



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 18 FEBRUARY 2013

RELEASED TO THE PUBLIC ON THURSDAY 21 FEBRUARY 2013

Table of Contents

| Item Number | Page Number |
|---|----------------|
| 1. PRESENT..... | 1 |
| 2. APOLOGIES | 1 |
| 3. DISCLOSURES OF CONFLICTS OF INTEREST | 2 |
| 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS | 2 |
| 5. REPORTS BY MAYOR AND COUNCILLORS..... | 3 |
| 5.1 REPORT OF CR. BO LI..... | 3 |
| 5.2 REPORT OF CR. JULIE WILLIAMS..... | 3 |
| 5.3 REPORT OF CR. VINCE FONTANA | 4 |
| 5.4 REPORT OF CR. OLIVER WALSH..... | 4 |
| 5.5 REPORT OF CR. TRENT MCCARTHY | 4 |
| 5.6 REPORT OF CR. ANGELA VILLELLA..... | 5 |
| 5.7 REPORT OF CR. GAETANO GRECO..... | 5 |
| 5.8 REPORT THE MAYOR CR. TIM LAURENCE | 5 |
| 6. PUBLIC QUESTION TIME..... | 6 |
| 7. RECORDS OF ASSEMBLIES OF COUNCILLORS | 8 |
| 7.1 ASSEMBLIES OF COUNCILLORS HELD | 8 |
| 8. CONSIDERATION OF REPORTS | 20 |
| 8.1 FINANCIAL REPORT – 6 MONTHS ENDED 31 DECEMBER 2012 | 20 |
| 8.2 NOTICE OF INTENTION TO CAUSE A GENERAL REVALUATION | 24 |
| 8.3 DEFINED BENEFIT SUPERANNUATION – FUNDING..... | 27 |
| 8.4 DRAFT MINISTERIAL GUIDELINES – DIFFERENTIAL RATES..... | 43 |
| 8.5 PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE REAR 10 MASON STREET AND 31 QUEEN STREET, RESERVOIR..... | 48 |
| 8.6 PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE ADJOINING 2 LANE GROVE AND 41-45 DUNDAS STREET, PRESTON | 52 |
| 8.7 GOVERNANCE REVIEW | 56 |
| 8.8 INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO APPOINT AUTHORISED OFFICERS TO ENFORCE THE PLANNING AND ENVIRONMENT ACT 1987 | 60 |
| 8.9 CITY-WIDE CLEAN UP OF ILLEGAL TAGGING AND GRAFFITI MANAGEMENT IMPROVEMENTS | 63 |
| 8.10 CREATING MODERNISED AND INCLUSIVE NEIGHBOURHOOD HOUSE PROGRAM FUNDING APPLICATION..... | 69 |
| 8.11 40 KM/H FEASIBILITY ASSESSMENT – BROADWAY RESERVOIR | 73 |
| 8.12 AMENDMENTS C122 AND 127, DAREBIN PLANNING SCHEME - REZONING OF INDUSTRIAL LAND IN THE BEAVERS ROAD AREA, NORTHCOTE..... | 77 |

Table of Contents

| Item Number | | Page Number |
|------------------------|---|------------------------|
| 9. | NOTICES OF MOTION | 86 |
| 9.1 | TORNADO SLIDE – BATMAN PARK IN NORTHCOTE | 86 |
| 9.2 | RAILWAY LEVEL CROSSINGS IN DAREBIN | 88 |
| 9.3 | DAREBIN SEXUALITY, SEX AND GENDER DIVERSITY ADVISORY COMMITTEE | 91 |
| 9.4 | ALPHINGTON NORTH..... | 92 |
| 10. | URGENT BUSINESS | 94 |
| 11. | GENERAL BUSINESS..... | 94 |
| 11.1 | 1091 PLENTY ROAD BUNDOORA..... | 94 |
| 11.2 | SMART METER PROGRAM | 94 |
| 11.3 | PROPOSED 2030 COMMUNITY PLAN..... | 95 |
| 11.4 | MERRILANDS COMMUNITY CENTRE - CHAIR UPGRADE..... | 95 |
| 11.5 | PROPOSED ACQUISITION OF LAND AT 74-76 GLASGOW AVENUE RESERVOIR .. | 96 |
| 11.6 | ONE HOUR PARKING LIMIT ALONG BROADWAY | 96 |
| 11.7 | SOCIAL HOUSING | 97 |
| 11.8 | PROPOSED DAREBIN INTERCULTURAL CENTRE ADVISORY COMMITTEE | 97 |
| 11.9 | NORTHCOTE HIGH SCHOOL – HIGH RESOLVES GROUP | 98 |
| 11.10 | VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL FEES | 98 |
| 11.11 | PLENTY ROAD CORRIDOR STRATEGY AND ST GEORGES ROAD URBAN FORM STUDY | 99 |
| 12. | CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL..... | 99 |
| 13. | CLOSE OF MEETING..... | 99 |

**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 18 FEBRUARY 2013**

THE MEETING OPENED AT 7.00PM

1. PRESENT

Councillors

Cr Tim Laurence (Mayor) (Chairperson)
Cr Vince Fontana
Cr Gaetano Greco (Deputy Mayor)
Cr Bo Li
Cr Trent McCarthy
Cr Angela Villella
Cr Oliver Walsh (7.02pm)
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Daniel Freer – Director City Design and Environment
Michael Ballock – Director City Works and Development
Fred Warner – Group Manager People and Performance
Katrina Knox – Group Manager Community Services
Kerrie Jordan – Acting Director Corporate and Business Services
Jacinta Stevens – Manager Corporate Governance
Tiffany White – Manager Communications and Advocacy
Ron Downes – Council Business Coordinator
Katia Croce – Council Business Officer
Karlee Gray – Council Business Officer

2. APOLOGIES

It was noted that Cr. Steven Tsitas is currently on leave of absence.

An apology was lodged for the initial absence of Cr. Oliver Walsh.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

| |
|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

MOVED: Cr. B. Li
SECONDED: Cr. V. Fontana

THAT the Minutes of the Ordinary Meeting of Council held on 18 February 2013 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 114

5.1 REPORT OF CR. BO LI

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

- Preston Business Advisory Committee meeting.

Cr. Walsh entered the meeting at 7.02pm

- Council discussions on Governance, Planning, Budget and Code of Conduct.
- Chinese New Year Celebration staged by the Asian Business Association of Whitehorse.
- Chinese New Year Celebration staged by the Federation of Chinese Associations.
- Planning Committee meeting.
- Council Briefing Session.
- Commemoration of 5th Anniversary of the National Apology at Federation Square.
- Active and Healthy Ageing Community Advisory Board meeting.
- Councillors Residential Weekend Workshop.
- Resident matters regarding planning/development, dumped rubbish and noise complaints.

5.2 REPORT OF CR. JULIE WILLIAMS

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

- Professional Media Training.
- International Women's Day Working Group meetings.
- Darebin Women's Advisory Committee Planning Session Part I.
- Darebin Women's Advisory Committee Planning Session Part II
- Planning Committee meeting.
- Council Briefing Session.
- Councillors Residential Weekend Workshop.

5.3 REPORT OF CR. VINCE FONTANA

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

- Bendigo Bank Connected Community Information Session.
- Special Council Briefing Session – 6 February 2013.
- Australian Bravery Association Annual Conference.
- Memorial Service for ABA victims.
- Wreath Laying Service at the Governor's house in Canberra along with other dignitaries.
- Planning Committee meeting – 11 February 2013.
- Council Briefing Session – 11 February 2013.
- Councillors Residential Weekend Workshop.
- Met with Miller Street and Gilbert Road traders to discuss traffic issues.
- Councillor Media Training Session.

5.4 REPORT OF CR. OLIVER WALSH

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

- Councillor Media Training Session.
- Darebin Enterprise Centre Ltd meeting.
- Community Group meetings.
- Resident meetings.
- Councillors Residential Weekend Workshop.

5.5 REPORT OF CR. TRENT MCCARTHY

Cr. McCarthy thanked everyone for their well wishes following the recent birth of his son and he reported on his attendance at the following functions/activities:

- Darebin Environmental Reference Group selection panel
- Meeting with Northcote traders.
- Council Workshop – Council Plan.
- Planning Committee meeting.
- Council Briefing Session.
- Meeting with residents at Batman Park.
- Pride March.
- Meeting with Councillors and staff regarding Batman Park.
- Community Rally – 1st Anniversary regarding Brunswick Terminal Station.
- Various resident and trader issues.

5.6 REPORT OF CR. ANGELA VILLELLA

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

- International Women's Day Working Group meeting – 5 February 2013.
- Council and officer meeting to discuss Governance, Local Law and Budget overview.
- Briefing regarding signage designs for Mt. Cooper Estate.
- Planning Committee meeting – 11 February 2013.
- Council Briefing Session – 11 February 2013.
- Meeting with Scott Trembath – Reservoir Neighbourhood Renewal program.
- Councillors Residential Weekend Workshop.
- Active and Healthy Ageing Community Advisory Board meeting.
- Public Education Advocacy Committee meeting.
- International Women's Day Working Group meeting – 18 February 2013.

5.7 REPORT OF CR. GAETANO GRECO

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

- Forum on Italian election.
- Meeting with President of Nepalese Association of Victoria regarding sporting club facilities.
- Guest speaker at Hume Interfaith Network meeting.
- Update meeting with Spectrum MRC Migration Services Manager.
- Chaired Active and Healthy Ageing Community Advisory Board meeting.
- Briefing regarding signage designs for Mt. Cooper Estate.
- Planning Committee meeting.
- Council Briefing Session.
- Councillors Residential Weekend Workshop.
- Chaired Public Education Advocacy Committee meeting.
- Assisted residents regarding traffic, planning and building issues.

5.8 REPORT THE MAYOR CR. TIM LAURENCE

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

- Chaired Planning Committee meeting.
- Chaired Council Briefing Sessions.
- Chaired Council meeting.
- Special Council Briefing.
- Darebin Disability Advisory Committee meeting.
- Trader meetings.

- Press meetings.
- NOBTS66 Cross Council Working Party – Brunswick Terminal Station.
- Briefing regarding signage designs for Mt. Cooper Estate.
- Meeting with Consultant Jim Gifford regarding reviewing our Governance framework and Code of Conduct.
- Professional Media Training.
- Opened event at launch of 34th Annual Festival of the Greek Community of Northcote.
- Visit and tour of Victorian School of Languages in Thornbury.
- Italian Senior Citizens Club of Preston – Carnival Lunch.
- Meeting with Penny Jamieson regarding Preston and Reservoir Retail Strips.
- Councillors Residential Weekend Workshop.
- East Reservoir Steering Committee (Neighbourhood Renewal) meeting.
- Batman Park visit with Cr. Walsh.
- Meeting with Darebin Progress Association regarding parking, housing and planning issues.
- Site visit at Main Drive Bundoora.
- Site visit at 1091 Plenty Road Bundoora
- Hearings at the Victorian Civil and Administrative Tribunal regarding 1091 Plenty Road Bundoora.

6. PUBLIC QUESTION TIME

MINUTE NO. 115

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

The following questions were submitted:

- Yvonne Gardner of Preston asked a question about parking restrictions in McNamara Street Preston. The question was responded to by the Director City Works and Development, Michael Ballock.
- Jack Aquilina of Preston asked a question about the Tornado Slide in Batman Park. The question was responded to by the Mayor, Cr. Laurence.
- Natale Vavaza of Thornbury asked a question about a proposed 5 storey apartment block at 481-485 St. Georges Road Thornbury. The question was responded to by the Mayor, Cr. Laurence.
- George Stefanidis of Bundoora asked a question about Town Planning Policies and Strategies. The question was responded to by the Mayor, Cr. Laurence.
- Peter Thomson of Reservoir asked a question about maintenance of Council's footpaths and crossovers. The question was responded to by the Director City Works and Development, Michael Ballock.

- Josephine Gambaro of Reservoir asked a question on behalf of her father Mario Gambaro regarding a parking infringement notice. The question was responded to by the Mayor, Cr. Laurence.
- John Nugent of Epping asked a question about Donath Reserve Capital Works. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Maria Gambaro of Reservoir asked a question about installing Sun Shades at Edwardes Lake Park in relation to the 'Fit-for-Parks' fitness equipment provided. The question was responded to by the Mayor, Cr. Laurence.
- Ali Mekawy of Northcote asked a question about Council reconsidering its policy on synthetic turf on nature strips. The question was responded to by the Mayor, Cr. Laurence.
- Jack Aquilina of Preston asked a question about the Tornado Slide in Batman Park. The question was responded to by the Mayor, Cr. Laurence and the Director City Design and Environment, Daniel Freer.
- Scott Pearce of Northcote asked a question about auditing of the Tornado Slide in Batman Park. The question was responded to by the Director City Design and Environment, Daniel Freer.
- Scott Pearce of Northcote asked a question about public consultation regarding the Tornado Slide in Batman Park. The question was responded to by the Mayor, Cr. Laurence and Cr. McCarthy.

EXTENSION OF TIME (7.58PM)**COUNCIL RESOLUTION**

MOVED: Cr. T. McCarthy

SECONDED: Cr. O. Walsh

THAT the Public Question Time forum be extended by 5 minutes.

CARRIED UNANIMOUSLY

- Mark Tobias of Alphington asked a question about heritage control involving Alphington North. The question was responded to by the Mayor, Cr. Laurence.

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

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 116

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 Women's Advisory Committee – 6 December 2012
- Planning Committee Briefing – 29 January 2013
- Darebin Disability Advisory Committee – 4 February 2013
- Darebin Women's Advisory Committee – 5 February 2013
- Preston Business Advisory Committee – 6 February 2013
- Council Briefing Session – 6 February 2013
- Darebin Women's Advisory Committee – 7 February 2013
- Planning Committee Briefing – 11 February 2013
- Council Briefing Session – 11 February 2013

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. O. Walsh

THAT the record of the Assembly of Councillors held on 6 December 2012, 29 January 2013 and 4, 5, 6, 7, and 11 February 2013 be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|--|
| ASSEMBLY DETAILS: | Title: | Darebin Women's Advisory Committee |
| | Date: | Thursday 6 December 2012 |
| | Location: | Function Room, 1st floor, 350 High Street, Preston |
| PRESENT: | Councillors: | Cr Julie Williams |
| | Council Staff: | Mandy Bathgate, Cécile Taché |
| | Other: | Convenor and members of the Darebin Women's Advisory Committee |
| APOLOGIES: | | Cr Angela Villella |

The Assembly commenced at 6.15pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---------------------------|---------------------------|
| 1 | Welcome | No disclosures were made. |
| 2 | Review of the year past | No disclosures were made. |
| 3 | Forward planning | No disclosures were made. |
| 4 | International Women's Day | No disclosures were made. |
| 5 | Other business | No disclosures were made. |

The Assembly concluded at 8.15pm

| | | |
|-----------------------------|-----------------------|--------------------------|
| RECORD COMPLETED BY: | Officer Name: | Cécile Taché |
| | Officer Title: | Diversity Policy Officer |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|--|
| ASSEMBLY DETAILS: | Title: | Planning Committee Briefing |
| | Date: | 29 January 2013 |
| | Location: | Councillors Room |
| PRESENT: | Councillors: | Cr Tim Laurence, Cr Gaetano Greco, Cr Angela Vilella, Cr Trent McCarthy, Cr Bo Li, Cr Oliver Walsh, Cr Julie Williams & Cr Vince Fontana |
| | Council Staff: | Michael Ballock, Julie Smout & Darren Rudd |
| | Other: | |
| APOLOGIES: | | Cr Steven Tsitas |

The Assembly commenced at 5.25pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--|
| 1 | Planning Permit Application D/138/2012 24 Gertz Ave Reservoir | No disclosures were made. |
| 2 | Planning Permit Application D/88/2012 64 – 66 St Georges Road Northcote | Cr Fontana disclosed a conflict of interest and vacated the room for the discussion. No other disclosures were made. |
| 3 | Planning Permit Application D/227/2012 851 – 859 High Street Thornbury | Crs Laurence and McCarthy disclosed a conflict of interest and vacated the room for the discussion. No other disclosures were made. |
| 4 | Planning Permit Application D/601/2012 783 High Street Thornbury | No disclosures were made. |
| 5 | Planning Permit Application D/173/2011 1091 Plenty Road Bundoora | No disclosures were made. |
| 6 | Consideration of Amended Plans for VCAT Hearing D/480/2011 46 Regent Street Preston | No disclosures were made. |

The Assembly concluded at 5.29 pm

| | | |
|---------------------------------|-----------------------|--------------------------|
| RECORD COMPLETED BY: | Officer Name: | Darren Rudd |
| | Officer Title: | Manager City Development |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|--|
| ASSEMBLY DETAILS: | Title: | Darebin Disability Advisory Committee |
| | Date: | Monday 4 February 2013 |
| | Location: | Function Room, Darebin Civic Centre |
| PRESENT: | Councillors: | Cr Tim Laurence (Mayor), Cr Julie Williams and Cr Bo Li (via conference call). |
| | Council Staff: | Katrina Knox, Shadi Hanna, Gillian Damonze, Janet Bailie, Natalie McGlone, Stephanie Preston and Christine Mulholland. |
| | Other: | Representative of Northern Support Services, representative of NMIT Work Education Centre and community representatives. |
| APOLOGIES: | | Cr Oliver Walsh |

The Assembly commenced at 11am

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|--|--|
| 1 | Matters arising from previous minutes | No disclosures were made. |
| 2 | Council's new Council Plan | No disclosures were made. |
| 3 | Federal Government Employment Discussion Paper | No disclosures were made. Cr Williams left the Assembly at 12.30pm. |
| 4 | General Business | No disclosures were made. |

The Assembly concluded at 1pm

| | | |
|-----------------------------|-----------------------|----------------------|
| RECORD COMPLETED BY: | Officer Name: | Christine Mulholland |
| | Officer Title: | MetroAccess Officer |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|--|
| ASSEMBLY DETAILS: | Title: | Darebin Women's Advisory Committee – Planning Session |
| | Date: | Tuesday 5 February 2013 |
| | Location: | Function Room, 1st floor, 350 High Street, Preston |
| PRESENT: | Councillors: | Cr Angela Villella, Cr Julie Williams |
| | Council Staff: | Mandy Bathgate, Cécile Taché, Michelle Marinelli |
| | Other: | Convenor and members of the Darebin Women's Advisory Committee |
| APOLOGIES: | | |

The Assembly commenced at 6.05pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|---------------------------|
| 1 | Review of Committee's Strategic Action Plan 2011-2012 and scoping of priorities for 2013-2014 | No disclosures were made. |

The Assembly concluded at 8.05pm

| | | |
|-----------------------------|-----------------------|--------------------------|
| RECORD COMPLETED BY: | Officer Name: | Cécile Taché |
| | Officer Title: | Diversity Policy Officer |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|---|
| ASSEMBLY DETAILS: | Title: | Preston Business Advisory Committee |
| | Date: | Wednesday 6 February 2013 |
| | Location: | Northern Blues Football Club Function Room, Cramer Street, Preston |
| PRESENT: | Councillors: | Cr Bo Li |
| | Council Staff: | Wendy Dinning, Sarah-Jade Chung, Peter Mondy and Jim Barrett |
| | Other: | Representatives of Old Fire Station Café Gallery, Snap Printing, Bendigo Bank, Transport Ticketing Authority, Northern Blues Football Club, Rydges Bell City and Preston Central Centre Manager |
| APOLOGIES: | | Cr Julie Williams, Cr Vince Fontana, Representatives of Preston Market, Preston Eye Care, Delphi Bank and Cheaper Party Supplies |

The Assembly commenced at 4:02pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------------------------|---|--------------------------|
| 1 | Council Plan consultation | No disclosures were made |
| 2 | Minutes of the Previous Meeting, 14/11/2012 | No disclosures were made |
| 3 | Financial Report | No disclosures were made |
| 4 | Marketing Report – completed events | No disclosures were made |
| 5 | Marketing Report – upcoming events | No disclosures were made |
| Cr Bo Li left the Assembly at 5.07pm | | |
| 6 | Other Business | No disclosures were made |

The Assembly concluded at 5.19pm

| | | |
|-----------------------------|-----------------------|--------------------------------|
| RECORD COMPLETED BY: | Officer Name: | Sarah-Jade Chung |
| | Officer Title: | Retail Development & Marketing |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|---|
| ASSEMBLY DETAILS: | Title: | Council Briefing Session |
| | Date: | Wednesday, 6 February 2013 |
| | Location: | Conference Room (1 st Floor, 350 High Street, Preston) |
| PRESENT: | Councillors: | Cr. Tim Laurence (Mayor), Cr. Gaetano Greco, Cr. Angela Villella, Cr. Vince Fontana, Cr. Bo Li, Cr. Julie Williams, Cr. Oliver Walsh, |
| | Council Staff: | Rasiah Dev, Fred Warner, Katrina Knox, Kerrie Jordan, Michael Ballock |
| | Other: | Nil |
| APOLOGIES: | | Cr. Trent McCarthy (leave of absence), Cr. Steven Tsitas (leave of absence), Daniel Freer |

The Assembly commenced at 6.55 pm.

