



# **MINUTES OF THE COUNCIL MEETING**

**HELD ON**

**MONDAY, 7 MAY 2012**

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RELEASED TO THE PUBLIC ON FRIDAY 11 MAY 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 7 MAY 2012**

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**THE MEETING OPENED AT 6.33 PM**

## **1. PRESENT**

Cr. Steven Tsitas  
Cr. Diana Asmar  
Cr. Stanley Chiang  
Cr. Gaetano Greco  
Cr. Vince Fontana  
Cr. Nick Katsis  
Cr. Tim Laurence  
Cr. Ben Morgan  
Cr. Trent McCarthy

### ***Council Officers***

Rasiah Dev – Chief Executive  
Michael Ballock – Director City Works and Development  
Vijaya Vaidyanath – Director Corporate and Business Services  
Daniel Freer – Director City Design and Environment  
Fred Warner – Group Manager People and Performance  
Katrina Knox – Group Manager Community Services  
Kerrie Jordan – Chief Financial Officer  
Chris Meulblok – Manager Assets and Property  
Chris Lo Piccolo – Manager City Works  
Rhys Thomas – Manager Corporate Governance  
Tim Brown – Governance Consultant  
Ron Downes – Council Business Coordinator

## **2. APOLOGIES**

Nil.

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr. Asmar disclosed a conflict of interest in Report Item No. 11.3 (Evaluation Report: Edwardes Lake Boathouse) - see Page 133.

Cr. Katsis disclosed a conflict of interest in Report No. 11.3 (Evaluation Report : Edwardes Lake Boathouse) - see Page 133.

Cr. McCarthy disclosed a conflict of interest in Report No. 8.3 (Budget Referrals 2012-2013) – see Page 28.

#### **4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS**

<b>COUNCIL RESOLUTION</b>
---------------------------

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

**THAT** the Minutes of the Ordinary Meeting of Council held on 16 April 2012 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 210

### 5.1 REPORT OF CR. GAETANO GRECO

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

- Apprenticeships Plus Board meeting.
- Inner Northern Group Training (INGT) Strategic Planning Workshop.
- Darebin Ethnic Communities Council meeting.
- Reservoir Greek Elderly Citizens Club Lunch.
- Co-chaired DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting.
- Darebin Interfaith Governing Committee meeting.
- Community Discussion/Forum on Multiculturalism at Darebin Intercultural Centre.
- Municipal Association of Victoria Special Board meeting.
- Municipal Association monthly Board meeting.
- Municipal Association of Victoria Councillor Development Conference.
- Hearing of Submissions Committee meeting.
- Council Briefing Session.
- On-site meeting with residents.
- Attended to residents concerns regarding menacing dogs, cracked footpath, planning and increase in dog and cat registrations.

### 5.2 REPORT OF CR. STANLEY CHIANG

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

- Confucius Institute from La Trobe University regarding the mid autumn festival.
- Met with a delegation from Qingdao, China.
- Co-chaired DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting.
- Association of Chinese from Vietnam, Cambodia and Laos inaugural meeting.
- National Chinese (Mandarin) Student Debate with eight Universities participating.
- Hearing of Submissions Committee meeting.
- Council Briefing Session.
- Art Exhibition at Bundoora Homestead.
- Planning Committee meeting.

### 5.3 REPORT OF CR. TIM LAURENCE

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

- Budget Briefing sessions.
- Resident meetings regarding asbestos removal.
- Resident meeting regarding bus transport issues.
- Inspection of sports grounds - Keon Park Parade Stadium.
- Hearing of Submissions Committee meeting.

### 5.4 REPORT OF CR. TRENT MCCARTHY

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

- Northern Alliance for Greenhouse Action (NAGA) Forum – Darebin achievement awards on environment issues and Rio+20, reflection on 20 years since the 1992 Rio Earth Summit.
- Hearing of Submissions Committee meeting.
- Council Briefing Session.
- Meeting with Merri Stationeers Committee, Melbourne Water, Northcote Rifle Club and Fiona Richardson, Member for Northcote.
- First meeting of the Same Sex Attracted and Gender Diverse Advisory Committee.
- Briefing on 'Big Solar' Project.
- Meeting with Darebin Progress Association.
- Consultation Review Committee meeting.
- Meeting regarding Merri Station precinct traffic issues.
- Comas Hill Residents Group Street Party and fundraiser.
- Resident and trader enquiries including Fairfield Library, Bus Line Removal, Brunswick Terminal Station, planning, Hard Waste Collection, cycling, traffic – Ethel Street, Thornbury, dog and cat and registrations and Federal Denticare Announcement.
- Various meetings with residents.

Cr. McCarthy also thanked Rhys Thomas, departing Manager Corporate Governance for his work contribution at Darebin.

### 5.5 REPORT OF CR. DIANA ASMAR

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

- Residents meeting regarding Clarke Street Northcote parking issues.
- Celebrating Women in Business Lunch.
- Think Women for Local Government in association with the Women's Participation in Local Government Coalition (Victorian Local Governance Association).
- Strategic Projects Steering Committee meeting.

- Council Briefing Session.
- Dawn Service at Northcote RSL on Anzac Day.
- Aboriginal Women's Workshop.
- Think Women for Local Government Regional Forum as a guest speaker.
- Hearing of Submissions Committee meeting.
- Meeting with Local Member Fiona Richardson regarding local issues.
- Resident issues including planning and traffic.

Cr. Asmar also commended Rhys Thomas, departing Manager Corporate Governance on his work contribution at Darebin.

## 5.6 REPORT OF CR. NICK KATSIS

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

- Council Briefing Session.
- Planning Committee meeting.
- Strategic Projects Steering Committee meeting.
- On-site meeting to discuss a right-of-way issue.
- Noise and other issues emanating from Rydges.
- Hearing of Submissions Committee meeting.
- Attending to various constituent concerns regarding planning.

## 5.7 REPORT OF CR. VINCE FONTANA

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

- Bendigo Bank Clifton Hill/Fitzroy Community Grants presentation.
- Planning Committee meeting on 23 April 2012.
- Hearing of Submissions Committee meeting on 23 April 2012.
- Council Briefing Session meeting on 23 April 2012.
- Met with residents and officers in relation to a VCAT decision relating to West Street Preston and High Street Preston.

## 5.8 REPORT OF CR. BEN MORGAN

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

- Reservoir Football Club Family Day.
- Reservoir Vs West Heidelberg 'White Ribbon' Event.
- Met residents of West Street and High Street Preston regarding planning issues.
- Hearing of Submissions Committee meeting.
- Dawn Service in Reservoir.



- Anzac Day March

## **5.9 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 meeting – 23 April 2012.
- Hearing of Submissions Committee meeting.
- Press Briefing with Leader newspaper representatives.
- Launch of Darebin Interactive Website for Darebin Housing Strategy.
- Citizenship ceremony.
- Darebin Local Safety Committee meeting.
- Culturally and Linguistically Diverse (CALD) Press Briefing.
- Egyptian Night - League of Greeks from Egypt and the Middle East (EEAMA).
- Visit of Federal Minister for Mental Health to Northcote Aquatic and Recreation Centre.
- Anzac Day Dawn Service – Fairfield/Alphington RSL.
- Consultation Review Committee meeting.
- Merri Stationeers Community meeting.

The Mayor, Cr. Tsitas, also wished Rhys Thomas, departing Manager Corporate Governance well in his future endeavours.

## 6. PUBLIC QUESTION TIME

### MINUTE NO. 211

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

The following questions were submitted:

- Rose Ljubicic of Reservoir asked a question about the proposed redevelopment of the Darebin Arts and Entertainment Centre. The question was responded to by the Mayor, Cr. Tsitas.
- Leslie Bell of Thornbury asked a question about the application of Clause 22.4 of Council's Governance Local Law 2007. The question was responded to by the Mayor, Cr. Tsitas and the Manager Corporate Governance, Rhys Thomas.
- Mark Ogenis of Reservoir asked a question about the Edwardes Lake Memorial Plaque and Mt Cooper Direction Marker Compass Plaque. The question was responded to by the Director City Design and Environment, Daniel Freer.

After Public Question Time had concluded, no further questions were submitted in writing.

## 7. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 7.1 ASSEMBLIES OF COUNCILLORS HELD

#### MINUTE NO. 212

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

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

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

An Assembly of Councillors record was kept for:

- Darebin Aboriginal Advisory Committee meeting – 11 April 2012
- Workshop with Local Members of Parliament – 12 April 2012
- Darebin Local Safety Committee meeting – 19 April 2012
- Council Briefing Session – 23 April 2012
- Same Sex Attracted and Gender Diverse Advisory Committee meeting – 26 April 2012
- DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting – 26 April 2012.

#### COUNCIL RESOLUTION

**MOVED:** Cr. V. Fontana  
**SECONDED:** Cr. B. Morgan

**THAT** the record of the Assembly of Councillors held on 11, 12, 19, 23 and 26 April 2012 be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Aboriginal Advisory Committee meeting
	<b>Date:</b>	Wednesday 11 April 2012
	<b>Location:</b>	Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Steven Tsitas - (Mayor), Chairperson Cr. Gaetano Greco
	<b>Council Staff:</b>	Fred Warner, Dalal Smiley, Charles Williams
	<b>Other committee members:</b>	Mr Phillip Cooper - Aboriginal community member Mr Troy Austin – Aboriginal community member Ms Nicole Bloomfield - Aboriginal community member
<b>APOLOGIES:</b>	<b>Committee members</b>	Mr Alan Brown, Mr Alf Bamblett, Ms Janice Muir, Ms Paula Russell

The Assembly commenced at 6.00 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Draft Minutes of the last Darebin Aboriginal Advisory Committee meeting	No disclosures were made
<b>2</b>	Draft Aboriginal Action Plan - presentation and discussion	No disclosures were made
<b>3</b>	Other Business <ul style="list-style-type: none"> <li>• Progression of the Stolen Generations Marker project</li> <li>• Project Postponement and timeline deferral</li> <li>• Project sub - committee membership expansion</li> </ul>	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	<ul style="list-style-type: none"><li>• Need to establish another meeting date for the Stolen Generations Marker Project Working Party meeting</li></ul>	

The Assembly concluded at 8.00 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Charles Williams
	<b>Officer Title:</b>	Aboriginal Policy Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> Workshop with Local Members of Parliament  <b>Date:</b> Thursday 12 April 2012  <b>Location:</b> Council Chamber, Preston Civic Centre, 350 High Street, Preston
<b>PRESENT:</b>	<b>Councillors:</b> Cr Steven Tsitas, Cr Tim Laurence, Cr Gaetano Greco, Cr Trent McCarthy, Cr Vince Fontana, Cr Nick Katsis, Cr Ben Morgan  <b>Council Staff:</b> Rasiah Dev, Vijaya Vaidyanath, Michael Ballock, Katrina Knox, Daniel Freer, Fred Warner, Tiffany White, Deborah Equid, Bronwyn Ryan-Mercer  <b>Apologies:</b> Cr Diana Asmar, Cr Stanley Chiang

The Assembly commenced at 5.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Challenges and opportunities for Darebin	No disclosures were made.
2	<b>Key projects:</b>  Keon Park Children's Hub Digital Economy Cogeneration at Darebin pools Darebin Arts & Entertainment Centre precinct Preston Civic Project Reservoir Junction Renewing Central Reservoir	No disclosures were made.
3	<b>Policy and issues:</b>  Environmental policy National Broadband Network (NBN) Education Social & affordable housing Ageing well in Darebin Language services	No disclosures were made.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	<b>2011 project updates:</b> Reservoir Structure Plan Northland Structure Plan Tram Route 86 Bundoora Park Darebin Intercultural Centre Integrated children's hubs	No disclosures were made.

The Assembly concluded at 8:30pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Vijaya Vaidyanath
	<b>Officer Title:</b>	Director Corporate and Business Services



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> Darebin Local Safety Committee meeting  <b>Date:</b> Thursday 19 April 2012  <b>Location:</b> City of Darebin Function Room
<b>PRESENT:</b>	<b>Councillors:</b> Cr Steven Tsitas  <b>Council Staff:</b> Jess Fraser, Acting Community Wellbeing Advisor, Meri Terzis, Community Safety Assistant, Naomi Paine, Community Safety Consultant, Bhensri Naemiratch, Healthy Communities Officer  <b>Other:</b> Representatives from Victoria Police, Department of Justice, MFB and SES
<b>APOLOGIES:</b>	n/a

The Assembly commenced at 10am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Committee Membership and 2012 Terms of Reference Review	No disclosures were made
2	Darebin community perceptions of safety data, 2005 – 2011	No disclosures were made
3	Darebin community safety strategy consultation and priority setting	No disclosures were made
4	Darebin Neighbourhood watch re-launch and Darebin Eye-watch page	No disclosures were made
5	Pilot Crime Stoppers project with Darebin high schools	No disclosures were made
6	Healthy Communities Project	No disclosures were made
7	Information sharing around the table	No disclosures were made

The Assembly concluded at 12.00pm



<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jess Fraser
	<b>Officer Title:</b>	Acting Community Wellbeing Advisor



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> Council Briefing Session  <b>Date:</b> Monday, 23 April 2012  <b>Location:</b> Conference Room (350 High Street, Preston)
<b>PRESENT:</b>	<b>Councillors:</b> Cr. Stephen Tsitas (Mayor), Cr. Vince Fontana, Cr. Gaetano Greco, Cr. Tim Laurence, Cr. Nick Katsis, Cr. Diana Asmar, Cr. Trent McCarthy, Cr. Stanley Chiang  <b>Council Staff:</b> Rasiah Dev, Grant Thorne, Daniel Freer, Vijaya Vaidyanath, Fred Warner, Katrina Knox, Cecile Tache, Dalal Smiley, Wendy Dinning, Eddy Boscariol, Chris Meulblok, Tiffany White, Kerrie Jordan, Joann Hennessy  <b>Other:</b> Nil
<b>APOLOGIES:</b>	Cr. Ben Morgan, Michael Ballock

The Assembly commenced at **8.00 p.m.**

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Darebin Racism Inquiry Report	No disclosures were made.
2.	Targeted Promotions to Support those Parts of High Street, Northcote and Westgarth Impacted by the Route 86 Construction Works	No disclosures were made.
3.	Proposed Lease for Telecommunications Facilities at 48 Hughes Parade in Reservoir	No disclosures were made.
4.	Darebin Community News – Publication Guidelines	No disclosures were made.  Cr. Chiang left the Assembly at 9.05 p.m.
5.	Budget	No disclosures were made.  Cr. Fontana left the Assembly at 9.15 p.m.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
6.	CONFIDENTIAL – Verbal Briefing, Edwardes Lake Boathouse	Cr. Asmar and Cr. Katsis disclosed a conflict of interest and left the Assembly at 10.30 p.m.  No other disclosures were made.  Cr. Tsitas left the Assembly at 10.38 p.m.
7.	Declaration of Special Charge Scheme – Construction of Right of Way between Nugent and Phelan Streets, Preston	No disclosures were made.
8.	Waterways Legacy Project	No disclosures were made.
9.	Items Listed for Meeting on 7 May 2012	No disclosures were made.

The Assembly concluded at **10.45 p.m.**

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Fred Warner
	<b>Officer Title:</b>	Group Manager, People and Performance



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Same Sex Attracted and Gender Diverse Advisory Committee
	<b>Date:</b>	Thursday 26 April 2012
	<b>Location:</b>	Conference room, 1st floor, 350 High street, Preston
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Trent McCarthy.
	<b>Council Staff:</b>	Mandy Bathgate, Natalie McGlone, Cécile Taché
	<b>Other:</b>	Members of the Same Sex Attracted and Gender Diverse Advisory Committee
<b>APOLOGIES:</b>		

The Assembly commenced at 6.15pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome, ice-breaker and setting the scene	No disclosures were made.
2	Review of Same-sex attracted and gender diverse advisory committee Terms of reference	No disclosures were made
3	Development of Sexual orientation and gender diversity Action plan	No disclosures were made
4	IDAHO 2012	No disclosures were made
5	Draft Women's Equity Strategy and Action Plans	No disclosures were made
6	Other business	No disclosures were made

The Assembly concluded at 8.15pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Cécile Taché
	<b>Officer Title:</b>	Diversity Policy Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<p><b>Title:</b> DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting</p> <p><b>Date:</b> Thursday 26 April 2012</p> <p><b>Location:</b> City of Darebin Red Room</p>
<b>PRESENT:</b>	<p><b>Councillors:</b> Cr Gaetano Greco and Cr Stanley Chiang</p> <p><b>Council Staff:</b> Jess Fraser, Acting Community Wellbeing Advisor, Bhensri Naemiratch, Healthy Communities Officer, Russell Higgins, Health Promotion Officer, Katrina Knox, Group Manager Community Services,</p> <p><b>Other:</b> Representatives from Darebin Community health, North east PCP, La Trobe University, Medicare Local, Womens Health in the North, NEAMI</p>
<b>APOLOGIES:</b>	<p>Gerry O'Donnell, Northern Health, Ashley Bartholomew-Northcote YMCA, Robyn Humphries- Northern Area Mental Health Service, Glen Tobias – Neami, Dianne Kelleher- Austin Health, Andrew McHugh- Leisure Services, City of Darebin, Shadi Hanna- Acting Manager Aged and Disability, City of Darebin, Jim Killeen, Darebin Community Health Centre , Dalal Smiley, Manager Community Planning Partnerships and Performance</p>

The Assembly commenced at 3.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	NEPCP Integrated Health Promotion	No disclosures were made
2	La Trobe University Department of Community Health	No disclosures were made
3	Healthy Communities Project	No disclosures were made
4	Community safety project updates	No disclosures were made
5	Information sharing around the table	No disclosures were made

The Assembly concluded at 5.30pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jess Fraser
	<b>Officer Title:</b>	Acting Community Wellbeing Advisor

## 8. CONSIDERATION OF REPORTS

### 8.1 REVIEW OF COUNCIL PLAN 2009-2013

MINUTE NO. 213

**AUTHOR:** Manager Corporate Governance

**REVIEWED BY:** Director Corporate and Business Services

#### SUMMARY:

The Local Government Act 1989 requires that Councils review their Council Plan once in each financial year to determine if it requires any adjustment. This report presents the outcomes of the Review that took place in March 2012 and recommends that no adjustments be made to the Council Plan.

#### CONSULTATION:

The Council Plan 2009-2013 was developed following an extensive consultation program in early 2009. As this report proposes no change to the Council Plan, no further community consultation has been conducted.

### COUNCIL RESOLUTION

**MOVED:** Cr. G. Greco  
**SECONDED:** Cr. D. Asmar

**THAT** Council note the outcomes of its review of *Our People, Our Place, Our Future – City of Darebin Council Plan 2009-2013* and confirm that the document does not require any adjustment.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

Shortly after its election in November 2008, the Darebin City Council began work on the development of a Council Plan. The Local Government Act 1989 required that the City of Darebin adopt a Council Plan by 30 June 2009 which included:

- The strategic objectives of the Council [s125(2)(a)],
- Strategies for achieving the objectives for at least the next 4 years [s125(2)(b)],
- Strategic indicators for monitoring the achievement of the objectives [s125(2)(c)], and
- A Strategic Resource Plan [s125(2)(d)].

Following an extensive consultation process, Council adopted its Council Plan 2009-2013 in June 2009. The Plan, titled *Our People, Our Place, Our Future – City of Darebin Council Plan 2009-2013* included:

- A promise to the community
- Six shared goals (referred to in the Local Government Act as strategic objectives)
- Forty-five strategies to achieve those goals
- Twenty-five strategic indicators to monitor the goals
- A Strategic Resource Plan showing the resources required to achieve the goals.

Section 125 of the Local Government Act 1989 requires that:

- “(7) At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.*
- (8) Subject to sub-sections (9) and (10), a Council may make any adjustment it considers necessary to the Council Plan.*
- (9) A person has a right to make a submission under section 223 on a proposed adjustment to a Council Plan which relates to a matter specified under subsection (2)(a), (2)(b) or (2)(c).*
- (10) If a Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan.”*

Given this requirement, the need for adjustments to the Council Plan was considered at the Council Workshop on 3 March 2012.

## ISSUES AND DISCUSSION

The current Council Plan 2009-2013 will expire at the end of June next year, and with the Council election on 27 October 2012, a new Council Plan will be developed with the elected Council. This new Council Plan will take into account the requirements under the Local Government Act and also the recommendations from the Victorian Auditor-General on performance reporting.

The performance reporting recommendations from the Victorian Auditor-General will be implemented in the Budget Report 2012-2013, however these will be refined and clearly aligned with the objectives outlined in the new Council Plan 2013-2017, when it is developed.

A Council discussion of the continued relevance of the Council Plan 2009-2013 was held at the Council Briefing Session on Saturday 3 March 2012, where the prevailing view was that the strategic focus of the existing Council Plan was still relevant, and did not require alteration.

A more detailed review of the current Council Plan will be undertaken with the newly elected Council in November 2012 to set the strategic direction for the City of Darebin in 2013 to 2017.



**POLICY IMPLICATIONS****Environmental Sustainability**

The Council Plan 2009-2013 provides a specific policy commitment to environmental sustainability. A decision to leave the plan unchanged ensures this policy commitment remains.

**Social Inclusion and Diversity**

The Council Plan 2009-2013 provides a broad policy context for Council's social inclusion and diversity agenda. A decision to leave the plan unchanged ensures this policy commitment remains.

**Other**

By making no changes to the Council Plan 2009-2013, there is no risk of making unintended changes in Council policy content or emphasis.

**FINANCIAL AND RESOURCE IMPLICATIONS**

A decision to leave the Council Plan unaltered would result in no cost to Council.

A decision to make a change to the Council Plan resulting in a need to reprint the document in suitable quantities for Council staff and members of the public would cost approximately \$10,000. No allowance has been made for this amount in Council's budget.

**CONCLUSION**

There are no adjustments made to the Council Plan 2009-2013.

**FUTURE ACTIONS**

A revised Strategic Resource Plan is listed on tonight's agenda, in conjunction with the 2012-2013 Council Budget.

