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MINUTES OF THE COUNCIL MEETING

Held on Monday 5 October 2015

Released to the public on Thursday 8 October 2015

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 5 OCTOBER 2015**

THE MEETING OPENED AT 7.30 PM

1. PRESENT

Councillors

Cr. Steven Tsitas (Mayor) (Chairperson)
Cr. Vince Fontana
Cr. Gaetano Greco
Cr. Tim Laurence
Cr. Angela Villella
Cr. Oliver Walsh (Deputy Mayor)
Cr. Julie Williams (7.32 pm).

Council Officers

Rasiah Dev – Chief Executive
Bridget Monro-Hobbs – Acting Director Community Development
Steve Hamilton – Director Assets and Business Services
Gavin Cator – Director Corporate Services
Patti Wenn – Director Culture, Leisure and Works
Lauren Close – Acting Manager Corporate Governance and Performance
Darren Rudd – Manager City Development
Dave Bell – Senior Media Advisor
Katia Croce – Coordinator Council Business
Jody Brodribb – Council Business and Governance Officer

2. APOLOGIES

Cr. McCarthy is on an approved leave of absence.

An apology was lodged for Cr. Li and the initial absence of Cr. Williams.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Vilella disclosed a conflict of interest in Item 9.1 (Preston Market – Heritage Controls).

Cr. Fontana declared an 'interest' in Item 10.1 (Rescind Notice of Motion – Amendment C136).

Cr. Tsitas declared an 'interest' in Item 10.1 (Rescind Notice of Motion – Amendment C136).

Cr. Walsh declared an 'interest' in Item 10.1 (Rescind Notice of Motion – Amendment C136).

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

To be confirmed at the Ordinary meeting of Council on 19 October 2015.

Cr. Williams entered the meeting during discussion of the above item at 7.32 pm.

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 476

5.1 REPORT OF CR. JULIE WILLIAMS

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

- Planning Committee meeting
- Councillor Briefing session
- Hearing of Submissions Committee meeting
- Various constituent matters including:
 - Speeding
 - Rat race
 - Rubbish in laneway
 - C136 and C137

5.2 REPORT OF CR. VINCE FONTANA

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

- Hearing of Submissions Committee meeting
- Planning Committee meeting
- Councillor Briefing session
- Launch of “ What my daughters taught me book launch “ by Joseph Wakim
- Visited Park Street residents to discuss local issues

5.3 REPORT OF CR. OLIVER WALSH

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

- Asian Dodgeball Championships
- Met with Candi Brown from Snap Printing
- Planning Committee meeting
- Councillor Briefing session
- Hearing of Submissions Committee meeting
- Met with Fairfield residents regarding RSL
- Met with Banyule Councillors regarding Ivanhoe/Darebin issues
- Elected Secretary Victoria Liberal Councillors Group
- Met with CEO
- Various constituent matters

5.4 REPORT OF CR. TIM LAURENCE

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

- Council meeting
- Planning Briefing
- Planning Committee meeting
- Hearing of Submissions Committee meeting
- Councillor Briefing session
- Darebin Audit Committee meeting
- Darebin Housing Advisory Committee meeting
- Present trophies at the Asian Dodgeball Championships

5.5 REPORT OF CR. GAETANO GRECO

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

- Jobs for Youth Employment Pledge event
- Pre Planning Committee Briefing
- Planning Committee meeting
- Councillor Briefing session
- Hearing of Submissions Committee meeting
- Attended to resident's concerns regarding:
 - Planning
 - Carshare
 - Springthorpe Residents
 - Friends of Baucau
 - Garage Sake Trail
 - Parking

5.6 REPORT OF CR. ANGELA VILLELLA

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

- Planning Committee meeting
- Councillor Briefing session
- Resident matters relating to open space, parking and aged care
- Hearing of Submissions Committee meeting

5.7 REPORT OF CR. STEVEN TSITAS

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

- Council meeting
- Planning Committee meeting
- Hearing of Submissions Committee meeting
- Councillor Briefing session
- Audit Committee meeting
- Catch Up with Chief Executive Officer
- Victoria University
- Unveiling of 'Run for Your Life'
- Meeting with Terry Cuddy & Ed Fernon regarding Wingrove Street
- Darebin Aboriginal Advisory Committee meeting
- Photo shoot – Solar Saver Program
- Darebin Environmental Reference Group (DERG) meeting

The Chairperson, Cr. Tsitas welcomed the new Director Corporate Services, Gavin Cator and new Director Culture, Leisure and Works, Patti Wenn to Darebin City Council.

6. PUBLIC QUESTION TIME

MINUTE NO. 477

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

The following questions were submitted:

- Elizabeth Wheeler of Preston asked a question regarding Notice of Motion No. 243 – Notice to Rescind Notice of Motion – Amendment C136. The question was responded to by the Chairperson, Cr. Tsitas.
- John Nugent of Epping asked a question regarding the lighting at C.T. Barling Reserve. The question was responded to by the Chief Executive, Rasiah Dev.
- John Nugent of Epping asked a question regarding all parks and reserves within Darebin Council being open range. The question was responded to by the Chief Executive, Rasiah Dev.
- John Nugent of Epping asked a question regarding the Council's policy on the opening of public toilets. The question was responded to by the Chief Executive, Rasiah Dev.
- Scott McNeil of Reservoir asked a question regarding Council condemning the Grand Final Public Holiday. The question was responded to by the Chairperson, Cr. Tsitas.
- Julie of Thornbury asked a question regarding noise emitted from the Kemp Street Sub-Station. The question was responded to by the Chairperson, Rasiah Dev.
- Peter Thompson of Reservoir asked a question regarding the proposed installation by Yarra Trams in parkland near the corner of Regent Street and Gilbert Road, Reservoir.

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

7. REPORTS OF STANDING COMMITTEES

7.1 HEARING OF SUBMISSIONS COMMITTEE

MINUTE NO. 478

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

A meeting of the Hearing of Submissions Committee was held on 28 September 2015. The minutes of the meeting have been circulated to Councillors and are available to the public.

COUNCIL RESOLUTION

MOVED: Cr. J. Williams
SECONDED: Cr. G. Greco

THAT the Report of the Hearing of Submissions Committee meeting held on 28 September 2015 be received and the Committee Recommendations be adopted.

CARRIED UNANIMOUSLY

8. RECORDS OF ASSEMBLIES OF COUNCILLORS

8.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 479

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

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

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

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 14 September 2015
- Child Friendly Advisory Committee – 17 September 2015

COUNCIL RESOLUTION

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

THAT the record of the Assembly of Councillors held on 14 and 17 September 2015 be noted and incorporated in the minutes of this meeting.