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|---------------------------|
| 1. | Governance Local Law | No disclosures were made. |
| 2. | Code of Conduct | No disclosures were made. |
| 3. | Budget Overview | No disclosures were made. |
| 4. | Planning Scheme Amendments (Presentation) | No disclosures were made. |

The Assembly concluded at 8.50 pm

| | | |
|-----------------------------|-----------------------|-------------------------------------|
| RECORD COMPLETED BY: | Officer Name: | Fred Warner |
| | Officer Title: | Group Manager, People & Performance |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|--|
| ASSEMBLY DETAILS: | Title: | Darebin Women's Advisory Committee – meeting including second part of planning session |
| | Date: | Thursday 7 February 2013 |
| | Location: | Conference Room, 1st floor, 350 High Street, Preston |
| PRESENT: | Councillors: | Cr Julie Williams |
| | Council Staff: | Mandy Bathgate, Cécile Taché, Michelle Marinelli, Nick Matteo |
| | Other: | Convenor and members of the Darebin Women's Advisory Committee |
| APOLOGIES: | | Cr Angela Villella |

The Assembly commenced at 6.15pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|---------------------------|
| 1 | Information on development of Council Plan | No disclosures were made. |
| 2 | Second part of planning session: scoping Committee's priorities for 2013-2014 | No disclosures were made |
| 3 | International Women's' Day 2013 | No disclosures were made |
| 4 | Tribute to Molly Hadfield | No disclosures were made |

The Assembly concluded at 8.00pm

| | | |
|-----------------------------|-----------------------|--------------------------|
| RECORD COMPLETED BY: | Officer Name: | Cécile Taché |
| | Officer Title: | Diversity Policy Officer |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|---|
| ASSEMBLY DETAILS: | Title: | Planning Committee Briefing |
| | Date: | 11 February 2013 |
| | Location: | Councillors Room |
| PRESENT: | Councillors: | Cr Tim Laurence (5.27 pm), Cr Gaetano Greco (5.27 pm), Cr Angela Villella (5.27pm), Cr Bo Li (5.27pm), Cr Oliver Walsh (5.27pm), Cr Julie Williams (5.27pm) and Cr Vince Fontana (5.28pm) |
| | Council Staff: | Michael Ballock, Julie Smout & Darren Rudd |
| | Other: | |
| APOLOGIES: | | Cr Steven Tsitas and Cr Trent McCarthy (both on leave of absence) |

The Assembly commenced at 5.27pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|---|
| 1 | Planning Permit Application D/836/2012 98 Normanby Ave Thornbury | Cr Fontana disclosed a conflict of interest and vacated the room for the discussion. No other disclosures were made. |
| 2 | Planning Permit Application D/799/2011 323 Victoria Road Thornbury | No disclosures were made. |

The Assembly concluded at 5.30 pm

| | | |
|-----------------------------|-----------------------|--------------------------|
| RECORD COMPLETED BY: | Officer Name: | Darren Rudd |
| | Officer Title: | Manager City Development |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | |
|--------------------------|--|
| ASSEMBLY DETAILS: | Title: Council Briefing Session Date: Monday, 11 February 2013 Location: Conference Room (1 st Floor, 350 High Street, Preston) |
| PRESENT: | Councillors: Cr. Tim Laurence (Mayor), Cr. Gaetano Greco, Cr. Angela Villella, Cr. Vince Fontana, Cr. Bo Li, Cr. Julie Williams, Cr. Oliver Walsh Council Staff: Rasiah Dev, Fred Warner, Katrina Knox, Kerrie Jordan, Michael Ballock, Daniel Freer, Jacinta Stevens, Grant Thorne (Item 1), Tiffany White (Item 3), Cheryl Hermence (Item 5) Other: Nil |
| APOLOGIES: | Cr. Trent McCarthy, Cr. Steven Tsitas (both on leave of absence) |

The Assembly commenced at 7.00 pm.

| MATTERS CONSIDERED (Presentations) | | DISCLOSURES AND COMMENTS |
|---------------------------------------|---|-----------------------------|
| 1. | Fairfield Views Drainage Works | No disclosures were made. |
| 2. | John Cain Reserve Masterplan | No disclosures were made. |
| 3. | Citizenship Ceremony Process | No disclosures were made. |
| 4. | Neighbourhood House Capital Works Funding | No disclosures were made. |
| 5. | Darebin Council's Service Provision to Kindergarten & Child Care Services | No disclosures were made. |
| 6. | Defined Benefit Superannuation Funding Call | No disclosures were made. |
| Briefing Papers | | |
| 7. | City-Wide Clean Up of Illegal Tagging (Graffiti) on Public and Private Property | No disclosures were made. |
| 8. | Capital Works 6 Month Update | No disclosures were made. |

| MATTERS CONSIDERED (Presentations) | | DISCLOSURES AND COMMENTS |
|---------------------------------------|--|-----------------------------|
| 9. | Preston-Reservoir Bowls Club | No disclosures were made. |
| 10. | Amendments C122 and C127 – Rezoning of Industrial Land in Beavers Road Northcote | No disclosures were made. |
| 11. | Differential Rate – Ministerial Guidelines | No disclosures were made. |

The Assembly concluded at 9.25 pm.

| | | |
|---------------------------------|-----------------------|-------------------------------------|
| RECORD COMPLETED BY: | Officer Name: | Fred Warner |
| | Officer Title: | Group Manager, People & Performance |

8. CONSIDERATION OF REPORTS

8.1 FINANCIAL REPORT – 6 MONTHS ENDED 31 DECEMBER 2012

MINUTE NO. 117

AUTHOR: Acting Chief Financial Officer

REVIEWED BY: Acting Director Corporate and Business Services

SUMMARY:

A comprehensive mid-year financial review has been undertaken for the six months ended 31 December 2012 to assess the financial performance of Council year-to-date and the forecast financial position as at 30 June 2013. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$50.6 million, which is \$5.1 million ahead of budget and capital works expenditure of \$9.1 million, which is \$3.9 million behind the budget.

The forecast actual result for the year ending 30 June 2013 is an operating surplus of \$11.4 million and capital works expenditure of \$37.8 million.

The forecast underlying result for the year ending 30 June 2013 is a surplus of \$0.5 million. The underlying result is the net surplus for the year adjusted for capital grants and contributions and timing differences on grants received and spent. All material variations have been explained in the report.

CONSULTATION:

Managers and Coordinators.

COUNCIL RESOLUTION

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

THAT the contents of the "Financial Report for the six months ended 31 December 2012" included as **Appendix A** to this report be received and the year-to-date and full-year forecast actual and budget operating and capital results be noted.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Under the Local Government Act 1989, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date. In complying with the Act, the attached report (**Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the six months ended 31 December 2012. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

In addition, a detailed review of the estimated financial results for the year ending 30 June 2013 has been performed as part of Council's mid-year review process. The outcomes of this review are included within the report as the forecast financial results.

ISSUES AND DISCUSSION

Operating Performance

For the six months ended 31 December 2012 Council has recorded an operating surplus before capital revenue of \$46.9 million, which is \$3.5 million ahead of the year to date budget. The main items contributing to this favourable variance are statutory fees and fines and material and services, partly offset by unfavourable variances in user fees and other expenses. After capital and developer contributions, the operating surplus is \$50.6 million, which is \$5.1 million ahead of budget.

The forecast Operating result for the year ending 30 June 2013 is an operating surplus of \$11.4 million, which is \$3.2 million more than budget.

The forecast underlying result for the year ending 30 June 2013 is a surplus of \$0.5 million, which is \$0.3 million more than budget. The underlying result is the net surplus for the year adjusted for capital grants and contributions and timing differences on grants received and spent.

Capital Performance

For the six months ended 31 December 2012 Council has expended \$9.1 million on the capital works program, which is \$3.9 million behind the year to date budget. The variance is due mainly to delays on building works, open space projects and the purchase of plant and equipment. The forecast total to be expended on capital works for the year ending 30 June 2013 is \$37.8 million, which is \$2.7 million less than the adopted budget. A total of \$2.5 million is forecast to be carried forward into the 2013/2014 year for capital works expected to be incomplete as at 30 June 2013. Carry forward projects include, Keon Park Community Hub, Barling Reserve pavilion, Co-generation at Northcote Aquatic and Recreation Centre and the Reservoir Library redevelopment and includes funding received in advance for Preston Day Nursery and Thornbury Kindergarten.

Financial Position

The Financial Position as at 31 December 2012 shows a cash balance of \$52.1 million which is \$2.7 million ahead of budget. The variance is due to a number of factors, primarily the delay in purchase of property, infrastructure and equipment, greater than anticipated interest income and the early receipt of government grants. The net current asset position is \$81.3 million which is \$8.6 million more than budget. The variance is due to the higher cash position and trade and other receivables and lower trade and other payables compared to budget. The net asset position of \$1.17 billion is \$184.8 million greater than budget and is primarily due to asset revaluations at 30 June 2012 of \$195.0 million. The forecast Financial Position as at 30 June 2013 shows a cash position of \$42.9 million and net current assets of \$26.2 million. The repayment of the Defined Benefits Superannuation unfunded liability call (\$14.0 million) has not been factored into the forecast year end cash position.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil.

Human Rights, Equity and Inclusion

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

The Financial Report for the six months ended 31 December 2012 shows that Council's year-to-date operating result is a surplus of \$50.6 million and \$9.1 million has been expended on capital works. The forecast actual result for year ending 30 June 2013 is an operating surplus of \$11.4 million and capital works expenditure of \$37.8 million. The forecast underlying result for the year ending 30 June 2013 is a surplus of \$0.5 million. The underlying result is the net surplus for the year adjusted for capital grants and contributions and timing differences on grants received and spent.

FUTURE ACTIONS

A further financial report will be presented to Council for the eight months ending 28 February 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

Nil

8.2 NOTICE OF INTENTION TO CAUSE A GENERAL REVALUATION**MINUTE NO. 118****AUTHOR:** City Valuer**REVIEWED BY:** Acting Director Corporate and Business Services**SUMMARY:**

This report recommends that Council resolve to cause a General Revaluation to be made of all rateable and leviable property in the City of Darebin at levels of value as at 1 January 2014 in accordance with requirements of the *Valuation of Land Act 1960*.

The report also presents a Statutory Declaration of Impartiality and Competence by the officer responsible for the revaluation.

CONSULTATION:

Valuer General Victoria
Chief Financial Officer

COUNCIL RESOLUTION

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

THAT:

- (1) Council resolve to cause a General Revaluation to be made of all rateable and leviable property in the City of Darebin at levels of value as at 1 January 2014, with the valuation to be returned no later than 30 June 2014 and Mr. David Nicholas Archer, A.A.P.I. C/- 274 Gower Street, Preston, to be the appointed valuer.
- (2) The General Revaluation be carried out in accordance with the provisions of the *Local Government Act 1989*, *Valuation of Land Act 1960* and the *Fire Services Property Levy Act 2012*.
- (3) Notice of this resolution be given to the Valuer-General Victoria and to every other rating authority interested in the General Revaluation as required by section 6 (1) of the *Valuation of Land Act 1960*.
- (4) Council note that a "Statutory Declaration of Impartiality and Competence" has been made by the valuer appointed by Council for the return of the 2014 General Revaluation and Supplementary Valuations made to the 2014 General Revaluation.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

In accordance with the *Valuation of Land Act 1960*, Council is required to undertake bi-annual valuations of all rateable and leviable property within its municipal district. The next revaluation is to be undertaken in respect of the 2014 year.

The Valuer-General Victoria has released the Valuation Best Practice 2014 specification guidelines for the next revaluation to be assessed as at 1 January 2014.

ISSUES AND DISCUSSION

Pursuant to the *Valuation of Land Act 1960* and the *Fire Services Property Levy Act 2012* Council needs to resolve to make a revaluation of all rateable and leviable property within the Darebin City Council. This resolution must then be conveyed to the Valuer-General Victoria and every other rating authority that may have an interest in the revaluation within one month of the resolution being made.

The 2014 General Revaluation will be returned at levels of value as at 1 January 2014 and will be returned to Council no later than 30 June 2014.

Pursuant to Clause 13DH of the *Valuation of Land Act 1960*, prior to Council returning the valuation, the person appointed to make the valuation must also make a Statutory Declaration that the valuation and return together with Supplementary Valuations will be impartial and true to the best of that person's judgement and will be made by that person or under that person's supervision. The City Valuer, Mr. David Archer, has made this declaration - see copy attached (**Appendix A**)

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Human Rights, Equity and Inclusion

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2014 General Revaluation is expected to be completed within budget. The 2014 General Revaluation will be used to allocate rate revenue for the 2014/2015 and 2015/2016 budgets.

CONCLUSION

To comply with legislative requirements, this report recommends that Council resolve to cause a General Revaluation to be made of all rateable property in the City of Darebin at levels of value as at 1 January 2014 in accordance with requirements of the *Valuation of Land Act 1960*.

FUTURE ACTIONS

A further report will be presented to Council prior to 30 June 2014 to formally return the General Revaluation and for Council to adopt the valuation for rating purposes.

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

- *Valuation of Land Act 1960*.
- Statutory Declaration by the person appointed to make the valuation (**Appendix A**)
- *Fire Services Property Levy Act 2012*

8.3 DEFINED BENEFIT SUPERANNUATION – FUNDING**MINUTE NO. 119****AUTHOR: Acting Director Corporate and Business Services****REVIEWED BY: Chief Executive****SUMMARY:**

At its meeting on 3 September 2012, Council resolved to:

Receive a further report on the range of models available to Council to respond to the \$14 million unfunded superannuation liability recently announced by Vision Super.

The purpose of this report is to respond to this request by providing the options available to Darebin City Council to fund the current “actuarial shortfall” of \$14 million. The report is also seeking Council approval for a single lump sum payment from cash reserves.

CONSULTATION:

Vision Super Pty Ltd
Other inner City Council Finance Managers
Acting Chief Financial Officer

COUNCIL RESOLUTION

MOVED: Cr. G. Greco
SECONDED: Cr. B. Li

THAT Council authorise the Chief Executive Officer to make a payment to Vision Super Pty Ltd of \$13,665,220 for the Darebin City Council's contribution to the unfunded Local Authorities Superannuation Fund Defined Benefit Plan on 1 March 2013.

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

The Local Authorities Superannuation Fund (LASF), known as Vision Super since 2002, is a not-for-profit industry fund for Victorian local government. Vision Super is the Trustee of both the Defined Benefit Plan (closed since 1993) and the Super Saver (accumulation) fund.

The LASF Defined Benefit Plan closed to new members in 1993. At this time there were almost 38,000 defined members and 7,500 lifetime pensioners. By 31 December 2011 this had reduced to 4,971 active members and 5,132 lifetime pensioners.

In accordance with regulations, Trustees are required to complete an actuarial review of superannuation funds at least every three years to ensure the current assets are adequate to meet the benefits that have previously been promised to members. The last time there was a shortfall in the LASF Defined Benefit Plan was 2008. At that time, councils were required to contribute a combined \$71 million. Darebin's contributed \$2,790,250, paid in full in June 2011.

Vision Super announced at the beginning of July 2012 that the latest actuarial investigation has resulted in an unfunded liability of \$453 million net of contributions tax. The reasons for the shortfall provided by Vision Super are:

- The rate of return (net of tax and investment expenses) earned by the Defined Benefit Plan for the three year period covered by the actuarial investigation was 3.0% p.a. which was lower than the expected return of 8.5% in the 2008 actuarial investigation.
- The full time equivalent salary of Defined Benefit Plan members who remained members as at 31 December 2011 grew by 5.1% p.a. over the three year period. This was higher than the assumed salary growth of 4.25% p.a.
- Pension increases averaged 2.7% over the three years which was broadly in line with the assumed inflation rate of 2.75%.

Darebin's apportioned share of the funding call inclusive of interest and tax is \$13,999,573 (liability of \$11,899,637 plus contribution tax of \$2,099,936) payable 1 July 2013.

The current shortfall is the fourth paid by the sector. The first, in 1998¹, was a result of redundancies following government reform; the second in 2002 and the third, in 2011 was primarily a consequence of poor investment return. The current shortfall is the largest in nominal terms. In 1988 Darebin funded the shortfalls through cash and in 2002 the shortfall was funded through borrowings.

It is clear that the Defined Benefit Plan will be one of the most significant financial risks facing councils for the next 10 to 15 years, before a reduction in members and associated liabilities reduce exposure.

A Municipal Association of Victoria (MAV) taskforce has been established that will *provide advice to the MAV Board on the following matters including:*

- *Recommendations to seek agreement from Vision Super to examine the Deed of Establishment for the Defined Benefits Plan and options to reduce the risk of future shortfalls*
- *Recommendations on the removal of the scheme from Australian Prudential and Regulation Authority regulation and return to the state regulated environment*
- *Advocacy to achieve exemptions for contribution tax and WorkCover premiums for contributions provided by councils relating to call-ins*
- *Advice for council financing options, including through Treasury Corporation of Victoria, the Commonwealth Government, commercial banks or the capital markets*
- *The timing and frequency of future actuarial assessment of the Fund*
- *Options that 'smooth' the impact of call on employers*
- *Key messages to communities.*

¹ In 1998, Darebin's share of the shortfall was \$9.8million. In 2002, a payment of \$3.85 million was required.

In December 2012, the taskforce issued a report detailing the progress of the taskforce. Darebin City Council is an active member of this taskforce.

Under current circumstances and arrangements it is likely that Darebin will receive future funding calls from the Defined Benefit Fund.

ISSUES AND DISCUSSION

Defined Benefit Members

A snap shot of Darebin City Council's defined benefit members indicates 82% are banded employees, 2% are Maternity and Children Nurses and the remaining 16% are Team Leaders.

Options to pay the \$14 million

The funding request for \$13,999,573 (liability of \$11,899,637 plus contribution tax of \$2,099,936) has been recognised in the financial statements of Darebin for 2011/2012, resulting in a deficit \$1,871,000. This liability, although recognised, has not been paid.

The amount of \$13,999,573 is payable on 1 July 2013 either by:

1. A single lump sum payment from Darebin's cash reserves;
2. Vision Super payment plan of instalments over 15 years with interest payable at 7.5% p.a. (total interest payable over 15 years of \$6,910,740).
3. Borrow funds at an interest rate determined via tender process that is likely to be around 7% p.a.
4. A partial payment from Darebin's cash reserves and borrowing of funds.

Appendix A provides an overview of all the options.

Two of the recommendations from the MAV taskforce state:

- Councils should only use the Vision Super payment plan option in the event they have exhausted other funding options as the Vision Super payment plan option is the highest cost option.
- Councils should consider using cash to fund their shortfall where it is prudent to do so. This option reduces reliance on borrowing, resulting in overall lower cost to councils.

As the option to fund the payment utilising the Vision Super payment plan is the most expensive option and not recommended by MAV, this option is not presented below. Options presented below provide Council with lower cost alternatives.