A new Council Plan 2013-2017 will be developed with the newly elected Council in November 2012, with adoption of the new Plan in June 2013.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

*Our People, Our Place, Our Future – Council Plan - 2013*

**8.2 STRATEGIC RESOURCE PLAN 2012-2016****MINUTE NO. 214****AUTHOR: Chief Financial Officer****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

The Local Government Act ("the Act") 1989 requires that Councils review and adopt a Strategic Resource Plan not later than 30 June each year. The Strategic Resource Plan outlines the resources required to achieve the strategic objectives articulated in the Council Plan and its format and contents are governed by section 126 of the Act.

The Act further requires that the Strategic Resource Plan be included in the Council Plan adopted by Council under section 125 of the Act. This same section provides that, subject to certain provisions, a Council may make any adjustment it considers necessary to the Council Plan.

This report presents the Strategic Resource Plan 2012-2016 and recommends that Council adopt it both as its Strategic Resource Plan 2012-2016 and as part of its Council Plan 2009-2013.

**CONSULTATION:**

Governance and Corporate Planning Manager

**COUNCIL RESOLUTION**

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

**THAT:**

- (1) Council adopt the Strategic Resource Plan 2012-2016 (**Appendix A**) as its Strategic Resource Plan for the period 1 July 2012 to 30 June 2016.
- (2) Council adjust the Council Plan 2009-2013 by replacing the Strategic Resource Plan 2011-2015 with the Strategic Resource Plan 2012-2016 (**Appendix A**).
- (3) Council notify the Minister for Local Government of the adjustment to the Council Plan within 30 days, as required by section 125(10) of the Local Government Act 1989.
- (4) Council make the adjusted Council Plan (including the Strategic Resource Plan) available to the public at its Customer Service Centres and on its website.

**CARRIED**

<b>REPORT</b>
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**INTRODUCTION AND BACKGROUND**

On 18 April 2011, Council noted a report presenting the outcomes of its review of *Our People, Our Place, Our Future – City of Darebin Council Plan 2009-2013* and confirmed that the document did not require any adjustment. In that report, it was identified that a review of the Strategic Resource Plan (part of the Council Plan) would be required in May 2012, both to reflect changes to Council's financial position and to retain a four year outlook in its financial planning.

That review has been carried out in conjunction with the development of the City of Darebin 2012/2013 Proposed Budget, and has resulted in a new Strategic Resource Plan, for the period 1 July 2012 to 30 June 2016.

**ISSUES AND DISCUSSION**

The attached Strategic Resource Plan 2012-2016 (**Appendix A**) is derived from the Annual Budget discussions and contains in respect of the next four financial years:

- The standard statements describing the required financial resources in the form and containing the information required by the Local Government (Finance and Reporting) Regulations 2004.
- Statements describing the required non-financial resources, including human resources.

The Strategic Resource Plan assists Council in adopting a budget within a longer term prudent financial framework. The key objective of the Strategic Resource Plan is financial sustainability in the medium to long term, whilst still achieving the Council's strategic objectives as specified in the Council Plan. The Strategic Resource Plan has been updated through a rigorous process, using the current financial position as a base and factoring in assumptions regarding future increases in income and expenditure for each program and service provided by Council.

The table below provides a summary of the key financial objectives which underpin the Strategic Resource Plan and the outcomes of the Strategic Resource Plan in response to each of these objectives.

Strategic Resource Plan objective	Strategic Resource Plan outcomes
Maintain the scope and standard of ongoing services provided to the Darebin community and be flexible to address changing community needs with innovative services and facilities.	Service levels have been maintained throughout the four year period and a number of new initiatives have been included within the 2012/2013 year.

Strategic Resource Plan objective	Strategic Resource Plan outcomes
Focus on renewing community assets such as roads, footpaths, open space and buildings to ensure they are maintained at an appropriate standard to meet required service levels.	Capital Works funding over the four year period totals \$130.14 million and exceeds asset depreciation in each year. The proportion of renewal expenditure is increasing across the plan period. Capital works is higher in 2012/2013 due to the impact of capital works carried forward from the previous financial year.
Ensure that Council generates sufficient ongoing income to fund its services and capital works commitments over the longer term.	Operating surpluses have been achieved in each year of the Strategic Resource Plan.
Ensure Council holds sufficient cash and other assets in order to meet payment obligations to suppliers and employees.	Cash and investments are forecast to increase from \$36.60 million in 2012/2013 to \$42.44 million by 2015/2016.

It is recommended Council replace the existing the Strategic Resource Plan with the attached Strategic Resource Plan 2012-2016 (**Appendix A**). If this change is made, the City of Darebin Council Plan 2009-2013 will be made up of the following two documents:

- Our People, Our Place Our Future - City of Darebin Council Plan 2009-2013
- Strategic Resource Plan 2012-2016.

### **Environmental Sustainability**

The proposed changes to the Strategic Resource Plan do not reflect a change in Council's policy objectives, nor do they substantially alter the funding available for Council's environmental programs and initiatives.

### **Social Inclusion and Diversity**

The proposed changes to the Strategic Resource Plan do not reflect a change in Council's policy objectives, nor do they substantially alter the funding available for Council's programs and initiatives designed to foster social inclusion and diversity.

### **Other**

The proposed changes to the Strategic Resource Plan do not reflect a change in Council's policy objectives. Rather, they reflect changes to Council's financial position and are required to retain a four year outlook in financial planning.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Given the Strategic Resource Plan is published and distributed electronically in conjunction with Council's Annual Budget, the costs associated with the proposed adjustment are relatively minor.

## **FUTURE ACTIONS**

- The Minister for Local Government will be notified of Council's adjustment to the Council Plan within 30 days of the Council resolution.
- The new Strategic Resource Plan and amended Council Plan will be made available to the public on Council's website and at its Customer Service Centres.
- If the public exhibition and consultation process associated with Council's Annual Budget necessitates further changes to the Strategic Resource Plan, these changes will be presented to Council in June 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**

- Strategic Resource Plan 2012-2016 (**Appendix A**)
- *Our People, Our Place, Our Future - Council Plan 2009-2013*

*Cr. McCarthy disclosed a conflict of interest in the following report classifying the type of interest as an indirect interest because of impact on residential amenity in that he lives in the immediate vicinity of two (2) proposed capital works projects – Kendall Street Preston (Road Surface Program) and Miller Gilbert Traffic Precinct Works (Transport and Road Safety) – and there is a reasonable likelihood that his residential amenity will be altered if the matter is decided in a particular way. He left the meeting prior to consideration of the matter – 7.22pm.*

### **8.3 BUDGET REFERRALS 2012/2013**

**MINUTE NO. 215**

**AUTHOR: Manager Corporate Governance**

**REVIEWED BY: Director Corporate and Business Services**

#### **SUMMARY:**

Funding is included in the Proposed Budget 2012/2013 for a diverse range of activities across the municipality. The need for Councillors to disclose a conflict or interest where one exists in relation to any of these projects requires that they be addressed separately as part of the Budget process.

Any items proposed for inclusion in the Budget in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Referrals' process. Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to vote on the Proposed Budget 2012/2013.

This report provides an opportunity for Councillors to disclose any further conflicts in relation to the Budget.

#### **CONSULTATION:**

Chief Executive  
Chief Financial Officer  
Maddocks Lawyers

### **RECOMMENDATION**

#### **THAT:**

- (1) The Mayor invite Councillors to disclose a conflict of interest in relation to adoption of the 2012/2013 Proposed Budget by classifying the type and describing the nature of the interest in accordance with the Local Government Act 1989.
- (2) Following each disclosure, Council approve the relevant project and the inclusion of associated funding in the 2012/2013 Proposed Budget.

**COUNCIL RESOLUTION**

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

**THAT** funding of \$24,115 for Kendall Street Preston (Road Surface Program) and funding of \$50,000 for Miller Gilbert Traffic Precinct Works be approved for inclusion in the Proposed Budget 2012/2013.

**CARRIED**

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

In developing the 2012/2013 Proposed Budget, an extensive range of activities have been considered for funding. Councillors who have a conflict of interest in any items to be considered are required to disclose the type and nature of the interest.

Due the wide ranging nature of these activities, it is reasonably foreseeable that in any given year, more than half of the Councillors would disclose a conflict of some sort and be required to excuse themselves from the vote on the Budget. As this would make the adoption of an annual Budget unworkable in practice, the Local Government Act 1989 provides a mechanism for Councillors to vote on a budget, without compromising their position by being in a position of clear conflict.

The Local Government Act 1989 provides that if a Budget to be approved by a Council includes funding for a matter in which a Councillor has a conflict of interest, the Councillor is taken not to have a conflict of interest for the purposes of approving the Budget if the Council approved the matter and the proposed funding previously and the Councillor disclosed the nature of the conflict at the time the funding was approved by the Council.

In the event that a Councillor forms the view that despite this process, they are still unable to cast a vote on the passage of the annual Budget, a mechanism exists to declare a 'conflicting personal interest' under section 79B and apply to the Council to be exempted from voting.

**ISSUES AND DISCUSSION**

At the meeting, the Mayor will invite Councillors to disclose any items contained in the Proposed Budget 2012/2013 in which they have a conflict of interest.

Any items proposed for inclusion in the Budget in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Referrals' process.

Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to freely vote on the Proposed Budget 2012/2013.



**POLICY IMPLICATIONS****Environmental Sustainability**

There are no environmental sustainability policy implications arising from this report.

**Social Inclusion and Diversity**

There are no social inclusion and diversity policy implications arising from this report.

**Other**

This report has been prepared to address section 79C(2) of the Local Government Act 1989, in relation to approval of a Council Budget.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**FUTURE ACTIONS**

Council to consider the Proposed Budget 2012/2013.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Local Government Act 1989

*Cr. McCarthy returned to the meeting at the conclusion of the above item – 7.24pm.*

**SUSPENSION OF ORDER OF BUSINESS – 7.25pm**

**MOTION**

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

**THAT** Item 8.14 (Fairfield Views Draining Works) be brought forward for Council's consideration and be now dealt with.

**CARRIED**

**RESUMPTION OF ORDER OF BUSINESS – 7.29pm**

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

**THAT** the Order of Business on the Agenda commencing with Item 8.4 be resumed.

**CARRIED**

**8.4 2012/2013 PROPOSED BUDGET****MINUTE NO. 216****AUTHOR: Chief Financial Officer****MANAGER: Director Corporate and Business Services****BUDGET****IMPLICATIONS: Proposed budget for the 2012/2013 year****SUMMARY:**

The Council must prepare a Budget for each financial year. The Budget is to contain the information specified in the *Local Government Act 1989* ("the Act") and all details required by the *Local Government (Finance and Reporting) Regulations 2004* ("the Regulations"). As soon as practicable after the Council has prepared a Budget it must give Public Notice. Any person has the right to make a submission under section 223 of the Act on any proposal contained in the Budget.

Following the completion of the statutory obligations including consideration of submissions, Council may adopt the Budget.

It will be prudent and fiscally responsible to ensure the adoption of the 2012/2013 Budget by 30 June 2012 to comply with the *Local Government Act*, and to set the direction and priorities for the Council for 2012/2013. Adopting the 2012/2013 budget by the 30 June 2012, would also permit the rating changes and the consequential effects to be factored in from 1 July 2012.

This report presents the 2012/2013 Proposed Budget and recommends that public notice be given in accordance with the Act.

**CONSULTATION:**

Councillors  
Chief Executive  
Directors  
Group Managers  
Managers and Coordinators

**RECOMMENDATION****THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting

of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.

- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

### MOTION

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

Note: Council at its meeting on 21 May 2012 amended the debate in relation to this report item to read as provided in these Minutes (see Minute No. 237).

### THAT:

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

**AMENDMENT**

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE AMENDMENT WAS PUT AND CARRIED

**FURTHER AMENDMENT**

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014

- b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
- c) Council officers review the 2012/2013 Budget to:
- Allocate \$62,000 to the capital works Transport and Road Safety program for:
    - The intersection of Bridge Street and South Park Street, Northcote;
    - One-lane slow points in Charles and Bridge Streets, Northcote; and
    - Bike lanes on Charles Street, Northcote.
  - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence defer road works for Slater Street, Mitchell Street to Bastings Street Northcote, to the 2013/2014 budget process.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE FURTHER AMENDMENT WAS PUT AND LOST.

A Division was called:

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

The Mayor, Cr. Tsitas, declared the above Further Amendment to be lost.

**FURTHER AMENDMENT**

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. D. Asmar

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
  - c) Council officers review the 2012/2013 Budget to:
    - Allocate \$62,000 to the capital works Transport and Road Safety program for:
      - The intersection of Bridge Street and South Park Street, Northcote;
      - One-lane slow points in Charles and Bridge Streets, Northcote; and
      - Bike lanes on Charles Street, Northcote.
    - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE FURTHER AMENDMENT WAS PUT AND CARRIED

**FURTHER AMENDMENT**

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
  - c) Council officers review the 2012/2013 Budget to:
    - Allocate \$62,000 to the capital works Transport and Road Safety program for:
      - The intersection of Bridge Street and South Park Street, Northcote;
      - One-lane slow points in Charles and Bridge Streets, Northcote; and
      - Bike lanes on Charles Street, Northcote.
    - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.
  - d) Council officers revise the 2012/2013 budget to:
    - Exclude the early repayment of the Reservoir Leisure Centre #2 loan of \$776,589 and as a consequence reduce the increase in the headline rates from 4.6% to 3.8%,
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to



be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE FURTHER AMENDMENT WAS PUT AND 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
	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the above Further Amendment to be lost.

### SUBSTANTIVE MOTION

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
  - c) Council officers review the 2012/2013 Budget to:
    - Allocate \$62,000 to the capital works Transport and Road Safety program for:
      - The intersection of Bridge Street and South Park Street, Northcote;
      - One-lane slow points in Charles and Bridge Streets, Northcote; and
      - Bike lanes on Charles Street, Northcote.
    - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can

be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.

- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE MOTION WAS PUT AND LOST

### MOTION

**MOVED:** Cr. D. Asmar

**SECONDED:** Cr. N. Katsis

#### THAT:

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

**AMENDMENT**

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE AMENDMENT WAS PUT AND CARRIED

**FURTHER AMENDMENT**

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014

- b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
- c) Council officers review the 2012/2013 Budget to:
- Allocate \$62,000 to the capital works Transport and Road Safety program for:
    - The intersection of Bridge Street and South Park Street, Northcote;
    - One-lane slow points in Charles and Bridge Streets, Northcote; and
    - Bike lanes on Charles Street, Northcote.
  - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.
- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

THE ABOVE FURTHER AMENDMENT WAS PUT AND CARRIED

IT WAS SUBSEQUENTLY AGREED THAT THE SUBSTANTIVE MOTION TO BE VOTED UPON AGAIN BE THE ORIGINAL MOTION (ASMAR/KATSI) WITH THE TWO (2) SUCCESSFUL AMENDMENTS ABOVE MOVED BY CR LAURENCE AND CR MCCARTHY RESPECTIVELY ADDED, AS FOLLOWS:

**SUBSTANTIVE MOTION**

**MOVED:** Cr. D. Asmar

**SECONDED:** Cr. N. Katsis

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
  - a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
  - c) Council officers review the 2012/2013 Budget to:
    - Allocate \$62,000 to the capital works Transport and Road Safety program for:
      - The intersection of Bridge Street and South Park Street, Northcote;
      - One-lane slow points in Charles and Bridge Streets, Northcote; and
      - Bike lanes on Charles Street, Northcote.
    - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.

- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

**CARRIED**

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

### COUNCIL RESOLUTION

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

**THAT:**

- (1) Public Notice be given in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, the proposed 2012/2013 Budget (**Appendix A**) presented to this meeting with the following changes to the open space capital works program:
- a) Reduction of the \$1 million capital amount to \$760,000 and a staged program for CT Barling Reserve over 2012-2013 and 2013-2014
  - b) That the open space project Sports and Recreation Victoria Community Facility Funding Program budget be adjusted from \$135,000 to \$25,000 and as a consequence allocate an additional \$360,000 to the capital works project Donath Reserve (Central) Pavilion redevelopment at Harmer Street Reservoir.
  - c) Council officers review the 2012/2013 Budget to:
    - Allocate \$62,000 to the capital works Transport and Road Safety program for:
      - The intersection of Bridge Street and South Park Street, Northcote;
      - One-lane slow points in Charles and Bridge Streets, Northcote; and
      - Bike lanes on Charles Street, Northcote.
    - Allocate an additional \$188,000 to the Improving Cycling Facilities budget line in the Bicycles section of the capital works program, (bringing the total to \$338,000) and, as a consequence, officers identify non-urgent budget items that can be deferred to the 2013/2014 budget process and that these be considered at a Council Briefing.
- (2) Public Notice be given in accordance with sections 169 and 223 of the *Local Government Act 1989* of Council's intention to grant, at an Ordinary Meeting of Council proposed to be held at 6.30pm on Monday 18 June 2012, a rate rebate to pensioners in the 2012/2013 year in the amount of

\$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the *State Concessions Act 2004*.

- (3) Any person who makes a written submission in relation to the proposed 2012/2013 Budget or in relation to the granting of a rate rebate to pensioners and requests to be heard in support of the written submission, be heard by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber, Darebin Civic Centre, 350 High Street Preston at 7:30pm on Tuesday 12 June 2012.

**CARRIED**

A Division was called:

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

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

## REPORT

### INTRODUCTION AND BACKGROUND

The Council must prepare a Budget for each financial year. The Council must ensure that the Budget contains the information specified in the *Local Government Act 1989* ("the Act") and all details required by the *Local Government (Finance and Reporting) Regulations 2004* ("the Regulations"). As soon as practicable after the Council has prepared a Budget it must give Public Notice. Any person has the right to make a submission under section 223 of the Act on any proposal contained in the Budget. Following the completion of the statutory obligations, Council may adopt the Budget.

### ISSUES AND DISCUSSION

#### Highlights

The 2012/2013 budget proposed in this report presents a financially sound budget that allows Council to continue delivering quality services to the community, improve the city's roads, buildings and parks, and provide funding for a number of new initiatives to meet the needs of our diverse Darebin population.

The Budget reflects the priorities set out in the Council Plan 2009-2013, which has a strong focus on ensuring fairness and equity in the decisions we make. This is particularly relevant to the way Council raises income and allocates expenditure. The principle of fairness has guided the way we have decided to fund the many services Council delivers and the community assets we maintain and upgrade.



Over \$90 million has been allocated to deliver a wide range of Council services. This includes home support for aged residents and those with a disability, programs for young people and families, waste and recycling collection, operating four libraries across the City, a range of arts, cultural and leisure events and programs and many more services.

Council is required to revalue all rateable properties every two years. The 2012/2013 rates will be based on the valuations undertaken as at 1 January 2012. While there has been an increase in total valuations averaging 10.77% during the period (from 1 January 2010 to 1 January 2012), the ratepayer will see an average 4.6% increase in their rates. This relatively low rate outcome, one of the lowest in Victoria, has been achieved despite some significant cost increases outside Council's control. These include a 10% increase in landfill tipping fees set by the State Government and the anticipated increase in electricity and landfill charges as a result of the Federal Government's carbon tax. The rates raised by Council allow us to maintain service levels, introduce a number of new initiatives and deliver a significant capital works program.

We will continue to offer the Council-funded rate rebate of \$100 to residential pensioner ratepayers - on top of the existing State Government pensioner concession. This will help ease the rate burden for over 12,000 pensioner property owners in Darebin and demonstrates Council's commitment to fairness and equity.

There is also some relief for vacant residential land property owners. A resident will now have 18 months after their property becomes vacant to obtain a valid building permit.

Council will reduce debt significantly in 2012/2013, electing to repay a loan due to be redeemed in 2017. Council will be debt-free by 2016 with less than \$0.50 million outstanding by 2014.

A key focus in the Budget is Council's commitment to community engagement, with a particular focus on upgrading community assets. These projects include the redevelopment of Keon Park Community Hub, which will incorporate two kindergarten rooms, two maternal child health rooms and two community rooms; the completion of the Reservoir Library redevelopment; new funding to upgrade pavilions at CT Barling Park, Hayes Park and Preston Oval; and modernising Neighbourhood Houses.

Council is also maintaining its focus on the environment, with new funding allocated to complete the installation of a cogeneration plant (using natural gas to produce electricity at high efficiency, close to where it is needed) at Northcote Aquatic and Recreation Centre, the introduction of an e-waste service (for computers and televisions) and projects to encourage diversion of waste from landfill.

Darebin is a leader in many areas of service delivery and this budget proposes a number of new initiatives and maintenance of existing high levels of service in the following, well received, areas as shown below:

- Environment in excess of \$3.5 million;
- Economic development approximately \$1.7 million;
- Community planning and social inclusion in excess of \$3.3 million;
- Library services in excess of \$5.3 million;
- New initiatives for arts and cultural programs (\$150,000) to establish partnerships between Darebin Council and some of Melbourne's festivals, cultural events and artistic companies with the key focus of involving our community;



- Broadband and wireless internet connections around activity centres (\$40,000), improve access at Springthorpe (\$40,000) and advocate to ensure that Darebin and the region become one of the first to have NBN; and
- Council will also be allocating \$20,000 for the provision of an e-waste collection service, and \$18,000 to investigate ways to minimise waste to land fill.

Council will allocate new funding of \$32.1 million to capital works projects in 2012/2013, including;

- A major upgrade to the all abilities playspace at Edwardes Lake (\$0.44 million);
- Council will be contributing \$1.0 million to the \$4.8 million redevelopment of the Keon Park Community Hub;
- Renewal of Council's extensive network of off road bicycle paths for \$2.0 million over the next three years;
- Upgrade of footpaths to make walking safer (\$1.08 million);
- Council will be contributing \$0.68 million to complete the \$4.6 million redevelopment of the Reservoir library;
- 1,500 street trees will be planted in 2012/2013 as part of the Green Streets tree planting program for \$0.48 million. This project includes avenue planting of trees along a number of main streets; and
- Nine playgrounds will be upgraded and replaced as part of Council's \$0.57 million playspace renewal program.

This Budget was developed through a rigorous process of consultation and review and Council endorses the delivery of community outcomes while being fiscally prudent and responsible.