CARRIED UNANIMOUSLY



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | |
|--------------------------|---|
| ASSEMBLY DETAILS: | Title: Councillor Briefing Session Date: Monday 14 September 2015 Location: Function and Conference Rooms, Darebin Civic Centre |
| PRESENT: | Councillors: Cr. Steven Tsitas (Mayor), Cr. Oliver Walsh (Deputy Mayor), Cr. Trent McCarthy, Cr. Vince Fontana, Cr. Tim Laurence, Cr. Gaetano Greco Council Staff: Rasiah Dev, Steve Hamilton, Jacinta Stevens, Katrina Knox, Tiffany White, Sally Jones, Jim Barrett, Sarah-Jade Chung (from 8.00 to 8.25 pm), Leah Mosel, Darren Rudd, (from 7.10 to 7.50 pm and 8.25 to 8.55 pm), Chris Meulblok (from 7.10 to 7.50 pm and 8.55 to 9.30 pm). Other: |
| APOLOGIES: | Cr. Bo Li, Cr. Julie Williams (approved leave of absence) Cr. Angela Villella |

The Assembly commenced at 7.10 pm, was suspended at 7.50 pm and recommenced at 8.00 pm

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--|
| 1 | Presentation by Chair of Audit Committee - Michael Said | No disclosures were made. Cr. Walsh absent - 7.20 to 7.22 pm, 7.35 to 7.45 pm |
| 2 | 2014/2015 Annual Summary of Darebin Community Survey | No disclosures were made. Cr. Walsh absent - 8.00 to 8.05 pm |
| 3 | Preston Market Heritage Controls | No disclosures were made. |
| 4 | Surplus State Government Land | No disclosures were made. Cr. Walsh absent - 9.18 to 9.20 pm, 9.21 to 9.23 pm, 9.27 to 9.30 pm. |
| 5 | Governance Matters (Deferred) | |
| 6 | Christmas Event | No disclosures were made. |
| 7 | Moving to Full and Open Disclosure on Benefits from Council Owned or Linked Organisations | No disclosures were made. |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|--|---------------------------|
| 8 | Car Share Fees | No disclosures were made. |
| 9 | Natural Heritage Strategy | No disclosures were made. |
| 10 | Transfer of Roads and Reserves from ASIC | No disclosures were made. |

The Assembly concluded at 9.35 pm

| | | |
|---------------------------------|-----------------------|--------------------------------|
| RECORD COMPLETED BY: | Officer Name: | Katrina Knox |
| | Officer Title: | Director Community Development |



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

| | | |
|--------------------------|-----------------------|---|
| ASSEMBLY DETAILS: | Title: | Darebin Child Friendly City Advisory Committee |
| | Date: | Tuesday 16 September 2015 |
| | Location: | Council Chambers, High St, Preston |
| PRESENT: | Councillors: | Cr. Steven Tsitas (Mayor) |
| | Council Staff: | Cheryl Hermence, Yvonne Rust, Indy Lingam, Linda Harman, Christopher Meulblok, Jess Fraser, Nejla Hashim, Caz Smith, Stephanie Preston, Jody Brodribb |
| | Other: | Community Representatives on the Child Friendly City Advisory Committee |
| APOLOGIES: | | Cr. Julie Williams (approved leave of absence), Katrina Knox, Bridget Monro-Hobbs, Brett Grambau, Philip Tulk, Alison Breach, Patrick Buchanan, Robin Penty |

The Assembly commenced at 10.00 am

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|--|---------------------------|
| 1 | Draft Framework discussion | No disclosures were made. |
| 2 | Other Business 3 Community Committee members stepping down from committee | No disclosures were made. |

The Assembly concluded at 11.00 am

| | | |
|-----------------------------|-----------------------|--|
| RECORD COMPLETED BY: | Officer Name: | Linda Harman |
| | Officer Title: | Acting Coordinator Family and Community Programs |

9. CONSIDERATION OF REPORTS

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

MINUTE NO. 480

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT Council agree to consider the adoption of the 'Recommendations' contained in Report Item Nos. 9.9, 9.10, 9.11 and 9.12 'en bloc'.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT the 'Recommendations' contained in Report Item Nos. 9.9, 9.10, 9.11 and 9.12 be adopted 'en bloc'.

CARRIED

Cr. Villella disclosed a conflict of interest in the following item declaring it as a direct interest as the Preston Market has sponsored her Mangia! Mangia! DVD.

Cr. Villella left the meeting prior to discussion of the item at 7.56 pm

9.1 PRESTON MARKET – HERITAGE CONTROLS

MINUTE NO. 481

AUTHOR: Manager City Development

REVIEWED BY: Director Assets and Business Services

SUMMARY

At its meeting on 20 July 2015, the following General Business item was resolved:

'That Council receive a report at the first council meeting in September 2015 on the requirements and process of pursuing a planning scheme amendment to implement heritage controls to the 45 year old Preston Market site. The report should also outline the public exhibition process to be followed to ensure community input.'

In preparing the response, the Practice Note for the application of Heritage Overlays and the criteria for heritage assessment (**Appendix A** and recent heritage assessments undertaken in parallel with the development of the Preston Central Structure Plan (relevant extracts included as **Appendix B**) were reviewed.

It is concluded that reasonable solutions to retaining the market use on the Preston Market site sit outside the planning process and it would be advisable to maintain ongoing discussion and collaboration with the land owners to ensure a sustainable Preston Market and redevelopment of the site in accordance with the Structure Plan.

Discussions with the Level Crossing Removal Authority (LXRA) regarding the planned grade separation works in Darebin have been held and there are opportunities to collaborate with the landowners of Preston Market site with a view to strengthening Council's case for rail grade separation north of Bell St (Cramer Street and Murray Road, Preston).

CONSULTATION

- Council Briefing – 14 September 2015
- Level Crossing Removal Authority (LXRA)

RECOMMENDATION

THAT Council:

- (1) Notes that the Preston Central Structure Plan, the strategic directions for the site and based on expert advice on heritage matters do not support the pursuit of heritage protection for the Market.
- (2) Notes that the Planning Scheme encourages the redevelopment and ongoing operation of the market within existing controls.
- (3) Authorises the Director of Assets and Business Services to engage in discussions with the Preston Market owners regarding future development plans with a view to strengthening Council's case for rail grade separation north of Bell St (Cramer Street and Murray Road, Preston).
- (4) Be provided with a report on the outcomes of future discussions with the owners of the Preston Market site, and other adjacent and nearby stakeholders as appropriate, in relation to efforts to protect the market component of the site as part of any proposed redevelopment.

MOTION

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT Council:

- (1) Notes that the Preston Central Structure Plan, the strategic directions for the site and based on expert advice on heritage matters do not support the pursuit of heritage protection for the Market.
- (2) Notes that the Planning Scheme encourages the redevelopment and ongoing operation of the market within existing controls.

- (3) Authorises the Director of Assets and Business Services to engage in discussions with the Preston Market owners regarding future development plans with a view to strengthening Council's case for rail grade separation north of Bell St (Cramer Street and Murray Road, Preston).
- (4) Be provided with a report on the outcomes of future discussions with the owners of the Preston Market site, and other adjacent and nearby stakeholders as appropriate, in relation to efforts to protect the market component of the site as part of any proposed redevelopment.

Cr. Greco proposed to the mover and seconder that point (5) be added as follows. This was not accepted by Cr. Laurence and Cr. Williams.

- (5) Council pursue heritage protection for the Preston Market site and seek a heritage assessment by a qualified heritage consultant as the first step in the process.

AMENDMENT

MOVED: Cr. G. Greco
SECONDED: Cr. O. Walsh

THAT Council pursue heritage protection for the Preston Market site and seek a heritage assessment by a qualified heritage consultant as the first step in the process.

THE AMENDMENT WAS PUT AND LOST.

Cr. Greco called for a Division:

| <u>For</u> | <u>Against</u> |
|-------------------|--------------------|
| Cr. Gaetano Greco | Cr. Tim Laurence |
| | Cr. Oliver Walsh |
| | Cr. Steven Tsitas |
| | Cr. Vince Fontana |
| | Cr. Julie Williams |

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

MOTION

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT Council:

- (1) Notes that the Preston Central Structure Plan, the strategic directions for the site and based on expert advice on heritage matters do not support the pursuit of heritage protection for the Market.
- (2) Notes that the Planning Scheme encourages the redevelopment and ongoing operation of the market within existing controls.