Cash & Investments:

To determine if funding of the shortfall from cash is the most appropriate for Darebin, a brief overview of Council's cash position is provided below:

Council held \$43.9 million in cash and investments at 30 June 2012. There are four key factors that are relevant to an understanding of the overall cash position:

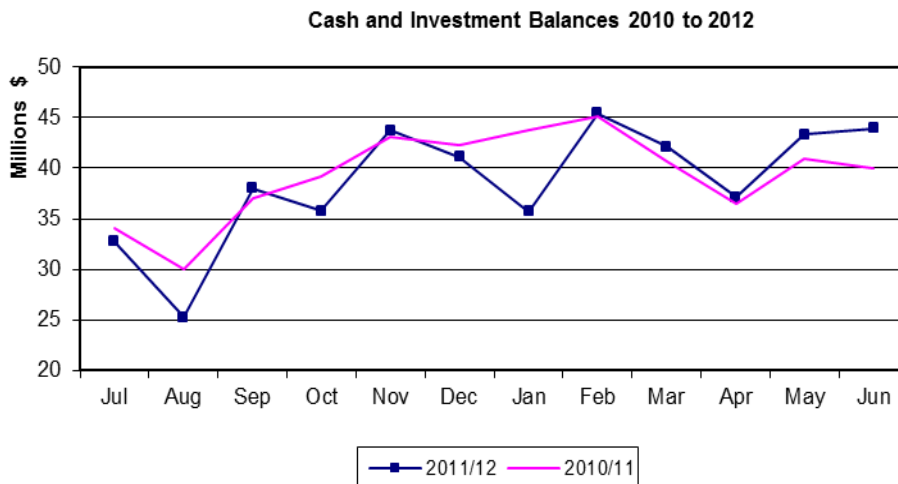
- Monthly fluctuations
- Restricted cash amounts
- Historical cash balances

- Working capital (liquidity) indicator.

Monthly fluctuations

Although \$43.9 million was held at the financial year-end, the monthly cash position fluctuates significantly throughout the year due to the timing of income and expenditure, particularly with respect to rates which are payable in four equal instalments.

The chart below shows the movement in cash balances over the last two financial years.



The trend is similar in other years, with the low point being in August before the first rate instalment is received (due 30 September). Cash and investments balance as at 31 August 2012 was \$35.7 million, which is higher than previous years because of Grants Commission funding received in advance and unspent carry forward capital works. August cash balances are usually around \$25 million.

Restricted cash amounts

Council has a number of restrictions on the use of its cash and investments. A summary of these restrictions at June 2012 is set out in the table below.

The cash and investments held at the 30 June 2012 of \$43.9 million is required to fund working capital and restricted uses of \$18.7 million. In the 2006/2007 and 2007/2008, the restricted cash amounts were in fact higher than the cash on hand at financial year-end; financially unsustainable situations.

| Restricted use – 30 June 2012 | Amount \$ millions | Comment on restriction |
|---|-------------------------------|--|
| Capital works carried forward | 6.1 | Cash raised in prior years for capital works projects that were not fully completed by June 2012 (net of external funding to be received in 2012/13) |
| Cash-backed reserves held for future capital works | 6.5 | Contributions by developers and other parties set aside for future capital works. Includes car park reserve (\$0.2m), developer contribution scheme (\$2.4m), and open space reserve (\$3.9m). |
| Operating Grants and Victoria Grants commission funding received in advance | 3.3 | Grants received in prior years for operating programs that were not fully completed in June 2012. |
| Contractor and security deposits | 2.8 | Deposits and bonds from contractors and developers (eg. asset protection bonds) held by Council and repayable upon completion of the contract or works being undertaken. |
| Total restricted use | 18.7 | |

Recent legislation changes have resulted in long service leave balances owing no longer required to be cash backed. This has reduced the requirement to hold higher restricted cash balances, but it should be noted that provisions for long service leave (\$10.7 million) and annual leave (\$4.7 million) will need to be funded from cash reserves when staff take this leave.

Working capital (liquidity) indicator

Working capital or liquidity is a key measure of an organisation's capacity to fund its short-term liabilities. This indicator is measured by comparing current assets (cash and receivables) to current liabilities (payables and short-term provisions). If this indicator measures less than 1.0 (ie. if current assets are lower than current liabilities) then it may indicate financial difficulty. The Auditor-General Victoria considers this a key indicator in assessing a Council's overall financial sustainability.

Cash is the key component of Council's current assets and therefore a key determinant in the liquidity calculation. While Council had a positive liquidity ratio (2.1) at June 2012, the measure would have been significantly lower if all capital works projects had been completed and the level of reserves or contractor deposits had been slightly lower. Darebin's average liquidity ratio, based on the last 5 years (2008 to 2012) is 1.76. Having a liquidity ratio under 1.0 would automatically result in the Auditor-General giving Darebin a 'high' risk rating in its sustainability report to State Parliament.

The liquidity risk assessment by the Auditor General:

| Risk | Ratio | VAGO's Comments |
|--------|------------------------|--|
| High | Equal or less than 1.0 | Insufficient current assets to cover liabilities |
| Medium | 1.0 to 1.5 | Need for caution with cash, as issues could arise with meeting obligations as they fall due. |
| Low | More than 1.5 | No immediate issues with repaying short-term liabilities as they fall due. |

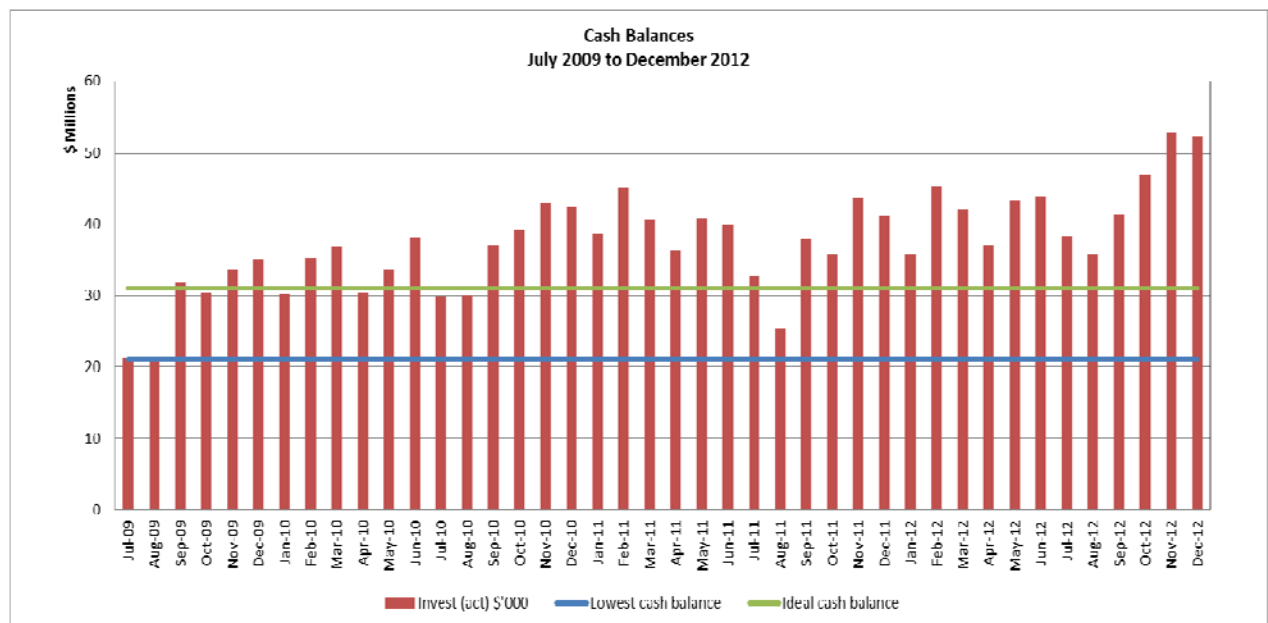
Council's liquidity measure at June 2012 is shown below together with the Council inner metro average for comparison purposes. Darebin's measure is higher than the comparative:

| | Darebin Average | Inner Metro Average |
|---------------------|-----------------|---------------------|
| Liquidity indicator | 2.1 | 1.80 |

Darebin's liquidity measure for August (the lowest cash point of the year) for the last 4 years is provided in the following table. No clear trend is indicated.

| | Liquidity ratio |
|-------------|-----------------|
| August 2009 | 1.06 |
| August 2010 | 1.39 |
| August 2011 | 1.19 |
| August 2012 | 1.69 |

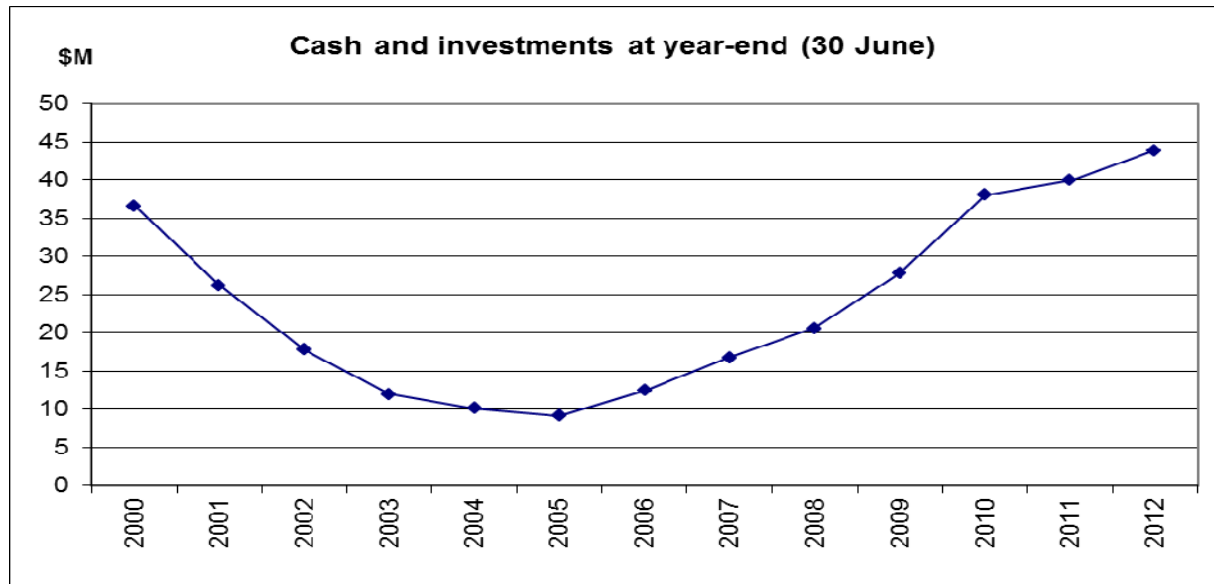
The following graph shows the monthly cash balances since July 2009.



The blue line, set at \$21 million, indicates the lowest cash required to ensure the liquidity ratio remains above 1.0 at all times. The green line, set at \$31 million, indicates the idea cash position that would ensure the liquidity ratio remains at 1.5 or above.

The 'Ideal cash balance' of \$31 million needs to be reviewed each year to ensure there is sufficient cash available to fund employee entitlements. Currently, employee entitlements to annual leave and long service are increasing at \$0.7 million each year.

Historical cash balances



Cash and investment balances peaked in 1996 following sales of electricity assets owned by the pre-amalgamation Councils. This funding was drawn on to retire debt and allowed for an accelerated capital works program over a longer period to enhance broader community infrastructure.

Cash reached a low point of around \$10 million cash in 2004 and 2005, and during this period Council required a bank overdraft for a short period each year in order to fund ongoing payments. Removing the lump-sum rates payment option at this time assisted a better smoothing of Council's cash flows, and since then cash balances have gradually increased.

The increase has come partly due to higher reserves (for Developer Contribution and Public Open Space) being held, capital works being carried-forward and profit surpluses arising from efficiencies in the delivery of services.

Since 2005, despite the expanding of existing services, the addition of new services and no significant increase in rates or State or Federal grant funding, Darebin has delivered small surpluses each year. In 2011/2012 alone, additional services delivered included:

- Darebin Intercultural Centre – attracting 20,139 in 2011/2012;
- Women in Business lunch;
- Children's Expo;
- New Committees – Darebin Aboriginal Advisory Committee, Darebin Same Sex Attraction and Gender Diverse Advisory Committee;
- WiFi in Reservoir;
- Development of the Reservoir and Northland Structure Plan;
- Development of Lancaster Gate;
- Area based hard waste service;

- Progressing of Darebin’s Social Inclusion agenda;
- Increase in the number of editions of the Darebin Community News to 10;
- Yute Program; and
- International Student Festival.

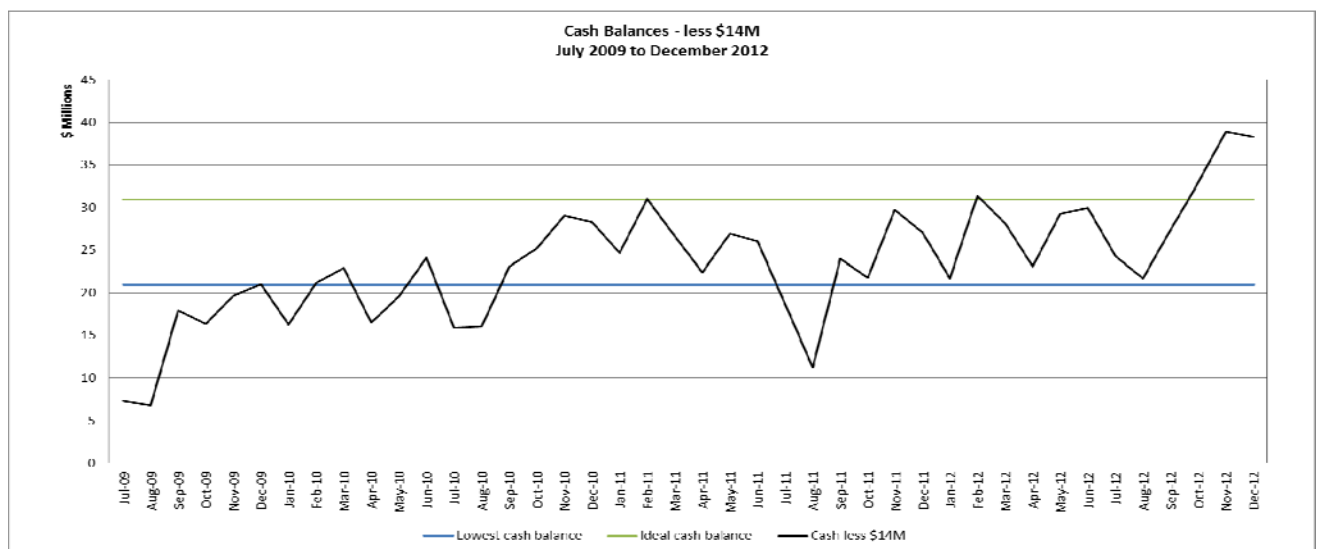
All existing and new services were delivered within budget and contributed an underlying surplus for the year ending 30 June 2012 of \$3.7 million.

In 2004 and 2005, Council decided to increase underlying cash balances in order to fund the growth in employee provisions for annual and long service leave. This is the major reason why the growing cash position has not been used to fund operating or capital projects.

Single Payment from cash reserves

A single payment from cash reserves of \$14.0 million would have the following impacts:

- Monthly fluctuations
 - Cash balances could fall to around \$10 million in August, prior to the receipt of the first rate instalment. The graph below indicates the cash balance excluding \$14 million, over the last 3 years.

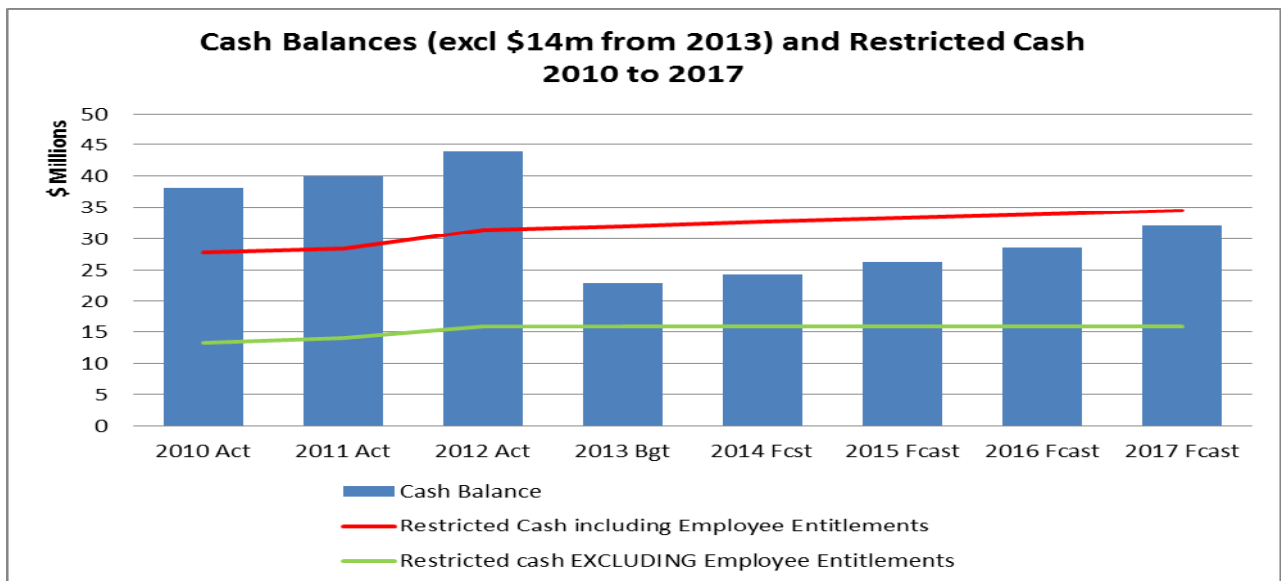


- Restricted cash amounts
 - Whilst there would be sufficient cash reserves to fund restricted cash of \$18.7 million, any initiative requesting staff to reduce their excess annual leave balance could be problematic, particularly if this initiative is undertaken in July and August.
 - The graph below shows the historical cash balances (2010 to 2012) and the forecast cash balances (2013 to 2017). The forecast cash balances have been reduced by \$14.0 million.

The graph also shows the restricted *Cash EXCLUDING employee entitlements*. This is the cash required to fund carried forward capital works, security deposits and Developer Contributions and Public Open Space reserves.

The *restricted cash INCLUDING employee entitlements* is the cash required to fund employee entitlements of annual leave and long service leave in addition to

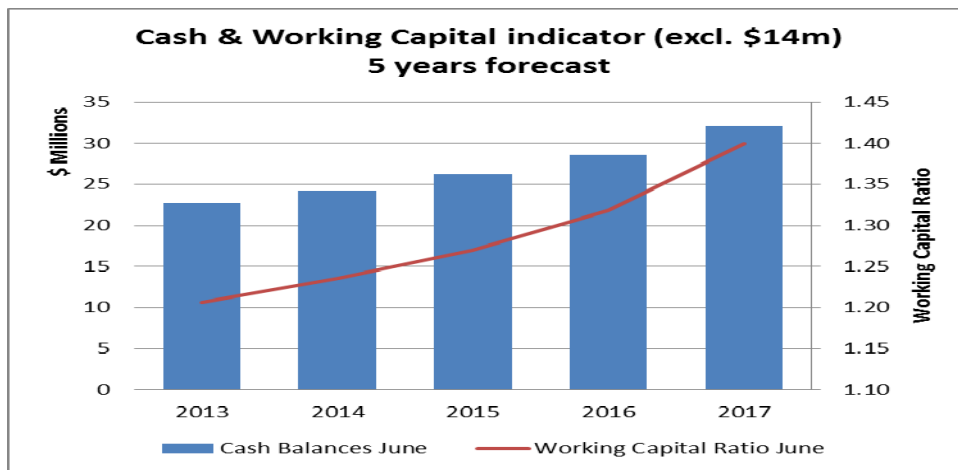
carried forward capital works, security deposits and Developer Contributions and Public Open Space reserves.



In all the forecast years (2013 onwards), the *Restricted cash including employee entitlements* exceeds the *cash balance*, indicating a once off payment of \$14.0 million would enable the funding of carried forward capital works, security deposits and Developer Contributions and Public Open Space reserves, but would limit Council's ability to fund employee entitlements should all staff decide to leave or take annual leave and long service leave at the same time (highly unlikely).