#### Rates and pensioner rebate

It is proposed that rates on property assessments be increased by an average of 4.6% for the 2012/2013 year. The 4.6% rate increase enables the provision of ongoing services, repayment of a major debt of \$0.76 million, inclusion of new initiatives, including implementation of the Business Development and Employment Plan, Darebin Arts and Entertainment Centre redevelopment, planting and maintaining of additional street trees, additional speed trailers, e-waste collection, implementation of Equity and Diversity Action plans and the delivery of a \$32.14 million capital works program.

It is also proposed that the Council-funded rate rebate of \$100 be continued to be provided to residential pensioner ratepayers in addition to the State Government pensioner rates concession. The pensioner rate rebate was first introduced in the 2010/2011 year and is to assist in the proper development of the municipal district, in accordance with section 169 of the Act.

Council is proposing in the 2012/2013 year to continue the differential rates on electronic gaming machine land. These rates have been set at 4 times the rates for residential properties.

The objectives of this differential rate, having regard to principles of equity including the capacity to pay of those levied the rate, are to:

- Equitably impose a differential rate on rateable land within the municipal district on which electronic gaming machines are operated and thereby to raise revenue to be used to improve the overall quality of life of people in the local community within Council's municipal district having regard to the social and economic impacts of

problem gambling and achieve the best outcomes for that local community in accordance with the primary objectives of Council pursuant to section 3C(1) of the Local Government Act 1989 (Vic).

- Enable Council to equitably and efficiently carry out its functions including –
  - (a) Advocating and promoting proposals which are in the best interests of the local community;
  - (b) Planning for and providing services and facilities for the local community; and
  - (c) Raising revenue to enable Council to perform its functions.

The money raised by the differential rate from the electronic gaming machine land differential rate will be used to develop and implement strategies to reduce the impact of problem gambling. The gambling strategies will assist Council to:

- (a) Promote the responsible use of electronic gaming machines;
- (b) Better manage the issue of gambling with the community; and
- (c) Reduce the impact of problem gambling.

Council is proposing in the 2012/2013 year to continue the vacant land differential rates for residents but will only apply to land that has been vacant for more than 18 months and a valid building permit has not been obtained.

Total rates and charges raised will be \$94.72 million, including supplementary rates on new developments and the service charge for the optional green waste service. The level of rates raised allows Council to maintain service levels, introduce a number of new initiatives and deliver a significant capital works program.

#### Key budget influences

There have been a number of significant factors impacting on the 2012/2013 budget. The Victorian State Government recently announced an increase in tipping charges for general waste disposal to land fill from \$44 a tonne to \$48.40 a tonne from 1 July 2012 resulting in an operating budget impact of an additional \$0.12 million in tipping charges. The introduction of a carbon price by the Federal Government commencing at a fixed price of \$23 from 1 July 2012 resulting in additional expenditure of \$0.70 million included in the budget.

Other key influences include the rising costs of utilities and further expected increases in waste disposal costs in future years. These and other factors have been allowed for within the budget projections.

#### Operating result

The expected operating result for the 2012/2013 year is a surplus of \$10.47 million, which is a decrease of \$0.51 million from 2011/2012. The underlying result, which excludes the impact of capital grants and one-off items, is a surplus of \$0.06 million in 2012/2013. The projected operating result for the 2011/2012 year is a surplus of \$10.98 million and the projected underlying result is a surplus of \$0.93 million.

#### Provision of services

The net cost of services delivered to the community for the 2012/2013 year is expected to be \$75.17 million which is an increase of \$3.95 million or 5.51% over 2011/2012. For the 2012/2013 year, service levels have been maintained and a number of new activities and initiatives are proposed. The projected net cost for the 2011/2012 year is \$71.22 million.

### Cash and investments

Cash and investments is expected to decrease by \$6.75 million during the 2012/2013 year to \$36.60 million as at 30 June 2013. This is due mainly to \$8.37 million of incomplete capital works carried forward from the 2011/2012 year and the repayment of a loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre. The reduction in cash and investments is consistent with Council's Strategic Resource Plan. Cash and investments is projected to be \$43.35 million at 30 June 2012.

### Capital works

The capital works program for the 2012/2013 year is expected to be \$40.52 million of which \$8.37 million relates to projects which will be carried forward from the 2011/2012 year. The carried forward component is fully funded from the 2011/2012 budget.

Of this carry forward, \$4.97 million relates to Oakhill Community Centre redevelopment (\$0.91 million) and Reservoir Library (\$4.06 million) for which external funding was received later than anticipated. Excluding the two externally funded projects, it is anticipated that 89% of the 2011/2012 capital works program will be delivered by 30 June 2012.

The capital expenditure program has been set and prioritised based on a rigorous process of consultation that has enabled Council to assess needs and develop sound business cases for each project. Capital works is projected to be \$28.30 million for the 2011/2012 year.

### Net assets and working capital

Net assets (net worth) will increase by \$10.47 million to \$949.16 million and working capital will reduce by \$7.19 million to \$19.27 million as at 30 June 2013.

The budget provides that Council will maintain a positive working capital ratio, an accepted measure of the ability to meet short term payment obligations to suppliers and employees. Total net worth is forecast to be \$938.70 million as at 30 June 2012.

## **POLICY IMPLICATIONS**

The 2012/2013 Proposed Budget has been prepared to give financial effect in the coming year to the objectives set out in the proposed Council Plan 2009-2013 and Strategic Resource Plan.

### **Environmental Sustainability**

The 2012/2013 Proposed Budget continues Council's funding of environmental operations in a range of areas including waste collection and recycling services, street cleaning, litter collection, park and sporting field maintenance and improvements in the context of drought, water-saving and energy efficiency measures.

Funding has also been included to enhance Council's active work with the community to reduce greenhouse gas emissions. Specific programs include Sustainable Homes and Communities and Sustainable Food and cogeneration plant at Northcote Aquatic and Recreation Centre.

### **Social inclusion and diversity**

The Council Plan 2009-2013 contains a number of policy directions specifically designed to reflect Council's commitment to social inclusion and diversity, and the proposed Budget has been prepared in this context. Social inclusion, fairness and equity have been key principles in Council determining how to raise income and allocate expenditure to fund the many services it delivers and infrastructure it maintains and upgrades. The inclusion of continued funding to Council's Darebin Electronic Gaming Machine Policy and Strategic Action Plan is one example within the budget of Council's commitment to these principles. Council has also proposed to maintain the \$100 rate rebate provided to over 12,000 eligible Darebin pensioners and free animal registration of one cat or dog for eligible pensioners.

### **Other**

The proposed budget is prepared in the context of key principles in the Council's Strategic Resource Plan that underpin long term financial planning. These principles are:

- Maintenance of the scope and standard of ongoing services provided to the Darebin community and a flexibility to address changing community needs with innovative services and facilities.
- A focus on renewing community assets such as roads, footpaths, open space and buildings to ensure they are maintained at an appropriate standard to meet required service levels.
- Generation of sufficient ongoing income to fund Council services and capital works commitments over the longer term.
- Holding of sufficient cash and other assets in order to meet Council's payment obligations to suppliers and employees.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

All matters raised in this report which have a financial implication have been reflected in the 2012/2013 Proposed Budget.

### **FUTURE ACTIONS**

Two community information sessions will be held in the Darebin Council Chamber, 350 High Street Preston at 1.30pm on Monday 21 May and in the Darebin Council Function Room, 350 High Street Preston at 6.30pm on Wednesday 23 May 2012 to explain the content of the proposed Budget and the overall context in which the Budget is framed.

The closing date for submissions in relation to the Budget is Wednesday 6 June 2012. The Hearing of Submissions Committee will meet at 7:30pm on Tuesday 12 June 2012 in the Darebin Council Chamber, 350 High Street Preston to hear any submitters who, in their written submission, request to be heard in support of their submission in relation to the Budget.

The proposed Budget will be considered for adoption by Council at an Ordinary Meeting of the Council at 6.30pm on 18 June 2012 in the Darebin Council Chamber, 350 High Street Preston after considering any written submissions received and verbal presentations heard by the Hearing of Submissions Committee.

### **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**

- 2012/2013 Proposed Budget (**Appendix A**)
- Council Plan 2009-2013

*Kerrie Jordan, Chief Financial Officer and Chris Meulblok, Manager Assets and Properties left the meeting – 9.27pm*

**8.5 PLANNING COMMITTEE MEMBERSHIP****MINUTE NO. 217****AUTHOR: Manager Corporate Governance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

On Tuesday 24 April 2012, Cr Vince Fontana submitted his resignation from the Planning Committee, effective immediately. This report recommends that Council appoint a replacement Councillor to serve the Planning Committee for the remainder of the 2011/2012 Council year.

**CONSULTATION:**

Director City Works and Development  
Manager City Development

**RECOMMENDATION****THAT** Council:

- (1) Note the resignation from the Planning Committee of Cr Vince Fontana, effective Tuesday 24 April 2012.
- (2) Appoint Cr Greco, Cr Laurence, Cr McCarthy or Cr Tsitas to the Planning Committee for the remainder of the 2011/2012 Council year.

**COUNCIL RESOLUTION****MOVED: Cr. S. Chiang****SECONDED: Cr. D. Asmar**

THAT Council:

- (1) Note the resignation from the Planning Committee of Cr Vince Fontana, effective Tuesday 24 April 2012.
- (2) Appoint Cr. Tsitas to the Planning Committee for the remainder of the 2011/2012 Council year.

**CARRIED**

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

On Tuesday 24 April 2012, Cr Vince Fontana submitted his resignation from the Planning Committee, effective immediately.

**ISSUES AND DISCUSSION**

The Planning Committee is a Special Committee appointed to assist Council in decision making on urban planning matters and for dealing with planning permits under section 188 of the Planning and Environment Act 1987.

The Charter for the Planning Committee defines the scope of its activity, together with the composition of the committee, quorum and meeting frequency.

The current membership of the Planning Committee is Cr Diana Asmar (Chairperson), Cr Stanley Chiang, Cr Vince Fontana, Cr Nick Katsis and Cr Ben Morgan.

With Cr Fontana's resignation from the Committee, there are three major options open to Council:

**Option 1 - Appoint a replacement Councillor.**

Appointing a replacement Councillor would not alter the size of the Committee, and would ensure that the ongoing business of the Committee could continue uninterrupted.

It is recommended that Council appoint one of Cr Greco, Cr Laurence, Cr McCarthy or Cr Tsitias to the Planning Committee for the remainder of the Council term.

**Option 2 - Leave the position vacant for the remainder of the year.**

If Council were not to replace Cr Fontana, he would technically remain a member of the Committee, and his apology would be recorded at each of the remaining meetings (there are 12 more meetings scheduled in this term of Council).

The ongoing absence of Cr Fontana would effectively decrease the Committee's active membership to four members. This would increase the likelihood that the Committee would fail to achieve a quorum, due either to the absence of members or their inability to participate due to a conflict of interest. The relatively low, even number of active members would also increase the likelihood of a tied vote and the need for the Chairperson to exercise a casting vote.

It is not recommended that Council leave the position unfilled.

**Option 3 - Change the composition of the Planning Committee**

A further option open to Council would be to alter the composition of the Planning Committee through an adjustment to the Committee Charter. It would be possible for example, to reduce the membership of the Committee to four members, thus not requiring the appointment of a replacement member. If this option were pursued, the quorum would still need to remain at three members (good practice is to establish a quorum at least at the next whole number greater than half the number of members). It would also be possible to dissolve the Planning Committee altogether.

It is not recommended that Council alter the composition of the Planning Committee.

**POLICY IMPLICATIONS****Environmental Sustainability**

Nil

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**CONCLUSION**

This report recommends that Council pursue Option 1 and appoint one of Cr Greco, Cr Laurence, Cr McCarthy or Cr Tsitas to the Planning Committee for the remainder of the Council term.

**FUTURE ACTIONS**

If the Council appoints Cr Greco, Cr Laurence, Cr McCarthy or Cr Tsitas to the Planning Committee for the remainder of the Council term, they will be offered an induction to the Committee by Council officers and will begin serving the Committee from its next scheduled meeting on 14 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 the Council meeting, 5 December 2011
- Planning Committee Charter, 5 December 2011
- Report to Council on 7 May 2012 "Review of Committee Charters and Verbal Submissions at the Planning Committee" (see item 8.6)



*The Mayor, Cr. Tsitas, temporarily left the meeting at the conclusion of the above item – 9.30pm.*

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

**8.6 REVIEW OF COMMITTEE CHARTERS AND VERBAL SUBMISSIONS AT THE PLANNING COMMITTEE****MINUTE NO. 218****AUTHOR: Manager Corporate Governance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

This report responds to a number of resolutions from Council since October 2011 to review public participation by objectors in the decision making process by Council's Planning Committee and to review the Charter of Council's three Special Committees.

The report recommends minor changes be made to the Charter of the Bundoora Homestead Board of Management and the Planning Committee and that a new procedure be introduced to allow the hearing of verbal submissions by parties to the Planning Permit application process.

**CONSULTATION:**

Director City Design and Environment  
Director City Works and Development  
Manager City Development  
Venue Manager, Bundoora Homestead

**RECOMMENDATION****THAT Council:**

- (1) Note the review of the Charter of the Bundoora Homestead Board of Management and update it with the version dated 7 May 2012 and attached as **Appendix A** to this report.
- (2) Note the review of the Charter of the Hearing of Submissions Committee and leave it unchanged.
- (3) Note the review of the Charter of the Charter of the Planning Committee and update it with the version dated 7 May 2012 and attached as **Appendix B** to this report.
- (4) Provide an opportunity for verbal submissions at the Planning Committee in accordance with the process outlined in **Appendix C** to this report, commencing at the meeting on Tuesday 12 June 2012.

**MOTION**

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

**THAT** consideration of this matter be deferred to a future Council meeting.

*The Mayor returned to the meeting during discussion of this item and resumed the Chair – 9.37pm.*

THE MOTION WAS PUT AND LOST

**FURTHER MOTION**

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

**THAT** Council:

- (1) Note the review of the Charter of the Bundoora Homestead Board of Management and update it with the version dated 7 May 2012 and attached as **Appendix A** to this report as amended as follows:
  - Clause 2 (Membership) (4) to read:  
*The La Trobe Ward Councillors rotate the position of Chairperson at each meeting*
- (2) Note the review of the Charter of the Hearing of Submissions Committee and leave it unchanged.
- (3) Note the review of the Charter of the Planning Committee and update it with the version dated 7 May 2012 and attached as **Appendix B** to this report as amended as follows:
  - Clause 5 (Scope of Activity) (1)(a) to read:  
*Planning applications which receive between five and ninety-nine objections\* (inclusive)*
- (4) Provide an opportunity for verbal submissions at the Planning Committee in accordance with the process outlined in **Appendix C** to this report, commencing at the meeting on Tuesday 12 June 2012.

**AMENDMENT**

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

**THAT** the following be appropriately added to the above 'Further Motion':

*Any applications which propose variations to Structure Plans come to full Council*

THE AMENDMENT WAS PUT AND LOST

A Division was called:

For:

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

Against:

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

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

**FURTHER AMENDMENT**

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

**THAT** the following be appropriately added to the above 'Further Motion':

*Three Councillors from three separate Wards have the ability to 'call in' a planning permit application to be dealt with by full Council.*

THE FURTHER AMENDMENT WAS PUT AND LOST

A Division was called:

For:

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

Against:

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

The Mayor, Cr. Tsitas, declared the Further Amendment to be lost.

THE FURTHER MOTION ABOVE (ASMAR/KATSIS) WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

### COUNCIL RESOLUTION

**MOVED:** Cr. D. Asmar

**SECONDED:** Cr. N. Katsis

**THAT** Council:

- (1) Note the review of the Charter of the Bundoora Homestead Board of Management and update it with the version dated 7 May 2012 and attached as **Appendix A** to this report as amended as follows:
  - Clause 2 (Membership) (4) to read:

*The La Trobe Ward Councillors rotate the position of Chairperson at each meeting*
- (2) Note the review of the Charter of the Hearing of Submissions Committee and leave it unchanged.
- (3) Note the review of the Charter of the Planning Committee and update it with the version dated 7 May 2012 and attached as **Appendix B** to this report as amended as follows:
  - Clause 5 (Scope of Activity) (1)(a) to read:

*Planning applications which receive between five and ninety-nine objections\* (inclusive)*
- (4) Provide an opportunity for verbal submissions at the Planning Committee in accordance with the process outlined in **Appendix C** to this report, commencing at the meeting on Tuesday 12 June 2012.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

This report responds to a number of resolutions from the Council as detailed below:

At the Council Meeting on 17 October 2011 Council resolved:

*'That Council receive a report on what minimum requirements for consultation can be introduced for all planning permit applications, including reporting on the situation involving other Councils.'*

At the Council Meeting held 19 December 2011 Council resolved:

*'That Council receive a report at its next meeting on the possible new requirement to provide a consultation meeting for all planning permit applications that attract objections.'*

and

*“That:*

- (1) Council affirms the right of residents to express their views about planning changes in Darebin to their elected representatives as a fundamental democratic human right.*
- (2) To help further enshrine the basic human right that Council officers prepare a report outlining a procedural change for the Darebin Planning Committee to give both objectors and applicants the option to nominate a spokesperson to have three minutes time to make verbal submissions to the Planning Committee on planning items.*
- (3) Council officers also report back on practices and procedures at the City of Melbourne Planning Committee and other best practice Councils in relation to objectors’ speaking rights and the ability of Councillors to question both applicants and objectors.*
- (4) This report be presented to Council for a formal decision at the first full Council meeting in 2012.”*

At the Council Meeting on 20 February 2012 Council resolved:

*‘That Council officers commence a comprehensive review of the Planning Committee Charter, Homestead Board of Management Charter and provide a report to Council by the end of March 2012.’*

At the Council meeting on 16 April 2012 Council resolved:

*“That Council officers update the Charter of the Planning Committee to reflect the recommendations in this report including:*

- (1) Provide an opportunity for both applicants and objectors to make verbal submissions.*
- (2) Require applications that are the subject of 100 or more objections to be decided by the full Council.*

*and present the updated Charter to the next Council meeting for consideration.”*

## **ISSUES AND DISCUSSION**

### **Bundoora Homestead Board of Management Charter**

The Bundoora Homestead Board of Management (the Board) is a Special Committee appointed pursuant to section 86 of the Local Government Act 1989 to manage the operation of Bundoora Homestead Art Centre. The Charter of the Board was last reviewed by Council on 5 December 2011.

Following Council’s resolution on 20 February 2012, the Director City Design and Environment and the Venue Manager, Bundoora Homestead conducted a desktop review of the Board’s Charter. This review determined that the Charter still effectively defines the purpose, membership, scope and delegated authority of the Board and that a major review of the Charter is not warranted at this stage.

The review identified two opportunities for minor amendments to the Charter, as follows:

- Clause 2(3) was modified, changing the phrase “*with an option for a further two-year term by mutual consent*” to “*with an option for a further two-year term at the Council’s discretion*”. This change reflects the reality of all Committee appointments – they are made at the discretion of Council.
- A new clause was included at 5(1)(e), adding a new objective for the Board: “*Enhance the position of the City of Darebin as a place proud to foster and assist with the appreciation and development of arts and cultural activities*”. This addition bolsters the Board’s role in more broadly supporting the municipality’s artistic and cultural endeavours.

### **Hearing of Submissions Committee Charter**

The Hearing of Submissions Committee is a Special Committee appointed pursuant to section 86 of the Local Government Act 1989 to hear and report to Council on submissions received by Council in accordance with section 223 of the Local Government Act 1989.

Following Council’s resolution on 20 February 2012, the Manager Corporate Governance conducted a desktop review of the Hearing of Submissions Committee’s Charter. This review comprised a review of the Local Government Act (the Act) and associated regulations to identify matters which require hearing under section 223 of the Act, but are not currently listed within the scope of the Committee.

The review confirmed that the Charter still effectively defines the purpose, membership, scope and delegated authority of the Committee, and lists all matters which require a hearing under section 223 of the Act. As a result, the review determined that no changes to the Charter are required.

### **Planning Committee Charter**

The Planning Committee is a Special Committee appointed pursuant to section 86 of the Local Government Act 1989 to assist Council in decision making on urban planning matters and for dealing with planning permits under section 188 of the Planning and Environment Act 1987.

Following Council’s series of resolutions since October 2011, a review has been underway to identify changes to the Planning Committee that would achieve Council’s objectives of providing stronger engagement between members of the Committee and participants in the planning process. The outcomes of this review were presented to Council at its meeting on 16 April 2012. The highlights of the review included:

- Introducing a procedure for objectors and applicants to have an opportunity to directly address the Committee in relation to an application before a decision is made.
- Lifting the threshold required to automatically bring a matter before the Planning Committee from five objections to ten objections (without altering the other mechanisms by which a matter can be referred to the Committee)
- Narrowing the scope of the Committee so that all applications with 100 or more objections are automatically directed to the Council (without removing the ability of the Committee to refer any matter to Council if appropriate).

At its 16 April 2012 meeting, Council resolved to support the recommendations of this review and directed Officers to prepare the necessary changes to the Committee Charter.

Following a review of the Planning Committee Charter by the Manager Corporate Governance and Manager City Development it was determined that the only changes necessary related to the narrowing of the scope of the Committee and that the introduction of the opportunity to address the Committee is best dealt with procedurally.

The review presents three amendments to the Charter to achieve Council's objectives, as follows:

- Clause 5(1)(a) was modified, narrowing the scope from "*Planning applications which receive five or more objections*" to "*Planning applications which receive between ten and ninety-nine objections (inclusive)*". This change gives effect to both the lifting of the Planning Committee threshold and the introduction of a new trigger for consideration by Council.
- Clause 7(1) was modified, narrowing the delegated authority from "*full delegated authority to determine applications*" to "*full delegated authority to determine applications with less than 100 objections*". This change removes the authority of the Committee to approve applications that should be referred to Council.
- A footnote has been added to clarify what type of objections trigger the respective thresholds which reads: "*For the purpose of this Charter, multiple objections from the same property address are counted as a single objection, as is a petition or letter with multiple signatories*".