- (3) Authorises the Director of Assets and Business Services to engage in discussions with the Preston Market owners regarding future development plans with a view to strengthening Council's case for rail grade separation north of Bell St (Cramer Street and Murray Road, Preston).
- (4) Be provided with a report on the outcomes of future discussions with the owners of the Preston Market site, and other adjacent and nearby stakeholders as appropriate, in relation to efforts to protect the market component of the site as part of any proposed redevelopment.

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

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

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT Council:

- (1) Notes that the Preston Central Structure Plan, the strategic directions for the site and based on expert advice on heritage matters do not support the pursuit of heritage protection for the Market.
- (2) Notes that the Planning Scheme encourages the redevelopment and ongoing operation of the market within existing controls.
- (3) Authorises the Director of Assets and Business Services to engage in discussions with the Preston Market owners regarding future development plans with a view to strengthening Council's case for rail grade separation north of Bell St (Cramer Street and Murray Road, Preston).
- (4) Be provided with a report on the outcomes of future discussions with the owners of the Preston Market site, and other adjacent and nearby stakeholders as appropriate, in relation to efforts to protect the market component of the site as part of any proposed redevelopment.

CARRIED

Cr. Greco called for a Division:

| <u>For</u> | <u>Against</u> |
|--------------------|-------------------|
| Cr. Vince Fontana | Cr. Gaetano Greco |
| Cr. Julie Williams | |
| Cr. Tim Laurence | |
| Cr. Oliver Walsh | |
| Cr. Steven Tsitas | |

REPORT

INTRODUCTION AND BACKGROUND

Preston Central - Background

Council completed a Heritage Study in 2008 in conjunction with the Preston Central Structure Plan development, focussing on heritage assets in Preston. The Preston Market was not identified as having particular heritage significance, although some sites around the Market were included, notably, the Preston City Oval and Preston Band Hall. No recommendations for future assessments or work on the market site were included.

The market site is a cornerstone for the entire Preston Central Structure Plan area and is recognised as the most important redevelopment site in the Structure Plan area. Moreover, an existing Incorporated Plan (Preston Market 2007) guides the redevelopment of the Preston Market site and provides for an intensive mixed use redevelopment and encourages the continuation of the market use on site. Combined, these two documents take the Planning Scheme as far as it can go in protecting the continued market use on the site.

Preston Market Redevelopment

The Preston Market site was recently the subject of a proposed Planning Scheme Amendment (C143). The proposal, which was lodged on behalf of site owners Salta Properties in March 2014, sought to alter the existing Development Plan for the site. The proposal and Amendment were subject to extensive consideration and negotiation in 2014, including a Design Review Panel by the Office of the Victorian Government Architect in August 2014. Council resolved to abandon the Amendment in March 2015 citing concerns over heights and the ongoing viability and operation of the Market.

Subsequent Council discussions have identified interest in the heritage value of the market. A letter to the Planning Minister, seeking interim heritage controls and the Ministers' support for the continuation and retention of the fresh food market on the site was sent in May 2015.

The Minister's response:

- Advised that he does not have the authority to require a particular use to continue on a site and encouraged Council to work collaboratively with the owners of the site to ensure the ongoing operation of the market; and
- Advised that any request for application of heritage controls require supporting documentation, namely a heritage study undertaken by a qualified consultant.

ISSUES AND DISCUSSION

Criteria for Heritage Protection

Guidance about the use of Heritage Overlays is detailed in *Practice Note 01: Applying the Heritage Overlay (Revised September 2012 – Appendix A)*.

To qualify, the place must satisfy at least one of the following criteria:

- *Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).*

- *Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).*
- *Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).*
- *Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*
- *Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*
- *Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*
- *Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*
- *Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

Preliminary discussions with Council's Heritage Advisor indicate that the site is unlikely to receive heritage recognition for the built fabric (Criterion D or E), and historical significance due to cultural reasons may also be difficult to justify given the markets operation has only occurred since 1975 (Criterion A or G).

However, should Council wish to continue to pursue heritage protection for the site, a heritage assessment by a qualified heritage consultant would be the first step. This work is currently unbudgeted and not able to be funded within current resource allocations. Any heritage review for the site would also necessitate a review the Preston Central Structure Plan, given the significance of the site to the broader Structure Plan.

Noting the scale of recent development activity and plans around the edges of the Structure Plan area, it may be advisable to undertake a review of the Preston Central Structure Plan. This is a major initiative requiring 2-3 year's work, including consultation and community engagement with indicative costs of around \$300,000.

It is considered that solutions to retaining the market use on the Preston Market site sit outside the planning process and require ongoing discussion and collaboration with the land owners to ensure a sustainable Preston Market, and to ensure outcomes are integrated into broader city development planning.

Rail Grade Separation in Preston – Opportunities for collaboration

Currently the nature, form and quality of urban renewal opportunity in Preston is severely impacted by level crossings, which represent a dangerous conflict point between different transport modes and a major structural impediment to integrated urban renewal within this key activity centre.

The State Government has committed to progress a number of grade separation projects in the short term, with Bell Street, Reservoir Junction and Grange Road in the top 50 rail grade separation list to be completed by 2018.

Whilst a number of grade separation options are currently being considered by the Level Crossing Removal Authority for Bell Station at Bell Street, consideration must also be given to the opportunities provided by the grade separation of Cramer Street and Murray Road, Preston, to remove current barriers to mobility in the Preston Central Area.

As a key landholder and potential beneficiary from any rail grade separation in Preston, the Preston Market is an important stakeholder in these discussions. The redevelopment potential of the market site is greatly affected by any future rail grade separation in Preston. Opportunities therefore exist to partner with the private sector and to more constructively engage with the state government to build a strong case for rail grade separation and value capture, north of Bell Street (Cramer Street and Murray Road, Preston) as part of a package of projects to revitalise Central Preston. This case would need to be developed and considered by government within the next 6-12 months.

An important aspect of this opportunity is the ability to integrate multiple community and social outcomes such as housing, visual amenity, commercial / retail space, open space and recreation, improved transport linkages, and general improvements to accessibility and access throughout the city.

POLICY IMPLICATIONS

Environmental Sustainability

Nil

Human Rights, Equity and Inclusion

Nil

Economic Development

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

There is no allowance in the Strategic Planning budget for further detailed heritage investigation of this site, or for the broader review of Preston Central Structure Plan. The work associated for this heritage investigation is estimated to cost beyond \$50,000 including an independent heritage report/expertise, planning scheme amendment costs, consultation and staff costs. This work would need to occur in conjunction with the review of the Preston Central Structure plan (\$300,000).

CONCLUSION

Solutions to retaining the market use on the Preston Market site sit outside the planning process and ongoing discussion and collaboration with the land owners is the most viable path to ensure a sustainable Preston Market.

A report will be provided on the status of grade separation planning in the coming months, which will include an update on any stakeholder discussions, and internal planning on broader precinct opportunities to achieve community centred outcomes.

FUTURE ACTIONS

- Recommence discussions with landowners of the Preston Market and other stakeholders as appropriate
- Provide future updates to Councillors regarding the status of discussions on rail grade separation and other opportunities in the Preston / Bell area.

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

- Practice Note 01: Applying the Heritage Overlay (Revised September 2012) (**Appendix A**)
- Preston Central Structure Plan (relevant extracts) and Preston Market Incorporated Plan (**Appendix B**)
- Council Minutes – 20 July 2015

Cr. Villella returned to the meeting at the conclusion of the above item at 8.14 pm.

**9.2 NORTHLAND COMMUNITY SAFETY AND CRIME
PREVENTION PROJECT****MINUTE NO. 482****AUTHOR: Manager Children, Families and Community****REVIEWED BY: Director Community Development****SUMMARY**

The purpose of this report is to provide an overview of the Northland Precinct Action Group (NPAG); a crime prevention and community safety partnership between Council, Victoria Police and Northland Shopping Centre. The report will outline the formation of this group, the key achievements of the past 12 months and priorities for the 2015/2016 financial year.