- Cash balances
 - A reduction of \$14.0 million in cash holdings would return cash to 2009 levels.
 - Since September 2011, the monthly cash balance excluding \$14.0 million, shown in the graph on the previous page, remains above the lowest cash balance line.

- Working capital (liquidity) indicator
 - A payment of \$14.0 million would reduce the liquidity ratio to:
 - Around 1.20 at June year end, which is lower than other inner metro councils. The year end result is the figures used by the Auditor General to determine the liquidity ratio.
 - Average of 1.20 throughout the year.
 - Could drop to as low as 0.5 in August.
 - The graph below indicates the forecast cash balances and working capital indicator for the next 5 years reduced for a once off payment of \$14.0 million. The graph is based the 2013-2017 Strategic Resource Plan.



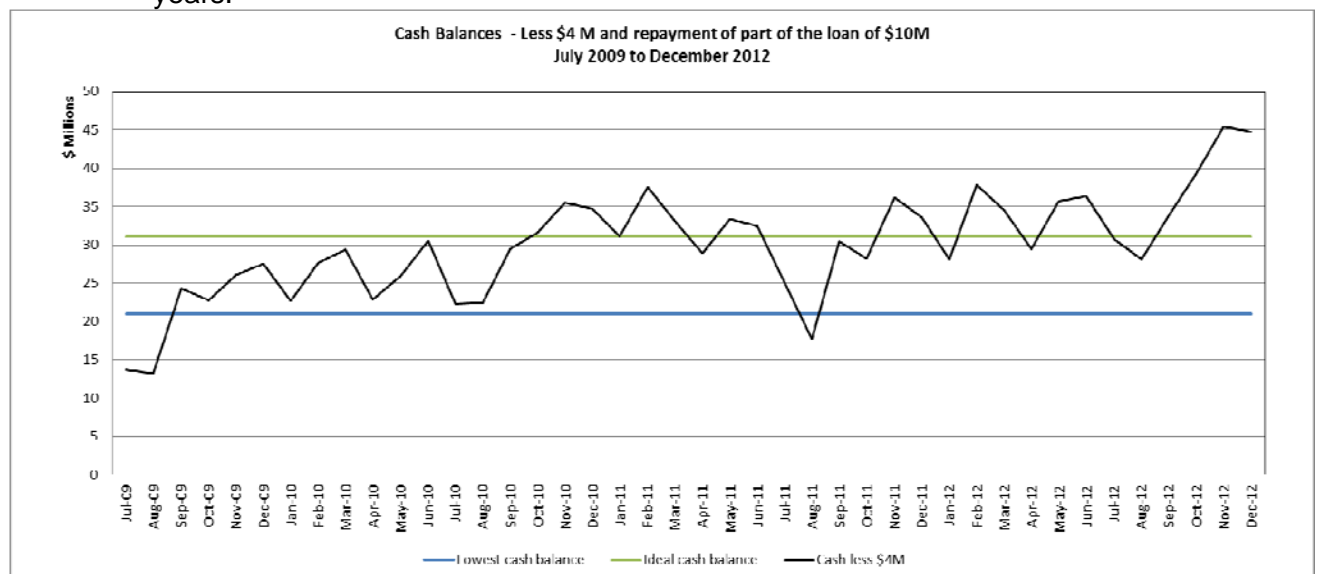
- Budget impact
 - A payment of \$14.0 million would have no financial impact on the budgeted Profit & Loss statement as no requirement to pay interest or fund a loan repayment.
 - However, there would be a need to ensure delivery of a surplus each year to provide for increasing employee long service leave and annual leave entitlements (highlighted by graph on previous page).

Partial Payment from cash reserves and borrowing funds

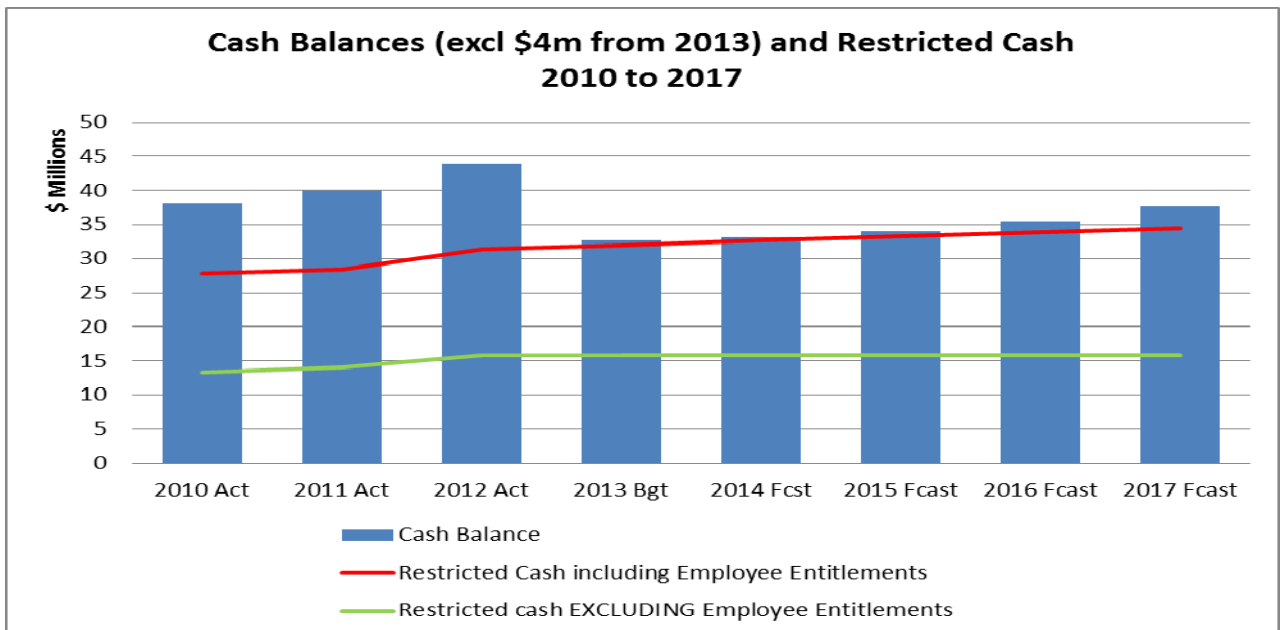
To ensure the working capital ratio remains above 1.0 in all months, including in the months of July and August, the cash balance can only be reduced by \$4.0 million.

A single payment from cash reserves of \$4.0 million and borrowing funds of \$10 million would have the following impacts:

- Monthly fluctuations
 - Cash balances could fall to around \$18 million in August, prior to the receipt of the first rate instalment. The graph below indicates the cash balance excluding \$4 million and assuming the partly repayment of a \$10 million loan, over the last 3 years.



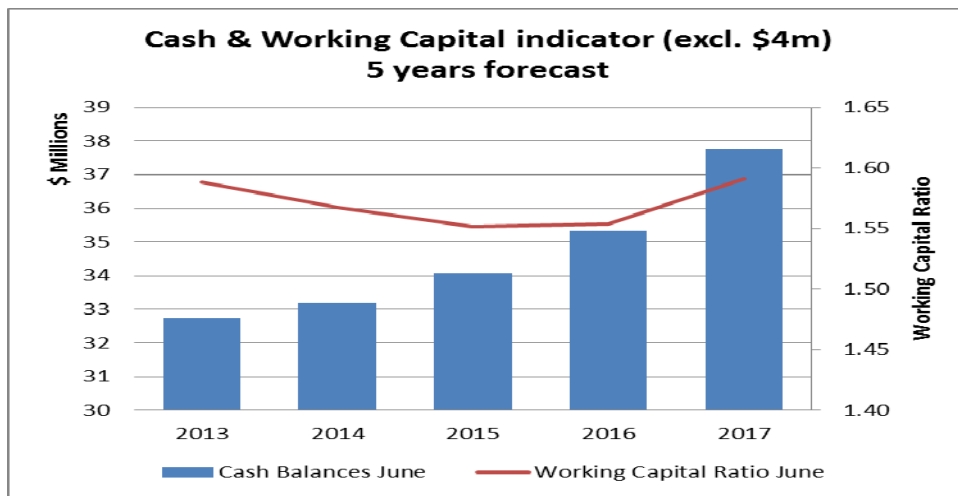
- Restricted cash amounts
 - There would be sufficient cash reserves to fund restricted cash of \$18.7 million, and any initiative requesting staff to reduce their excess annual leave balance.



The graph above indicates that for all years there would be sufficient cash to fully fund employee entitlements of annual leave and long service leave as well as carried forward capital, developer reserves and security deposits.

- Cash balances
 - The monthly cash balance excluding \$4.0 million, shown on the previous page, remains above the lowest cash balance line, for all months except August.
- Working capital (liquidity) indicator
 - A payment of \$4.0 million would reduce the liquidity ratio to:
 - Around 1.55 at June year end, which is slightly lower than other inner metro councils. The year end result is the figures used by the Auditor General to determine the liquidity ratio.
 - Average of 1.60 throughout the year.
 - Could drop to 0.8 in August.

The graph below indicates the cash balances and working capital indicator excluding the \$4 million cash payment and repayment of the \$10 million loan.



- Budget impact
 - Borrowing funds of \$10 million at 7% over 15 years would result in an annual interest expense of \$0.6 million p.a., equivalent to 0.7% rate increase.
 - A surplus of approximately \$0.4 million would be required each year to fund the repayment of the loan principle, equivalent to 0.4% rate increase.

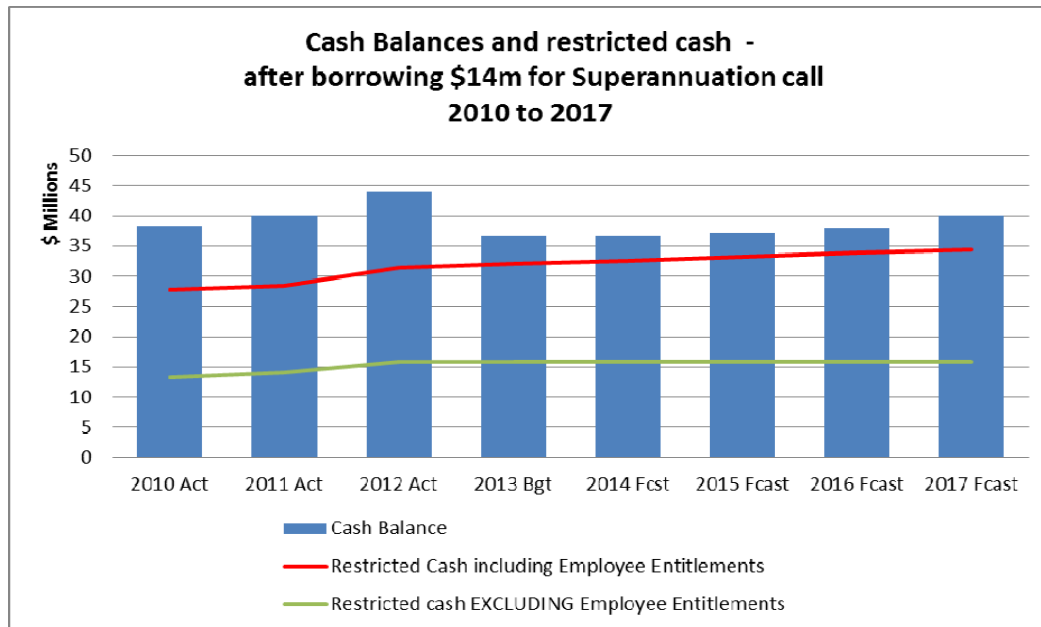
Alternatively, borrowings could be restricted to less than \$10 million with the balance funded from cash reserves. This would increase the possibility of the liquidity ratio dipping below 1.0 in August, but reduce the financial cost of borrowings on the budget.

Bank Borrowings

A bank loan to fully fund the \$14.0 million funding call would impact the following impacts on the cash position of the council.

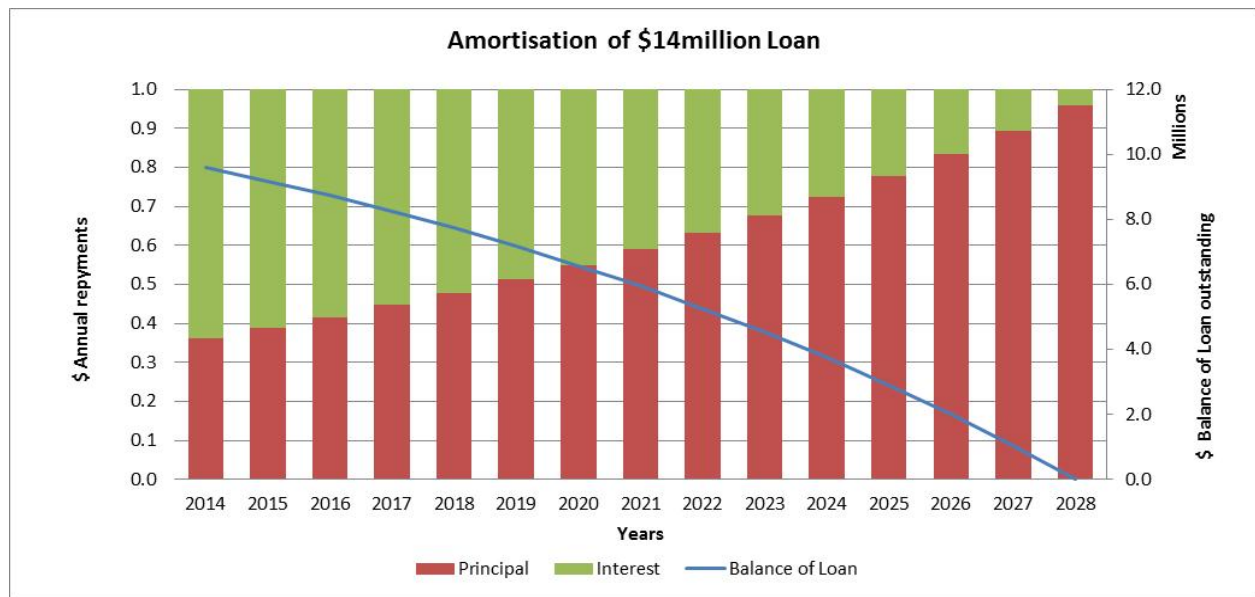
- Monthly fluctuations
 - Cash balances could not fall dramatically in any one year. An annual payment of \$1.5 million would be required for the repayment of the principle and interest. Cash balances would be remain around \$25 million in August.

- Restricted cash amounts
 - There would be sufficient cash to fund restricted cash plus employee entitlements as indicated on the graph below:



- Cash balances
 - Cash balances would not be significantly impacted.
- Working capital (liquidity) indicator
 - The working capital indicator would remain around 1.7.
 - The indicator would remain above 1.0 in August and all other months.
- Budget impact
 - Borrowing funds of \$14 million at 7% over 15 years would result in an annual interest expense of \$0.9 million p.a., equivalent to 0.9% rate increase.
 - A surplus of approximately \$0.6 million would be required each year to fund the repayment of the loan principle, equivalent to 0.7% rate increase.

The repayments and amortisation of the loan is shown in the following graph:



Conclusion

Net present value calculations on the four payment options suggest that a single payment on 1 July 2013 from cash reserves provides the greatest financial saving to Council. This is supported by the MAV taskforce.

The review of cash & investments provided above indicates that whilst a payment of \$14.0 million from cash reserves would continue to allow Council to meet short term financial obligations and have sufficient reserves to cover restricted cash amounts, it does significantly reduce the working capital indicator to around an average of 1.20. Having a working capital indicator under 1.0 would automatically result in the Auditor-General giving Darebin a 'high' risk rating in its sustainability report to State Parliament.

There is no consistent approach from other Councils on the funding of superannuation shortfall. Some have already paid the shortfall, whilst many are looking to undertake bank borrowings.

In deciding how to fund the superannuation call, Council need to balance the savings in interest with the risk of reducing cash balances.

Risk minimisation strategy

If the payment of \$14.0 million was made from Council's cash reserves, the risk could be managed by developing a strategy should cash balances to fall to an unsustainable level. This strategy could encompass:

- Utilising a bank overdraft for a short period of time;
- Taking out a bank loan at this point in time;
- Reducing or delaying capital works expenditure;
- Increasing rates;
- Increasing user fees and charges;
- Reducing expenditure by:

- Delaying staff recruitment when an employee leaves;
- Reducing a service (eg. not mowing parks as frequently, or not collecting dumped rubbish, or not running a community or business event);
- Delaying upgrade to IT systems or equipment.

A combination of these options could be employed in the strategy, noting that each option has a financial and/or community impact.

Alternate payment option

Alternatively, a single lump sum payment could be made prior to 1 July 2013. Vision Super has offered a discount based on a 7.5% p.a. return with the early payment option. Given that Council currently earns 4 to 5% p.a. on cash investments, an early payment option would provide savings to Council in 2012/2013. For example, a payment on 1 March 2013 would result in a net saving of approximately \$112,000. The saving per month is approximately \$28,000.

An early payment of \$13,665,220 (comprising liability of \$11,615,437 and contribution tax \$2,049,783) can be paid on 1 March 2013 or \$13,749,414.22 (liability \$11,687,002.09 and contribution tax \$2,062,412.13) on 1 April 2013.

This option would result in a significant reduction of Council's cash & investment reserves. As discussed above, whilst a single payment of around \$14.0 million continues to allow Council to meet short term financial obligations and have sufficient reserves to cover restricted cash amounts, it does significantly reduce the liquidity ratio to around 1.20.

Appendix A provides an overview of all the options.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Human Rights, Equity and Inclusion

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial implications are outlined in the report.

CONCLUSION

To realise savings of \$112,000 and reduce the financial impact of loan repayments and interest charges on future budgets, the superannuation fund call should be paid as a single payment utilising Council's cash balances by the beginning of March 2013.

Following this payment, cash & investments need to be closely monitored to ensure that Council has sufficient funds to meet its short term (due within 12 months) commitments.

Payment of the current superannuation fund call prior to 1 July 2013 requires a Council resolution.

FUTURE ACTIONS

- Report to be provided to the March 2013 Audit Committee
- Payment of \$14 million to Vision Super by 1 July 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 Results of the 2011-12 Audits Victorian Auditor General Report

Darebin City Council Annual Report – 2011/12

Darebin City Council 2012/13 Budget

Long Service Regulations

Council Minutes – 3 September 2012

8.4 DRAFT MINISTERIAL GUIDELINES – DIFFERENTIAL RATES**MINUTE NO. 120****AUTHOR: Acting Director Corporate and Business Services****REVIEWED BY: Chief Executive****SUMMARY**

The *Local Government Legislation Amendment (Miscellaneous) Bill 2012* was enacted in October 2012. This legislation requires the Minister to issue guidelines which Councils must have regard to before declaring a differential rate for any land.

The purpose of this report is to provide background to Darebin Council's current rating structure and a draft reply to the draft guidelines, which were issued in January 2013.

The draft guidelines reinforce the requirements of the *Local Government Act*.

The guidelines could be interpreted strictly which would limit the striking of differential rates to residential; primary production; commercial; community services; sport, heritage and culture; industrial; extractive industries; infrastructure and utilities; vacant land and retirement villages. *'Among current differential rates that would appear to be contrary to the guidelines are: electronic gaming machines; the petroleum industry; the automotive industry; late night venues; irrigated farms; the urban growth boundary; and differential rates based on a property's geographic location. This would result in significant revision of councils' rating strategies upon implementation.'* MAV Bulletin – Issue 914 – 25 January 2013.

A broader interpretation of the draft guidelines allows the striking of differential rates for many different property types, provided they are listed at the *'tertiary level under the Australian Valuation Property Classification Codes'*². The Australian Valuation Property Classification Codes (AVPCC), issued by the Valuer General in the *2014 Valuation Best Practice Specifications Guidelines*, lists over 600 codes including Hotel-Gaming and Club-Gaming. This broad interpretation would allow the differential rates for electronic gaming machine land.

In responding to the guidelines, Darebin has addressed each of the discussion points raised in the *Differential Rates - Discussion Paper* and advocated for the ability to apply appropriate differential rates to achieve the Local Government Act objective of *'equitable imposition of rates and charges'*³.