### Verbal Submissions to the Planning Committee

In the report to Council on 16 April 2012, consideration was given to a number of mechanisms for introducing an opportunity for parties to a Planning Permit application to be heard by the Committee. That report concluded that Council could introduce "*a limited and carefully managed opportunity for verbal submissions to be made before the Planning Committee as a measure of addressing the 'perception of a right to be heard in relation to an objection'*".

To give effect to that conclusion, officers have developed a guide titled "Making a Verbal Submission to the Planning Committee" which is attached as **Appendix C** to this report. That guide outlines the administrative and procedural steps involved in making a verbal submission and will form the basis of the new arrangements.

In order to provide the necessary time to establish the internal systems required, it is proposed to introduce the new arrangement at the Planning Committee meeting on Tuesday 12 June 2012. This will also allow objectors and applicants to be appropriately notified of this opportunity earlier in the application process.

While for simplicity's sake the guidelines do not specifically address the process when a matter with 100 or more objections comes to Council, it is anticipated that the Council would suspend standing orders to hear verbal submissions in a manner based on the process followed at the Planning Committee.

## POLICY IMPLICATIONS

### Environmental Sustainability

Nil.



## Social Inclusion and Diversity

Nil.

## Other

In *Our People, Our Place, Our Future – the City of Darebin Council Plan 2009-2013*, Council makes a commitment to Leadership and Engagement, which states:

*“Our goal is to actively engage all members of Darebin’s diverse community – listening, inviting participation and responding to issues of concern. We will provide informed and unambiguous leadership on matters of strategic importance. We will foster a culture of open and accountable governance”*

The introduction of a mechanism to allow parties to a planning application to directly address the members of the Planning Committee provides a tangible response to this commitment and is in direct response to issues raised by the community.

## FINANCIAL AND RESOURCE IMPLICATIONS

The introduction of a public forum at each meeting of the Planning Committee will increase the likelihood of disruption from the gallery in the ordinary business of the Committee. There is currently no provision in the budget for additional resources in the event that additional staff presence or external security is required.

## CONCLUSION

This report concludes that:

- The Charter of the Bundoora Homestead Board of Management requires minor changes.
- The Charter of the Hearing of Submissions Committee does not require alteration.
- The Charter of the Charter of the Planning Committee requires minor changes.
- The opportunity to make verbal submissions at the Planning Committee should commence at the meeting on Tuesday 12 June 2012.

## FUTURE ACTIONS

- The changes to the Committee Charters will take effect immediately
- The opportunity to make verbal submissions to the Planning Committee will commence at the meeting on Tuesday 12 June 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**

- Governance provisions of the Local Government Act 1989
- Original Bundoora Homestead Board of Management Charter, 5 December 2011
- Original Planning Committee Charter, 5 December 2011
- Default Hearing of Submissions Committee Charter, 5 December 2011
- Bundoora Homestead Board of Management Charter, revised 7 May 2012
- Your Guide to Making a Verbal Submission to the Planning Committee, 7 May 2012
- Edited Planning Committee Charter, 7 May 2012

**8.7 DECLARATION OF SPECIAL CHARGE SCHEME –  
CONSTRUCTION OF RIGHT OF WAY BETWEEN NUGENT  
AND PHELAN STREETS PRESTON**

**MINUTE NO. 219**

**AUTHOR: Manager Assets and Properties**

**REVIEWED BY: Director Corporate and Business Services**

**SUMMARY:**

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston.

Submissions on the proposal have been sought and three formal objections were received. Two of the objections have come from aged pensioners and relate to financial hardship. It is proposed to offer property owners in financial hardship an option to defer the special charge.

It is proposed that the works would be undertaken as part of the draft 2012/2013 capital works program. The total cost of the works is calculated at \$55,794.00 of which Council would contribute \$16,410.00 (30%) and property owners would contribute \$39,384.00 (70%).

**CONSULTATION:**

- Property owners at Nos 1-11 Nugent Street and Nos 2-12 Phelan Street
- Relevant Council staff

**RECOMMENDATION**

**THAT** Council, having considered all submissions received under section 223 of the Local Government Act 1989 (the Act), resolves:

- (1) That pursuant to section 163(1) of the Act, Council declares a Special Charge (Special Charge) for the purposes of defraying expenses relating to the provision of road construction and associated works in the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston (Scheme). The scheme involves the construction of road pavement and drainage, which Council is empowered to do under section 1 of Schedule 10 of the Act.
- (2) That the Special Charge be based on geographic criteria, having regard to those properties which have direct abuttal to the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston.
- (3) That the area identified in the map at Figure 1 be the area for which the Special Charge is being declared.
- (4) That the total cost of performance of the function or exercise of the power by Council (in connection with activities that are associated with the provision of proper, safe and suitable roads in the area for which the Special Charge is to be declared) as \$55,794.00 (excluding GST).

- (5) That the total amount of the Special Charge to be levied by Council is \$39,384.00 (excluding GST).
- (6) That Council's contribution to the scheme for the purposes of community benefit to be derived from the works is \$16,410.00 (excluding GST).
- (7) That the following rateable land is specified as the land in relation to which the Special Charge is being declared: 1 Nugent Street, Preston; 3 Nugent Street, Preston; 5 Nugent Street, Preston; 7 Nugent Street, Preston; 9 Nugent Street, Preston; 11 Nugent Street, Preston; 2 Phelan Street, Preston; 4 Phelan Street, Preston; 6 Phelan Street, Preston; 8 Phelan Street, Preston; 10 Phelan Street, Preston; 12 Phelan Street, Preston.
- (8) That a Notice of Levy (Notice) be sent to each person liable to pay the Special Charge, which will require the Special Charge to be paid in the following manner:
  - a. By a single payment of the full amount to be levied by the date fixed by Council in the Notice, which be will a date not less than 30 days after the completion of works; or
  - b. By twenty quarterly instalments, to be paid by the dates which are fixed by Council in the Notice
- (9) That there will be a special benefit to the persons required to pay the Special Charge because, in the opinion of Council, there will be a benefit over and above or greater than the benefit that is available to persons who are not subject to the Special Charge, in that the properties will have the benefit of an abuttal to a constructed and fully serviced road, including improved access and amenity.
- (10) That for the purposes of having determined the total amount of the Special Charge to be levied, Council:
  - a. Considers and formally records that only those rateable properties included in the Scheme as included in this declaration will derive a special benefit from the imposition of the Special Charge and that any wider relevant special benefits are included in the community benefits to be paid by Council; and
  - b. Formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated portion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power in relation to this declaration relate (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is in a ratio of 12:17 or 70.5882353% (on the basis that only those residential properties which abut the right-of-way will receive a special benefit).
- (11) That all owners and occupiers of properties included in the scheme be notified in writing of the decision of Council to declare and levy the Special Charge and the reasons for the decision – being that the owners abutting the road will enjoy an abuttal to a fully constructed and serviced secondary access to their property, removal of their responsibility to maintain the unmade right-of-way and the introduction of improved drainage.
- (12) That the Director Corporate and Business Services give consideration to any application for deferral of the special charge on the grounds of financial hardship by any property owner who is liable to pay the special charge.

**COUNCIL RESOLUTION**

**MOVED:** Cr. V. Fontana  
**SECONDED:** Cr. B. Morgan

**THAT** consideration of the matter be deferred.

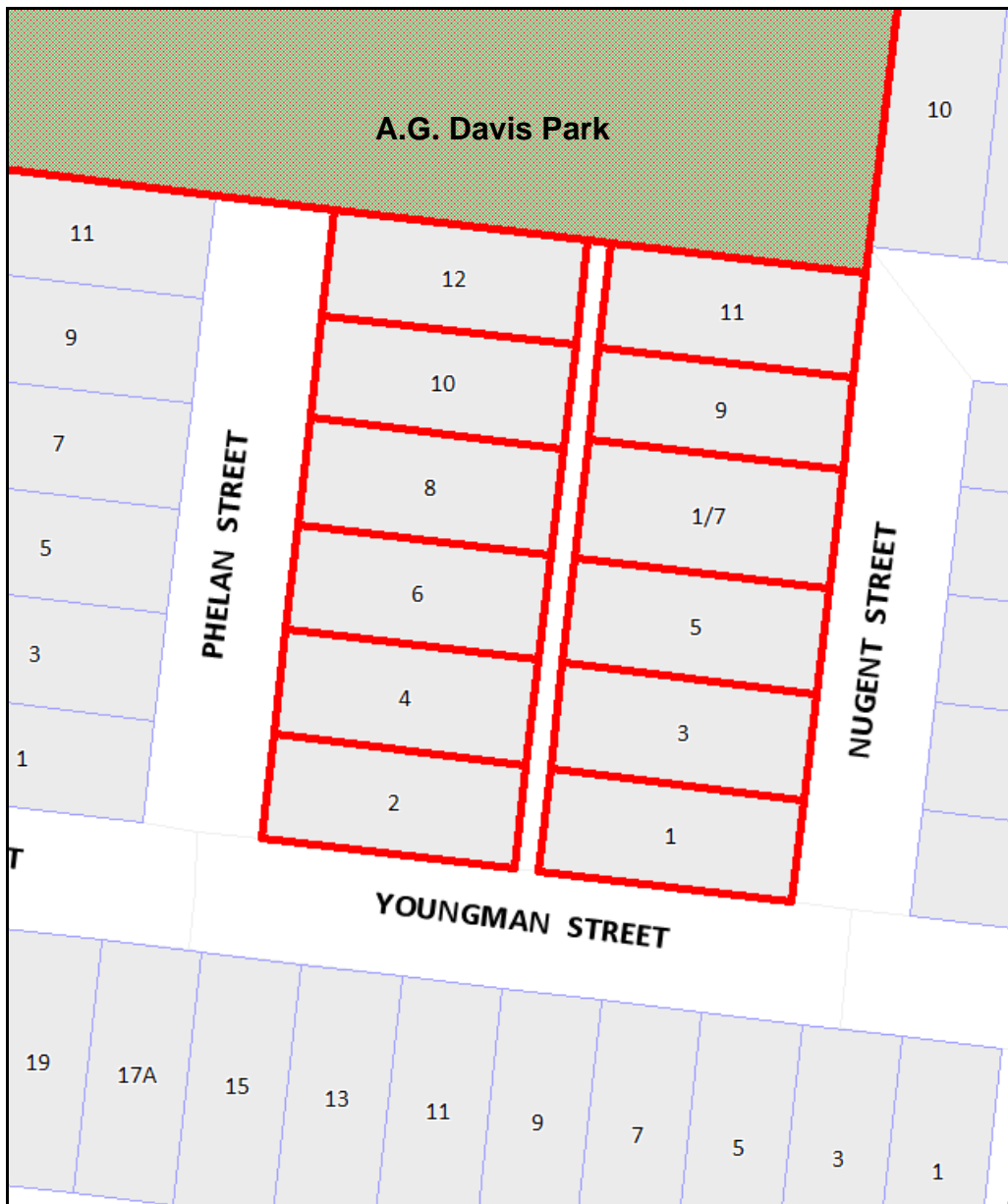
**CARRIED**

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

In October 2011, a resident of Nugent Street, Preston contacted Council with a request to construct the unmade right-of-way at the rear of his property in order to facilitate vehicle access to a rear garage.

The right-of-way runs along a north-south alignment between Nos 1-11 Nugent Street and Nos 2-12 Phelan Street from A.G. Davis Park to Youngman Street (see Figure 1 below). The right-of-way is approximately 80m in length and 3m wide. It is currently 'unmade' with an earthen surface that is covered in grasses, weeds and some concrete slurry. Properties along both Nugent and Phelan Streets drain to the surface of the right-of-way.

Figure 1



**Note: properties marked in red are subject to the Special Charge Scheme**

Under the current General Local Law, property owners adjoining an unmade right-of-way are responsible for ensuring that the right-of-way is free of litter and obstructions. The right-of-way is, in parts, overgrown with weeds. Soft muddy ground makes it impassable for vehicle traffic during wet conditions and presents concerns about its adequacy for drainage.

The Local Government Act 1989 (the Act) allows Councils to construct unmade roads via a special charge scheme whereby benefiting property owners contribute towards the cost of works. This legislation enables the fair provision of such infrastructure assets to property owners who have not previously paid for these assets – property prices in new developments include costs for the provision of infrastructure which is then handed over to Council by developers. Once an unmade road is constructed and added to Council’s roads register it is maintained and renewed by Council.

The preparation of a special charge scheme follows a process of notifications, advertising and submissions set out in the Act. In brief, Council can only proceed with the imposition of a special charge scheme where the majority of adjoining property owners do not object to the imposition of the scheme.

In December 2011, a questionnaire was sent to each of the twelve property owners who would be included in the scheme. Eleven responses were received, seven of which were in favour of the scheme and four were against. Only one property owner provided comments in their response – rejecting the assertion that his property would receive any benefit from construction of the right-of-way.

Council, at its meeting of 20 February 2012, considered a report on a proposal for a special charge scheme for the construction of the right-of-way between Nugent and Phelan Streets, Preston. Following consideration of the report, Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear (if required) submissions under section 223 of the Act.

## ISSUES AND DISCUSSION

Under section 163 of the Act, Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the exercise of a power of the Council if Council considers that the exercise of the power will be of special benefit.

In this case, the proposed exercise of power would be that stated in section 1 of Schedule 10 of the Act which grants Council the power to construct a road.

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

### **A. Purpose of the Works**

The purpose of the works is to provide a constructed surface for the right-of-way to improve vehicle access and to eliminate residential maintenance requirements. Underground drainage is also required for household stormwater connections that discharge to the right-of-way.

The works have been requested by the owner of 11 Nugent Street, Preston in order to enable vehicular access to the rear of this property. This property would be included in the proposed special charge scheme.

## B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries as properties proposed to be included in the scheme physically abut the right-of-way.

## C. Calculate the Total Cost

The proposed road construction includes the following items:

- Survey and design
- Earthworks and construction of road base
- 150mm thick steel reinforced concrete surface
- Underground drainage (including grated junction pits and connection to existing drainage network)
- Connection of household stormwater discharges

For the purposes of section 163(1) of the Act the total cost of works is calculated at \$55,794.00 (estimate of works is provided at **Figure 2**).

**Figure 2**

Estimate  
**Nugent Phelan ROW**

1	<b>Survey &amp; Design</b>		\$ 2,500.00
2	<b>Excavation and Disposal</b>		
	<i>volume</i>	<i>bulk</i>	<i>rate</i>
	61.0	1.5	60
			\$ 5,490.00
3	<b>Crushed Rock Supply &amp; Compaction</b>		
	<i>width</i>	<i>thickness</i>	<i>length</i>
	3.05	0.1	80
			<i>cost per cubic metre</i>
			\$ 60.00
			\$ 1,464.00
4	<b>150mm Concrete Paving with F62 &amp; finish as per DS6</b>		
	<i>width</i>	<i>length</i>	<i>cost per square metre</i>
	3.05	80	\$ 85.00
			\$20,740.00
6	<b>Drainage works</b>		
	<i>Pipe</i>	<i>length</i>	<i>cost per linear metre</i>
	300mm dia concrete RRJ	70	\$ 150.00
	bed and backfill		\$10,500.00
	<i>Item</i>	<i>Number</i>	<i>Cost per item</i>
	Grated junction pit	2	\$1,500.00
	House connection	12	\$ 300.00
	Pipe connection	1	\$ 500.00
			\$ 3,000.00
			\$ 3,600.00
			\$ 500.00



8 **Contingencies** \$ 2,000.00

Total (excluding GST) **\$49,794.00**

10 **Public Notice** \$ 6,000.00

Total (excluding GST) **\$55,794.00**

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

#### **D. Identify the Special Beneficiaries**

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners adjoining the right-of-way are considered to receive special benefit from the proposed construction of the laneway by means of:

- Provision of sealed access to the rear of properties
- Improvements to drainage
- Improved pedestrian and vehicular safety
- Removal of nuisance – dust and mud
- Removal of the requirement to maintain the right-of-way free of litter and obstructions
- Improved general amenity
- Increased property value.

The properties that adjoin the right-of-way are Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, as well as the A.G. Davis Park (as shown in Figure 1).

#### **E. Determine Properties to Include**

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is proposed to limit the scheme to only include the residential properties that abut the right-of-way (Nos 1-11 Nugent Street and Nos 2-12 Phelan Street).

As Council owns A.G. Davis Park (which also directly abuts the north of the right-of-way) this property is not capable of being included in the scheme as it is not a rateable property. It is recognised that this property would be a special beneficiary to the works; however any benefits likely to be accrued by this property are enjoyed by the wider community will be taken into consideration in the determination of community benefit.

#### F. Estimate Total Special Benefits

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$\mathbf{TSB} = \mathbf{TSB}_{(in)} + \mathbf{TSB}_{(out)}$$

- **TSB** is the estimated total special benefit for all properties that have been identified to receive a special benefit
- **TSB<sub>(in)</sub>** is the estimated total special benefit for those properties that are included in the scheme
- **TSB<sub>(out)</sub>** is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- **TSB<sub>(in)</sub>** – There are 12 residential properties proposed to be included in the scheme. Each residential property is allocated 1 benefit unit. It is considered that each property derives both access and amenity benefit and this is split 50/50.
- **TSB<sub>(out)</sub>** – One property has been excluded from the scheme. This is Council's reserve A.G. Davis Park at 14 Robertson Street, Preston.

#### G. Estimate Community Benefits

It is considered that the community benefit be determined as four units of benefit to account for access and amenity benefit to the greater community, particularly for users of the Council reserve.

- **TCB** – Total Community Benefit is assessed to be 4 benefit units

#### H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

$$\mathbf{R} = \frac{\mathbf{TSB}_{(in)}}{\mathbf{TSB}_{(in)} + \mathbf{TSB}_{(out)} + \mathbf{TCB}}$$

Where:

$$\begin{aligned} \mathbf{TSB}_{(in)} &= 12 \\ \mathbf{TSB}_{(out)} &= 1 \\ \mathbf{TCB} &= 4 \end{aligned}$$

$$\mathbf{R} = 0.705882353$$

## I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy **S**, the following formula is used:

$$S = R \times C$$

Where **R** is the benefit ratio and **C** is the cost of all works

Therefore **S** = 0.705882353 x \$55,794.00 = **\$39,384.00**.

This provides for a community benefit amount (payable by Council) of **\$16,410.00**.

### Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties abutting the right-of-way have roughly equal rearage (thus equal amenity benefit), all stand to receive equal potential benefit from improved rear access to their property and all will equally benefit from improved drainage in the right-of-way, it is proposed to apportion the costs equally amongst all benefiting properties.

It is proposed to distribute the costs as follows:

Property	Special Charge
1 Nugent Street	\$3,282.00
3 Nugent Street	\$3,282.00
5 Nugent Street	\$3,282.00
7 Nugent Street	\$3,282.00
9 Nugent Street	\$3,282.00
11 Nugent Street	\$3,282.00
2 Phelan Street	\$3,282.00
4 Phelan Street	\$3,282.00
6 Phelan Street	\$3,282.00
8 Phelan Street	\$3,282.00
10 Phelan Street	\$3,282.00
12 Phelan Street	\$3,282.00
Council	\$16,410.00
<b>TOTAL</b>	<b>\$55,794.00</b>

### Submissions

Section 163A of the Act allows a person to make a submission under section 223 of the Act in relation to Council's proposal to declare a special charge.

Section 223 requires that Council publish a public notice specifying the date by which submissions are to be made, being a date which is not less than 28 days after the date on which the public notice is published. Section 223 also entitles any person making a submission to request a hearing by Council of their submission.

Public notice was posted in the 24 February 2012 edition of The Age and the 28 February 2012 edition of the Preston Leader. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 30 March 2012.

Five submissions on the proposal were received. None of the submitters requested to be heard.

Copies of all submissions have been circulated separately to each of the Councillors.

A summary of the submissions is as follows:

Peter Keogh, Preston

- Objection
- Only uses the lane once every couple of years
- The scheme will impose a financial burden
- Concerned that works will increase property value and thence rates

Giuseppe Cunti, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - does not use laneway
- Mows the grass in the laneway at the rear of his property

Alfredo and Franca Molinaro, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - the property is on a corner
- Vehicle access from the lane is not required - Parents do not have a car and do not drive
- Maintains the laneway at the rear of the property, and removes dumped rubbish
- Construction of the laneway will increase traffic
- Laneway is not wide enough for cars to use without damaging fences

Trudy Guest, Preston

- No objection
- Would like to see the quotations for the works
- Would like confirmation that laneways in Preston have been constructed via special charge schemes in the past
- Concerned that works will increase property value and thence rates

Stuart Hale and Mary Parker, Preston

- Supports proposal
- Vehicle access from the lane is required
- Requests stormwater connection
- Concerned about the inclusion of advertising costs in the scheme
- Concerned that Council's role as landowner (A.G. Davis Reserve) is not included in the scheme

A late submission was received on 30 April 2012 from Thomay Michaltsis of Preston supporting the proposal.

### **Objections**

Section 163B of the Act states that Council can only levy a special rate or a special charge to recover an amount that exceeds two-thirds of the total cost of the performance of the works after seeking objections from affected property owners. If Council receives objections from a majority of the rateable properties in respect of which the special charge would be imposed then Council cannot proceed with the declaration of the scheme.

In relation to the proposed scheme, Council would be seeking to recover more than two-thirds of the total cost of the performance of the works.

Of the twelve properties which are proposed to be included in the scheme, only three properties lodged an objection during the formal objection period – less than a majority.

### **Review of submissions**

In reviewing the submissions, a number of consistent themes have been found, as well as some individual issues:

#### Infrequent or non-use of the right-of-way

Properties are considered to derive a special benefit from the construction of the right-of-way whether they currently make use of the right-of-way or not – the estimation of special benefit takes into account the potential to make use of the works as well as actual usage/capacity. The Ministerial Guideline for Special Rates and Charges allows for the consideration of future benefits when estimating special benefits. In this regard, all properties are considered to be capable of making use of the right-of-way.