CONSULTATION

- Coordinator Community Wellbeing
- Community Safety Officer
- Coordinator Youth Services
- Victoria Police
- Northland Shopping Centre Management

RECOMMENDATION

THAT Council note the achievements of the Northland Precinct Action Group and the key priorities for 2015/2016 as outlined in this report.

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. V. Fontana

THAT Council note the achievements of the Northland Precinct Action Group and the key priorities for 2015/2016 as outlined in this report.

Cr. Greco proposed to the mover and seconder that point (2) be added as follows. This was accepted by Cr. Laurence and Cr. Fontana.

- (2) Write to key stakeholders thanking them for their collaboration.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

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

THAT Council:

- (1) Note the achievements of the Northland Precinct Action Group and the key priorities for 2015/2016 as outlined in this report.
- (2) Write to key stakeholders thanking them for their collaboration.

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

COUNCIL RESOLUTION

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

THAT Council:

- (1) Note the achievements of the Northland Precinct Action Group and the key priorities for 2015/2016 as outlined in this report.
- (2) Write to key stakeholders thanking them for their collaboration.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

While anti-social behaviour and crime at shopping centres are common, in early 2013 anecdotal evidence and Victoria Police statistics suggested that both levels of crime and anti-social behaviour at Northland Shopping Centre were significantly disproportionate to the rest of Darebin, accounting for a significant percentage of crime in Preston.

Prior to the formation of NPAG, stakeholders attempted to address issues as individual agencies, in isolation from other partners and with little consideration of the larger issues underlying the specific concerns at the Centre. In some instances individual stakeholder priorities and processes were at odds with one another, adding to the complexity of the issue.

In 2013 following concerns raised by Victoria Police and Council regarding the volume and complexity of issues, Council coordinated a round table conversation to openly discuss the issues with the following key stakeholders:

- Northland Shopping Centre Management
- SecureCorp Security contractors
- Victoria Police
- Darebin Council (Community Wellbeing and Youth Services)

It was noted that this was the first round table conversation with all key parties involved since the centres inception in 1966. With the number of potentially sensitive issues and critique that was anticipated in the first meeting, an external facilitator was engaged to guide the conversation, with the aim of establishing an action plan based on a common issue, shared goals, principles and objectives that would enable all stakeholders to move forward as a cohesive group.

Through this process it was recognised that the issues occurring at the Centre were in many ways symptoms of broader social issues experienced by the surrounding communities of West Heidelberg and East Preston, both strongly characterised by factors including intergenerational disadvantage, high density of public housing, high unemployment rates and high rates of truancy among young people. Containing a number of services such as Medicare, the Northland Youth Centre and bus terminal, Northland has become not only a central retail precinct, but the host for vital social infrastructure and the social hub for the surrounding community.

As a result a key outcome of this conversation was the identification and agreement of a common issue, which the group identified as:

The level of crime, road policing, perceptions of safety, and levels of anti-social behaviour at Northland Shopping Centre in the context of the health and wellbeing of the surrounding community.

This then enabled the development of a shared goal that encompassed both the individual goals of each stakeholder and the collective vision, which was:

Northland Shopping Centre is a safe, welcome centre with strong positive connection to the local community.

The inaugural action plan listed 27 actions divided between three priority areas:

- 1. Partnerships** – To ensure a safe and secure environment for all persons using the area known as Northland Shopping Centre through inter-agency collaboration
- 2. People** – To ensure a safe and secure environment for all persons using the area known as Northland Shopping Centre
- 3. Place** – The shopping centre is a common security controlled area requiring a shared responsibility of security risk, response and resolution.

The action plan was complemented by a Terms of Reference that solidified the group's commitment to bi-monthly meetings with all stakeholders represented and an ongoing dialogue shaped by a set of guiding principles. The group has been pivotal in redefining each stakeholder's involvement in this space through a shared goal and creating a collective approach to address the identified issues.

ISSUES AND DISCUSSION

Since the group's inception a number of proactive initiatives have been implemented across the three priority areas that seek to address the causation of crime in this area and provide an immediate response to the issues identified, all in the context of improving the health and wellbeing of the surrounding community.

The inaugural action plan has been evaluated at a process, output and impact level against four Key Performance Indicators that reflect the goal of the Northland Precinct Action Group. At an output level, 25 of the 27 actions were completed and the following table summarised the outcomes achieved against the four Key Performance Indicators.

| KPI's | Measure | Target | Actual |
|--|---|----------|---|
| 1. Agency engagement and relationship | Percentage of NPAG agencies who rate their participation in the action group and relationship with other agencies as good or very good. | > 75% | 100% rated their experience in participating in NPAG as good or very good. 70% of participants rated their working relationship with other stakeholders before the formation of NPAG as very poor to neutral, or could not say. 90% of participants rated their working relationship with other stakeholders after the first year NPAG's operation as good or very good. |
| 2. Community engagement and participation | Percentage of community members who rate their experience and participation in NPAG projects as good or very good. | > 70% | 90% rated their agency participation in NPAG projects as good or very good. |
| | Number of community events initiated through NPAG | >10 | Approx. 12 events initiated |
| 3. Perceptions of safety | Perception of safety of survey data | Increase | Comparative data not yet available due to a delay in commencing the baseline survey follow up survey to be gathered January 2016. |
| 4. Crime and antisocial behaviour | Victoria Police crime statistics Northland crime statistics | Decrease | Assaults reduced by 18%, burglaries by 11% and theft by 55% Major retailers have reported an average of \$70K reduction in property loss since NPAG Behaviour in the centre has reportedly changed, as one example, the plants throughout the centre are no longer being damaged, and for the first time in a number of years there are savings in the Centre's maintenance budget. |

Key projects delivered in this time that underpin these KPIs include, but are not limited to:

- A **diversionary program** with young people who were banned from the Northland precinct due to anti-social behaviour. The program aimed to educate participants about the impact of high risk behaviours, reduce this behaviour and support them become safe, effective bystanders in response to anti-social behaviours.

Data from pre and post surveys indicates that the program was successful to this end, with an approximate 25% increase in understanding of the components that make a respectful relationship and understanding how to be an effective bystander. 75% of participants believed the program was beneficial and would recommend it to others. The program has successfully raised awareness around safe decision making, understanding roles as an effective bystander, and the impact of high risk behaviours on the wider community.

- **Implementation of Operation Optic** in which Victoria Police recruits visit the centre to engage with the public and build their community engagement confidence, as well as enabling visitors and businesses to engage with the officers. The operation provided saturation and high visibility policing in the precinct. Retailers and centre patrons continue to provide positive feedback about this operation.
- A **Northland specific task force** that has increased and refined the coordinated response between Northland Security and Victoria Police. As illustrated above, the latest intelligence assessment report for the past year at Northland shows a reduction in assaults by 18%, burglaries by 11% and theft by 55% at the shopping complex. Furthermore one major retailer at the Centre has reported that their quarterly data showed a \$70K reduction in property loss from their store since the inception of the operation. This is attributed to the newfound working relationship through NPAG. The taskforce has also refined the process for banning people who offend at the centre to ensure it is consistent with Victoria Police legislation and practice. This significant success has gained a considerable amount of interest from within Victoria Police as well a number of other shopping centres and police units from around the country, the most recent being a from a crime prevention unit in Adelaide asking for the guidance to establish their own 'Precinct Action Group.'
- Several **community events** have been held in the surrounding Northland Precinct. The events helped showcase the partnership and foster goodwill between stakeholders and surrounding community. These events including two family movie nights with an estimated 300 people in attendance each time, two Clean Up Australia day events, a youth basketball tournament, the Greenbelt Avenue Park Party, NYC Open day and NYC Blue light disco that has enabled the centre and other stakeholders to demonstrate their commitment to the community. Northland's commitment to building a positive relationship with the surrounding community was recognised in their receipt of the 2015 Business Award for Community Contribution.
- **The Northwall Street Art Project** was funded under the Department of Justice Graffiti Prevention Grants and aimed to renew the 300m retaining wall that ran along between Northland Shopping Centre and Darebin Creek to activate the neglected space, increase perceptions of safety and prevent the reoccurrence of illegal graffiti. The highly successful project involved over 50 local and international artists of all ages and abilities over three days, creating the largest legal mural space in Darebin. Pre and post project surveys found that perceptions of safety increased by approximately 84% with the implementation of legitimate artwork in this space.