CONSULTATION:

- Municipal Association of Victoria
- Local Government Financial Professional Network

² Draft Ministerial Guidelines for Differential rates page 6

³ Local Government Act Section 3C (2)(f)

COUNCIL RESOLUTION

MOVED: Cr. B. Li
SECONDED: Cr. T. McCarthy

THAT Council endorse Darebin City Council's response attached as **Appendix B** to this report in relation to the draft Ministerial guidelines on differential rates.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The *Local Government Legislation Amendment (Miscellaneous) Bill 2012* was enacted in October 2012. This legislation requires the Minister to issue guidelines which Councils must have regard to before declaring a differential rate for any land.

The Minister is given the power to seek an Order prohibiting any Council from making a declaration of a differential rate if the Minister considers the declaration would be inconsistent with any guideline.

The Minister, the Hon. Jeanette Powell, established a Differential Rates Ministerial Committee in December 2012 inviting representatives from all political parties in the Victorian Parliament to join the committee to lead a consultation program to develop new guidelines for the use of differential rates.

In January 2013, draft guidelines were issued with comments required by 28 February 2013. More information is available from: <http://www.dpcd.vic.gov.au/localgovernment/projects-and-programs/differential-rates-guidelines>.

ISSUES AND DISCUSSION**Darebin's current rating structure**Capital Improvement Value

Darebin currently uses Capital Improvement Value (CIV) for valuing land. CIV is the most commonly used valuation method by Victorian Local Government with 72 Councils applying this methodology. Based on the value of both land and all improvements on the land, it is relatively easy to understand by ratepayers as it equates to the market value of the property.

Differential Rates

Since the amalgamation of Northcote and Preston Councils in 1994, Darebin has had a separate differential rate for residential and business properties.

The vacant land differential rate was introduced in 2010/2011 and the electronic gaming machine land rate in 2011/2012.

The differential rates included in Council's 2012/2013 budget include:

| Rate | Differential |
|--------------------------------|--|
| Residential rate | |
| Business rate | 1.75 times residential |
| Residential vacant land rate | 3 times residential + 18 month rule* |
| Business vacant land rate | 4 times residential (2.3 times business) |
| Electronic Gaming Machine land | 4 times residential (2.3 times business) |
| Cultural and Recreational | 0.5 times residential |

* The 18 month rule was introduced for vacant residential land in 2012/2013 following community feedback. The higher vacant land residential rate will only apply when the land has been vacant for more than 18 months and a valid building permit is not held.

Details of the revenue generated by Darebin's differential rate strategy for last six years are provided in the following table:

| Property Type \$000s | 2008 Actual | 2009 Actual | 2010 Actual | 2011 Actual | 2012 Actual | 2013 Budget |
|---------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Residential | 53,034 | 57,503 | 61,045 | 65,091 | 69,473 | 72,791 |
| Business | 14,457 | 15,002 | 15,919 | 15,577 | 16,568 | 18,361 |
| Vacant residential | | | | 1,005 | 1,192 | 884 |
| Vacant business | | | | 750 | 687 | 784 |
| Electronic Gaming | | | | | 369 | 482 |
| Recreational | 21 | 23 | 25 | 20 | 21 | 22 |
| Total Rates raised | 67,514 | 72,529 | 76,989 | 82,444 | 88,311 | 93,327 |

Key messages from the draft Ministerial Guidelines

The draft Ministerial Guidelines state that Council should establish the suitable use of a differential rate by considering:

- Other rating instruments available under the Local Government Act and the merits or shortcomings of each in achieving specified objectives; and
- The anticipated relative effectiveness of the proposed differential rate to achieve the specified objectives determined by council.

The guidelines also require the specified objectives of differential rates to align to the strategic objectives set out in the Council Plan.

The discussion paper accompanying the guidelines acknowledges Darebin's suggestion of a differential rate on fast food premises. The paper states: *In its decision, the council should balance the expected revenue gains an incentive benefits of the differential with simplicity, efficiency and competitive neutrality principle⁴. It should also consider whether alternative measures would be more effective and whether there are any unintended consequences.*

The guidelines are general and can be interpreted in many ways.

⁴ Competitive neutrality involves achieving a fair market environment by removing or offsetting any competitive advantages or disadvantages due to public ownership of the government business.

The guidelines could be interpreted strictly which would limit the striking of differential rates to residential; primary production; commercial; community services; sport, heritage and culture; industrial; extractive industries; infrastructure and utilities; vacant land and retirement villages. 'Among current differential rates that would appear to be contrary to the guidelines are: electronic gaming machines; the petroleum industry; the automotive industry; late night venues; irrigated farms; the urban growth boundary; and differential rates based on a property's geographic location. This would result in significant revision of councils' rating strategies upon implementation.' MAV Bulletin – Issue 914 – 25 January 2013.

A broader interpretation of the draft guidelines allows the striking of differential rates for many different property types, provided they are listed at the 'tertiary level under the Australian Valuation Property Classification Codes'⁵. The Australian Valuation Property Classification Codes (AVPCC), issued by the Valuer General in the 2014 Valuation Best Practice Specifications Guidelines, lists over 600 codes including Hotel-Gaming and Club-Gaming. This broad interpretation would allow the differential rates for electronic gaming machine land.

The guidelines do not prevent the introduction of new differential rates, but do require documentation of the Council's discussion in relation to the objective, suitability, simplicity and effectiveness of the new differential rate. **Appendix A** provides detail on how the current differential rates achieve these requirements.

Response to draft Ministerial Guidelines

Appendix B provides a draft response to the Ministerial Guidelines. The key issues included in the response are that the draft guidelines should:

- Clearly stipulate the classes on land on which differential rates can be levied. The current guidelines can be interpreted both broadly and narrowly.
- State whether the guidelines will be utilised to remove existing differential rating structures.
- Specify that the Minister notify councils before the adoption of the budget in June 2013, if she believes the differential rates are 'non-compliant'.

POLICY IMPLICATIONS

Environmental Sustainability

No environmental sustainability issues identified.

Human Rights, Equity and Inclusion

Darebin City Council adheres to the objective of the Local Government Act of *ensuring equitable imposition of rates and charges*. The differential rates currently struck by the Council are instrumental in achieving this objective.

Other

The principles contained in this report align to *the Rating Strategy 2014*.

⁵ Draft Ministerial Guidelines for Differential rates page 6

FINANCIAL AND RESOURCE IMPLICATIONS

Replacement of the Council's current differential rates by a uniform rate would result in a redistribution of the \$9.4 million rate revenue currently raised by differential rates. Residential properties rates would significantly increase whilst rates levied on business properties, vacant land and electronic gaming machine land would be significantly reduced.

CONCLUSION

Darebin is concerned about the new powers provided to the Minister for Local Government in relation to the striking of differential rates as the ability of Council to equitably distribute the rate burden may be comprised. For this reason it is critical that Darebin responses to the *Draft Ministerial Guidelines on Differential Rates* to ensure that the Minister and the consultative committee is aware of Darebin's concerns.

FUTURE ACTIONS

- Officers and Councillors to attend the information sessions to be held in February 2013 by the Department of Planning and Community Development.
- Response to be forwarded to the Minister prior to 28 February 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

- Differential Rates – Discussion Paper and Draft Ministerial Guidelines January 2013
- Local Government Act 1989
- MAV Bulletin Issue 914 – week ending 25 January 2013.
- Rating Strategy 2014

PROCEDURAL MOTION**MOTION**

MOVED: Cr. V. Fontana
SECONDED: Cr. B. Li

THAT Items 8.5 and 8.6 be dealt with 'en bloc' and the Report Recommendations be adopted.

CARRIED

**8.5 PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE
REAR 10 MASON STREET AND 31 QUEEN STREET,
RESERVOIR**

MINUTE NO. 121

AUTHOR: Manager Assets and Property

DIRECTOR: Acting Director Corporate and Business Services

SUMMARY:

This report recommends that Council discontinue the section of right-of-way (road) at the rear of 10 Mason Street and 31 Queen Street, Reservoir, and sell the land from the road to the owner of the adjoining property at 10 Mason Street, Reservoir, by private treaty.

Statutory procedures under the Local Government Act 1989 have been completed and this report recommends that the road be discontinued and sold by private treaty.

CONSULTATION:

Macquarie Local Government Lawyers
Owners of adjoining properties
Statutory Authorities
Council Departments

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. B. Li

THAT Council, having given public notice of a proposal to discontinue the road at the rear of 10 Mason Street and 31 Queen Street, Reservoir, shown hatched on the plan attached as **Appendix A** to this report, and having received no submissions in respect of this proposal under Section 223 of the Local Government Act 1989:

- (1) Discontinues the road in accordance with Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989;
- (2) Directs that a notice be published in the Victoria Government Gazette;
- (3) Directs that the land from the road be sold by private treaty to the owner of 10 Mason Street, Reservoir, in accordance with Council policy guidelines;
- (4) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Corporation in the road in connection with any sewers, drains, or pipes under the control of that Authority in or near the road; and
- (5) Signs and seals all documents relating to the sale of any land from the discontinued road to the owner of the adjoining property.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Council received a request from the owner of 10 Mason Street, Reservoir, regarding the discontinuance and sale of the road at the rear of the property, shown hatched on the plans attached as **Appendices A and B**. The applicant is looking to develop the property and intends to incorporate the land from the road into the development as part of Planning Application D/134/2012.

Council officers commenced investigations and commissioned Council's contractors, Macquarie Local Government Lawyers, to undertake the statutory procedures to discontinue and sell the 3.05m wide road at the rear of 10 Mason Street and 31 Queen Street, Reservoir.

The road, which is not listed on Council's Road Register, is unconstructed and is not used as a road.

An inspection has revealed that the section of road is currently occupied by the adjoining owners on a longitudinal basis (approximately 1.52m to each adjoining owner). This occupation appears to have prevailed for a considerable period of time.

The section of road leading further west towards Jeffrey Street has previously been discontinued and sold and the section leading further eastwards at the rear of 2 to 8 Mason Street and 23 to 29 Queen Street is open, unconstructed and used for access.

ISSUES AND DISCUSSION

Consultation with owners

Officers commenced negotiations with both owners.

The owners of 31 Queen Street have not expressed any objection to the proposal and furthermore, whilst in occupation of part of the land, have not expressed any interest in acquiring the land. Accordingly, all of the land is proposed to be allocated to the owner of 10 Mason Street if the road is discontinued.

The owners of 31 Queen Street are aware of the fact that they will be required to vacate the land which they currently occupy in the event of the road being discontinued.

The owner of 10 Mason Street has agreed to acquire all of the land at its current market value together with meeting all of Council's reasonable costs associated with discontinuing and selling the road.

Implementation

On 1 October 2012 Council directed that the statutory procedures for the discontinuance and sale of the road be commenced.

Public notice of the proposal was given in the Preston and Northcote Leader newspapers in the week commencing Monday 15 October 2012. Notification was also given on Council's website.

Owners and occupiers of all of the adjoining properties were also notified in writing and were advised that submissions, in writing, would be considered by Council pursuant to the provisions of Section 223 of the Local Government Act 1989.

No submissions in regard to this proposal have been received.

Service Authorities/Council Departments

Council Departments and all necessary Service Authorities have also been consulted in respect to the proposal and no objections have been received. Yarra Valley Water has a sewer within the road and will require an easement to be saved over the land if the road is discontinued.

Whilst Council does not have any assets in the road at present it will require an easement for drainage purposes to be created on the title issued for the land when sold.

POLICY IMPLICATIONS

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

Consultation with the immediate adjoining owners has been undertaken and the statutory procedures have extended this by giving public notice of the proposal.

Other

This report is in accordance with/has been prepared having regard to Council's "Right of Way and Road Closure Policy".

FINANCIAL AND RESOURCE IMPLICATIONS

Income from this project is estimated at \$12,870 and the owner of 10 Mason Street will also be meeting Council's reasonable costs associated with undertaking the discontinuance, as well as his own conveyancing costs.

FUTURE ACTIONS

Arrange for a notice to be published in the Victoria Government Gazette and the land to be sold and transferred to the owner of the adjoining property at 10 Mason Street, Reservoir, in accordance with Council policy guidelines.

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

Appendix A showing the section of road proposed to be discontinued and sold.

Appendix B being an overall plan of the area.

**8.6 PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE
ADJOINING 2 LANE GROVE AND 41-45 DUNDAS STREET,
PRESTON**

MINUTE NO. 122

AUTHOR: Manager Assets and Property

DIRECTOR: Acting Director Corporate and Business Services

SUMMARY:

This report recommends that Council discontinue the 3.66m wide section of right-of-way (road) adjoining 2 Lane Grove and 41-45 Dundas Street, Preston and sell the land from the road to the owners of the adjoining properties by private treaty.

Statutory procedures under the Local Government Act 1989 have been completed and this report recommends that the road be discontinued and sold by private treaty.

CONSULTATION:

Macquarie Local Government Lawyers
Owners of adjoining properties
Statutory Authorities
Council Departments

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. B. Li

THAT Council, having given public notice of a proposal to discontinue the 3.66m wide road adjoining 2 Lane Grove and 41-45 Dundas Street, Preston, shown hatched on the plan attached as **Appendix A** to this report, and having received no submissions in respect of this proposal under Section 223 of the Local Government Act 1989:

- (1) Discontinues the road in accordance with Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989;
- (2) Directs that a notice be published in the Victoria Government Gazette;
- (3) Directs that the land from the road be sold by private treaty to the owners of the adjoining properties at 41 Dundas Street and 2 Lane Grove, Preston, inclusive of a 50% reduction in the purchase price of the land to the owner of 2 Lane Grove;
- (4) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Corporation, in the road in connection

with any sewers, drains, or pipes under the control of that Authority in or near the road; and

- (5) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the two adjoining properties.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Council had received an application from the owners of 2 Larne Grove, Preston, for the discontinuance and sale of the road adjoining the rear portion of their property shown hatched on the plans attached as **Appendices A and B**.

The applicant had in the past made representations to Council to discontinue the road but for various reasons these representations had not met with success.

Council officers commenced investigations and commissioned Council's contractors, Macquarie Local Government Lawyers, to undertake the statutory procedures to discontinue and sell the 3.66m wide road adjoining 2 Larne Grove and 41-45 Dundas Street, Preston.

The road, which is not listed on Council's Road Register, is unconstructed and is not used as a road.

An inspection has confirmed that the land from the road is currently occupied and used by the adjoining properties at 2 Larne Grove and the unit development at 41 Dundas Street, as can be seen on the attached aerial photograph (**Appendix C**). The applicant at 2 Larne Grove occupies the rear portion of the land and had advised Council that the land has been used as part of their property in excess of 40 years. The front portion of the land adjoining the units at 41 Dundas Street is used as part of the driveway to Unit 4.

ISSUES AND DISCUSSION

Consultation with owners

Officers commenced negotiations with both owners. However, negotiations with the Owners Corporation of the units at 41 Dundas Street took a long time to resolve due in part to the requirement to obtain the consent of the Owners Corporation to acquire the section of road used as part of units. These delays impacted upon negotiations with the applicant and their legal advisor.

Officers were subsequently able to reach in principle agreement with both adjoining owners to purchase the land from the road, subject to it being discontinued.

In this regard officers had indicated to the applicant that they would be prepared to recommend to Council that a 50% discount in the purchase price of the land be applied in this instance having regard to the processing delays, the applicant's long term occupation of the land and the fact that Council's practice at the time when the applicant had initially made representations to Council was to offer a 50% discount in the purchase price of the land.

The applicant has agreed to acquire the land at its current market value inclusive of a 50% discount. This would result in a purchase price of approximately \$14,300 for the portion of land currently occupied by the applicant.

Agreement has also been reached with the Owners Corporation of the units at 41 Dundas Street to acquire the remaining portion of land from the road at current market value, being an estimated \$32,726.

Further, the costs associated with discontinuing the road are to be shared between the two purchasers. Owners will also be responsible for their own conveyancing costs.

Implementation

On 1 October 2012 Council directed that the statutory procedures for the discontinuance and sale of the road be commenced.

Public notice of the proposal was given in the Preston and Northcote Leader newspapers in the week commencing Monday 15 October 2012. Notification was also given on Council's website.

Owners and occupiers of all of the adjoining properties were also notified in writing and were advised that submissions, in writing, would be considered by Council pursuant to the provisions of Section 223 of the Local Government Act 1989.

No submissions in regard to this proposal have been received.

Service Authorities/Council Departments

Council Departments and all necessary Service Authorities have also been consulted in respect to the proposal and no objections have been received. Yarra Valley Water Corporation has a sewer within the road and will require an easement to be saved over the land if the road is discontinued.

POLICY IMPLICATIONS

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

Consultation with the immediate adjoining owners has been undertaken and the statutory procedures have extended this by giving public notice of the proposal.

Other

This report is in accordance with/has been prepared having regard to Council's "Right of Way and Road Closure Policy".

FINANCIAL AND RESOURCE IMPLICATIONS

Income from this project is estimated at \$47,026 and the owners will also be meeting Council's reasonable costs associated with undertaking the discontinuance, as well as their own conveyancing costs.

FUTURE ACTIONS

Arrange for a notice to be published in the Victoria Government Gazette and the land to be sold and transferred to the owners of the two adjoining properties in accordance with Council policy guidelines.

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

Appendix A showing the section of road proposed to be discontinued and sold.

Appendix B being an overall plan of the area.

Appendix C being an aerial photograph of the road showing its occupation.

8.7 GOVERNANCE REVIEW**MINUTE NO. 123****AUTHOR: Manager Corporate Governance****REVIEWED BY: Chief Executive Officer****SUMMARY:**

In February 2012 the Local Government Inspectorate completed a compliance audit at which time Council was compliant with twenty five policies and processes and was close to compliant with two policies and processes.

Further to the above audit, new Councillors were elected in October 2012 therefore it was deemed timely to review all policies and processes associated with Governance.

To assist with the review a Governance specialist, Mr Jim Gifford, was engaged to undertake a range of reviews across Council.

This report provides Council with a status update regarding the Governance review.

CONSULTATION:

Nil.

COUNCIL RESOLUTION

MOVED: Cr. O. Walsh
SECONDED: Cr. T. McCarthy

THAT Council note the status of the Darebin Governance review.

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

This report provides Council with a status update regarding the Governance review.

Mr Jim Gifford was engaged on 18 December 2012 to advise the Council on its governance processes and policies. Mr Gifford is a consultant who specialises in local government governance matters. Mr Gifford was previously the Manager of Legislation and Governance at Local Government Victoria, where he was intimately involved in most of the local government reforms of the past decade.

The scope of work Mr Gifford was engaged to undertake is as follows:

- Review Governance associated with planning process and protocols
- Review the existing Governance Local Law
- Review the existing Councillor Code of Conduct
- Provide assistance for analysing processes, guidelines and communication protocols across Council with a view to improve transparency and efficiencies
- Give advice, on an as needed basis, in relation to governance practices and procedures when required
- Prepare and present to Councillors on Conflicts of Interest
- Assist with the review of any external reports when required.

Since being engaged, Mr Gifford has assisted the Council in reviewing its Governance Local Law and in preparing a draft Councillor Code of Conduct. This has included comparisons with local laws, codes of conduct and governance policies of other Councils as well as reference to relevant publications by the New South Wales ICAC and the Ombudsman Victoria.

In addition, Mr Gifford has commenced a review of the governance arrangements used for Council's planning processes.

ISSUES AND DISCUSSION

Planning Review

Purpose

The purpose of this review is to identify ways in which the Council can improve its planning practices and procedures to provide a high standard of governance.

Good governance in planning should:

- Assist effective decision making,
- Reinforce probity, and
- Give confidence to the community.

Scope:

The review is specifically about the governance of planning. It will not deal with planning policies and issues, or with specific planning applications.

Process:

The review is in three stages (although there is some overlap):

1. Issue identification
2. Review of alternative practices
3. Report on issues and options.

Stage 1: Issue identification

This stage is nearing completion. The consultant has interviewed the Mayor and several senior planning staff as well as observing a planning committee meeting and reviewing meeting records.

Stage 2: Review of alternative practices

This stage involves review of literature from other jurisdictions regarding good governance in planning. It includes consideration of guidance material from the New South Wales ICAC, Ombudsman Victoria and other similar bodies, as well as relevant publications by local government bodies, such as the Australian Local Government Association and the UK Local Government Association.