#### The scheme will impose a financial burden

It is recognised that the imposition of the Special Charge may introduce financial hardship upon some residents, particularly those on an aged pension who are 'asset rich and cash poor'. The Director Corporate and Business Services has delegated authority under section 170 of the Act to consider and grant deferral of a special charge in circumstances of financial hardship. It is proposed to offer those property owners subject to this Special Charge who are also eligible for a pensioner discount on their municipal rates a deferral of the payment until such time as their financial circumstances change or the property is sold.

### Increased rates

Whilst the construction of the right-of-way surface and the provision of formal drainage is generally believed to increase a property's value, actual evidence to support the magnitude of any increase is difficult to gather. Given this, the impact of construction of the right-of-way on the rates paid by the property owner is considered to be so minor as to be effectively negligible.

### Traffic use

The current condition of the surface of the right-of-way is not conducive to vehicle traffic during the wetter portion of the year. It is anticipated that construction of the right-of-way's surface would increase vehicle traffic. As the right-of-way does not provide through access for vehicles, the only users are expected to be from the adjoining twelve properties. This increase in vehicle traffic is considered to be within tolerable limits.

Any increase in pedestrian traffic to and from the park is accounted for in the community benefits.

The right-of-way is not unusually narrow. It has a width of 3.05m, similar to most other rights-of-way throughout the City. With regard to the potential for damage to fencing; vehicle drivers are required to exercise caution in the operation of their vehicles, having regard to the local conditions. It is anticipated that any future development that accesses the right-of-way would have regard to vehicle turning movements.

### Quotations for works

Should the scheme proceed, officers would abide by Council's procurement policy in relation to seeking quotations for works and assessing the successful bidder. Council's procurement policy does not facilitate community involvement in purchasing decisions. It is always Council's intention to seek best value for money when procuring goods and services.

It is proposed to provide each property owner who would be subject to the Special Charge with a breakdown of the costs associated with the project once the works are complete and all costs are finalised.

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

### Confirmation of previous special charge schemes

Records show that Council has undertaken previous right-of-way constructions via special charge scheme at other locations in Preston. The Act allows for Council to levy property owners for the purposes of defraying any expenses incurred with the construction of infrastructure in the first instance.

No records have been found that show the right-of-way between Phelan and Nugent Streets, Preston to have been previously constructed via the application of a special charge scheme or a private street scheme.

### Stormwater connection

The proposed works include provision of stormwater drainage along the right-of-way with stormwater drainage connections to each property.

Inclusion of advertising costs

Section 163(6)(c) of the Act specifies that a Council may use money from a Special Charge for advertising.

The cost for advertising has included public notices in The Age and the Preston Leader plus the production and electronic transmission costs of the advertising provider. The advertising costs to date have been \$5,398.16 (excluding GST).

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

Community benefit

The apportionment of costs allocates five benefit units to Council. This includes four benefit units for wider community use of the asset and one benefit unit for A.J. Davis Park. This apportionment does recognise Council's role as an adjacent landowner and also the community benefit to be derived from the wider community for their potential use of the newly created asset.

**Objection to Victorian Civil and Administrative Tribunal (VCAT)**

Section 185 of the Act entitles any person subject to a Special Charge to make an application to VCAT for a review of the decision to impose the charge. Upon review of the special charge, VCAT may variously decide to vary the special charge, set aside the special charge or dismiss the application.

Section 185AA of the Act entitles a person to apply to VCAT for a declaration concerning the validity of a decision made under section 185 of the Act.

Application to VCAT under s185 must take place within 30 days of the issue of a Notice to the person of the special charge.

**POLICY IMPLICATIONS****Environmental Sustainability**

There are no significant environmental sustainability implications arising from the matters discussed this report.

**Social Inclusion and Diversity**

There are no significant social inclusion or diversity implications arising from the matters discussed this report.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Should the proposed special charge scheme proceed, Council would be liable to contribute \$16,410.00 towards the works. The full amount of \$55,794.00 has been referred to the draft 2012/2013 capital works program to be fully funded by Council with costs to be recouped from property owners over time.

In accordance with past practice, property owners have two options for payment of the special charge:

1. Payment in full – \$3,282.00
2. Payment in quarterly installments over a maximum of five years (without interest) – for a contribution of \$3,282.00 the quarterly payments would be \$164.10.

It is understood that some of the property owners that would be included in the scheme are pensioners and may suffer from financial hardship from the imposition of the proposed scheme. The Director Corporate and Business Services has the delegated authority to defer payment of a special charge in demonstrated cases of financial hardship. In the case of a deferred payment, the special charge can be held as a cost against the property until the property changes hands or payment is made. In such cases the deferred payment would accrue interest at half of the rate that would be applied if it were a late payment. The rate of late payment interest currently charged by Council is 10.5% per annum (thus a deferred special charge would incur interest of 5.25% p.a.).

Payments to Council by property owners for works via special charge schemes are GST exempt.

Should the works be less than \$55,794.00 (excluding GST) the contribution from each benefitting party (including Council) would be reduced accordingly. Under the special charge scheme legislation, should the works exceed \$55,794.00 (excluding GST) the contributions by property owners would not increase and Council would be liable to pay the additional amount.

## **CONCLUSION**

It is recommended that Council declare a special charge scheme for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston. Construction of the right-of-way would improve access to residential properties, improve drainage and increase local residential amenity.

## **FUTURE ACTIONS**

- Provision of a levy notice to property owners
- 30 day period for an objection to be lodged with VCAT
- Should no objection be received within the objection period, it is proposed that works would be completed by the end of December 2012.

## **DISCLOSURE OF INTERESTS**

Section 80C of the Act 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**

- General Local Law 2005, Darebin City Council
- Local Government Act 1989, Victorian Government
- Special Rates and Charges – Ministerial Guideline, Local Government Victoria, September 2004
- Council Minutes – 20 February 2012

*Cr. Morgan left the meeting at the conclusion of the above item – 10.18pm*

**8.8 TARGETED PROMOTIONS TO SUPPORT SECTIONS OF HIGH STREET NORTHCOTE AND WESTGARTH WHICH HAVE BEEN IMPACTED BY THE ROUTE 86 CONSTRUCTION WORKS.**

**MINUTE NO. 220**

**AUTHOR: Manager Economic Development and Civic Compliance**

**REVIEWED BY: Director Corporate and Business Services**

**SUMMARY:**

On 6 February 2012 Council resolved that:

*In consultation with the High Street traders, officers prepare a report on targeted promotions that could be used to support those parts of High Street Northcote and Westgarth impacted by the Route 86 construction works.*

The delivery of the Route 86 Corridor Improvement Project caused a significant reduction in the access and amenity to businesses in High Street Northcote and Westgarth. As a result, the Northcote Business Association and Westgarth Village Traders Association have requested assistance from Council to implement projects and activities to provide support to those affected traders.

Council is currently undertaking various business initiatives and proposes additional targeted promotions for the areas of High Street Northcote and Westgarth.

**CONSULTATION:**

Northcote Business Association  
Westgarth Village Traders Association  
Northcote Place Manager  
Transport Strategy Coordinator  
Communications and Advocacy Manager  
Water and Waste Strategy Coordinator  
Litter Prevention and Compliance Coordinator  
Infrastructure Maintenance and Support Coordinator

**RECOMMENDATION**

**THAT** Council note the current and proposed activities to support the High Street Northcote and Westgarth businesses post Route 86 construction works outlined in this report.

**COUNCIL RESOLUTION**

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

**THAT:**

- (1) Council note the current and proposed activities to support the High Street Northcote and Westgarth businesses post Route 86 construction works outlined in this report.
- (2) The Business Development Unit review implementation of the initiatives and promotions outlined in this report and provide a report back to Council.

**CARRIED**

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

The Tram Route 86 Corridor Improvement Project was developed out of the Darebin Transport Strategy 2007-2027. Council adopted the proposal for the project on 21 December 2009 which was followed by the commitment from the State Government to fund the project. As part of the funding arrangement, VicRoads became the lead agent and the agent responsible for the community consultation and community liaison.

Council provided support to VicRoads and assistance wherever possible in the facilitation of the communication process including meeting with Association representatives and attending trader information sessions on various occasions. Council advocated for an increase in the level of communication to ensure that residents and businesses were provided up-to-date and specific information. The Business Development Unit and the Northcote Place Manager regularly assisted stakeholders with the distribution of updates and assisted with queries from affected businesses.

VicRoads was responsible for the communication to the community and traders. During the delivery of the project there were occasions where Council was not satisfied with the level of detailed communication provided to the community and traders. In particular regarding the start and finish times, specific works outside of their properties and any delays that would lengthen the completion times. As a result, traders were also unprepared for the disruptions that were involved as part of the construction works. These works caused a significant reduction in the access and amenity to businesses in Northcote and Westgarth, resulting in the Northcote Business Association and Westgarth Village Traders Association requesting assistance from Council, VicRoads and Yarra Trams to implement projects and activities to provide support to those affected traders.

Yarra Trams and VicRoads have provided a in-kind contribution to the Westgarth Trader and Northcote Businesses Associations. The contributions included a five week Christmas promotion campaign on Thursday nights leading up to Christmas. This included entertainment, community radio advertising and the print and installation of internal (posters and brochures) and external (tram faces) advertising on trams. This in-kind contribution was valued at \$53,000.

The partnerships have been formed and continue to strengthen as a result of the collaboration of all stakeholders involved. Yarra Trams continues to work with the Northcote Business Association to provide support for organised events such as Northern Exposure and High Noon festival.

## ISSUES AND DISCUSSION

### Current initiatives

Council is currently undertaking the following businesses initiatives directly targeting the areas of High Street Northcote and Westgarth. These include:

- **Strip Shopping Centre Streetscape Improvement Program**

As part of some of minor capital works there has been \$70,000 allocated to High Street Northcote, as well as \$20,000 to High Street Westgarth. These minor works include new branding, entry signs and additional street furniture for each shopping precincts. Extensive consultation was undertaken to ensure that the businesses had input into the way that this funding was spent.

- **Christmas decorations in High Street Northcote**

Darebin's Christmas Decorations for Darebin Retail Centres Policy 2011-2015 includes High Street Northcote for the purchase, storage and part-installation of Christmas decorations for a total of \$13,000 for first year and \$18,000 for each of the four following years.

- **'Discover your Own Backyard' Visiting Friends and Relatives (VFR) campaign**

As part of the Visiting Friends and Relatives campaign budget (new initiative) \$6,000 has been requested to have an edition which will feature High Street Northcote and Westgarth. Council is currently working with the Trader Associations to get their input into the article in the Northcote and Preston Leader for the May edition.

- **Revitalising Darebin**

As part of a trial project, Council has been working with the Northcote Business Association and landowners in High Street Northcote to activate empty shop fronts, improve the visual amenity and showcase local artists.

- **The Light\$mart program**

In partnership with the Northcote Business Association, Council is currently offering Northcote businesses the opportunity to participate in an energy efficient program that would help them replace their halogen downlights with LEDs. This initiative has assisted a number of businesses to reduce their energy costs by up to 80%.

- **Recycling in High Street Northcote**

In July Council will commence a new low-cost kerbside Business Recycling Service. This will enable High Street businesses to have access to a fortnightly recycling collection.

### **Proposed targeted promotions**

After discussions with the Northcote Business Association and Westgarth Village Traders Association, their main concern is about bringing people back to the shopping precincts. Council is proposing the following additional targeted promotions in partnership with the Trader Associations to provide ongoing support to the Northcote and Westgarth businesses.

- **Supporting the Westgarth Village Traders Association by assisting them to develop a three year marketing strategy**

There is currently no marketing plan or funds for the Westgarth shopping centre. This will involve Council running a series of workshops with Westgarth traders to develop a three year marketing strategy for the Centre.

- **Providing access to a retail specialist and business mentor**

The Northcote and Westgarth businesses will be offered the opportunity to meet with a local retail specialist from 'Retail Fundamentals'. This will include business research, an analysis of the business and a two hour one-on-one session where the consultant would work with individual retailers to prioritise the main areas of concern. This initial phase of mentoring would be at no cost to participating businesses.

- **Ongoing marketing of Darebin's Activity Centres at a precinct level**

Actions identified the Business Development and Employment Strategy 2012 - 2015 under the Marketing strategic direction includes:

- Undertaking ongoing marketing activities of Darebin's Activity Centres at precinct level, which will include Northcote and Westgarth.
- Participate in various programs that promote Darebin as a destination to local and wider audiences.
- Promotes Darebin's residential and natural advantages, cultural diversity, attractions and business locations.

- **Providing positive news stories**

Council will work with the Leader newspaper and initiate a campaign for local retail centres within Darebin. Council will produce, where possible, media releases to coincide with events occurring in the precincts.

- **Delivery of an events calendar**

As part of the 2012-2013 event calendar Council intends to hold a 'visual merchandising' workshop specifically for retailers. The event will work with business owners to improve their visual display within their shopfronts.

- **Investigate the removal of posters on light poles and improve the visual amenity of the area**

To complement the new infrastructure provided by the Route 86 upgrade, Council will investigate the removal of posters off light poles and look at initiatives to improve the general visual amenity of Northcote.

**POLICY IMPLICATIONS****Environmental Sustainability**

Implementing the LightSmart program and the recycling programs will have a significant positive environmental impact.

**Social Inclusion and Diversity**

There are no impacts on social inclusion and diversity.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The proposed targeted promotions can be delivered within the 2012 - 2013 operational budget of Business Development Unit.

**CONCLUSION**

The current initiatives and the proposed target promotions will assist sections of High Street Northcote and Westgarth that have been impacted by the Route 86 construction works.

**FUTURE ACTIONS**

Implement the proposed activities outlined above.

**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**

Council Minutes – 6 February 2012

**8.9 COMMUNITY CAMPAIGN AGAINST TYPE 2 DIABETES****MINUTE NO. 221****AUTHOR: Manager Economic Development and Civic Compliance****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

At its meeting on 21 November 2011, Council resolved as follows:

*That Officers provide a report to Council by February/March 2012 on preventative measures that can be taken by Council to help curb the increase in people with Type 2 Diabetes in Darebin. The report should explore various options available to Council including:*

- a) Planning controls to stop the spread of fast food chain outlets in Darebin.*
- b) Varying the rating strategies applicable to fast food chain outlets.*
- c) Strategies to encourage local fast food outlets to promote healthy eating.*
- d) Community education campaign*
- e) Extending free exercise in the parks program.*
- f) Developing partnerships with local, state and federal health providers/advocates.*

The report provides a summary of Council's existing and potential capacity to respond to the options listed above to reduce the prevalence of Type 2 Diabetes within the Darebin community.

**CONSULTATION:**

- Manager Community Planning, Partnerships and Performance
- Project Coordinator Social Sport for All
- Chief Financial Officer
- Community Wellbeing Advisor
- Coordinator Statutory Planning
- Coordinator Health and Planning Protection

**RECOMMENDATION**

**THAT** Council note the various activities that are being undertaken to reduce the prevalence of Type 2 Diabetes outlined in this report.

**COUNCIL RESOLUTION**

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

**THAT** Council:

- (1) Note the various activities that are being undertaken to reduce the prevalence of Type 2 Diabetes outlined in this report.
- (2) Refer for consideration to the Municipal Strategic Statement Review process, the feasibility of including Health and Well-being matters as part of the Darebin Planning Scheme.
- (3) Receive a further report on the feasibility of using differential rating to discourage or penalise fast food chain outlets.

**CARRIED UNANIMOUSLY**

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

The Darebin community experiences high levels of chronic illness, particularly cardiovascular diseases, diabetes, cancer and mental illness. These conditions are largely preventable with typical risk factors including consuming unhealthy diets high in fats and low in fresh fruits and vegetables, substance use, a lack of regular exercise, and injury. These issues are compounded in certain parts of Darebin by high levels of socio-economic disadvantage.

Council's strategic approach to the prevention of chronic diseases is outlined in Darebin's Community Health and Wellbeing Plan 2009-2013, Priority 2: Improving Physical Health. This priority area focuses on ways to improve people's physical health through increasing protective factors such as engaging in regular physical activity and eating a healthy diet in order to reduce health risks including obesity, cardiovascular disease, cancer and diabetes. Type 2 Diabetes is the most common form of diabetes affecting 85 to 90 per cent of all people with diabetes. It usually develops in adults over the age of 45 but it is increasingly developing at a younger age.

Type 2 Diabetes is known as a 'lifestyle disease' as it is often triggered by being inactive or carrying excess weight around the abdomen. It tends to run in families and it is not uncommon for them to have high cholesterol and high blood pressure as well.

Numerous studies have shown that adopting a healthy lifestyle is effective at preventing or delaying Type 2 Diabetes in those at high risk. The management of Type 2 Diabetes initially involves regular physical activity, healthy eating and losing excess weight.



Darebin has higher rates of Type 2 Diabetes than the rest of Victoria, metropolitan Melbourne and the northern region of Melbourne.

**Table: Chronic Disease, City of Darebin (Victorian Population Health Survey, 2008)**

Chronic Disease	Darebin	North West Metro Region	Metro Melbourne	Victoria
Type 2 Diabetes	6.4%	5.5%	4.8%	4.8%
Cardiovascular disease	5.5%	6.9%	6.5%	6.7%
Cancer	8.3%	5.6%	6.4%	6.6%

## ISSUES AND DISCUSSION

### A. Planning controls to stop the spread of fast food chain outlets in Darebin

The *Planning and Environment Act, 1987* (the Act) and Darebin Planning Scheme (the Scheme) allows Council to regulate the use and development of land within Darebin. However, the powers conferred under the Act and the Scheme are limited. Land uses are defined through broad categories rather than specific business type. For this purpose, the Planning Scheme is not the most appropriate tool as it cannot be used to target specific business types.

All land within Darebin is zoned according to its purpose; residential land is zoned for residential purposes, commercial land is zoned for business purposes, industrial land is zoned for industrial purposes and so on. Land use zoning is useful in that it allows separation between incompatible uses such as not allowing industrial uses to be located within residential zones.

As mentioned previously, the scheme categorises land uses through definitions which broadly categorise a type of use. In the instance of a fast food chain restaurant, it would generally be categorised as a convenience restaurant. A convenience restaurant is defined as:

*Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.*

The category of convenience restaurant is broad and encompasses small independent and fast food businesses.

Using these broad definitions, land uses within zones are categorised as uses for which no permit is required, uses for which a permit is required and prohibited uses. For almost all zones, the State Government, and not Council, controls what uses are permitted or prohibited within a zone and the zones are standard across all of Victoria.

In the Business 1 Zone (most shopping strips and shopping centres are in this zone) a permit is not required to use land as a convenience restaurant, therefore Council has no control over where a convenience restaurant is located within this zone.

In the Residential 1 Zone convenience restaurants are a permitted use provided that they are located on a main road. While Council can refuse an application for a convenience restaurant where it could demonstrate that the use would result in unacceptable amenity impacts to the surrounding area (through noise, traffic or other Amenity issues) it cannot outright prohibit these uses. The Victorian Civil and Administrative Tribunal has established quite thoroughly that a local policy cannot prohibit a use for which a permit is required.

The planning system is useful for the regulation of use and development but it cannot be used to regulate people's choices in relation to their health.

## **B. Varying the rating strategies applicable to fast food chain outlets**

Differential rating is provided in section 161 of the *Local Government Act 1989*. This provides Council the option of raising a differential rate if it considers that the differential rate will contribute to the equitable and efficient carrying out of its functions. See **Appendix A**.

The following comments are made in respect of using differential rating as a preventative measure to curb the increase of people with Type 2 Diabetes in Darebin by varying the rating strategies applicable to fast food chain outlets:

- A higher differential rate could be introduced to discourage or penalise fast food chain outlets. The maximum differential rate that can be introduced is four times the lowest rate.
- Council could also introduce a lower differential rate to encourage outlets offering healthy alternative foods.
- Council could face a legal challenge to this differential rating. Enquiries to date have not identified any Councils that have a differential rate on fast food chain outlets, or on any food outlets.
- Fast food chain outlets is a very broad description and critical to identifying the properties to be rated.
- The Planning and Environment Act 1987 defines fast foods under the area of 'Convenience Restaurant.' This category is broad and encompasses small independent fast food businesses.
- A legal opinion would be required before proceeding to clarify the differential rating of fast food chain outlets given the possible legal implications.

## **C. Strategies to encourage local fast food outlets to promote healthy eating.**

The Health Protection Unit is responsible for registration of food businesses under the *Food Act 1984*. Activities as prescribed by legislation include conducting inspections of all food businesses, assessments of business food safety programs, food sampling and complaint investigations.

Whilst the *Food Act 1984* does not legislate controls on nutritional levels in food, Council's Health Protection Officers are able to disseminate information through onsite visits to food businesses and encourage them to provide healthy eating options. The Health Protection Unit can also provide free training sessions to food businesses on nutritional awareness.

Health Protection in partnership with Community Planning Partnerships and Performance could develop a program as part of Council's role in implementing the Community Health and Wellbeing Plan. The program could be one where businesses have their menu classified by a nutritionist.

Such a health promotion initiative would involve having each business menu classified and then adopting a system to alert customers of healthier eating options within their premises. The City of Melbourne has developed *Green light*, an eat right program which uses a traffic light system to help businesses and consumers to make informed choices about their purchase – see **Appendix B**. They use colours of the traffic lights to indicate which foods are ‘healthy’ or ‘less healthy’ choices. This project has been used in shopping centre food courts. The choice of using traffic light colours is highly effective as it is identifiable and interpreted by all social-economic groups and those from the Culturally and Linguistically Diverse (CALD) community.

This program would benefit large fast food chains, typically, McDonalds, KFC, Nando’s and Hungry Jacks. Many of these large fast foods chains are established nation wide and have dedicated funds, resources, time and personnel to introduce healthy options to their menus or healthy substitutions for meal packages. Information on these options are well promoted and available in store, on websites and displayed on menu boards.

A program of this nature may however disadvantage small business and also culturally diverse businesses. Food is culturally significant in Darebin’s diverse community and these foods may not be considered healthy. Through the introduction of such a program we could be sending out a message that diverse food is unhealthy.