Key challenges and learnings

The successes of the group, including the significantly reduced crime rate and various community based projects, have reaffirmed the effectiveness of working in collaboration with key stakeholders to address the underlying social factors that influence crime and community safety. Critical to this success is operating towards a shared goal, with ongoing and open dialogue and a willingness to redefine the traditional roles that each stakeholder can play to prevent crime and promote community safety in this precinct.

The process has also highlighted an important role for Council to facilitate and support partnership approaches to community safety across the spectrum of crime prevention. Despite the challenges and complex issues faced, the process utilised by Council to form this group has built a strong foundation to respond to issues that arise in a respectful and constructive way.

The most significant and ongoing challenge for Council is addressing the underlying issues and social determinants of crime, and not just symptoms. In this context, addressing complex behaviour amongst young people remains a priority. The diversionary program provided a number of learnings to progress our work in this space, including the need to engage external expertise to support stakeholders to address these behaviours and the underlying issues.

Priorities for 2015/2016

The 2015/2016 Action Plan provides the framework to continue a number of community based initiatives and enhance the operational functioning of all stakeholders. Key actions include but are not limited to:

- Activation of the space along the Darebin Creek and retaining wall including the Implementation of community CCTV project in partnership with Victoria Police and Northland Centre Management. The project aims to increase perceptions of safety and reduce crime. The location has been chosen due to its isolation, low perceptions of safety, its use as an access route pre and post offending and its potential as a vibrant community space. The finalisation of the related governance documents will create a binding partnership between Council, Northland and Victoria Police for the ongoing operation of the system.
- Redevelopment of a youth diversionary and early intervention model to respond to the spectrum of behaviours and needs of young people at the centre, including referral options to specialised youth services. The model also seeks to respond to some displacement of issues to neighbouring municipalities.

POLICY IMPLICATIONS

Environmental Sustainability

Amenity and perceptions of safety are adversely affected by litter, dumped rubbish and illegal graffiti. The Northwall street art project seeks to prevent the reoccurrence of illegal graffiti and the negative environmental impacts, which stakeholders have actively pledged ongoing involvement in 'Clean Up Australia Day' that has already involved over 150 members of the surrounding community in cleaning up the stretch of Darebin Creek that runs behind the Centre.

Human Rights, Equity and Inclusion

The NPAG action plan places strong emphasis on increasing the health and wellbeing of the surrounding community which is characterised by high levels of social disadvantage and a number of groups considered most at risk of exclusion including young people, people living on low and/or insufficient incomes, Aboriginal and culturally and linguistically diverse residents and people with a mental illness.

Furthermore, when individuals feel unsafe in their environment it can decrease their participation in the community and negatively impact on their sense of wellbeing. Increasing perceptions and actual levels of safety in the area helps remove barriers to social isolation, allowing people to actively participate and therefore increasing overall levels of health and wellbeing.

Economic Development

Crime and low perceptions of safety can have a negative impact on businesses and economic development. The outcomes from the group will directly influence the ability of people in the surrounding community to better access the numerous retail facilities throughout the centre and attract new customers to the centre.

Other

The Northland Precinct Action Plan directly supports strategy 2.2 of the Council Plan, Community Safety: work in partnership with the community and partners to reduce the impact of crime, improve perceptions of safety, promote freedom from all forms of discrimination and violence and build a safe, respectful community.

FINANCIAL AND RESOURCE IMPLICATIONS

\$10,000 is allocated annually to deliver initiatives the Northland Precinct Action Plan and facilitate the Action Group.

Many of the community activities are supported by the resources allocated to the East Preston Neighbourhood Action Plan.

In 2015/2016 the priority will be the delivery of the CCTV system in the public space along Darebin Creek.

CONCLUSION

The Northland Precinct Action Group (NPAG) has proved an innovative approach to improve community safety, with Council as the key facilitator for crime prevention partnerships in the Northland precinct. NPAG enables all partners to have input into issues and solutions, such as Police response, community events, operational procedures and youth services programming, while providing a forum to discuss new and existing issues.

The structure of the group, underpinned by shared principles and goals, enables all partners to critically reflect on their role in increasing perceptions of safety and reducing crime at the precinct. The project has been Darebin City Council's most effective place-based crime prevention and community safety initiative and the commitment and resourcing demonstrated from Victoria Police and Northland Centre Managements it to be commended.

The reduction in crime is evidence of this investment, and the strong partnership that has developed between stakeholders to not only reduce crime and improve safety, but build a more healthy and connected Northland community.

FUTURE ACTIONS

- Implementation of the 2015/2016 NPAC 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

- NPAG Action Plan (confidential document for operational reasons)

Darren Rudd, Manager City Development, temporarily left the meeting during discussion of the above item at 8.15 pm.

9.3 SURPLUS VICTORIAN GOVERNMENT LAND**MINUTE NO. 483****AUTHOR: Manager Assets and Properties****REVIEWED BY: Director Assets and Business Services****SUMMARY**

Council has received advice through the Victorian Government's First Right of Refusal (FROR) process that several parcels of Victorian Government owned land within the municipality are considered surplus. This surplus land has been offered to Council, Victorian Government departments and the Commonwealth Government on a first right of refusal basis prior to being offered for private sale to the public.

VicRoads, Melbourne Water, VicTrack and the Department of Education have all identified surplus land within the City.

The identified surplus land has been assessed using the Darebin Property Management Strategy's Decision Logic Map. The outcomes of the Decision Logic Map assessments were then reviewed by the internal Land and Property Strategic Use Steering Committee. Department of Education land at the former Lakeside Secondary College was previously reported to Council on 15 September 2014 and Council has received briefings on land at the former Ruthven Primary School.

In most cases the land identified as surplus by Victorian Government departments and agencies is currently serving as publicly available open space. As this use is inconsistent with the stated purposes of the various departments and agencies which own the land, the land is considered to be surplus to their requirements. In order for Victorian Government land to be protected for open space, it must be of state significance. Most of the surplus land has not been identified by the Victorian Government as such, except for the VicTrack land at 45 Merri Parade, which is noted as open space in the Metropolitan Open Space Strategy.

This report recommends that Council take a range of actions to either acquire or secure land for open space through various means or pass on the opportunity to acquire surplus land due to a lack of strategic relevance. These actions include:

- Working with VicRoads to purchase land along the Merri and Darebin Creeks and advising them of the parcels of land which are considered to be not strategically justified within a municipal context.
- Negotiating with Melbourne Water and relevant members of the Victorian Government in an attempt to achieve a price for land at 48 Rona Street that would be considered appropriate to its future use as open space. The current valuation of \$1.25M for 1,268m² is based on a residential use, is considered to be excessive and not value for money.
- Advising the Victorian Government that the surplus VicTrack land at 45 Merri Parade should be considered as open space of state significance, as noted within the Metropolitan Open Space Strategy, and that it should be protected accordingly. In this regard, it is recommended that Council offer to become Committee of Management for the land should it be declared a Crown Reserve.