In addition, this stage will include a scan of planning practices at some other Victorian Councils to identify the different ways in which Councils try to deal with their various planning responsibilities. For example, at least one Council has a formal published protocol for Councillors dealing with planning applications and some Councils involve independent people as committee members in the planning approval process. Many Councils hold formal consultations with applicants and objectors prior to making final decisions on significant applications.

This stage has commenced and will be completed during February 2013.

Stage 3: Report on issues and options

The final stage will involve the presentation of a report to Council which describes the results of the review and, more importantly, provides alternative governance options for Council to consider. This stage will be completed during March 2013.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil.

Human Rights, Equity and Inclusion

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Funding is available for this review.

CONCLUSION

That Council note the status of the Governance Review.

FUTURE ACTIONS

Continue with Stage 2 of the review

Report back to Council at the completion of Stage 2

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Nil.

After dealing with the above report, the Mayor, Cr. Laurence took the opportunity to congratulate Cr. McCarthy on his election to the Board of the Victorian Local Governance Association.

Cr. Walsh also extended congratulations to Cr. McCarthy.

**8.8 INSTRUMENT OF APPOINTMENT AND AUTHORISATION
TO APPOINT AUTHORISED OFFICERS TO ENFORCE THE
PLANNING AND ENVIRONMENT ACT 1987**

MINUTE NO. 124

AUTHOR: Manager Corporate Governance

REVIEWED BY: Chief Executive Officer

SUMMARY:

The Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 14 September 2010, makes these appointments. Maddocks Lawyers' model *Instrument of Appointment and Authorisation* developed for Victorian councils is used for this purpose.

Maddocks Lawyers have a separate *Instrument of Appointment and Authorisation* specifically for authorised officers appointed under the *Planning and Environment Act 1987*. This *Instrument of Appointment and Authorisation* provides for councils (rather than CEOs by delegation) to appoint officers by a resolution.

This report therefore presents for Council approval the *Instrument of Appointment and Authorisation* to appoint authorised officers for the purposes of enforcing the *Planning and Environment Act 1987*.

CONSULTATION:

Director City Works and Development
Manager City Development
Coordinators Statutory Planning
Coordinator Strategic Planning

COUNCIL RESOLUTION

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

THAT in the exercise of the powers conferred by section 147 (4) of the *Planning and Environment Act 1987* and section 232 of the *Local Government Act 1989*, Darebin City Council resolves that:

- a) The members of Council staff referred to in the Instrument attached as **Appendix A** be appointed and authorised as set out in the instrument.

- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
- c) The instrument be sealed.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Section 224 of the Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 14 September 2010, makes these appointments. Maddocks Lawyers' model *Instrument of Appointment and Authorisation* developed for Victorian councils is used for this purpose.

Maddocks Lawyers have a separate *Instrument of Appointment and Authorisation* specifically for authorised officers appointed under the *Planning and Environment Act 1987*. This *Instrument of Appointment and Authorisation* provides for councils (rather than CEOs by delegation) to appoint officers by a resolution.

ISSUES AND DISCUSSION

Appointment of Authorised Officers to enforce the Planning and Environment Act 1987

This *Instrument of Appointment and Authorisation*, specifically for authorised officers appointed under the *Planning and Environment Act 1987*, provides for councils (rather than CEOs by delegation) to appoint officers by a resolution, pursuant to section 147 of the *Planning and Environment Act*. The Instrument also includes the general appointment provision in section 232 of the *Local Government Act 1989* to commence proceedings in a council's name.

Section 188 (2) of the *Planning and Environment Act* provides that councils cannot delegate the power to authorise officers for the purposes of enforcing the *Planning and Environment Act*.

As the authorised officers involved enforce several other Acts and regulations other than the *Planning and Environment Act*, Maddocks Lawyers' other general *Instrument of Appointment and Authorisation* covering these Acts and regulations will continue to operate in tandem with the separate *Instrument of Appointment and Authorisation (Planning and Environment Act 1987 only)* where authorised officers are appointed by Council resolution.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Human Rights, Equity and Inclusion

Nil.

Other

The appointment and authorisation of officers for the purposes of enforcing the *Planning and Environment Act 1987* enables day to day statutory and operational decisions to be made in relation to this Act. The proposed *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* is based on the model developed by Maddocks Lawyers

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is recommended that the subject *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* specifically for authorised officers appointed under the *Planning and Environment Act 1987* be signed and sealed by the Council.

FUTURE ACTIONS

- *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* to be signed and sealed by Council.
- New authorised officer appointments for the purposes of enforcing the *Planning and Environment Act 1987* to be made by Council resolution.

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

- Proposed *Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* – **Appendix A**
- Delegations and Authorisations Service – Maddocks, Lawyers
- Council Minutes – 5 March 2012, 4 June 2012, 17 September 2012 and 10 December 2012

8.9 CITY-WIDE CLEAN UP OF ILLEGAL TAGGING AND GRAFFITI MANAGEMENT IMPROVEMENTS**MINUTE NO. 125****AUTHOR: Manager Community Planning, Partnerships and Performance****DIRECTOR: Group Manager People and Performance****SUMMARY**

At its meeting on 26 November 2012, Council resolved:

That officers prepare a report as soon as possible regarding a plan and costing to conduct a city-wide clean-up of illegal tagging and dumping on public and private property. The report should also identify strategies to continually combat this activity over the medium to long term.

The purpose of this report is to outline the cost associated with conducting a city wide graffiti clean-up, based on the results of the 2011 Darebin Graffiti Audit. The report will also identify strategies to address graffiti over the medium and long term through both prevention and removal activities.

CONSULTATION

Facilities Maintenance
City Works
Parks and Gardens
Coordinator Customer Service

RECOMMENDATION

THAT Council consider further funding for graffiti removal and prevention activities during the preparation of the 2013/2014 budget.

MOTION

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

THAT Council consider at least doubling the funding for graffiti removal and prevention activities during the preparation of the 2013/2014 budget.

Cr. McCarthy, the seconder of the Motion, proposed to Cr. Greco, the mover of the Motion, that the following items (2) and (3) be added to the Motion. This was accepted by Cr. Greco

- (2) Council invite Mr Andrew McGregor of Plakkit to present to Councillors regarding the cultural signage proposal which has recently been implemented in the City of Yarra.
- (3) Council receive a further report outlining innovative strategies used by other Councils.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

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

THAT:

- (1) Council consider at least doubling the funding for graffiti removal and prevention activities during the preparation of the 2013/2014 budget.
- (2) Council invite Mr Andrew McGregor of Plakkit to present to Councillors regarding the cultural signage proposal which has recently been implemented in the City of Yarra.
- (3) Council receive a further report outlining innovative strategies used by other Councils.

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

COUNCIL RESOLUTION

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

THAT:

- (1) Council consider at least doubling the funding for graffiti removal and prevention activities during the preparation of the 2013/2014 budget.
- (2) Council invite Mr Andrew McGregor of Plakkit to present to Councillors regarding the cultural signage proposal which has recently been implemented in the City of Yarra.
- (3) Council receive a further report outlining innovative strategies used by other Councils.

CARRIED UNANIMOUSLY

REPORT

Darebin currently has a reactive and somewhat uncoordinated approach to graffiti removal. Resources expended on graffiti removal are minimal and difficult to track as currently five different areas across Council have some involvement with responding to the issue.

The current response for the removal of graffiti across Darebin entails the following:

- \$16k through Community Planning, Partnerships and Performance, which subsidises paint vouchers, graffiti removal kits and paint-outs for residents on private property.
- \$26k through Facilities and Maintenance for graffiti removal from Council-owned buildings and associated structures.
- Graffiti removal from park assets, playgrounds, seats and bins by Council staff in Darebin Parks.
- Graffiti removal from road infrastructure, bins, chairs and street signs by Council staff in Road Infrastructure.

As there is no dedicated budget line for graffiti removal from parks or road infrastructure it is difficult to determine Council's exact expenditure, however it is estimated to be approximately \$60,000 per annum.

In addition, in the last financial year, Victoria Community Corrections removed over 6,000 square metres of graffiti from Council and private property as part of the Graffiti Removal Program, equating to a commercial value of \$90,000. Council contributes approximately \$4,000 per year in paint to this program.

Benchmarking against other neighbouring Councils indicates that Darebin's expenditure on graffiti removal is low. Most Councils contribute between \$130,000 and \$500,000 directly to graffiti removal in addition to work undertaken by Community Corrections Victoria.

ISSUES AND DISCUSSION**2011 Darebin Graffiti Audit**

In 2011 Council commissioned a city-wide graffiti audit to establish a clear understanding of the current graffiti climate and identify options to improve graffiti management in the City of Darebin. The audit commenced in May 2011 and over four weeks captured information on all the graffiti in Darebin on both private and public property (excluding the rail corridor) and compiled this information including images into a central database.

The audit included an analysis of Council's current response to graffiti management, resources expended in this area and how these may need to be better coordinated to achieve more efficient outcomes. The audit process did not involve the actual removal of any graffiti.

Graffiti Prevalence

The graffiti audit recorded a total of 4,600 incidents of graffiti throughout the municipality; 22,800 square metres of graffiti. While it is difficult to establish the exact age of graffiti, it is suggested that of this existing graffiti 60-70 % is older than 12 months. The highest number of incidents was recorded on Council property, followed by retail and then residential

properties. Of the incidents recorded, 38% or 8,000m² was recorded in laneways, walkways and in parks.

The greatest number of graffiti incidents was recorded in Northcote followed by Preston; however Preston had the greatest volume of graffiti with 8208m², accounting for 36% of the total. Northland Shopping Centre and the surrounding district, industrial areas east of Albert Street are sites of high volume of graffiti in Preston.

Following the audit, identified Council facilities and parks were cleaned, which much of the work completed through the Department of Justice graffiti removal program. Removal from private property continued to operate through the existing Graffiti Removal Subsidy program, no additional funding was provided.

Graffiti Damage and removal cost

To determine the current level of damage and removal costs trends in reported graffiti have been analysed and applied to the original audit figure. In the 2010/2011 financial year Council received 128 requests for graffiti removal, in 2011/2012 this increased by 17.12% to 150 requests. Based on this percentage increase it is estimated the cost to conduct a municipal wide graffiti audit in 2013 would be approximately \$288,396. This is based on a quote from Urban Maintenance Systems (UMS), one of Council's graffiti removal contractors in January 2013.

Offender profile

Darebin is seen as a draw card to a mix of low quality and very high quality graffiti offenders. Based on the data entered into the tag register in 2011 there appears to be a core group of 40 - 50 key offenders in Darebin who regularly tag. The expanse of long factory walls and unoccupied shops are seen as easy targets. These are locations where graffiti builds up and remains unchallenged, which in turn sends a message to offenders that graffiti is tolerated.

Medium and long term initiatives to improve graffiti

In addition to rapid removal, the following initiatives are recommended as new initiatives to expand on Council's existing approach.

Centralisation of all graffiti removal services and increased removal budget

Based on the auditor's recommendations and the review of other Councils, it is considered most effective if all removal activities are facilitated by one Council department. At Darebin this would involve centralising all graffiti removal services into the City Works and Development Directorate, with a dedicated Graffiti Removal Officer who would coordinate all operational activities relating to graffiti removal.

Based on the volume of graffiti in Darebin, other Councils would have an annual removal budget of at least \$120,000 - \$200,000, not including the contribution of Department of Justice. Increasing the funding allocated to graffiti removal and coordination will significantly increase Council's capacity to reduce the impact of graffiti on the Darebin community.

Graffiti prevention through community art

In addition to rapid removal, successful graffiti management strategies would include prevention initiatives. Over the past 3 years Council has completed a number of successful community art projects designed to prevent graffiti, including the Youth Adopt a Space project at Leamington Street Skate Park and the Bridge Park project in Northcote, which will

be completed in 2013. There are many sites across Darebin that would benefit from this approach; however there is no dedicated budget to fund these initiatives.

In addition to projects on Council assets, there is strong interest from residents and traders who see the cost-benefit of implementing artwork on their property to prevent graffiti. While Council is in a position to provide residents with artist contacts and some materials through the Graffiti Removal Subsidy program, there is no dedicated program or budget to encourage these community led graffiti prevention initiatives.

A dedicated budget and program to support both private and public graffiti prevention art projects would help reduce removal costs incurred by Council, reduce graffiti and help create a sense of ownership by the community over public spaces.

Education initiatives

Initiatives that work with young people to discuss the impact of graffiti and vandalism, and provide outlets for legal artistic expression can discourage participation in illegal graffiti. Relocating the graffiti removal aspect from the Community Safety Officer position will allow this role to resource education programs in partnership with Victoria Police and Youth Services with Darebin's schools and young people.

POLICY IMPLICATIONS

Environmental Sustainability

Graffiti is linked to environmental damage specifically due to aerosol spray paint can litter, and paint and chemicals being washed down drains during the graffiti removal process, thereby polluting stormwater systems. Effective graffiti management and prevention processes can help reduce the overall environmental impact of graffiti.

Human Rights, Equity and Inclusion

Graffiti Management is strongly linked to the Darebin Community Safety Strategy 2012 – 2016, priority area number two: Place: *Design and maintain our city to reduce crime, and enhance public safety and perceptions of safety.* Graffiti negatively impacts on perceptions of safety and can distort understandings regarding actual levels of safety and crime. When individuals feel unsafe in their environment this can decrease their participation in the community and negatively impact on their sense of wellbeing.

Graffiti occurs amongst people from different age groups, genders and cultural backgrounds, and for a variety of reasons including identity expression; seeking recognition from peers; or defiance of the law. Graffiti is often associated with a range of other anti-social behaviour and activities including gang culture, drug use, risk taking behaviour and other crimes. These issues are often more prevalent to youth from more disadvantaged backgrounds although the issue is not exclusive to this group.

Other

Graffiti Management and reducing graffiti relates to a number of key commitments in the Council Plan under the goals of Community Wellbeing and Liveability and Regeneration and was identified as one of the Councillor election commitments.

FINANCIAL AND RESOURCE IMPLICATIONS

Adequate budget resources in addition to the existing \$60,000 will need to be considered in the 2013/2014 budget deliberations.

CONCLUSION

The current graffiti climate in Darebin has a negative impact on the amenity and perceptions of safety within the community. The build-up of historic graffiti is sending a message that graffiti is tolerated and is contributing to the prevalence of new graffiti. Council's current graffiti management budget is not sufficient to impact on the level of graffiti damage in Darebin.

In addition to a potential city-wide clean-up, a centralised approach to graffiti removal, enhanced education and prevention programs and an adequate graffiti removal budget need to be considered as Darebin's New Graffiti Management Action Plan is developed to reduce the impact of graffiti on our community.

FUTURE ACTIONS

Development of new Graffiti Management Action Plan

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

Briefing Paper – August 2011- Darebin Graffiti Audit Report

Darebin Graffiti Management Strategy, 2008 – 2012

Darebin Community Safety Strategy 2012 – 2016

City of Darebin Graffiti Audit, June 2011, GRIP Graffiti Systems

Council Minutes – 26 November 2012

**8.10 CREATING MODERNISED AND INCLUSIVE
NEIGHBOURHOOD HOUSE PROGRAM FUNDING
APPLICATION****MINUTE NO. 126****AUTHOR: Manager Libraries Learning and Youth****REVIEWED BY: Group Manager Community Services****SUMMARY:**

During the 2012-2013 Capital Works budget process, Council committed to match Department of Human Services Modernising Neighbourhood Houses grant funding as per the application criteria which stated all Department of Human Services (DHS) funding must be matched dollar for dollar. Five Neighbourhood Houses/Community Centres within the Darebin municipality applied for grant funding via this DHS application process.

The commitment of support for the various applications from the Darebin Neighbourhood House Network totalled \$109,750. This was to support five capital works projects aimed at updating and improving the infrastructure of Jika Jika Community Centre, Preston Neighbourhood House, Thornbury Women's Neighbourhood House, SPAN Community House and Alphington Community Centre.

In October 2012, the Darebin Neighbourhood House Network was informed by DHS that no applications received from the Darebin Neighbourhood Houses were successfully funded under the Modernising Neighbourhood Houses funding grants.

The Darebin Neighbourhood House Network now requests that the capital funding of \$109,750 previously committed to the projects remain available so the projects, with a reviewed scope can proceed within the current financial year. The scope of the projects has been reviewed to fit within the amount allocated by Council in the budget, as the House's with the exception of Preston have either been unable provide matching funding or access additional funding.

CONSULTATION:

Darebin Neighbourhood House Network
Group Manager Community Services

COUNCIL RESOLUTION

MOVED: Cr. A. Vilella
SECONDED: Cr. B. Li

THAT Council endorse the retention of the 2012/2013 budget allocation of \$109,750 to the Jika Jika Community Centre, Preston Neighbourhood House, Thornbury Women's Neighbourhood House, SPAN Community House and Alphington Community Centre for capital projects in line with the amended scope of works outlined in **Appendix A** of this report.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Neighbourhood Houses (also known as Neighbourhood Centres, Community Houses, Learning Centres) are local organisations that provide social, educational and recreational activities for their communities in a welcoming supportive environment. There are approximately 360 Neighbourhood Houses across Victoria, with seven located across the Darebin municipality. Neighbourhood Houses are managed by volunteer committees and paid staff. Many also offer quality, affordable childcare and playgroups. Neighbourhood House Networks receive recurrent funding from DHS and in some cases from local government (this may be in-kind sponsorship). The Networks are also able to access a variety of other sources for diverse project funding.

Darebin Council supports the seven Neighbourhood Houses/Community Centres via ongoing lease and/or licensing agreements allowing the service to operate from Council-owned and maintained facilities across the municipality, as well as access to funding via the Community Grants process. The Centre Coordinators are also supported by the Manager Libraries, Learning and Youth who provides strategic advice and assistance.

The Creating Modernised and Inclusive Neighbourhood House grants program funded by the Department of Human Services is designed to ensure that Neighbourhood Houses are modern, accessible places that are responsive to the changing needs of the community. The grant program is designed to improve and support minor upgrades to existing Neighbourhood House facilities that increase community access to valuable programs and activities. The grant provides up to \$30,000 and requires matched funding from Council. (\$1 DHS - \$1 Other)

ISSUES AND DISCUSSION

During the 2012-2013 budget process, the Darebin Neighbourhood House Network's application for capital funding for various projects was supported by Council which committed to match DHS funding dollar for dollar as per the funding application criteria. The total matched funding amount was \$109,750.

Five projects varying in the nature of works and funding amounts were included and are listed in **Appendix A**. The Neighbourhood Houses who requested funding are:

- Jika Jika Community Centre
- Preston Neighbourhood House Inc
- Thornbury Women's Neighbourhood House
- SPAN Community Centre
- Alphington Community Centre.

In October 2012, the Darebin Neighbourhood House Network was informed by DHS that the submissions received were not successful. The network was also informed that DHS had not funded any of the Neighbourhood Houses across the northern region of Melbourne.

All Neighbourhood Houses have a vision and strategic plan to ensure they continue to make a positive contribution to their community through skill development, learning pathways, social interaction and mutual support. The courses and activities are designed to reflect the needs of the communities and encourage participants to become active members of their community.

The Neighbourhood Houses require regular upgrades to foster community access and ensure the activities and programs required by the community can be safely and adequately carried out without constraints. The ongoing maintenance carried out by Council teamed with capital project funding from various sources assists to ensure safe operations and well maintained buildings which comply with required standards.

Council's capital works application process allows Neighbourhood Houses to apply for matched funding and ensures that as tenants in Council-owned buildings, they can plan and determine appropriate future programs and activities based on the capacity of the building.

During the 2012-2013 budget process, the Darebin Neighbourhood House Network successfully applied for Council funds to the total of \$109,750 to support infrastructure projects. The funding amount was identified as dollar for dollar matched funding on the successful application to DHS for \$109,750 via the Creating Modernised and Inclusive Neighbourhood Houses grants program. As the DHS grant funding applications were unsuccessful, the Darebin Neighbourhood House Network is now requesting that the capital funding amount of \$109,750 which was committed by Council during the 2012-2013 budget process remain available for the projects (with a reviewed scope) to proceed regardless of the failure of DHS to provide funding.