In relation to the *Green light* eat right program, consideration needs to be given to the nature of the assessment. Like any star rating program, assessments are performed on one particular day. This would not address menu or management changes or provide any guarantee the assessment is still relevant for any time after the assessment date.

Some businesses may be discouraged from the program if their menus are predominately unhealthy.

#### **D. Community education campaign**

Darebin City Council has been awarded funding of \$566,000 over 18 months from the Department of Health and Ageing to implement the Healthy Moves Project. This project will work with at least 500 individuals to help create sustainable and healthy lifestyles based on local living. The project will empower these individuals to be able to improve their physical health through engaging in more physical activity (both incidental and structured) and through healthy eating behaviours and food production and procurement.

The Healthy Moves project will incorporate a number of actions directly relating to community education about healthy eating and chronic disease prevention such as:

- The design and implementation of programs that assist target groups to adopt healthy eating habits. This will include improving healthy cooking skills, understanding simple nutrition content such as kilojoules and calories and learning about the nutrition value of fast food and take away. This will also include the production of resources relating to healthy eating and healthy food.
- Health promotion and education programs regarding the effects of obesity, Type 2 Diabetes and other chronic diseases. \$16,000 has been allocated to the provision of workshops and education classes relating to weight management, Type 2 Diabetes and the associated impacts.

In addition to the residents who directly participate in these programs, the publicity generated from this project will help increase overall community awareness about Type 2 Diabetes.

**E. Extending free exercise in the parks program**

A trial 'Free Exercise in the Parks' program was held from 24 October 2011 to 16 December 2011. Outdoor Fitness (bi-weekly), Pilates and Yoga were offered at the following venues;

- All Nations Park, Northcote
- Bundoora Park, Bundoora
- HLT Oulton Reserve, Preston
- Edwardes Lake Park, Reservoir
- Oldis Gardens, Northcote
- JC Donath Reserve East, Reservoir.

Northcote Aquatic and Recreation Centre and Reservoir Leisure Centre provided instructors for the programs. Attendance ranged between 4 to 18 participants per session. Both HLT Oulton Reserve and JC Donath Reserve East experienced low attendance.

After the success of the program offered in 2011, a summer program which includes outdoor fitness (bi weekly) and Pilates was provided during the period 20 February 2012 to 5 April 2012 at the following parks.

- All Nations Park, Northcote
- Bundoora Park, Bundoora
- Edwardes Lake Park, Reservoir
- Oldis Gardens, Northcote

Future programs to specifically target people at risk of Type 2 Diabetes could be held at the following locations through the following partnerships.

- *Council halls/stadiums* - Partner with Spectrum Migrant Resource Centre to target newly arrived refugee and migrant residents.
- *Primary school halls/grounds* - Partner with primary schools to provide exercise and crèche options during school hours for stay at home parents.
- *Darebin parks* – Offer targeted programs in consultation with the local community in East Preston and East Reservoir areas. As part of the Healthy Moves project funding, \$23,000 will be allocated to outdoor exercise programs, including exercise in the park at East Preston and East Reservoir.

In addition, \$43,887 of the Healthy Moves project funding will be allocated to the construction of outdoor gymnasiums at Sullivan Park and TW Andrews Reserve. These will be basic facilities that are resistant to vandalism and provide a sustainable way for residents to participate in free outdoor fitness activities that do not require additional Council funding.

**F. Developing partnerships with local, state and federal health /providers /advocates**

Many of the initiatives listed above fall under the Community Health and Wellbeing Plan 2009-2013, which is governed by the Darebin Health Steering Committee. The Health Steering Committee is comprised of members from local and state services including Darebin Community Health, the Medicare Local, Austin Hospital, Neami Darebin, North East Primary Care Partnership and the Department of Health. This partnership enables Council to

develop and implement a holistic and strategic approach to the public health and wellbeing issues identified within the Darebin community.

In addition to this ongoing committee, the Healthy Moves program will enable Council to establish new and strengthen existing local, state and federal partnerships with health service providers and health promotion agencies such as Diabetes Victoria, Victoria Walks and the Heart Foundation.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

None.

### **Social Inclusion and Diversity**

The prevention of diabetes and the associated impacts is a key focus of Darebin's Community Health and Wellbeing Plan 2009-2010, Priority 2: Improving Physical Health. This plan identifies the negative impact that chronic diseases such as Type 2 Diabetes has on the health and wellbeing of individuals and communities.

The Community Health and Wellbeing Plan also provides a holistic model for improving health and wellbeing in the Darebin community by addressing the broad social determinants of health, as well as the aspects of our environment that support people to lead healthy lives and adopt healthy behaviours.

Food is culturally significant in Darebin's diverse community and these foods may not necessarily be healthy. Through the introduction of the Green light, eat right program Council could be sending out a message that diverse food is unhealthy.

### **Other**

In relation to the *Green light* eat right program, consideration needs to be given to the nature of the assessment. Like any star rating program, assessments are performed on one particular day. This would not address menu or management changes or provide any guarantee the assessment is still relevant for any time after the assessment date.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Existing programs can be modified to specifically reduce the prevalence of Type 2 Diabetes illness. Listed below are the programs to entice businesses to provide healthy options and would have financial implications for Council:

- Council could introduce a differential rate to apply to fast food chains which may discourage or prevent fast food chain outlets from establishing in Darebin. Depending on the type of differential rating, would impact on Council's revenue.
- Alternatively Council could also consider reducing the differential rate to encourage healthier food businesses to operate in areas of need in Darebin.
- Introducing any sort of differential rating of fast food chain outlets would require a legal opinion given the possible legal implications.
- Introducing the *Green light* eat right program would require additional resources to assist with nutritional assessment. The cost of a similar program is outlined in the table

below.

Item	Estimated Cost
Staff wage	\$39,083 (Band 6A full time x 6 months )
Dietician consultancy	\$7,000
Consultation and training for participating businesses	\$2,000
Promotional materials and resources	\$9,000
Advertising and promotion of project	\$4,000
<b>Total</b>	<b>\$61, 083</b>

## CONCLUSION

The report has found that restricting the spread of fast food chain outlets in Darebin using the planning controls is not possible.

Council is currently implementing the following programs which specifically aim to address the increase in people with Type 2 Diabetes in Darebin:

- Free exercise in the parks program will continue in 2012 specifically targeting people at risk of Type 2 Diabetes.
- The Healthy Moves project to increase the level of physical activity and improve healthy eating behaviours amongst residents at risk of chronic disease. This project also provides opportunities to establish new and strengthen local, state and federal partnerships to address chronic disease through the Healthy Moves Project.
- Existing projects as part of the Darebin Community Health and Wellbeing Plan 2009-2013. The Darebin Health Steering Committee also provides opportunities for developing partnerships with local and state health providers addressing key health issues.

Council programs and initiatives that could be modified to incorporate reducing the prevalence of Type 2 Diabetes in Darebin include:

- Applying a higher differential rating to discourage or penalise fast food chain outlets and/or offer a lower differential rate to encourage outlets offering healthy alternative foods.
- Introducing a similar program to Melbourne Council's Green light, eat right program.

**FUTURE ACTIONS**

Council continues with the various programs and initiatives to reduce the prevalence of Type 2 Diabetes.

**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**

'General Business' Item - Council Minutes - 21 November 2011

Planning and Environment Act 1987

Darebin Planning Scheme

Local Government Act 1989

Food Act 1984

Darebin Community Health and Wellbeing Plan 2009-2013



**8.10 PROPOSED LEASE FOR TELECOMMUNICATION FACILITIES AT 49 HUGHES PARADE IN RESERVOIR****MINUTE NO. 222****AUTHOR: Manager, Assets and Properties****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

The purpose of this report is to provide Council with the history and background regarding a request from received from Daly International, acting on behalf of Optus Mobile, for the installation and maintenance of 'low impact' telecommunication infrastructure (telecommunication antenna) on a SPI tower on the Council land at 49 Hughes Parade in Reservoir.

This matter was deferred by Council at its meeting on 16 April 2012. A further brief on this matter was provided to Councillors at the Councillor Briefing Session of 23 April 2012.

**CONSULTATION:**

Property Manager  
Director City Works and Development  
Daly International  
Optus Mobile  
Maddocks Lawyers

**RECOMMENDATION****THAT:**

- (1) Council approve the commencement of the statutory process, in accordance with Section 190 and Section 192 of the Local Government Act 1989, to give effect of its intention to enter into a lease with Optus Mobile for part of its property located at 49 Hughes Parade, Reservoir for a period of 20 years.
- (2) Council officers present a further report on the outcome of the statutory process for the proposed lease of the part of its property located at 49 Hughes Parade, Reservoir.
- (3) Council authorises the Manager, Assets and Properties to undertake negotiations regarding the terms and conditions of the proposed lease with Optus Mobile and these form part of the Council report that will consider the outcome of the statutory process.

*ITEM 8.10 ABOVE WAS NOT DEALT WITH AS THE ITEM LAPSED FOR WANT OF A MOVER AND SECONDER*

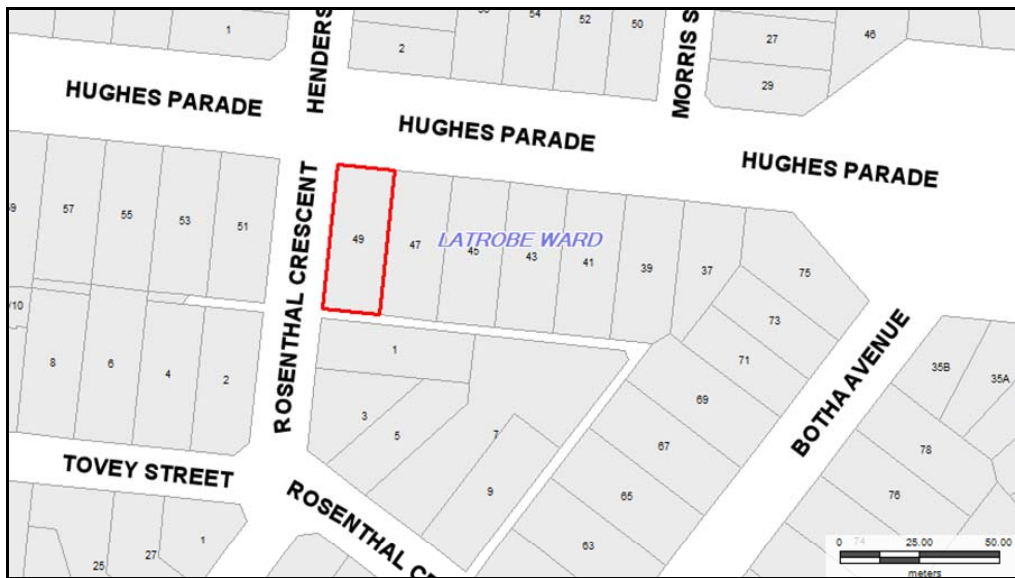


**REPORT**

**INTRODUCTION AND BACKGROUND**

In 2011, Council was contacted by Daly International, a network management firm engaged by Optus Mobile, to advise Council that Optus was looking to increase its coverage footprint throughout metropolitan Victoria and in particular the Reservoir area. During scoping of the area Optus identified the SPI tower at 49 Hughes Parade in Reservoir as a potential location for installation of a new communications facility.

Property Address: **49 Hughes Parade RESERVOIR VIC 3073**



The proposed installation at 49 Hughes Parade is deemed to be a “low-impact installation” under the *Telecommunications Act 1997 (Cth) (Act)* and does not require planning approval from Council. Given this, failure to enter into an agreement with Optus would not prohibit them from using this land for the installation of the facility and may result in Council not being compensated in the form of annual rental.

At its ordinary meeting on 19 December 2011, Council considered a report on telecommunication facilities and resolved the following in relation to the proposed telecommunication infrastructure at 49 Hughes Parade and D.R. Atkinson Reserve, Reservoir:

- 1) *Council note the correspondence received from Daly International on behalf of Optus providing information on the selection of sites for the installation of mobile telecommunication infrastructure at D. R. Atkinson Reserve, Reservoir and at 49 Hughes Parade.*
- 2) *Council note that it is bound by the Australian Communications Industry Forum Code when considering proposals from telecommunications providers for the installation of low impact telecommunications infrastructure.*

## ISSUES AND DISCUSSION

### 1. Telecommunications Facilities

The Victorian State Government defines a telecommunications facility as any part of the infrastructure of a telecommunications network; or any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

The Commonwealth Government’s *Telecommunications Act 1997* establishes a regime for telecommunications providers’ rights and responsibilities when inspecting, maintaining and installing telecommunications facilities.

Schedule 3 of the *Act* provides authority for telecommunications providers to inspect land, maintain facilities or install ‘low impact facilities’. In these cases the providers have immunity from State laws, though there is a Telecommunications Code of Practice and other industry codes developed by the Australian Communications Industry Forum which bind providers in the way they apply a ‘precautionary approach’ to installing telecommunications infrastructure.

### 2. Low Impact Facilities

Low impact facilities are immune to the application of all State and local laws. The *Telecommunications (Low Impact Facilities) Determination 1997* (Determination) as amended provides the definition of what is a low impact facility for the purposes of the *Act*.

Telecommunications facilities which do not meet the requirements of the Determination are deemed to be not low impact facilities and a planning permit is required for their installation.

Under the ACIF Code, telecommunications providers are only required to have regard to a council’s response regarding the proposed consultation process. The providers are not required to amend their consultations strategy according to the council’s response, though they do have to justify that they have had regard to the issues and objectives and have met the objectives set out in the ACIF Code.

### 3. Leasing

Where a telecommunications provider proposes to use Council land for a telecommunications facility (whether low impact or not) Council's practice has been to enter into an agreement to formalise utilisation of the land and management of risks. Accordingly, terms and conditions including rental arrangements are negotiated with the providers.

The *Act* does not require the telecommunications providers to enter into leases with land owners nor does it require them to compensate land owners for use of their land. Council is placed in an adverse position when negotiating lease arrangements in that it has no leverage over the provider to deny them access to the land. However, it is current practice by the providers to enter into leases with councils for use of their land.

Section 190 of the *Local Government Act 1989* (LGA) provides restrictions on a council's power to lease land. In general, council leases are restricted to a maximum term of 50 years. Though for any lease longer than a year where the current market rent is in excess of \$50,000 per annum or where the term (including any renewal options) is greater than 10 years or for a building or improving lease a council must publish a public notice four weeks prior to making the lease. In these instances, a person also has the right to make a submission under Section 223 of the LGA, which includes the right to be heard by the Council. Moreover, this section also applies when council land is to be used for another purpose.

#### **4. Council's Telecommunications Facilities Policy**

In 1999, Council adopted a Telecommunications Facilities Policy which provides guidelines for the siting and design of telecommunications facilities in the City of Darebin. The policy is aimed at providing guidance to telecommunications providers and the community regarding the criteria against which Council will consider proposals for locating telecommunications facilities.

In regard to community consultation, the policy notes that Council will inform the community of any proposed telecommunications facility and that Council is committed to having due regard for the community response, particularly if the proposal is on Council owned land. It is worth noting that the policy promotes the sharing of infrastructure.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

In Australia the electro-magnetic energy (EME) safety standard is set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and regulated to by the Australian Communications and Media Authority (ACMA). These regulations cover all common radio services including AM and FM radio, police, fire and ambulance services, mobile phones and mobile phone base stations. These regulations are based on analysis of all related national and international scientific literature.

The Australian standard is consistent with about 25 countries around the world including the UK, European Union, Japan, Singapore and Hong Kong. Levels of radio frequency (RF) EME from mobile phone base stations are well below the limits specified by the AMCA. A nationwide study published in 2000 by ARPANSA found the typical exposure level from mobile phone base stations is hundreds and sometimes thousands of times below the regulated limit.

To put this in perspective, it should be noted that the standard itself has a fifty-fold safety margin built into it, which is a significant precautionary measure. The ARPANSA survey also measured the levels of EME from other radio facilities and found that in comparison, the

levels of EME from mobile phone base stations were extremely low. Based on this information, ARPANSA and ACMA have stated that:

*“Evidence gathered by ARPANSA suggests that exposure levels in public areas are so far below the exposure limit set by the ACMA that EME emissions from mobile phone base stations have no implications for health.”*

### **Social Inclusion and Diversity**

Telecommunication providers are required to consult with the community in regard to the installation of infrastructure in accord with section of the Australian Communication Industry Forum (ACIF).

Daly International, acting on behalf of Optus Mobile, undertook consultation with the community in regard to the installation of telecommunication infrastructure on a SPI tower at 49 Hughes Parade Reservoir and reported the outcome to Council on 16 December 2011.

In summary, there were three submissions received by Daly International from the community identifying two key issues. These issues were;

- 1) Electro-magenetic Energy (EME)
- 2) Community Consultation

Correspondence was sent from Daly International to the authors of the submissions explaining the potential EME from the site which, as addressed in Environmental Sustainability section of this report, will be significantly below the industry standard.

Daly International further outlined their approach to consulting with the community in regard to the proposed telecommunication infrastructure in accord with section 5.4 and 5.5 of the ACIF which included a mail-drop to residents in the surrounding area, notice in the local newspaper and posting a sign at the site.

### **Other**

This report has been prepared having regard to Council's Telecommunications Facilities Policy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Leasing of land for the purpose of housing telecommunications facilities provides income to Council on an annual basis.

The Telecommunications Act 1997 provides telecommunications providers the power to use land for the installation of telecommunications facilities. Though it is not legislated that the providers must enter into leases with Council for locating these facilities on Council land, it is anticipated that current practices of seeking leases will continue.



Proposed lease terms have been negotiated on the understanding that any agreement would be 'in-principle' and subject to a Council resolution. The proposed lease terms with Optus Mobile are:

- Rental: \$8,000 per annum plus GST
- Lease Term: 20 years with lease break provisions at 5 year intervals
- Rental Increase 3.5% pa. compounded annually
- Legal Costs: Optus Mobile to cover Council's legal costs capped at \$3,000

On 1 February 2011, Councils City Valuer valued the current market rent for the installation of telecommunication infrastructure on a SPI tower at 49 Hughes Parade Reservoir at \$8,000 per annum plus GST.

## CONCLUSION

Telecommunications providers have wide ranging powers under the Commonwealth Government's Telecommunications Act 1997 to inspect, maintain and install telecommunications facilities.

Comments made by the community to Daly International as part of their consultation process were addressed in accordance with section 5.4 and 5.5 of the Australian Communication Industry Forum.

Officers have negotiated lease terms with Optus Mobile 'in principle' and subject to undertaking the statutory process and a resolution by Council. The proposed lease terms are in accordance with other telecommunications facilities within the City.

## FUTURE ACTIONS

- A Public Notice advertising Council's intention to enter a 20 year lease agreement for part of its property located at 49 Hughes Parade, Reservoir with Optus Mobile in accordance with Section 190 of the *Local Government Act 1989*
- Manager, Assets and Properties undertake negotiations regarding the terms and conditions of the proposed lease with Optus Mobile.
- A further report be presented to Council following the outcome of the statutory process for the proposed lease of part of its property located at 49 Hughes Parade, Reservoir and the negotiations of the terms and conditions of the proposed lease with Optus Mobile.

## 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 19 December 2011 – Telecommunication Facilities on Council Land
- Council Report 16 April 2012 – Proposed Lease for Telecommunications Facilities at 49 Hughes Parade, Reservoir
- Letter – Daly International – Optus Proposal to establish a Telecommunications Facility at 49 Hughes Parade, Reservoir (Greg Aitken, Daly International, 22 November 2011)
- Telecommunications Facilities Policy (Darebin City Council, 1999)
- Telecommunications Act 1997 (Australian Government, 1997)
- Telecommunications (Low-impact Facilities) Determination 1997, as amended (Australian Government, 1999)
- Telecommunications Facilities – A Code of Practice for Telecommunications Facilities in Victoria (Victorian Government, 2004)
- Guidelines for Local Government ACIF Code – Deployment of Mobile Phone Network Infrastructure (ACIF, 2006)

*The Mayor, Cr. Tstias, temporarily left the meeting – 10.42pm*

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

**8.11 RACISM INQUIRY – FINDINGS AND WAY FORWARD****MINUTE NO. 223****AUTHOR: Diversity Policy Officer****REVIEWED BY: Group Manager - People and Performance****SUMMARY:**

This report summarises the process followed to undertake the Darebin Council Racism Inquiry. It outlines some of the findings (presented at length in the attached report – see **Appendix A**), both in terms of Darebin citizens' experiences of racism in the municipality and in terms of their suggestions and recommendations to address race-based discrimination. It also proposes the next steps, for developing a concise Anti-Racism Strategy - on the basis of the Inquiry findings - and implementing it through multiple action plans (Multicultural Action Plan, Aboriginal Action Plan, Human Rights Action Plan and Community Safety Strategy) currently being developed.

**CONSULTATION:**

Manager Community Planning, Partnerships and Performance

Senior Research and Project Officers

Coordinator Equity and Diversity

Community Wellbeing Adviser (acting)

Racism Inquiry Steering Committee (Darebin Aboriginal Advisory Committee, Darebin ethnic Communities Council, Darebin Interfaith Council, Darebin Women's Advisory Committee, Spectrum Migrant resource centre, Victorian Health Promotion Foundation, Victorian Equal Opportunity and Human Rights Commission)

Aboriginal Policy Officer

Human Rights Officer

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

- (1) Note the Racism Inquiry report and its findings attached as **Appendix A** to this report.
- (2) The development of an Anti-Racism Strategy due for Council approval in July 2012.
- (3) Approve the extension of the term of the Darebin Racism Inquiry Steering Committee to the end of July 2012.

**CARRIED UNANIMOUSLY**

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

In February 2011, the federal government announced its intention to develop a new National Anti-Racism Partnership and Strategy. At the same time, national research into racism (*Challenging Racism Project* – University of Western Sydney) showed that, while they held more positive views of multiculturalism than average, the residents within the suburbs of Moreland, Banyule and Darebin combined also experienced higher incidents of racism than the state and national average.