The Department of Education has recently re-approached Council with offers for former schools in Reservoir offering discounts of up to 45-50% of the market value if Council commits to use the land as open space.

It is recommended that Council enter into negotiations with the Department of Education to consider opportunities to acquire land from the former Ruthven Primary School in Reservoir to fill a gap in the provision of large open spaces in this area. Potential options could include opportunities for a land-swap of Council titled properties within the bounds of the former Preston Girls School.

Council has secured an easement across the western portion of the site of the former Lakeside Secondary College in accordance with previous resolution of Council. The Department's offer of a potential for a 45-50% discount on the industrially zoned market value this land still does not provide value for money to the community. The land is covered by planning scheme protections aimed at retaining vegetation and preventing inappropriate development. It is considered appropriate that Council approach any future private owner of this land to negotiate a purchase in the future.

CONSULTATION

- Councillor Briefing – 14 September 2015
- Department of Treasury and Finance
- Department of Education
- VicRoads
- VicTrack
- Melbourne Water
- City Valuer
- Land and Property Strategic Use Steering Committee

RECOMMENDATION

THAT:

- (1) VicRoads be advised that Council has no strategic interest in acquiring surplus VicRoads land at 16-20 Dumbarton Street, Reservoir; Rear 16 Dumbarton Street, Reservoir; 20 Lockton Avenue, Reservoir; and 122-124 Cheddar Road, Reservoir.
- (2) VicRoads be advised that Council will require a 3m wide drainage easement to be provided along the southern boundary of 20 Lockton Street, Reservoir in order to protect an existing underground Council drainage asset.
- (3) VicRoads be advised that Council has no strategic interest in acquiring surplus VicRoads land at 1-11 McMahan Road, Reservoir.
- (4) Council authorise the Chief Executive to negotiate with VicRoads to acquire land at open space valuations at the following locations:
 - a. Rear of 32-34 Clements Grove, Reservoir
 - b. Rear of 22 Clements Grove, Reservoir
 - c. Rear 30 Mia Close, Reservoir
 - d. Rear 20 Lockton Avenue, Reservoir

- (5) Council authorise the Council seal to be affixed to any transfer of land made in accordance with this report in relation to the acquisition of land for municipal open space at:
 - a. Rear of 32-34 Clements Grove, Reservoir
 - b. Rear of 22 Clements Grove, Reservoir
 - c. Rear 30 Mia Close, Reservoir
 - d. Rear 20 Lockton Avenue, Reservoir
- (6) The Chief Executive write to the Chief Executive Officer of Melbourne Water and that the Mayor write to the local Members of Parliament to request review of the offer of surplus Melbourne Water land at 48 Rona Street, Reservoir which is required by Council as open space to address a strategic deficiency in playspaces within the local area.
- (7) The Chief Executive write to the Chief Executive Officer of VicTrack and that the Mayor write to the local Members of Parliament and the Minister for Planning and the Minister for Environment, Climate Change and Water to:
 - a. Request the Victorian Government consider declaring surplus VicTrack land at 45 Merri Parade as a Crown Reserve
 - b. Offer Council's services as Committee of Management for that land
- (8) The Chief Executive be authorised to negotiate with the Department of Education in relation to surplus Department of Education Land at the former Ruthven Primary School and titled Council land within the former Preston Girls School with the intention of securing the entire 30,540m² of surplus land at the former Ruthven Primary School for municipal open space.
- (9) The Department of Education be advised that Council would only be interested in 18,760m² of land along the western edge of the former Lakeside Secondary College at 21-29 Radford Road, Reservoir in a scenario where the land is valued as open space.
- (10) Council receive a report on the progress of negotiations for acquisition or protection of land for open space at the following sites:
 - a. 48 Rona Street, Reservoir
 - b. 45 Merri Parade, Northcote
 - c. Former Ruthven Primary School, Reservoir
 - d. Rear 21-29 Radford Road, Reservoir (former Lakeside Secondary College).

COUNCIL RESOLUTION

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

THAT:

- (1) VicRoads be advised that Council has no strategic interest in acquiring surplus VicRoads land at 16-20 Dumbarton Street, Reservoir; Rear 16 Dumbarton Street, Reservoir; 20 Lockton Avenue, Reservoir; and 122-124 Cheddar Road, Reservoir and that land be transferred to Darebin Council at no cost.

- (2) VicRoads be advised that Council will require a 3m wide drainage easement to be provided along the southern boundary of 20 Lockton Street, Reservoir in order to protect an existing underground Council drainage asset.
- (3) VicRoads be advised that Council has no strategic interest in acquiring surplus VicRoads land at 1-11 McMahon Road, Reservoir and that land be transferred to Darebin Council at no cost.
- (4) The Chief Executive write to the Chief Executive of Vic Roads and that the Mayor write to the local members of parliament to request the land at the following locations be transferred over to Darebin residents at no cost:
 - a. Rear of 32-34 Clements Grove, Reservoir
 - b. Rear of 22 Clements Grove, Reservoir
 - c. Rear 30 Mia Close, Reservoir
 - d. Rear 20 Lockton Avenue, Reservoir
- (5) The Chief Executive write to the Chief Executive Officer of Melbourne Water and that the Mayor write to the local Members of Parliament to request review of the offer of surplus Melbourne Water land at 48 Rona Street, Reservoir (with a view to gifting the land to Darebin City Council) which is required by Council as open space to address a strategic deficiency in playspaces within the local area.
- (6) The Chief Executive write to the Chief Executive Officer of VicTrack and that the Mayor write to the local Members of Parliament and the Minister for Planning and the Minister for Environment, Climate Change and Water to:
 - a. Request the Victorian Government consider declaring surplus VicTrack land at 45 Merri Parade as a Crown Reserve
 - b. Offer Council's services as Committee of Management for that land
- (7) The Chief Executive be authorised to negotiate with the Department of Education in relation to surplus Department of Education Land at the former Ruthven Primary School and titled Council land within the former Preston Girls School with the intention of securing the entire 30,540m² of surplus land at the former Ruthven Primary School for municipal open space.
- (8) The Department of Education be advised that Council would only be interested in 18,760m² of land along the western edge of the former Lakeside Secondary College at 21-29 Radford Road, Reservoir in a scenario where the land is valued as open space.
- (9) Council receive a report on the progress of negotiations for the gifting of land or protection of land for open space at the following sites:
 - a. 48 Rona Street, Reservoir
 - b. 45 Merri Parade, Northcote
 - c. Former Ruthven Primary School, Reservoir
 - d. Rear 21-29 Radford Road, Reservoir (former Lakeside Secondary College).

CARRIED

Cr. Greco called for a Division:

For

Cr. Oliver Walsh
Cr. Tim Laurence
Cr. Gaetano Greco
Cr. Angela Vilella
Cr. Julie Williams

Against

Cr. Steven Tsitas
Cr. Vince Fontana

The Chairperson, Cr. Tsitas, declared the motion to be carried.

REPORT

INTRODUCTION AND BACKGROUND

Victorian Government Surplus Land Process

The Victorian Government endorsed the *Victorian Government Landholding Policy and Guidelines* in early 2015. The policy states that Victorian Government agencies must only hold land where state ownership of that land contributes directly to current or future service delivery outcomes.

The policy and guidelines require Victorian Government departments and authorities to undertake strategic assessments of their property portfolios and provide annual reporting to the Department of Treasury and Finance (DTF) on property utilisation, including identifying parcels which are considered surplus.