The information provided in **Appendix A** indicates the variations which have been made to the scope of the projects to enable the cost to fit within the amount allocated by Council in the budget, as the Houses' with the exception of Preston have either been unable provide matching funding or access additional funding.

POLICY IMPLICATIONS

Environmental Sustainability

The projects identified do not directly address environmental sustainability.

Human Rights, Equity and Inclusion

Darebin Neighbourhood Houses and Community Centres provide a wide array of activities, programs and services for people from their local communities from diverse cultural and socio-economic backgrounds, of a wide range of all abilities and ages (0 – 100+ years old). They use this wide array of programs to achieve community building and connections, and facilitate life-long learning for individuals, groups, and organisations in the community. Programs are developed in response to identified community needs, and in line with available resources. Neighbourhood Houses are local, accessible, welcoming, and non-threatening, and programs are designed to meet the needs of participants and prospective participants. A key strength of Houses and Centres is that they are flexible, adaptive, responsive and inclusive.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The capital funding amount requested of \$109,750 is currently allocated to the identified projects.

CONCLUSION

The Darebin Neighbourhood House Network requests the allocated capital funding of \$109,750 previously committed to the projects remain available so the projects (most with variations to the original scope of works) may continue to be funded within the current financial year. The amount of \$109,750 is committed within the current 2012-2013 capital works budget and will not adversely affect expected capital expenditure.

Most of the existing projects have variations to the original scope of works to address the loss of DHS funding. The Neighbourhood Houses, apart from Preston are unable to match the Council funding

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

- Capital Works Submission 2012/2013
- Association of Neighbourhood Houses - <http://www.anhlc.asn.au/networks>
- The Neighbourhood House and Learning Centre Framework

8.11 40 KM/H FEASIBILITY ASSESSMENT – BROADWAY RESERVOIR**MINUTE NO. 127****AUTHOR: Manager Major Projects Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

At its meeting on 26 November 2012, Council resolved that:

Council officers provide a report for Council on the feasibility of introducing 40 km/h speed limits along the Broadway shopping strip area.

The City of Darebin has advocated for a reduced speed limit (from 60 km/h to 40 km/h) in view of the high pedestrian and bicyclist activity, and in keeping with Council's Safe Travel Strategy action plan.

A response to this advocacy from the Parliamentary Secretary for Transport was received on 25 October 2012 noting that a key outcome from the recent Victorian Speed Limit Review will be the development of new guidelines regarding 40 km/h speed limits in pedestrian areas. It was also noted that these guidelines are expected to be finalised by the end of 2013, and a project bid for a 40 km/h speed limit on Broadway will be considered in the context of these new guidelines once they are released.

The feasibility of reducing the speed limit to 40 km/h is subject to this review, and the continued active support from the City of Darebin and other interested parties.

Fourteen casualty accidents occurred in the shopping strip section of Broadway in the 5 year period ending the 31 December 2011. Of these, four resulted in a serious injury to at least one person, and four involved pedestrians. A pedestrian fatality also occurred in Broadway on 10 August 2012.

CONSULTATION:

Nil.

RECOMMENDATION**THAT:**

- (1) Officers maintain an active role in monitoring and contributing to the Victorian speed limit review process where possible.
- (2) Officers confirm the status of the previously submitted application for a reduced speed limit in Broadway to 40 km/h, once the new '40 km/h guidelines' have been finalised by State Government.

COUNCIL RESOLUTION

MOVED: Cr. G. Greco
SECONDED: Cr. A. Villella

THAT:

- (1) Officers maintain an active role in monitoring and contributing to the Victorian speed limit review process where possible.
- (2) Officers confirm the status of the previously submitted application for a reduced speed limit in Broadway to 40 km/h, once the new '40 km/h guidelines' have been finalised by State Government
- (3) Officers write to the Minister for Transport seeking urgent interim provisions to introduce a 40 km/h speed limit along Broadway and Edwardes Street pending the finalisation of new guidelines for speed limits in pedestrian areas.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

Broadway is a declared main road and strategic freight route, with a level of pedestrian and cyclist activity consistent with a metropolitan shopping strip area. The current speed limit is 60 km/h, and the City of Darebin is advocating for this to be reduced to 40 km/h in view of this activity.

At its meeting on 20 August 2012, Council resolved that:

Council write to the Minister for Public Transport and endorse the Police call for B-Double trucks to be not permitted to use Broadway Reservoir.

A letter was sent to the Minister for Public Transport and Roads on 11 September 2012 advocating for B-Double restrictions and a reduced speed limit. A response from the Parliamentary Secretary for Transport was received on the 25 October 2012 noting the proposed B-Double restrictions were not supported. It was also noted that a key outcome from the recent Victorian Speed Limit Review will be the development of new guidelines regarding 40 km/h speed limits in pedestrian areas. More specifically, the review would:

'Develop guidelines for 40 km/h pedestrian zones across the state, where and when the risk of a pedestrian crash is high, including school speed zones, strip shopping centres and residential streets.'

These guidelines are expected to be finalised by the end of 2013. The letter stated that a project bid for a 40 km/h speed limit on Broadway will be considered in the context of these new guidelines once they are released.

A review of the VicRoads Crash Statistics database identified 14 casualty accidents that have occurred in the shopping strip section of Broadway in the 5 year period ending 31

December 2011. Of these, four resulted in a serious injury to at least one person, and four involved pedestrians. A pedestrian fatality also occurred in Broadway on 10 August 2012.

ISSUES AND DISCUSSION

Community Safety

The Darebin Safe Travel Strategy (2010-2015) is a five year framework for the improvement in safety for all road users within the municipality. The vision of the strategy is 'to reduce the risk of injury on our roads and paths to a level where there are no fatalities, so that people of all ages and abilities are free to travel on the road and path network to their chosen destinations safely, and with confidence.' It is broadly acknowledged that reducing the volume and speed of vehicles is essential to lowering the number and severity of crashes and injuries to road users.

Action item 12 of the strategy is to *'advocate for reduced speed limits in all activity centres, local neighbourhood centres, and locations where there is a priority for pedestrian safety.'*

Action item 42 of the strategy is to *'continue to promote awareness of the speed limit for local roads and encourage slower car speeds through encouragement, education, enforcement, and engineering treatments.'*

VicRoads Speed Limit Review

Outcome 8 of the Victorian Speed Limit Review is to *'develop guidelines for 40 km/h pedestrian zones across the state, where and when the risk of a pedestrian crash is high, including school speed zones, strip shopping centres and residential streets.'*

The response from the Parliamentary Secretary for Transport on 25 October 2012 noted the guidelines are expected to be finalised by the end of 2013, and that a project bid for a 40 km/h speed limit on Broadway will be considered in the context of these new guidelines.

POLICY IMPLICATIONS

Environmental Sustainability

There are no significant environmental sustainability issues.

Human Rights, Equity and Inclusion

The safety, inclusion and amenity of our activity centres is reliant on residents and visitors' ability to move safely in the centre. This is particularly relevant for the most disadvantaged and vulnerable in our community, who have special access needs or are less likely to be using a car for transport. Reducing the speed limit in the Broadway is consistent with this objective.

Other

Advocating for a reduced speed limit in the Broadway is consistent with the objectives and principles the Darebin Transport Strategy, the Health and Wellbeing Strategy, the Safe Travel Strategy, and existing safe travel programs such as the 'Not so Fast' speed reduction program.

FINANCIAL AND RESOURCE IMPLICATIONS

It is anticipated that any reasonable costs associated with reducing the speed limit in the Broadway could be accommodated within future budgets.

CONCLUSION

The feasibility of reducing the speed limit to 40 km/h is subject to a review under the forthcoming 40 km/h guidelines, and the continued active support from the City of Darebin and other interested parties. The Parliamentary Secretary for Transport has advised that the guidelines are expected to be finalised by the end of 2013, and a project bid for a 40 km/h speed limit on Broadway will be considered in the context of these new guidelines once they are released.

FUTURE ACTIONS

- Officers maintain an active role in monitoring and contributing to the Victorian speed limit review process where possible.
- Officers confirm the status of the previously submitted application for a reduced speed limit in Broadway to 40 km/h, once the new '40 km/h guidelines' have been finalised by State Government.

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 – 26 November 2012.

8.12 AMENDMENTS C122 AND 127, DAREBIN PLANNING SCHEME - REZONING OF INDUSTRIAL LAND IN THE BEAVERS ROAD AREA, NORTHCOTE**MINUTE NO. 128****AUTHOR: Strategic Planner****REVIEWED BY: Director City Works and Development****SUMMARY:**

The purposes of this report is to seek Council resolutions to request authorisation and exhibit Amendments C122 and C127 to the Darebin Planning Scheme to rezone the Beavers Road industrial area, Northcote, adjacent to Merri Creek for residential purposes (C122, applying to the northern side of Beavers Road) and business, mixed and residential purposes (C127, applying to the southern side of Beavers Road). The amendments will provide for the transition of the overall area from current and former industrial uses to uses that are more compatible with the land and area. It will increase the physical accessibility of the area, provide for renewal and modernisation of business investment and employment growth and increasing housing options whilst respecting the surrounding uses, built forms and natural environment of the creek. This will be achieved through the rezoning and introduction of the proposed Development Plan Overlay 11.

CONSULTATION:

Consultation regarding the proposed amendments has occurred with:

- Council's Economic Development and Social units.
- Department of Planning and Community Development.
- Department of Business and Innovation.
- Department of Education.

All of these Council and external departments fully support the intent of the proposed amendments. The views of the Department of Education will be sought before seeking authorisation from the Department of Planning and Community Development.

The minimum one month exhibition period for each amendment provides a legal right to comment on the amendments and have a submission considered by Council, planning panel (if required) and Minister for Planning.

RECOMMENDATION**THAT:**

Council resolves to:

Amendment C122:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C122 to the Darebin Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C122, Darebin City Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month.
3. When authorised by the Minister for Planning, exhibit Amendment C122 to the Darebin Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

Amendment C127:

4. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C127 to the Darebin Planning Scheme.
5. Notify the Minister for Planning that when it exhibits Amendment C127, Darebin City Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month.
6. When authorised by the Minister for Planning, exhibit Amendment C127 to the Darebin Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

COUNCIL RESOLUTION

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

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

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

The amendments were previously presented to Council on 10 December 2012. In the Council meeting questions were raised regarding the inclusion of Council's Green Business Attraction Strategy, Housing Strategy, sustainable design objectives and Merri Creek conservation and public access. This second report seeks to clarify the abovementioned questions.

Amendment C122:

This amendment has been prepared at the request of Hansen Partnership Pty Ltd on behalf of the affected landowners to rezone industrial land on the northern side of Beavers Road adjoining the Merri Creek, Northcote. The amendment is proposed to apply to:

- 196 Beavers Road, Northcote, being Lot 1, TP 644612M
- 198 Beavers Road, Northcote, being Lot 1, TP 852727H
- 200 Beavers Road, Northcote, being Lot 1, PS 337414V.

The amendment proposes to facilitate the transition of a former industrial area to residential use by:

- Rezoning 196 Beavers Road, Northcote from Industrial 3 to Public Use 2
- Rezoning 198 and 200 Beavers Road, Northcote from Industrial 3 to Residential 1.
- Applying the Environmental Audit Overlay to the land (to ensure that the land, which is potentially contaminated land from its former industrial use, is suitable for residential use prior to the commencement of this sensitive use).
- Applying the Development Plan Overlay 11 to the land.
- Including a new Schedule 11 (Beavers Road and Arthurton Road area, Northcote) to the Development Plan Overlay into the planning scheme (to guide the future subdivision layout, development and use of the land to meet specified requirements).

Amendment C127:

This amendment has been prepared at the initiative of Darebin City Council to rezone industrial land on the southern side of Beavers Road, northern side of Arthurton Road and eastern side of the Merri Creek, Northcote, being 167 – 177 Beavers Road, 148 – 170 Arthurton Road and 2 – 6 Goldsmith Grove.

The amendment proposes to facilitate the transition of a former industrial area to a business and mixed use area by:

- Rezoning of the land from Industrial 3 to Business 2.
- Applying the Environmental Audit Overlay to the land (to ensure that the land, which is potentially contaminated land from its former industrial use, is suitable for residential use prior to the commencement of this sensitive use).
- Applying the Development Plan Overlay 11 to the land.

- Including a new Schedule 11 (Beavers Road and Arthurton Road area, Northcote) to the Development Plan Overlay into the planning scheme (to guide the future subdivision layout, development and use of the land to meet specified requirements).
- Amending the Schedule to the Clause 81.01 by including the Darebin Green Business Attraction Strategy 2012 as a reference document.

ISSUES AND DISCUSSION

Overall aim of the amendments:

The amendments propose to facilitate the transition of a redundant industrial area to residential (C122) and a mix of business uses (C127), allowing a range of residential (C122) and business / residential / other (C127) uses that are now prohibited under the current Industrial 3 Zone.

The rezoning of the overall land through both amendments will facilitate new business, mixed and residential uses that are more suited to the land and area than current and former industrial uses provide additional employment opportunities and support the diversified Darebin community.

The rezoning of the land is considered to better utilise presently under-utilised industrial land, which is currently zoned more in recognition of its historical use rather than an identification of an ongoing industrial node. Future industrial activities on the land are limited due to sensitive interfaces (including the Merri Creek and residences (both amendments) and a golf course and Croxton Primary School (C122)), resulting in minimal opportunity for industry employment. The rezoning of the site will potentially expand the employment opportunities available on the site and facilitate housing and services required to support the diverse Darebin community.

The rezoning of 196 Beavers Road, Northcote (being Lot 1, TP 644612M) from Industrial 3 to Public Use 2 will reflect the actual occupation and use of the land (being a discontinued part of Leinster Grove) associated with the school to the east.

The inclusion of the *Darebin Green Business Attraction Strategy 2012* as a reference document will assist in providing guidance for new business activity in the area and Darebin in general.

Strategic justification for the amendments:

The amendment is strategically justified and implements the following strategic land use planning documents:

- *City of Darebin Integrated Housing Strategy, October 2002.*
- *Draft Darebin Economic Land Use Strategy 2012.*
- *Darebin Planning Scheme Review Report 2012 (which encourages the rezoning of disused industrial land that is no longer viable for industrial activities for other appropriate land uses such as business, mixed and residential uses).*
- *Darebin Planning Scheme.*
- *Draft revised Darebin Planning Scheme (to be implemented).*

Compliance with the Darebin Planning Scheme:

The amendments comply with and implement the State Planning Policy Framework of the Darebin Planning Scheme. The amendments will provide for the growth and supply of residential (C122) and business and mixed (C127) land uses in an appropriate locations that can be fully supplied with a range of urban services. The land subject to the amendment is a strategic redevelopment site that is no longer required for industrial purposes where redevelopment will assist in the protection and enhancement of nearby residential amenity.

The amendments comply with and implement the Local Planning Policy Framework of the Darebin Planning Scheme. The amendments facilitate the redevelopment of a redundant industrial area that is no longer viable for industrial purposes. The rezoning proposed under the amendments will retain the land as an employment node and allow scope for a greater range of uses, creating higher density development, increasing population and supporting the nearby Northcote (major) activity centre. The limited range of commercial uses that may be considered under either proposed zone will support local business uses and will not undermine the primary commercial focus of the Northcote (major) activity centre.

The proposed application of the Environmental Audit Overlay and Development Plan Overlay (and schedule) to the land (except 196 Beavers Road) are the appropriate mechanisms to guide the development of potentially contaminated land and the future subdivision layout, development and use of the land. The proposed Schedule 11 (Beavers Road and Arthurton Road area, Northcote) to the Development Plan Overlay will provide detailed guidance for the future development and use of the land, including assessment of potential land contamination, layout, servicing, building design and environmental protection. The effect of applying the DPO is that Council is required to endorse a development plan prior to any permit being granted. This offers the opportunity to discuss and negotiate matters of design and layout on the affected properties.

According to title and Council records Leinster Grove east of 198 Beavers Road was discontinued in the 1980s. The eastern section of the discontinuance was transferred to the relevant minister for education. However, the zoning of the land (Industrial 3) was not changed at the time. As such, the proposed rezoning to Public Use 2 will reflect the occupation and usage of that parcel of land appropriately. The application of DPO 11 and the EAO is not considered to be appropriate or necessary. It is also noted that the relevant minister for education is exempt from planning permit requirements via the Act.

The Merri Creek environs will be protected via the requirements and guidelines as outlined in the Merri Creek and Environs Strategy 2009-2014 and the Development Guidelines for the Merri Creek. Additional requirements are proposed to be included in the DPO11.

The draft *Darebin Economic Land Use Strategy 2012* will support the emphasis for green business in certain areas as per the *Darebin Green Business Attraction Strategy 2012*.

Can land be set aside for a specific use through the planning scheme?

A question has been raised when the matter was considered by Council at its meeting on 10 December 2012 about whether a specific use can be directed through the planning scheme to be developed on the land north of Beavers Road. There is also the question of whether the planning scheme can require an owner of land to enter into an agreement under Section 173 of the Planning and Environment Act to tie a particular land use to a piece of land. This is partly answered in the following extract taken from the Department of Planning and Development (DPCD) *'Users Guide to the Victorian Planning System'*

An agreement cannot and should not be used as a basis for trying to extend an authority's powers under the Act. A section 173 agreement cannot authorise any use or development contrary to the planning scheme or a permit. This means that an agreement cannot provide for less restrictive provisions than those in a planning scheme or permit, such as allowing a use or development which is otherwise prohibited. However, an agreement could provide for more restrictive provisions than those in the planning scheme or a permit, such as prohibiting or placing greater restrictions on a use or development which is otherwise allowed. An agreement is not a substitute for planning provisions and should not be used if the responsible authority's planning objectives can be adequately met through the conditions of a permit. An agreement is a contract and should not be entered into without prior legal advice. If an agreement is not carefully drafted, there may be difficulties in enforcing or amending it.

The requirement to enter into an agreement that effectively limits privately owned land to a specific use is considered to be an extension beyond Council's reasonable powers and is unlikely to be supported by DPCD if made a requirement as part of this planning scheme amendment.

The only situation where it may be appropriate for a S173 Agreement to be applied would be in an instance where Council is the owner of the land in question and is wanting to deliver a certain outcome to benefit the community. Council did this in relation to the former Thornbury primary school site, where it sold the land on generous terms in reciprocation for ensuring the land remained in use as an aged care facility.

Summary of benefits of the amendments:

The rezoning of the land from industrial to residential (C122) and business (C127) zoning:

- Provides for the transition of an area where the demand for industrial land and uses has fallen, with many industrial vacancies in the area.
- Facilitates residential (C122) and business / mixed / residential (C127) opportunities in an area that is more suited for residential (C122) or business (C127) uses than former industrial purposes. C127 facilitates a range of business uses such as office (no planning permit required), business (eg. shop which requires a planning permit) as well as residential (requires a planning permit) opportunities.
- Provides for the sustainable redevelopment of the area for residential (C122) and business (C127) use purposes as oriented towards environmentally sustainable design outcomes at the statutory planning process.
- The redevelopment of the area can contribute to Darebin's community infrastructure via a Development Contribution Levy (which is enforced via the existing Development Contributions Plan Overlay). The DCPO provides scope for any similar agreement to be negotiated in accordance with the Development Contribution Plan Overlay.
- Meets Council and community goals for greater provision of housing opportunities that have good access and connectivity, outlined in the *City of Darebin Integrated Housing Strategy*, October 2002.
- Provides for higher environmental protection of the land and area and results in greater amenity, use and development of land, eg. with the help of the Development Guidelines for the Merri Creek and the Merri Creek and Environs Strategy 2009-2014 in addition to other requirements made in the DPO11
- Enhances employment generation for a more sustainable use and development of land, eg. unlocking space for 'green businesses' as per *Darebin Green Business Attraction Strategy 2012*.

- The inclusion of the *Darebin Green Business Attraction Strategy 2012* as a reference document will assist in providing guidance for new business activity in the area and Darebin in general.
- Will inspire renewal and revitalisation which has the potential to improve the physical presentation, sense of safety via passive surveillance of streets, as well as formalise north-south public access through the precinct for vehicles, cyclists and pedestrians.