In light of these two elements, Council passed a resolution on 21 February 2011 asking Council officers to investigate the possibility of an inquiry into racism within the City of Darebin. Upon presentation of the officers' report, Council chose a proactive approach and decided on 18 April 2011 to conduct a locally based Racism Inquiry, notably to understand and unpack the seemingly paradoxical findings from the *Challenging Racism Project*.

The purpose of the Racism Inquiry was to investigate race-based discrimination and seek a community-grounded view of experiences of racism in the City of Darebin, as well as ideas on possible solutions, from those who live, work, study or recreate in Darebin. The aim was to document experiences in Darebin and gather evidence, with a view to building a response.

**ISSUES AND DISCUSSION****1. Process**

The data-gathering phase of the Racism Inquiry was conducted in September and October 2011, with analysis of the data over the following months.

The Racism Inquiry used an exhaustive and extensive methodology, allowing for a combination of quantitative and qualitative data from varied sources, to capture information from a wide section of the Darebin community.

A random phone survey of 300 Darebin residents was conducted by McNair Ingenuity Research. The phone survey captured a representative sample of the Darebin community in terms of gender, age, geography and cultural diversity and the number of respondents ensures that, within the margin of error (+/-2.5% to +/-5.66%), the results in the Racism Inquiry report are an accurate reflection of the community's perception and experience.

The survey was also made available online. 65 people, including 21 Council staff, completed it.

The quantitative data from the surveys was complemented with qualitative data from 15 focus groups, a public forum and other data-gathering methods, including a significant anti-Muslim response (through a series of phone calls, emails,...) to the Muslim Outreach Project (funded by the Federal Attorney General's Department), which was documented as part of the Inquiry.



In addition to a 'Service providers' focus group, 91 people from diverse backgrounds and ages attended 14 focus groups. Participation was balanced in terms of gender and age, and there was a good representation in terms of cultural, linguistic and religious diversity, including a number of Aboriginal participants. The focus groups provided rich qualitative data.

The public forum, held on 6 October 2011 with facilitation from staff from across Council, attracted 35 participants and generated good discussions and interesting data.

A steering committee was established to oversee the completion of the Inquiry and to ensure a wide and inclusive representation from community organisations and representative bodies. The Darebin Council Racism Inquiry steering committee is comprised of two Councillors (Cr Greco and Cr McCarthy), officers and representatives from:

- Darebin Aboriginal Advisory Committee (DAAC),
- Darebin Ethnic Communities Council (DECC),
- Darebin Interfaith Council (DIFC),
- Darebin Women's Advisory Committee (DWAC),
- Spectrum Migrant Resource Centre (MRC),
- Victorian Health Promotion Foundation (VicHealth),
- Victorian Human Rights and Equal Opportunity Commission (VEOHRC).

The final version of the report is attached – see **Appendix A**.

## 2. Findings

The Racism Inquiry gathered a lot of robust and rich data and generated complex and multi-layered results, as shown in the report attached (**Appendix A**). Among the numerous findings from the Inquiry, the following are noteworthy.

There are very positive views of and strong support for diversity and multiculturalism among Darebin citizens (phone survey):

- 89% agree that it is a good thing for a society to be made up of people from different races, cultures or religions;
- 85% agree that it is important to them that Darebin remains a culturally diverse community.

It could be that, because Darebin is a very diverse community, its citizens' attitudes to diversity and multiculturalism are on the whole very positive.

However, this very strong commitment to diversity in principle hides more uncertainty and ambiguity in practice and some elements of concern. Some respondents expressed reservations about aspects of multiculturalism based on perceptions of divergent values and practices amongst and between some groups in the community.

In terms of experiences of racism, the vast majority (8 in 10) of Darebin residents (phone survey) did not personally experience racism, apart from being confronted by racist material in the media (almost half of the phone survey respondents and most of the focus group participants).

However, too many individuals and communities in Darebin still experience prejudice, discrimination and racism in employment, education, or simply when walking down the street. About one fifth of the Darebin population personally experienced racism, mostly in the form of verbal abuse, but also more serious occurrences. As this is for the general population, it means some groups experience much higher levels of racism, especially in a community as diverse as Darebin.

In addition, 40% witnessed or knew of some form of racism, which means racism affects, even if as a bystander, a consequent proportion of the population. Comparison with previous surveys indicates there might have been an increase in race-based tensions and cases of discrimination in Darebin between 2005 and 2011.

The impact of racism on the Darebin population was also assessed. The Inquiry shows that racism elicited reactions (anger, sadness, powerlessness, fear...) that can translate into negative health outcomes, as well established by VicHealth research. Racism also had an impact on social life, with a third of victims of racism changing their behaviour (eg. avoiding people or locations) as a result of racist incidents. This shows how racism affects people's human rights such as their freedom of movement.

This was seen as a call to action, because racism has a significant impact not only on the individuals who experience it, but also on the wider community, as it undermines social cohesion and works against our commitment to a diverse and inclusive community.

In addition to this picture of race-based discrimination in Darebin, participants to the Inquiry also provided suggestions and recommendations to Council on how to address racism.

The most common suggestions were public education about cultural sensitivity, celebration of multiculturalism and working with both the established community to be more welcoming and new arrivals to assist with integration.

Recommendations for Council therefore included education and awareness-raising, community celebration and community building, improved Council community engagement and partnerships, support to victims, and Council being a role-model as well as an advocate on racism issues.

### **3. Where to from here?**

The findings from the Inquiry substantiate the need for Council to take action to tackle racism in the municipality. The experiences documented, their impact, but also the wide array of suggestions from residents underline their expectation to see Council commit to addressing this issue at a local level.

In line with the initial request from Council on 18 April 2011 and the strong message throughout the Inquiry that Council would use and act on this consultation, the following steps are proposed:

- Provide feedback to the community on the results and findings of the Inquiry;
- Develop a concise local Anti-Racism Strategy, relying on multiple action plans for implementation, to complement the National Anti-Racism Strategy being drafted by the Australian Human Rights Commission at the moment.

Additionally, the report findings will be used as a tool and resource across Council to inform practices, policies and programs where relevant.

The City of Darebin Anti-Racism Strategy should be a locally grounded, succinct and high-level document, drawing on citizens' recommendations as mapped out in the Inquiry report,

but also informed by best practice and evidence. The Strategy will support and be implemented through the Multicultural Action Plan, Aboriginal Action Plan, Human Rights Action Plan and Community Safety Strategy (in development).

It is proposed that, in addition to a whole-of-Council approach coordinated internally, the mandate of the Darebin Racism Inquiry Steering Committee, as allowed by its terms of reference, be extended to inform the Anti-Racism Strategy and related action plans development phase and that additional members be brought in as needed in light of their expertise in the field.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The Racism Inquiry does not have any direct environmental implications. As was the case during the data-gathering and analysis phase, the Racism Inquiry will continue to endeavour to use methods that are environmentally friendly. The Inquiry report will be made available in small quantities only, on recycled paper and using environmentally-friendly inks, and will mostly be accessible online to minimise the use of paper.

### **Social Inclusion and Diversity**

The mere aim of the Racism Inquiry assists and strengthens Darebin Council's approach to Social Inclusion and Diversity by identifying issues of race-based discrimination and exclusionary practices across the municipality and recommending strategies to mitigate them. The Anti-Racism Strategy will build on the Inquiry findings to address race-based discrimination in Darebin and foster social cohesion. Groups identified as vulnerable or at risk of exclusion by the Equity and Inclusion Policy 2012-2015, particularly the Aboriginal community and culturally and linguistically diverse (CALD) people, notably those experiencing language barriers, newly-arrived people and international students, will benefit from the release of the Inquiry findings and the development of the Anti-Racism Strategy and associated action plans.

### **Other**

The Racism Inquiry, and subsequent development of the Anti-Racism Strategy and related action plans, is aligned with the explicit support for diversity expressed in Darebin City Council Plan 2009-2013.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The development of the City of Darebin Anti-Racism Strategy will not require additional resources beyond the existing budget of the Community Planning, Partnerships and Performance department.

## CONCLUSION

The Racism Inquiry findings provide Council with a reflective and comprehensive picture of racism and race-based discrimination in the municipality. The development of actions to address racism on that basis, with a short Anti-Racism Strategy implemented through multiple action plans (Multicultural Action Plan, Aboriginal Action Plan, Human Rights Action Plan), should help alleviate some of the issues raised in Darebin, making it a fairer and more cohesive community.

## FUTURE ACTIONS

- Development of the Anti-Racism Strategy, in close articulation with relevant Action Plans, with support from the steering committee
- Anti-Racism Strategy ready for endorsement by Council in July 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

Darebin City Council Racism Inquiry report – see **Appendix A**

*The Mayor, Cr. Tsitas, returned to the meeting during discussion of the above item and resumed the Chair – 10.45pm.*

**8.12 CYCLE LANE MARKINGS ALONG THE NEW “RIDE OVER” TRAM STOPS IN HIGH STREET NORTHCOTE****MINUTE NO. 224****AUTHOR: Manager Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

At its meeting on 5 March 2012 Council resolved that officers:

*Report to next meeting regarding the possibility and timeframes required to introduce highly visible cycle lane markings along the new “ride over” tram stops in High Street, Northcote.*

At its meeting on 16 April 2012, Council deferred consideration of the report submitted until this meeting pending further information.

This report discusses the basis for the design and modal priority on the new kerb outstand tram platforms in High Street, Northcote, and discusses the implications of installing cycle lane markings on the platforms.

**CONSULTATION:**

Nil

**RECOMMENDATION****THAT:**

- (1) Council install one pair of shared path symbols on the ramp at the beginning of the shared path area of the kerb outstand tram platform stops
- (2) Council request Yarra Trams to install a yellow stand behind this line along the road-side edge of the tactile ground surface indicators (TGSIs) on the kerb outstand tram platform stops, in accordance with standards for tram platforms
- (3) The Route 86 Tram Improvement project team continue to monitor the operation and use of the kerb outstand tram stops along High Street Northcote.

**COUNCIL RESOLUTION**

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

**THAT:**

- (1) Council install bicycle symbols on the kerb outstand tram platform stops.
- (2) Council request Yarra Trams to install a yellow stand behind this line along the road-side edge of the tactile ground surface indicators (TGSIs) on the kerb outstand tram platform stops, in accordance with standards for tram platforms
- (3) The Route 86 Tram Improvement project team continue to monitor the operation and use of the kerb outstand tram stops along High Street Northcote.

**CARRIED UNANIMOUSLY**

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

The Tram Route 86 improvement project objectives are to:

- Provide a faster, more reliable tram service;
- Provide access to the tram for all including the elderly, people with disabilities and parents with prams, and
- Make High Street, Plenty Road, and Tram Route 86 safer and more pleasant for people, especially in activity centres.

These objectives are important as Darebin has a high proportion of groups that rely disproportionately on public transport:

- 1 in 7 Darebin households earns less than \$500 per week,
- 1 in 5 Darebin residents has a disability (this is higher than the state average),
- Approximately 4,000 Darebin residents care for an older person, and
- Darebin is home to one of the state's largest populations of older people – 1 in 5 residents are over 60 years of age.

To achieve these objectives, with the support and input of the community through extensive community consultation, kerb outstand tram stops were designed for stops 31 and 32 in High Street, Northcote.

Provision for cyclists is 'up and over' the kerb outstand stops – the photo below shows this provision. The area on the tram platforms is designated 'shared path' to protect the safety of shoppers, pedestrians, cyclists and tram users.



*Figure 1 - New Kerb Outstand Tram Stops with provision for cyclists*



*Figure 2: Shared path signage*

**ISSUES AND DISCUSSION**

High Street, Northcote, is designated as tram and pedestrian priority, with people on bikes third in the modal priority for the area. This is because it is both a tram route and an activity centre. Darebin's Safe Travel Strategy identifies pedestrians as more vulnerable than people on bikes, and therefore the safety of pedestrians is a priority.

A high level of design and safety analysis has gone into the design and operation of the new kerb outstand trams stops in High Street, Northcote. The provision for bikes on the kerb outstand stops is via a designated 'shared path' with appropriate signage and visual cues. The signage includes a sign on each tram platform approach displaying the standard 'shared path' markings, as well as a sign on each tram platform approach requiring people on bikes to stop for trams and pedestrians. This signage is shown in Figure 2.

Additionally, signage for pedestrians informing them to watch for cyclists is installed around the platform areas.

The function of the shared path is to protect the safety of shoppers, pedestrians and tram users, and especially the more vulnerable including the elderly, people with disabilities and parents with prams. The onus of safety in this area is on cyclists to ensure they give way to pedestrians.

The distinction between the on-road bike lane and the kerb outstand shared paths is very clear. The on-road bike lanes are defined by the broken yellow tram safety line and the parking bays.

Completely different paving materials and colours, a ramp up onto the kerb outstands, signage and tactile ground surface indicators (TGSIs) clearly alert bike riders that they are in a different zone.

The shared path zone can be seen in Figures 3 and 4.



**Figure 3 - Shared path at tram stop 32**





**Figure 4 - Shared path at tram stop 31**

The Tram Route 86 project team has very closely monitored the use of the new tram stops since they opened on 20 February 2012. This monitoring has included officers from Darebin, VicRoads, and Yarra Trams observing behaviour on-site, video footage 24 hours a day for four weeks, and consultants on-site observing behaviour. It has also included a formal risk assessment and three separate road safety audits. This monitoring has found that almost all users of the new tram stop areas are behaving consistently with the design – that is safely and courteously to each other. No collisions between bike riders and pedestrians have been reported.

The analysed video footage identified just four cases of a near miss (a cyclist almost colliding with a pedestrian) on the kerb outstands. In all cases this involved a tram stopping with passengers boarding or alighting. The independent consultant noted that three of the four near misses involved negligence of the cyclist. These near misses were all at very low speed. No collisions were recorded.

The monitoring report also measured the frequency of pedestrians waiting for a tram on the shared path – this was found to be one pedestrian waiting on the shared path for every nine tram arrivals. This is an extremely low number, but furthermore, 20% of these people were moving to board an approaching tram. The monitoring report concluded this acceptable and recommended no further action. Furthermore, since the monitoring was undertaken, Public Information Displays (PIDs) have been installed at the tram stops, which provide live timetable information to waiting pedestrians. This is expected to minimise the need for people waiting for a tram to walk out onto the shared path to look down the road for an approaching tram.

Continued monitoring will identify any safety issues of concern and the project team will address these if they arise. No further safety concerns are anticipated to arise, however concerns about the stops have been raised by cycling groups. Additional shared path markings may help reduce confusion amongst users as to who has the priority in the area.

Two options exist for additional markings:

1. Shared path markings on the shared path, in white paint. These markings would be the pedestrian and cycle symbols as they appear on the signage in Figure 2 (see example in Figure 5). One pair of symbols would be applied per tram platform, on the approach ramp. This would reinforce the shared path nature of the area to cyclists as they mount the platform, reducing confusion for cyclists as they enter the shared path area. These symbols would be applied centrally on the approach ramps. Repeater symbols are not required due to the short length of the platform, and would only increase visual clutter.



**Figure 5 - Example of shared path pavement markings**

2. A yellow line painted along the road-side edge of the Tactile Ground Surface Indicators, to further delineate the footpath area from the shared path area (see Figure 6 as an example). This would reinforce the message for pedestrians to stand off the shared path when waiting for a tram. People on bikes would still have to give way to pedestrians on the shared path. This option would need to be monitored to ensure cyclists continue to use the area in a safe manner.



**Figure 6 - Example of yellow tram stop line**

Installing only bike symbols on the shared path would increase the conflict and reduce the safety for pedestrians and cyclists, as it would give the wrong message to users that it is an area where bikes have priority, where in fact pedestrians have priority. It is therefore not recommended.

Installation of this pavement marking is the most effective way of delivering messages about desired behaviour by users of the new tram stops. Installing additional warning signage on the approach will not deliver any additional safety benefits. Warning signage is already installed on the approach, and additional signage will add to clutter, causing a well-established 'information overload' effect of too much signage, where users ignore all signage because there is too much in one area.

Any additional signage would also need to adhere to installation standards, meaning it may not be in the users' direct line of sight. Additional signage is expected to have a negative effect on both user behaviour and streetscape, and therefore no additional signage should be installed.

Melbourne City Council has recently constructed a different type of kerb outstand stop in Swanston Street in Melbourne's Central Business District. In Swanston Street, the area for bike riders is designated 'road' and is formally a bike lane. It differs markedly from the Route 86 design in that the footpath and the road/bike lane are grade separated – that is, a kerb puts them at different heights. A number of factors influenced the Swanston Street design:

- Existing width of public footpath,
- A number of tram routes utilise the stops,
- Numbers of pedestrians and cyclists using the area,
- People with a disability or special mobility requirements have limited access to the trams via kerb ramps, and
- Swanston Street is a crucial cycling route with no good alternatives.

Contrasting this is High Street, Northcote, where:

- Very limited footpath space was a key driver in expanding the public footpath space in the design, as well as a key issue for residents and traders – highlighted in the consultation for the project as well as the Northcote Streetscape Masterplan,
- Only one tram route stops at the stops,
- Pedestrian and cycle numbers are much lower and therefore potential for conflict is much lower,
- Access to trams for people with a disability or special mobility requirements is unrestricted along the length of the kerb extensions, and
- There exists a number of key alternative cycle routes capable of delivering a higher level of service to bike riders – in particular, St Georges Road.

The two cases are actually very different environments, serving very different functions, with vastly different numbers of users. Swanston Street has experienced more issues and required a number of additional deliverables since opening to address these issues. Similar issues are not problematic in High Street. Therefore, comparing the two locations is misleading and counterproductive.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Encouraging greater use of sustainable modes of transport means the environmental impact of Darebin's community's travel behaviour is reduced.

### **Social Inclusion and Diversity**

Some of Darebin's most disadvantaged residents rely on public transport for mobility and accessibility within and outside Darebin. Improving the safety and reliability of public transport infrastructure will address social inclusion objectives.

### **Other**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

## **CONCLUSION**

The kerb outstand tram stops are functioning as designed with no significant safety issues concerning the interaction of people on foot and people on bikes. Introducing both shared path and yellow 'Stand Behind This Line' markings on the kerb outstand tram stops should reinforce desired behaviours of people using the shared path, and is therefore recommended to be installed.

## **FUTURE ACTIONS**

The project team will continue to monitor the operation of the stops and address any safety issues if they arise.

## **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**

- Tram Route 86 Improvement Project Detailed Project Description
- Tram Route 86 Stage 1B Road Safety Audits
- Tram Route 86 Stage 1B Risk Assessment
- Council Minutes – 5 March 2012 and 16 April 2012



**8.13 PROPOSED CONSTRUCTION OF THE EAST-WEST ROAD TUNNEL****MINUTE NO. 225****AUTHOR: Manager Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

Yarra City Council has written to Council seeking support in opposing any East-West Road tunnel (see **Appendix A**). The East-West Road tunnel is a project was a recommendation of the East West Link Needs Assessment (EWLNA) undertaken in 2008 by the State Government.

Council considered a report in July 2008 prior to making a submission on the EWLNA. This submission questioned the need for the East West Road tunnel and the issues raised in that submission are still relevant today.

Based on the 2008 submission it is recommended that Council support Yarra City Council in opposing any East West Road tunnel.

**CONSULTATION:**

Coordinator Transport Management

**COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. T. Laurence**

**THAT** Council write to Yarra City Council supporting the opposition to the East-West Road tunnel.

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

In March 2008 the East West Link Needs Assessment (EWLNA) was completed by Sir Rod Eddington on behalf of the State Government.

The EWLNA was prepared to inform decisions on the future of Melbourne's transport network. The EWLNA focussed on improving the east west connections to support future population growth and economic success of Melbourne. The EWLNA made 20 recommendations, with recommendation 4 being *'Planning work should commence on the staged construction of a new 18 kilometre cross road connection extending from the western*

suburbs to the Eastern Freeway'. The proposal at the time did not propose to have any CBD entry / exits.

Since 2008 the East West Road tunnel has been the subject of a number of debates within the community.

The latest report in The Age newspaper on 31 March 2012 reports that the East West Road tunnel has possibly transformed into a mixture of a tunnel and an at ground level link. The report also notes that exit points leading to the city are being considered.

## ISSUES AND DISCUSSION

Council made a submission on the EWLNA in 2008. The submission stated the following in relation to the East West Road tunnel:

*It appears that this recommendation is a 'predict and provide' solution which simply generates more trips and more demand, soon filling any additional capacity created. In addition, the provision of a road tunnel will not go any way toward reducing greenhouse gas emissions from the fast growing transport sector.*

*Darebin is concerned that this EWLNA recommendation is delivering a project that simply provides for the growth in private motor vehicle use that will unlock latent demand. Thus the nominal 'advantages' brought by the road tunnel, such as reducing time-travel volatility, will not be realised in even the short to medium term.*

*The very low benefit-cost ratio of this project is a concern as there may be a much better way to spend tax payers money – again reflecting badly on the constrained geographic area that the EWLNA had to work with.*

*If, however, the Victorian Government decides to build this road tunnel, Darebin advocates for the following to be locked in:*

- 1. Any additional capacity created in a cross-town link should be reserved for the movement of people and goods not for the private motor vehicle. This, in effect, means the creation of truck-only and bus-only lanes within the tunnel, providing efficient movement of people and goods.*
- 2. No provision of on- or off-ramps to access the city area so that alternatives such as public transport, walking and cycling are still the most affordable and sustainable ways for most of the population to get to the CBD, as well as preserving the liveability of the inner city.*
- 3. The road tunnel to be built after the planning has been completed and construction has started on the rail tunnel and Tarneit link.*
- 4. That duplication of the Chandler Highway bridge be investigated. The additional capacity should be allocated solely to the efficient movement of people and goods – truck-only, bus only and high occupancy vehicle lanes. This proposal would enhance the northern region economy and link the Eastern freeway/EaskLink to the northern suburbs industrial areas.*
- 5. That capacity gains on surface roads be allocated to sustainable modes such as walking, cycling and public transport as well as community spaces and places so the roads are no longer the domain of the private motor vehicle but of the community. This is the biggest potential positive from the construction of a road tunnel and we encourage the Victorian Government to make a strong commitment to planning with the community the on-ground spaces which provide for cyclists, public transport and open space.*

The statements made in the 2008 submission are still current, particularly the reference to on or off ramp access to the city and the impact on the liveability of the inner city.

