (1) Council Officers report back on progress on the erection of signs with the community message requesting that “Baillieu, bring back our buses” on the various nature strips that have had their bus stops bypassed.
- (2) Council write to both the Hon Terry Mulder, Minister for Public Transport and Ms Fiona Richardson, Shadow Minister for Public Transport regarding this Council action and urgent community need.

CARRIED UNANIMOUSLY

11.8 BASKETBALL COURTS – DOLE STADIUM, KEON PARK

MINUTE NO. 174

COUNCIL RESOLUTION

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

THAT Council Officers report back to the next Council meeting on the status of the playing surface of the basketball courts at Dole Stadium, Keon Park and when the surface will be fixed.

CARRIED UNANIMOUSLY

11.9 LEAMINGTON STREET RESERVOIR RECREATION AREA
MINUTE NO. 175

COUNCIL RESOLUTION

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

THAT Council consider the redevelopment options for the Leamington Street Reservoir recreation area as part of the 2012/2013 Council Budget deliberations.

CARRIED UNANIMOUSLY

11.10 PROPOSED RESPONSIBLE GAMBLING CHARTER
MINUTE NO. 176

COUNCIL RESOLUTION

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

THAT Council Officers prepare a report to consider the feasibility of establishing a "Responsible Gambling Charter" for the City of Darebin.

CARRIED UNANIMOUSLY

12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

MOVED: Cr. V. Fontana
SECONDED: Cr. G. Greco

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:

12.1 Darebin International Sports Centre Roof.

CARRIED

The meeting was closed to members of the public at 10.36pm.

The Council considered and resolved on Report Item 12.1 (Darebin International Sports Centre Roof) which had been circulated to Councillors on Thursday 29 March 2012 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. D. Asmar
SECONDED: Cr. N. Katsis

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

CARRIED

The meeting was re-opened to members of the public at 10.45pm.

CONFIDENTIAL**12.1 DAREBIN INTERNATIONAL SPORTS CENTRE ROOF****MINUTE NO. 177****AUTHOR: Manager Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

Following the completion of the construction of the Darebin International Sports Centre (DISC), the centre has experienced ongoing roof leaks.

Following a "Settlement Deed" agreed upon with the builder, works are scheduled to commence on or after 16 April 2012 and will take approximately 30 days to complete and be at no cost to Council.

CONSULTATION:

Nil

RECOMMENDATION

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

COUNCIL RESOLUTION**MOVED: Cr. D. Asmar****SECONDED: Cr. N. Katsis****THAT** the following Council Resolution:

That Council note this report regarding rectifying roof leaks at the Darebin International Sports Centre.

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

CARRIED

13. CLOSE OF MEETING

The meeting closed at 10.47pm