The *Victorian Government Landholding Policy and Guidelines* introduces amendments to the process for notification and offering surplus land to local governments which was previously contained within Government Land Monitor's *Policy and Instructions for the purchase, compulsory acquisition and sale of land*. Under the previous process, councils were provided notification after Victorian Government departments/authorities were notified and councils were only provided with 30 days to respond. The new process features concurrent notification for local, state and federal and provides a 60 day period for response (see outline below).

- Upon declaring land surplus to agency requirements, Victorian Government agencies give notice of the surplus land to the DTF
- DTF provides email notification to Victorian Government agencies, local government and the Commonwealth Government of the surplus land
- All other Victorian Government agencies, local government and the Commonwealth Government have a period of 60 days from the date of notification by the Department of Treasury and Finance in which to submit an expression of interest to acquire the surplus land for a public or community purpose
- If an expression of interest is not received within 60 days, the disposing agency may proceed to dispose of the surplus land by public process in accordance with the Victorian Government Land Transactions Policy
- If an expression of interest is received within 60 days, the parties are required to negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the expression of interest period (or such other period as may be agreed between the parties)

- If the terms of sale are not agreed between the parties, the disposing agency may proceed to dispose of the surplus land by public process in accordance with the Victorian Government Land Transactions Policy
- If the terms of sale are agreed between the parties, transfer of the surplus land may proceed according to the agreed terms, at a price equal to the current market value of the land as determined by the Valuer-General Victoria
- The landholding Minister may approve the sale of land for a community purpose at a price less than the current market value of the land as determined by the Valuer-General Victoria
- If more than one expression of interest is received in respect of surplus land, expressions of interest by Victorian Government agencies will take precedence over other expressions of interest.

Notifications of Surplus Victorian Government Land

It would appear that some Victorian Government departments and authorities are more advanced in assessing their landholdings than others. Council has received information from the Department of Education, VicRoads, VicTrack and Melbourne Water regarding parcels of land which are considered surplus.

Department of Education

Surplus Department of Education land has been the subject of earlier reports and resolutions of Council, including a recent general business item calling for Council to write to various member of the Victorian Government requesting a meeting with the relevant Minister and local Member for Preston to discuss options to retain the former Ruthven primary school site in public ownership for community use.

The Department of Education provided Council with an easement for the bicycle path at the rear of the former Lakeside Secondary College at 21 Radford Road in Reservoir. This site still remains zoned PUZ2 and has yet to be offered to market.

The future of the former Preston Girls School site in Cooma Street, Preston remains under investigation by the Department of Education. Members of the local community have expressed strong interest in this site being used as a high school. Council has made several approaches to the Department of Education to secure a lease over the land until such time as the land is determined to be required for educational use again.

VicRoads

VicRoads contacted Council in October 2014 advising that it had undertaken an audit of its landholdings within the City and that it had identified five locations where it had landholdings that were now considered surplus. Individual discussion of each of the sites identified by VicRoads is contained in Appendices C through to G. In the main, these sites are being used as open space and in most cases have been solely maintained by Council for decades.

Review of this land and discussions with VicRoads continued until August 2015 whereupon VicRoads advised that it considered the timeframe within the VGLP to have expired. Despite this, and within the same letter, VicRoads invited Council to provide details to support its history of use and intentions to continue to use the land as open space to enable an open space valuation to be prepared.

Council is yet to receive valuations of the land from VicRoads; however estimated open space valuations have been prepared by the City Valuer which are contained within the relevant appendices.

Melbourne Water

Melbourne Water contacted Council in November 2014 about rezoning a parcel of land in Rona Street, Reservoir which was adjacent to the Yan Yean pipe track. This land was considered by Melbourne Water to be surplus to their needs and of a sufficient size (1,268m²) to enable development.

Council received a FROR notification email from the DTF in April 2015 which contained advice that this parcel of Melbourne Water owned land (refer to Appendix I for details) was considered surplus to Victorian Government needs. Based on a preliminary investigation of the site, with reference to applicable strategic documents, Melbourne Water were advised that Council may be interested in acquiring this land to remain as open space.

Melbourne Water arranged for a valuation to be undertaken through the office of the Valuer General Victoria (VGV). The VGV valuation was based on a residential development scenario and not Council's intended use of the land as open space.

VicTrack

The majority of VicTrack's landholdings within the City of Darebin are in alignment with the rail corridors and are required (to a greater or lesser extent) for the purposes of providing rail transport. Council received a FROR notification email from the DTF in April 2015 which contained advice of a large parcel of VicTrack owned land on the corner of Merri Parade and St Georges Road in Northcote (refer to Appendix I for details).

A preliminary investigation by Council officers identified that this was a landmark site that should be retained as open space, so VicTrack was formally advised that Council would be interested in acquiring the land, subject to the outcome of a valuation. VicTrack advised that no other government department or authority advised of any interest in the land. From the outset of discussions, VicTrack was amenable to valuation being undertaken on the basis of the open space use of the land.

A valuation was organised by VicTrack through a VGV approved valuer as well as a second check valuation from another approved VGV valuer. Due to the disparity in value in the two valuations, a valuers' conference was held and a compromise value arrived at. The final valuation takes into account the idea that part of the land is undevelopable and that the remainder is heavily impacted by easements, zoning, past use and potential for future opposition to a change in use.

ISSUES AND DISCUSSION

Surplus Land

Table 1, below, lists the various parcels of land that have been most recently identified by State Government authorities as being surplus. More detailed information on each parcel of land is contained within **Appendix A** (summary) and **Appendices C - J** (individual assessments).

| Land | Area | Authority | Appendix |
|--|----------------------|-------------------------|----------|
| 16 Dumbarton Street, Reservoir | 833m ² | VicRoads | C |
| 18 Dumbarton Street, Reservoir | 832m ² | VicRoads | C |
| 20 Dumbarton Street, Reservoir | 831m ² | VicRoads | C |
| Rear 16-20 Dumbarton Street, Reservoir | 3,550m ² | VicRoads | C |
| 1-11 McMahon Road, Reservoir | 3,962m ² | VicRoads | D |
| Rear 32-34 Clements Grove, Reservoir | 1,393m ² | VicRoads | D |
| Rear 22 Clements Grove, Reservoir | 4,354m ² | VicRoads | D |
| Rear 30 Mia Close, Reservoir | 528m ² | VicRoads | E |
| 20 Lockton Street, Reservoir | 534m ² | VicRoads | F |
| Rear 20 Lockton Street, Reservoir | 516m ² | VicRoads | F |
| 122 Cheddar Road, Reservoir | 522m ² | VicRoads | G |
| 124 Cheddar Road Reservoir | 806m ² | VicRoads | G |
| 48 Rona Street, Reservoir | 1,268m ² | Melbourne Water | H |
| 45 Merri Parade, Northcote (Railway lot 34 Merri) | 9,672m ² | VicTrack | I |
| Former Ruthven Primary School | 30,540m ² | Department of Education | J |
| Former Lakeside Secondary College | 18,760m ² | Department of Education | - |

Table 1 – Surplus State Government Land

Property Asset Management Strategy and the Decision Logic Matrix

Council adopted a Property Asset Management Strategy (PAMS) in 2014 which seeks to enable strategic decision making and align actions relating to property assets to Council's broader policy objectives. PAMS provides Council with a basis for achieving a sustainable property portfolio capable of generating enhanced community outcomes.

PAMS contains a Property Management Framework (Figure 1) which depicts a methodology for municipal decision making which is founded on service needs and is responsive to budgetary implications.