This issue goes to the heart of the issue of support that Yarra City Council are seeking Council's support on.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Increasing road capacity for private vehicles increases reliance on car travel at the expense of other more sustainable modes of travel. It will increase air pollution, noise pollution, and carbon emissions.

### **Social Inclusion and Diversity**

Road projects of this size have the capacity to heavily impact communities. Evidence shows increased traffic means people in neighbourhoods are less connected.

### **Other**

Nil.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no current financial implications of supporting Yarra City Council's opposition to the East West Road tunnel.

## **CONCLUSION**

The 2008 EWLNA made 20 recommendations to inform the future planning of Melbourne's transport network. One of these recommendations was to construct a 18 kilometre cross road connection extending from the western suburbs to the Eastern Freeway.

Council made a submission in 2008 to the EWLNA, which questioned this recommendation. Council's submission is still current and provides the document to support Yarra City Council in opposing any East West Road tunnel.

## **FUTURE ACTIONS**

Write to Yarra City Council confirming Council's support in opposing any East West Road tunnel.

## **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 21 July 2008 – East West Link Needs Assessment – Council Submission

*The Deputy Mayor, Cr. Asmar, temporarily left the meeting – 10.55pm – during discussion of the above item.*

*Council resolved earlier in the meeting that Item 8.14 be brought forward for Council's consideration – see Page 31.*

**8.14 FAIRFIELD VIEWS DRAINAGE WORKS****MINUTE NO. 226****AUTHOR: Manager Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

Council is required to undertake drainage improvement works to protect habitable floor levels within 'Fairfield Views' (337 Station Street, Thornbury) from inundation during storm events.

Stage 1 works (drainage improvements upstream of proposed stormwater detention/harvesting facility) are soon to be undertaken as part of Council's 2011/2012 Capital Works Program.

This report outlines the full scope of the project, and the requirements for future funding in order for Council to meet its obligations with respect to past flooding issues within the Fairfield Views complex.

**CONSULTATION:**

- Director City Works and Development
- Director City Design and Environment
- Manager Environment and Natural Resources
- Manager Leisure and Public Realm
- Coordinator Capital Works

**RECOMMENDATION****THAT** Council:

- (1) Note the requirement to undertake drainage works to provide flood protection to the properties at Fairfield Views.
- (2) Undertake Stage 1 works as detailed with the 2011/2012 Capital Works Program.
- (3) Refer Stage 2 of the drainage works to the 2013/2014 capital works budget.

**COUNCIL RESOLUTION**

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

**THAT** this item be referred to a Council Briefing Session, and that Council's legal advice and list of owners be provided at the Council Briefing Session.

**CARRIED**

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

Extensive floods occurred in 2003 as a result of a 1 in 100 year storm event which directly affected properties at the Fairfield Views Complex, at 337 Station Street, Thornbury.

As a result of these floods, Darebin was named a respondent to a Statement of Claim in the Victorian Civil and Administrative Tribunal from the Body Corporate at 337 Station Street, Thornbury. Several parties were identified in this claim, including the principal builder of the complex.

The claim alleged that Darebin was partly responsible for the damage due to various Council related drainage discharge inadequacies. Darebin's insurer managed the claim to its conclusion on behalf of Council.

As a result of the settlement reached in 2007, a Deed of Release was obtained from the complex, however Darebin was expressly placed on notice by the complex solicitors that unless remedial works were carried out, any future flooding would be the subject of further claims and would support negligence claims against Darebin in any future legal proceedings.

**ISSUES AND DISCUSSION**

In 2008/2009 Council prepared plans for a major drainage upgrade to reduce flooding in the vicinity of the Fairfield Views complex with the works estimated to cost \$1 million. (Current cost approximately \$1.2 million). Due to no budget allocation these works have not been undertaken.

In 2010/2011 a feasibility study was undertaken by engineering consultants 'Parsons Brinkerhoff Australia' on behalf of Council to investigate the economic viability of an alternative solution of providing a stormwater detention system in John Cain Park, and also the potential of incorporating a combined underground water harvest facility to reduce Council's reliance on potable water for irrigation in John Cain Park.

The study confirmed the physical and economic feasibility of providing a combined stormwater detention and underground water harvest facility in John Cain Park and the following proposal has been adopted in lieu of the previous major drainage upgrade proposal.

The revised proposal involves the provision of a combined underground stormwater storage unit providing short term detention for a 1 in 1 year rain event, a 1 ML water harvest capacity and above ground short term detention capacity for a 1 in 100 year event.

The detention/harvesting facility provides a number of benefits over the original proposal:

1. An estimated 12.75 ML annual supply of treated stormwater suitable for irrigation of grassed playing fields in John Cain Park;
2. Reduces the size of the outfall drain required;
3. Reduces peak catchment flows, minimising downstream impacts; and
4. Reduces the load on the existing drainage network within 'Fairfield Views', offering greater protection from inundation within the site.

The estimated cost of the current proposal is \$1.5 million which incorporates the water harvest component of \$0.6 million. The water harvest component includes all water treatment facilities and irrigation supply transfer within the park.

Although the estimated \$1.5 million cost of the project exceeds the \$1.2 million cost to implement the previous proposal, the water harvest component of the works is approximately \$0.6 million. This revised proposal is therefore a more economical solution to resolve the drainage issues, whilst providing environmental opportunities in the form of water harvesting.

Given current funding arrangements, works have been staged, with the installation of underground drainage infrastructure being undertaken in 2011/2012 upstream of John Cain Park, to direct flows around the Fairfield Views complex to the proposed detention/harvesting system in the park. These works (including detail design costs) are in the order of \$300,000, however, cannot be utilised until the remaining works are completed.

The final design of the drainage works is being completed this financial year. In completing the design the location of the detention basin and harvest tank are being finalised with two options being investigated within John Cain Park. The investigation of the options will take into consideration the master plan for John Cain Park, the impact of the construction works on the sporting clubs and the cost of the works.

It is not possible to stage the installation of the stormwater detention/harvesting infrastructure further, given the interruptions to the use of John Cain Park that would occur.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The preferred solution provides a number of environmental benefits:

1. 90% reduction in peak stormwater outflows for the catchment;
2. On average, replacement of approximately 85% of Council's current potable water usage for irrigation within John Cain Park with treated stormwater;
3. Treatment of approximately 95% of catchment flows by a Gross Pollutant Trap, typically reducing gross pollutants by 95%, suspended solids by 60%, and phosphorus by 30%; and
4. Potential use of stormwater detention/storage devices manufactured from recycled materials.

### **Social Inclusion and Diversity**

The implementation of the drainage improvement works will provide protection to habitable floor levels within the Fairfield Views Complex for up to 1-in-100 year storm events, consistent with the objectives of Council's Drainage Strategy, providing social and health benefits to the residents.

Utilisation of John Cain Park for recreation purposes is not expected to be affected, with water harvesting and (minor) detention systems located underground, under the existing junior soccer pitch. The system is sized such that above ground stormwater detention will not occur more frequently than once per year, and is therefore not expected to interrupt the ongoing use of the park.

### Other

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

As outlined above, the estimated cost to undertake these works is \$1.5 million. This funding includes the current approved capital funding for 2011/2012 of \$300,000, which is being utilised for drainage improvements immediately upstream of John Cain Park.

As it is not possible to stage the remaining works (detention/harvesting system), the remaining funding (\$1.2 million) should preferably be provided within a single financial year. However, it is realised this is unlikely based on Council's average annual capital expenditure on drainage works, and a commitment for funding over two consecutive years would be required in order to commit to a contract for the works.

A Capital project bid will be submitted to fund the project over the 2013/2014 and 2014/2015 financial years to complete the works.

<b>Funding</b>	<b>2011/13</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Council	\$300,000	\$0	\$600,000	\$600,000
External	\$0	\$0	\$0	\$0
<b>Total Project Cost</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$600,000</b>

With environmental benefits now integrated into the scope of the project, including water harvesting and stormwater detention, opportunities may exist for external funding from Melbourne Water or the Federal Government, although opportunities for Federal Grant monies has reduced in recent times. Grant opportunities will be investigated further over the coming months.

If the applications for Grant funding are successful the funding model could be:

<b>Funding</b>	<b>2011/13</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Council	\$300,000	\$0	\$600,000	\$0
External	\$0	\$0	\$600,000	\$0
<b>Total Project Cost</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>\$0</b>

## CONCLUSION

Council is required to undertake drainage improvements to protect habitable floor levels within 'Fairfield Views' from inundation during storm events up to and including 1-in-100 year storm events.

The feasibility study undertaken by 'Parsons Brinkerhoff Australia' confirmed that the preferred solution to resolve the drainage issues at Fairfield Views is the installation of a stormwater detention system in John Cain Park, combined with an underground water harvesting facility, based on economic and environmental benefits.

Works on Stage 1 (drainage improvements upstream of proposed detention/ harvesting facility) are to be completed as part of Council's 2011/2012 Capital works Program on the basis of future funding as outlined in this report.

## FUTURE ACTIONS

- Award contract for Stage 1 works as part of 2011/2012 Capital Works Program
- Complete detail design of detention/harvesting system
- Investigate Grant opportunities for funding of environmental aspects of the project
- Resubmit Capital Application for consideration during the development of future Capital Works Programs

## 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

- John Cain Park Flood Detention and Stormwater Harvesting Feasibility Study (Parsons Brinkerhoff Australia - 2011)
- CT201202 – Fairfield Views Drainage Improvements (Contract for Stage 1 works)

**8.15 LANCASTER GATE COMMUNITY CENTRE CARPARK****MINUTE NO. 227****AUTHOR: Manager Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

At its 6 February 2012 meeting, Council resolved:

*That Council officers report back to Council about options for extra consultation with residents and possible modifications to car park works to minimise residential impacts in Di Palma Place Bundoora in relation to the layout and landscaping of the overflow car park in the Lancaster Gate common area.*

A consultation meeting was held with residents on 8 February 2012. At this meeting it was agreed that the overflow car parking area would be deleted, a landscape area be constructed in place of the car park and that a gate be installed to the car park to limit after hours access to the car park. Works are currently being finalised on site.

**CONSULTATION:**

Residents of Di Palma Place, Bundoora  
Director City Works and Development  
Project Manager

**COUNCIL RESOLUTION**

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

**THAT** Council note the outcome of the community consultation undertaken concerning the Lancaster Gate Community Centre Car Park.

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

The Lancaster Gate Community Centre is a \$7.2 million project involving the redevelopment of part of the former Larundel Psychiatric Hospital site, which was donated to Council by Places Victoria (formerly VicUrban).

The Lancaster Gate Community Centre includes the construction of a car park adjacent to Lancaster Green. The original car park included a gravel overflow area on the southern end of the formal car park.

Following concerns raised by the residents of Di Palma Place, a meeting was held to address the issues raised. The concerns raised included lack of consultation regarding the car park, proximity of the car park to their properties and potential 'hoon' activity.

## **ISSUES AND DISCUSSION**

The over flow car parking which was originally included on the drawings for the project was to be a gravel car park which catered for six informal car spaces. Residents of Di Palma Place were concerned about the proximity of the car park to their properties and the potential for the car park to be accessed at night and be a location for 'hoon' activity.

A consultation meeting was held with the residents of Di Palma Place to discuss the issues. It was agreed at the meeting and subsequently confirming in writing, that the following measures would be implemented. The overflow car park would be deleted. In its place a landscaped area would be constructed which will provide some screening of the area for the residents. A gate to enable the car park to be locked off will also be installed.

Construction works are now nearing completion which includes implementing the agreed measures. Following the completion of the works a final meeting will be held with the residents of Di Palma Place to complete the consultation.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Nil.

### **Social Inclusion and Diversity**

Nil.

### **Other**

Nil.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The agreed changes to the scope of work have had no impact on the cost of the Lancaster Gate Community Centre project.

## **CONCLUSION**

Following consultation with the residents of Di Palma Place it was agreed that the over flow car park associated with the Lancaster Gate Community Centre would be deleted. Instead of the overflow car park, a landscaped area will be constructed which will provide some screening of the car park area for residents. A gate is also being installed which will stop vehicle access to the car park when the community centre is not in use.



The above measures have been reached in conjunction with the residents of Di Palma Place.

### **FUTURE ACTIONS**

- Complete the construction of the car park and landscaping in accordance with the agreement reached with residents.
- Conduct a final meeting with the residents of Di Palma Place to complete the consultation.

### **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 – 6 February 2012

**8.16 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**

MINUTE NO. 228

**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 April 2012.

**COUNCIL RESOLUTION****MOVED: Cr. V. Fontana**  
**SECONDED: Cr. T. Laurence**

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

**FUTURE ACTIONS**

The next status report will be submitted to Council at its meeting on 4 June 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 Deputy Mayor, Cr. Asmar, returned to the meeting at the conclusion of the above item – 11.00pm.*

**9. URGENT BUSINESS****9.1 PROVISION OF HARD WASTE COLLECTION SERVICE  
(CT201203)****MINUTE NO. 229**

*A report on this matter with a covering memorandum from the Council Business Coordinator, Ron Downes, was circulated to Councillors on Friday 4 May 2012, and indicated that it was proposed that the report be considered as urgent business at the Council meeting.*

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

*On the motion of Cr. Fontana, seconded by Cr. Greco, it was further resolved that the item be referred to the 'Consideration of Reports considered Confidential' section of the Agenda Paper (Item 11) for Council to consider dealing with as an additional Item (11.1).*

**10. GENERAL BUSINESS****10.1 FAIRFIELD LIBRARY OPERATING HOURS****MINUTE NO. 230****COUNCIL RESOLUTION**

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

**THAT** Council receive a report on the potential to extend the opening hours of Fairfield Library, either across the week or on particular days.

**CARRIED**

*Daniel Freer, Director City Design and Environment disclosed a conflict for the record in the following matter classifying the type of interest as an indirect interest because of impact on residential amenity and describing the nature of the interest as that he owns property nearby.*

**10.2 COMMUNITY CONSULTATION MEETING – PLANNING  
PERMIT APPLICATION, 231 ST GEORGES ROAD  
NORTHCOTE**

**MINUTE NO. 231**

**COUNCIL RESOLUTION**

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

Council hold a community consultation meeting for the planning permit application proposed for 231 St Georges Road, Northcote.

**CARRIED**

**10.3 DISABLED PARKING PERMITS**

**MINUTE NO. 232**

**COUNCIL RESOLUTION**

**MOVED: Cr. D. Asmar**  
**SECONDED: Cr. S. Chiang**

**THAT** a report be submitted on how the allocation of Disabled Parking Permits issued operates and if the Government is reviewing the guidelines including deceased former holders of Disabled Parking Permits.

**CARRIED**

10.4 ASBESTOS REMOVAL

MINUTE NO. 233

**COUNCIL RESOLUTION**

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

**THAT** Council officers report back to Council on a possible Strategy for Council to engage with neighbouring Councils and relevant local State MPs with the aim of lobbying for residential notification of asbestos removal to be included in the State Occupational Health and Safety Act.

**CARRIED**

## 11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

### CLOSE OF MEETING

**MOVED:** Cr.

**SECONDED:** Cr.

**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 items which relate to a contractual matter, proposed development or matter which the Council considers would prejudice the Council:

11.1 Evaluation Report: Edwardes Lake Boathouse

11.2 Darebin Arts and Entertainment Centre Site Redevelopment: Expressions of Interest Evaluation (CT 201137).

*An additional item - Provision of Hard Waste Collection Service (CT 201203) - had earlier been resolved by Council be referred to the 'Consideration of Reports considered Confidential' section of the Agenda Paper for Council to consider dealing with as an additional Item (see Minute No. 229)*

### CLOSE OF MEETING

**MOVED:** Cr. S. Chiang

**SECONDED:** Cr. D. Asmar

**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 items which relate to a contractual matter, proposed development or matter which the Council considers would prejudice the Council:

11.1 Provision of Hard Waste Collection Service (CT 201203)

11.2 Evaluation Report: Edwardes Lake Boathouse

11.3 Darebin Arts and Entertainment Centre Site Redevelopment: Expressions of Interest Evaluation (CT 201137).

**CARRIED**

The meeting was closed to members of the public at 11.12pm.

**Note:**

*Council subsequently dealt with the items as follows in camera on the motion of Cr. McCarthy, seconded Cr. Katsis:*

*11.1 Provision of Hard Waste Collection Service (CT 201203)*

*11.2 Darebin Arts and Entertainment Centre Site Redevelopment: Expressions of Interest Evaluation (CT 201137).*

*11.3 Evaluation Report: Edwardes Lake Boathouse*

*Report No. 11.1 above (Provision of Hard Waste Collection Service (CT 201203) had been circulated to Councillors on Friday 4 May 2012 and Report Nos. 11.2 (Darebin Arts and Entertainment Centre Site Redevelopment: Expressions of Interest Evaluation (CT201137)) and 11.3 (Evaluation Report: Edwardes Lake Boathouse) had been circulated to Councillors on Thursday 3 May 2012.*

**RE-OPENING OF MEETING**

**MOVED:** Cr. S. Chiang  
**SECONDED:** Cr. T. Laurence

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

**CARRIED**

The meeting was re-opened to members of the public at 11.31pm.



**CONFIDENTIAL****11.1 PROVISION OF HARD WASTE COLLECTION SERVICE (CT 201203)****MINUTE NO. 234****AUTHOR: Manager City Works****REVIEWED BY: Director City Works and Development****SUMMARY:**

Tenders closed on 26 April 2012 for a new hard waste area based collection service to be delivered in May-June 2012.

The Tender Evaluation Panel (TEP) had evaluated the tender submissions and determined a preferred tenderer for Council's consideration.

**CONSULTATION:**

Outlined in the confidential report.

**COUNCIL RESOLUTION**

**MOVED: Cr. S. Chiang**  
**SECONDED: Cr. T. Laurence**

**THAT** the following Council Resolution:

*"That:*

- (1) The tender of WM Waste Management Services for the Provision of a Hard Waste Collection Service for an estimated amount of \$507,340.92 (inclusive of GST) per year, for an initial term of one (1) year from the commencement date of the contract with two (2) x one (1) year extension options, be accepted under the authority delegated to the Chief Executive.*
- (2) Council approve an additional amount of \$444,343.78 to enable completion of the area based hard waste collection in the current financial year.*
- (3) The Director of City Works and Development be authorised to finalise and execute the contract documentation."*

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

**CARRIED**

**CONFIDENTIAL****11.2 DAREBIN ARTS AND ENTERTAINMENT CENTRE SITE  
REDEVELOPMENT: EXPRESSIONS OF INTEREST  
EVALUATION (CT 201137)****MINUTE NO. 235****AUTHOR: Director City Design and Environment****REVIEWED BY: Chief Executive****SUMMARY:**

Council issued a Request for Expressions of Interest (EOI) in late 2011, seeking to identify and shortlist potential suitable development partners in the possible redevelopment of the Darebin Arts and Entertainment Centre site.

This Evaluation Report has been prepared by the Evaluation Committee to summarise and present the results of the assessment of the EOI Responses received by Council.

**CONSULTATION:**

Detailed in the report.

**RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MOVED: Cr. S. Chiang**  
**SECONDED: Cr. T. Laurence**

**THAT** the following Council Resolution:

*“That Council:*

- (1) Acknowledge that none of the CT 201137 Expression of Interest Responses demonstrated the capacity and capabilities sought by Council,*
- (2) Endorse that no Respondents be shortlisted for participation as part of this CT 201137 Expression of Interest process,*

- (3) *Approve the formal cessation of the current CT 201137 Expression of Interest process,*
- (4) *Inform the Respondents to the CT 201137 Expression of Interest that the Expression of Interest process has been ceased, and*
- (5) *Receive a further report outlining a process of future actions to establish clear objectives and desired outcomes for the project in consultation with the community.”*

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

**CARRIED**

*Cr. Asmar disclosed a conflict of interest in the following matter classifying the type of interest as an indirect interest because of conflicting duty and describing the nature of the interest as that one of the tenderers had a fundraising event at the venue in the past. Cr. Asmar left the meeting prior to consideration of the matter – 11.31 pm – and did not return to the meeting.*

*Cr. Katsis disclosed a conflict of interest in the following matter classifying the type of interest as an indirect interest because of conflicting duty and describing the nature of the interest as that he was exploring a possible future business opportunity with one of the tenderers. Cr. Katsis left the meeting prior to consideration of the matter – 11.31pm – and did not return to the meeting.*

## CONFIDENTIAL

### 11.3 EVALUATION REPORT: EDWARDES LAKE BOATHOUSE

MINUTE NO. 236

**AUTHOR:** Director City Design and Environment

**REVIEWED BY:** Chief Executive

#### SUMMARY:

In response to community enquiry and consideration of the site at the Edwardes Lake Boathouse, Council issued a Request for Expressions of Interest (EOI) in 2011, seeking to identify and shortlist potential suitable development partners.

This Evaluation Report has been prepared by the Evaluation Committee to summarise and present the results of the assessment of the EOI Responses received by Council.

#### CONSULTATION:

Detailed in the report.

### RECOMMENDATION

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

**COUNCIL RESOLUTION**

**MOVED:** Cr. S. Chiang  
**SECONDED:** Cr. T. Laurence

**THAT** the following Council Resolution:

*“That Council:*

- (1) Acknowledge that none of the Expression of Interest – Edwardes Lake Boathouse (A1149516) Responses demonstrated the capacity and capabilities sought by Council,*
- (2) Endorse that no Respondents be shortlisted for participation as part of this Expression of Interest process,*
- (3) Approve the formal cessation of the current Expression of Interest – Edwardes Lake Boathouse (A1149516) process,*
- (4) Inform the Respondents to the Expression of Interest that the Expression of Interest – Edwardes Lake Boathouse (A1149516) process has been ceased, and*
- (5) Receive a further report outlining a process of future actions to establish clear objectives and desired outcomes for the Edwardes Lake Boathouse in consultation with the community.”*

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

**CARRIED**

## 12. CLOSE OF MEETING

The meeting closed at 11.32pm.