POLICY IMPLICATIONS

Environmental Sustainability

The amendments will have no significant effect on the environment or the environment on the use or development envisaged in the amendment. The amendment will have positive environmental effects through:

- Assessing, maintaining and protecting the natural and built environment of the site and area.
- Utilising accessible and serviceable land for more intense and diversified uses, including the provision of required housing opportunities.
- Facilitation of uses and developments that are more compatible with adjoining and nearby residential uses and minimise potential amenity impacts on residential use in the vicinity.
- Protecting and enhancing the Merri Creek environs, assisted by the existing Environmental Significance Overlay 1 (Merri Creek and environs) applying to land subject to the amendment. The built form will be required to comply with the Development Guidelines for the Merri Creek in addition to other requirements.
- The Merri Creek and Environs Strategy 2009-2014 (p.154) states:

“In order to allow for habitat preservation and rehabilitation to be a greater focus on one side of the Creek, the Merri Creek Design Guidelines specify that a shared pathway be constructed on one side of the creek only at any given point.”

Thus, due to this direction and steep nature of creek bank slopes being in private ownership, access along the east side of the creek banks will be avoided. Alternative public thoroughfare close to the creek will be sought towards the western end of 177 Beavers Rd and via an existing private road (being Goldsmith Grove). This outcome ensures the eastern banks of the creek are undeveloped in order to provide sufficient space for natural preservation along the creek.

- Ensuring that the land, which is potentially contaminated land from its former industrial use, is suitable for residential use prior to development.

Human Rights, Equity and Inclusion

The amendments are expected to have positive social inclusion and diversity benefits for landowners, Darebin City Council and the general community through:

- Providing for the sustainable redevelopment of the area for residential (C122) and business / mixed / residential (C127) uses.
- Providing additional and diversified housing opportunities for the community in an area that has convenient access to services and the Northcote activity centre.

- Enhancing employment generation through the transition of an area where the demand for industrial uses has fallen.
- Facilitating new residential use which is more compatible with uses and developments on adjoining and nearby land and minimises potential amenity impacts in the vicinity.
- Development Contribution payments or similar agreements are solely regulated by the DCPO and will occur at the time of issue of planning permits towards community infrastructure investments in Darebin as per the Development Contribution Plan Overlay.

Other

The proposed amendments are compatible with and implement the *City of Darebin Council Plan 2009–2013*, in particular goals for liveability and regeneration and environmental sustainability.

FINANCIAL AND RESOURCE IMPLICATIONS

There will be minimal impact on the resource and administrative costs of the responsible authority. All prescribed fees for Amendment C122, and panel costs if required, will be paid by the proponent, with prescribed fees for Amendment C127, and panel costs if required, being paid by Council.

Future proposals for use and development will be considered on their merits through a planning permit process, which has associated prescribed fees based on the proposal.

CONCLUSION

The proposed amendments provide for the transition of a redundant industrial area to either an area for residential and public use (C122) or mixed business / residential / other (C127) uses. The rezoning of the overall land through both amendments will facilitate new mixed and residential uses that are more suited to the land and area than current and former industrial uses provide additional employment opportunities and support a diversifying Darebin community.

The amendments are strategically supported though Council's current land use planning documents, particularly the draft *Darebin Economic Land Use Strategy 2012*. The conversion of the land to either residential and public use (C122) or mixed business / residential / other (C127) uses complements the nearby Northcote (major) activity centre and utilises the available services in the area. The inclusion of the *Darebin Green Business Attraction Strategy 2012* as a reference document will assist in renewing the area and attract modern and sustainable businesses, whilst reference documents relating to the creek environs ensures due consideration is given in any future change in the use and development of the area.

It is appropriate that Council request authorisation for both amendments and that they are both publicly exhibited for comment.

FUTURE ACTIONS

- Requests will be made to the Minister for Planning to authorise both amendments (C122 & C127).
- Once authorised, both amendments will be formally exhibited (including direct notice to affected landowners and general notice to the public).
- Council will assess submissions to each amendment, either adopting the amendment (with or without changes), requesting a planning panel (when there are submissions that Council cannot meet) or abandoning the amendment.
- The Minister for Planning will consider any adopted amendment, either approving (with or without changes) or refusing it.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- *City of Darebin Integrated Housing Strategy, October 2002.*
- *Draft Darebin Economic Land Use Strategy 2012.*
- *Darebin Planning Scheme Review Report 2012.*
- *Darebin Green Business Attraction Strategy 2012.*
- *Merri Creek and Environs Strategy 2009-2014.*
- *Development Guidelines for the Merri Creek*
- *Darebin Planning Scheme.*
- *Draft revised Darebin Planning Scheme.*
- *Council Minutes – 10 December 2012*

Attachment:

1. *Development Plan Overlay Schedule 11 Draft – Appendix A*
2. *Site Area Maps of proposed rezoning – Appendix B*
3. *Applicant Report – Appendix C*
4. *Explanatory Reports for DPCD – Appendix D*
5. *Victoria Government Gazette Notices – Appendix E*
6. *Benefits per Community Matters – Appendix F*

9. NOTICES OF MOTION

9.1 TORNADO SLIDE – BATMAN PARK IN NORTHCOTE

MINUTE NO. 129

Council at its previous meeting on 4 February 2013 resolved that consideration of this item be deferred until this meeting of the Council.

NOTICE OF MOTION NO.

62

CR. OLIVER WALSH

Take notice that at the Ordinary Meeting of Council to be held on 4 February 2013, it is my intention to move:

***THAT** Darebin Council resolve to seek alternatives to the removal of the Tornado slide in Batman Park in Northcote and that full Council make any decisions on the future of the slide because of its importance to the community*

Notice Received:

31 January 2013

Notice Given to Councillors:

31 January 2013

Date of Meeting:

4 February 2013

MOTION

MOVED: Cr. O. Walsh

SECONDED: Cr. T. McCarthy

THAT Darebin Council resolve to seek alternatives to the removal of the Tornado slide in Batman Park in Northcote and that full Council make any decisions on the future of the slide because of its importance to the community, and that a Community Working Group be established to look at the future of the slide.

Cr. McCarthy, the seconder of the Motion, proposed to the mover of the Motion, Cr. Walsh, that the Motion be amended to read as follows. This was accepted by Cr. Walsh.

AMENDED MOTION

MOVED: Cr. O. Walsh

SECONDED: Cr. T. McCarthy

THAT Council resolve to establish a Council Community Working Group to explore alternatives to the removal of the Tornado slide in Batman Park in Northcote and that full Council make any decisions on the future of the slide because of its importance to the community.

WITH LEAVE OF THE MAYOR, CR. LAURENCE, THE AMENDED MOTION WAS WITHDRAWN BY THE MOVER (CR. WALSH) AND SECONDER (CR. MCCARTHY)

FURTHER MOTION

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

THAT Darebin Council resolve to seek alternatives to the removal of the Tornado slide in Batman Park in Northcote and that full Council make any decisions on the future of the slide because of its importance to the community

Cr. Li proposed to the mover of the Further Motion, Cr. Walsh and seconder of the Further Motion, Cr. Williams, that the Further Motion be amended to read as follows. This was accepted by Cr. Walsh and Cr. Williams.

AMENDED FURTHER MOTION

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

THAT Council resolves to seek options for retrofitting, removal or replacement (including alternative sites) of the Tornado slide in Batman Park in Northcote, including financial and budgetary considerations, and that full Council decide on the final recommendation because of the slide's importance to the community.

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

COUNCIL RESOLUTION

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

THAT Council resolves to seek options for retrofitting, removal or replacement (including alternative sites) of the Tornado slide in Batman Park in Northcote, including financial and budgetary considerations, and that full Council decide on the final recommendation because of the slide's importance to the community.

CARRIED

9.2 RAILWAY LEVEL CROSSINGS IN DAREBIN**MINUTE NO. 130****NOTICE OF MOTION NO. 64****CR. BO LI**

Take notice that at the Ordinary Meeting of Council to be held on 18 February 2013, it is my intention to move:

- 1) **THAT** the Council, as a matter of priority, writes to the Premier, Treasurer and Minister for Transport of Victoria, requesting the following:
 - a) Their commitment to the findings from Australian Level Crossing Assessment Model (ALCAM) study in 2008, which found the following 9 railway level crossings in the City of Darebin in the top 100 priority crossings in need for urgent safety upgrade:
 1. Bell Street, Preston (Epping/South Morang): ranked 10th
 2. Murray Road, Preston (Epping/South Morang): ranked 25th
 3. Keon Parade, Keon Park (Epping/South Morang): ranked 43rd
 4. Grange Road, Alphington (Hurstbridge): ranked 54th
 5. Cramer Street, Preston (Epping/South Morang): ranked 59th
 6. Normanby Avenue, Thornbury (Epping/South Morang): ranked 62nd
 7. High Street, Reservoir (Epping/South Morang): ranked 72nd
 8. Westgarth Street, Northcote (Hurstbridge): ranked 92nd
 9. Victoria Road, Fairfield (Hurstbridge): ranked 93rd
 - b) Urgent funding in the 2013-2014 state budget for feasibility studies into improving level crossing safety at Bell Street and Murray Road Preston and at High Street Reservoir.
 - c) Their ongoing commitment and funding in future state budget allocations to continuously upgrade level crossing safety in the City of Darebin.
- 2) **THAT** the Council also writes to the local Members for Preston, Mill Park and Northcote in the Legislative Assembly, members for the Northern Region in the Legislative Council and the Federal member for Batman seeking their written support for the council actions outlined under Motion 1 above.
- 3) **THAT** the Council formulates a Level Crossing Safety Strategy, based on available data, reports and other relevant findings, so as to:
 - a) Form a platform for ongoing engagement with Federal, State and other local governments, as well as with residents and other key stakeholders;
 - b) Improve the livability of the City of Darebin; and
 - c) Attract economic investment in the City of Darebin.

Notice Received: 13 February 2013

Notice Given to Councillors: 14 February 2013

Date of Meeting: 18 February 2013

MOTION

MOVED: Cr. B. Li
SECONDED: Cr. G. Greco

THAT Notice of Motion No. 64 as presented in the Agenda be adopted.

Cr. Walsh proposed to the mover of the Motion (Cr. Li) and seconder of the Motion (Cr. Greco) that Station Street Fairfield be added to the list of priority crossings in need for urgent safety upgrade.

This was declined.

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

COUNCIL RESOLUTION

MOVED: Cr. B. Li
SECONDED: Cr. G. Greco

- 1) **THAT** the Council, as a matter of priority, writes to the Premier, Treasurer and Minister for Transport of Victoria, requesting the following:
 - a) Their commitment to the findings from Australian Level Crossing Assessment Model (ALCAM) study in 2008, which found the following 9 railway level crossings in the City of Darebin in the top 100 priority crossings in need for urgent safety upgrade:
 - (1) Bell Street, Preston (Epping/South Morang): ranked 10th
 - (2) Murray Road, Preston (Epping/South Morang): ranked 25th
 - (3) Keon Parade, Keon Park (Epping/South Morang): ranked 43rd
 - (4) Grange Road, Alphington (Hurstbridge): ranked 54th
 - (5) Cramer Street, Preston (Epping/South Morang): ranked 59th
 - (6) Normanby Avenue, Thornbury (Epping/South Morang): ranked 62nd
 - (7) High Street, Reservoir (Epping/South Morang): ranked 72nd
 - (8) Westgarth Street, Northcote (Hurstbridge): ranked 92nd
 - (9) Victoria Road, Fairfield (Hurstbridge): ranked 93rd

- b) Urgent funding in the 2013-2014 state budget for feasibility studies into improving level crossing safety at Bell Street and Murray Road Preston and at High Street Reservoir.
 - c) Their ongoing commitment and funding in future state budget allocations to continuously upgrade level crossing safety in the City of Darebin.
- 2) **THAT** the Council also writes to the local Members for Preston, Mill Park and Northcote in the Legislative Assembly, members for the Northern Region in the Legislative Council and the Federal member for Batman seeking their written support for the council actions outlined under Motion 1 above.
- 3) **THAT** the Council formulates a Level Crossing Safety Strategy, based on available data, reports and other relevant findings, so as to:
- a) Form a platform for ongoing engagement with Federal, State and other local governments, as well as with residents and other key stakeholders;
 - b) Improve the livability of the City of Darebin; and
 - c) Attract economic investment in the City of Darebin.

CARRIED UNANIMOUSLY

**9.3 DAREBIN SEXUALITY, SEX AND GENDER DIVERSITY
ADVISORY COMMITTEE****MINUTE NO. 131****NOTICE OF MOTION NO. 65****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 18 February 2013, it is my intention to move:

THAT:

1. Council appoint Bryan Andy, from OutBlack, as a member of the Darebin Sexuality, Sex and Gender Diversity Advisory Committee, to serve for the remainder of the Committee's three-year term.
2. Council receive a report with proposed amendments to the terms of reference for the Darebin Sexuality, Sex and Gender Diversity Advisory Committee to enable the Committee to fill vacancies in its membership without a formal Council resolution.

Notice Received: 13 February 2013**Notice Given to Councillors: 14 February 2013****Date of Meeting: 18 February 2013****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. A. Villella****THAT:**

1. Council appoint Bryan Andy, from OutBlack, as a member of the Darebin Sexuality, Sex and Gender Diversity Advisory Committee, to serve for the remainder of the Committee's three-year term.
2. Council receive a report with proposed amendments to the terms of reference for the Darebin Sexuality, Sex and Gender Diversity Advisory Committee to enable the Committee to fill vacancies in its membership without a formal Council resolution.

CARRIED UNANIMOUSLY

9.4 ALPHINGTON NORTH**MINUTE NO. 132****NOTICE OF MOTION NO. 66****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 18 February 2013, it is my intention to move:

THAT:

1. Council receives a report at a meeting in March outlining the legal requirements and timeframes associated with Council possibly reconsidering some form of heritage protection in Alphington North.
2. This report contains a list of all demolitions (and associated permits) that have been approved in Alphington North over the past four years including addresses and relevant dates and outlines the application, notification and approval process for both building and planning permits.

Notice Received: 13 February 2013**Notice Given to Councillors: 14 February 2013****Date of Meeting: 18 February 2013****MOTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. A. Villella****THAT** Notice of Motion No. 66 as presented in the Agenda be adopted.

Cr. Walsh proposed to the mover of the Motion (Cr. McCarthy) and seconder of the Motion (Cr. Villella) that the Motion be amended to the effect that consideration of the matter be deferred until the next Council meeting. This was declined.

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

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. A. Villella

THAT:

1. Council receives a report at a meeting in March outlining the legal requirements and timeframes associated with Council possibly reconsidering some form of heritage protection in Alphington North.
2. This report contains a list of all demolitions (and associated permits) that have been approved in Alphington North over the past four years including addresses and relevant dates and outlines the application, notification and approval process for both building and planning permits.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS

Nil.

11. GENERAL BUSINESS**11.1 1091 PLENTY ROAD BUNDOORA****MINUTE NO. 133****COUNCIL RESOLUTION**

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

THAT:

- (1) The Chief Executive seek legal advice in relation to appeal rights upon receipt of VCAT's decision in relation to 1091 Plenty Rd, Bundoora; and
- (2) Officers report back to Council on appeals rights once legal advice is obtained.

CARRIED UNANIMOUSLY

Crs. McCarthy and Walsh temporarily left the meeting at the conclusion of the above item – 9.59pm)

11.2 SMART METER PROGRAM**MINUTE NO. 134****MOTION**

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

THAT Council receive a Briefing on whether to join other councils who have supported their residents democratic right to opt out of the smart meter program because of health and other issues.

WITH LEAVE OF THE MAYOR, CR. LAURENCE, THE MOTION WAS WITHDRAWN BY THE MOVER (CR. GRECO) AND SECONDER (CR. FONTANA)

11.3 PROPOSED 2030 COMMUNITY PLAN

MINUTE NO. 135

COUNCIL RESOLUTION

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

THAT Council receive a report on the processes and timeframe for developing a '2030 Community Plan' as a long term vision statement for the city.

CARRIED UNANIMOUSLY

Crs. McCarthy and Walsh returned to the meeting during discussion of the above item – 10.01 pm.

11.4 MERRILANDS COMMUNITY CENTRE - CHAIR UPGRADE

MINUTE NO. 136

COUNCIL RESOLUTION

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

THAT Council consider the replacement of old chairs currently used in the Merrilands Community Centre during the preparation of the 2013/2014 budget.

CARRIED

11.5 PROPOSED ACQUISITION OF LAND AT 74-76 GLASGOW AVENUE RESERVOIR**MINUTE NO. 137****COUNCIL RESOLUTION****MOVED: Cr. G. Greco**
SECONDED: Cr. A. Villella

THAT Council officers write to the Department of Education and Early Childhood Development expressing an interest in acquiring the land at 74-76 Glasgow Avenue, Reservoir, (previously known as Ruthven Primary School, now discontinued in usage) for public purposes redevelopment. This action is made in accordance with Section 4.3 of the Policy and Instructions for the purchase, compulsory acquisition and sale of land of the Victorian Government Land Monitor.

CARRIED UNANIMOUSLY**11.6 ONE HOUR PARKING LIMIT ALONG BROADWAY****MINUTE NO. 138****COUNCIL RESOLUTION****MOVED: Cr. G. Greco**
SECONDED: Cr. A. Villella

THAT Council receive a report regarding the appropriateness of the current one hour parking limit along Broadway Reservoir.

CARRIED

11.7 SOCIAL HOUSING

MINUTE NO. 139

COUNCIL RESOLUTION

MOVED: Cr. A. Villella
SECONDED: Cr. B. Li

THAT Council officers prepare an information-based report by the end of April 2013 on the following social housing related matters:

- a.) The location of existing social housing in Darebin, the current number of residents and if available, a demographic breakdown.
- b.) The number of people currently on the waiting list, the average waiting period and a demographic breakdown eg. single mothers, elderly, disabled, young families.
- c.) Different models of social housing delivery. This would include exploring partnerships with NGOs and other stakeholders.
- d.) A legal framework or set of provisions to enable a negotiated allocation of social housing when assessing relevant (multi-storey apartments) planning applications.

CARRIED UNANIMOUSLY11.8 PROPOSED DAREBIN INTERCULTURAL CENTRE
ADVISORY COMMITTEE

MINUTE NO. 140

COUNCIL RESOLUTION

MOVED: Cr. A. Villella
SECONDED: Cr. B. Li

THAT Council officers develop a feasibility report on the establishment of a Darebin Intercultural Centre Advisory Committee by the end of March 2013.

The scope should include terms of reference, composition of committee and frequency of meetings.

CARRIED

11.9

NORTHCOTE HIGH SCHOOL – HIGH RESOLVES GROUP**MINUTE NO. 141****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. G. Greco****THAT** Council:

- (1) Congratulates Northcote High School students (High Resolves group) for their recent fundraising success which will now see a school building powered by solar.
- (2) Invites a delegation of these students to give a presentation on their project at an upcoming Council dinner.

CARRIED

11.10

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL FEES**MINUTE NO. 142****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy****SECONDED: Cr. V. Fontana****THAT** Council:

- (1) Writes to the President of the Victorian Civil and Administrative Tribunal and the Department of Justice expressing concern regarding the significant proposed increase in fees as outlined in the Regulatory Impact Statement for the proposed Victorian Civil and Administrative Tribunal Fees Regulations, based on the likely equity impacts on individuals and their continued ability to access the appeal system related to Planning, Subdivision, Building, special rates and charges matters.
- (2) Advise the Attorney General of Victoria and the State Minister for Planning of this resolution.

CARRIED UNANIMOUSLY

11.11 **PLENTY ROAD CORRIDOR STRATEGY AND ST GEORGES
ROAD URBAN FORM STUDY**

MINUTE NO. 143

COUNCIL RESOLUTION

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

THAT officers prepare a report for the next Council meeting on 4 March 2013 stating the additional resources required to enable the completion of the Plenty Road Corridor Strategy and the St Georges Road Urban Form Study, in time for discussion at the 20 May 2013 Council meeting.

CARRIED UNANIMOUSLY

12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

13. CLOSE OF MEETING

The meeting closed at 10.29pm.