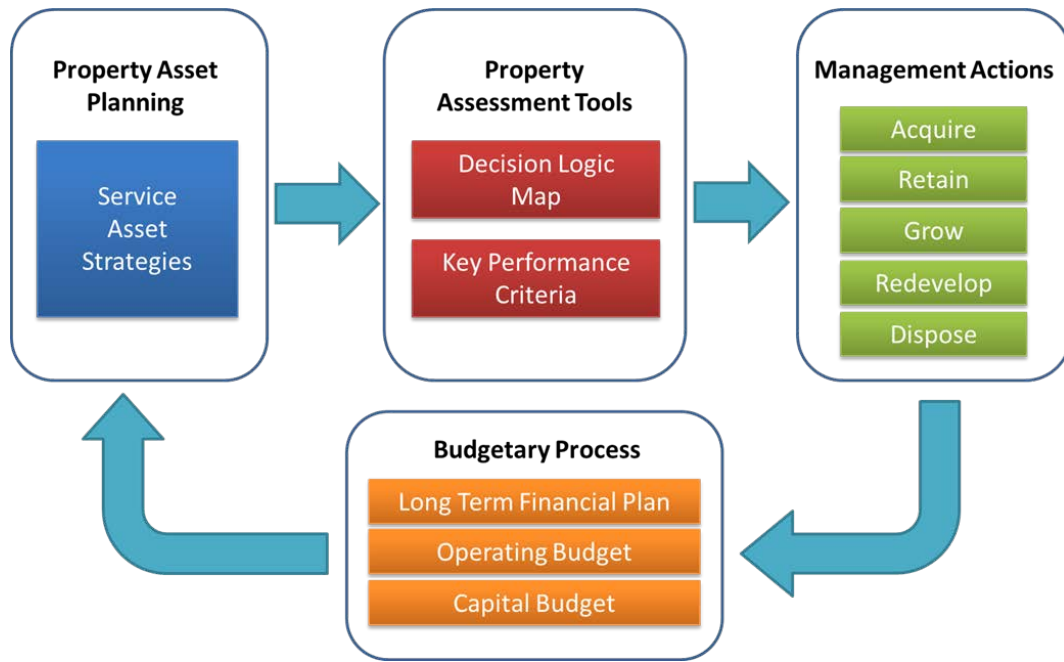


Figure 1- Property Management Framework

A vital element of the Property Asset Management Strategy is the Decision Logic Map (refer to **Appendix B**) which asks a series of key questions in order to arrive at one of four hold points – Dispose, Maintain, Grow or Redevelop as shown in Figure 2.

| | | Service Provision | |
|-----------------------|------|--|---|
| | | High | Low |
| Development Potential | High | <p>Grow</p> <p>(Council undertakes actions to develop the property or transform existing use)</p> | <p>Redevelop</p> <p>(partnership with other parties to develop property or transform existing use)</p> |
| | Low | <p>Maintain</p> <p>(business as usual)</p> | <p>Dispose</p> <p>(Council sells the property)</p> |

Figure 2- Decision Logic Matrix

Each site has been assessed using service based asset strategies and the property assessment tools to arrive at an appropriate management action (refer **Appendices C through I**). The assessment process now requires input from Council to balance outcomes and resources to determine if these management actions are indeed appropriate.

POLICY IMPLICATIONS

Environmental Sustainability

Environmental sustainability issues are covered under the strategic assessments for each of the candidate sites.

In general, the open spaces along the creeks promote biodiversity and natural environmental values throughout their local areas. There is significant threat involved in transfer of these parcels of land from public to private ownership.

Human Rights, Equity and Inclusion

No significant issues relating to human rights, equity or inclusion are anticipated to have been raised by the matters discussed in this report.

It is expected that issues relating to human rights, equity and inclusion have been raised and dealt with under each strategy which has been consulted to prepare the individual property assessments.

Economic Development

The sale and development of surplus Victorian Government land presents an opportunity for local economic development which would be likely to result in, at least temporarily, an increase in employment and economic activity throughout the City.

Where sites have been identified as being required to be retained as open space, it is considered that the long term environmental, social and cultural benefits of the land remaining open space would outweigh any short-term economic gain.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed acquisition of land at the values shown in **Appendix A**, presents a significant financial challenge to Council.

One solution would be for the Victorian Government to gift the land to Council at no cost on the grounds that the land is to remain in public ownership and will be retained for community purposes. Council can, and does, take an advocacy approach (e.g. former Ruthven Primary School, Lakeside Secondary College) in an attempt to acquire surplus Victorian Government land at low or no cost. This approach is contrary to Victorian Government policy and sales evidence from transfers of government land to other councils.

Another option available to Council is the use of the Open Space Reserve (OSR) to fund purchases of open space land. Council collects payments in lieu of the provision of open space from subdividers of properties with the municipal area of the City of Darebin via section 20 of the *Subdivision Act 1988*.

Section 20(2) of the *Subdivision Act 1988* notes:

- “(2) *The Council must use any payment towards public open space it receives under this Act or has received under this Act or the proceeds of any sale of public open space to—*
- (a) *Buy land for use for public recreation or public Resort, as parklands or similar purposes; or*
 - (b) *Improve land already set aside, zoned or reserved for use for public recreation or public resort, as parkland or for similar purposes”*

Council received approximately \$3.9M in OSR contributions in 2014/2015. Each year the OSR contributes funds to the upgrade of open spaces throughout Darebin via the annual Capital Works Program.

At the beginning of the 2015/2016 financial year the OSR had a balance of \$9.788M. \$3.5M of this was budgeted as a contribution to open space projects in the 2015/2016 Capital Works Program, leaving \$6.288M in funds remaining in the OSR at the start of the financial year. By the end of the financial year an additional \$2.775M is expected to have been collected.

Based on the above, and noting that these funds are collected with the intention of them being expended on improving or acquiring open space, it is considered that Council would have sufficient funds within the OSR to acquire the land identified as required within this report.

It is noted that use of the OSR for purchase of surplus Victorian Government land would effectively be purchasing existing open spaces that are already in public hand. However if the land is not acquired by Council for open space and passes into private ownership, continued public access to this land could not be guaranteed.

CONCLUSION

The Victorian Government is committed to offering local government first right of refusal to purchase surplus land prior to that land being released for sale to the general public.

Analysis of sites of surplus Victorian Government land has identified that most of those sites are considered required for municipal purposes.

Four VicRoads sites (two at the rear of Clements Grove and rear 20 Lockton Street) have been identified as required. Council is yet to receive valuations for this land from VicRoads. Should VicRoads' assessment of market value be in line with the open space values prepared by the City Valuer then it is proposed that Council take action to acquire this land through purchase which could be funded from the Open Space Reserve.

The remaining VicRoads sites (16-20 Dumbarton Street and Rear 16 Dumbarton Street, 20 Lockton Street and 122-124 Cheddar Road) are not considered to be required for municipal purposes.

The Melbourne Water land (48 Rona Street) provides an opportunity for Council to fill a gap identified within the Playspace Strategy for facilities within a small portion of central Reservoir. Melbourne Water's valuation of the land as a potential residential development site is excessive in comparison to Council's intended use as open space.

Despite the positive benefits to be gained from acquisition of open space and creation of a playspace, the proposal is not considered to provide value for money. It is recommended that Council advise Melbourne Water of its interest in acquiring the land at an open space valuation and that advocacy action be undertaken to support this outcome.

VicTrack's substantial (9,672m²) parcel of land on the corner of Merri Parade and St Georges Road is open space of state significance and should be retained by the Victorian Government as such. It is recommended that correspondence be provided to VicTrack, local members and the relevant Ministries to this effect.

The Department of Education has identified two former schools as being surplus to their requirements; Ruthven and Lakeside. The site of the former Ruthven Primary School would, if acquired by Council, serve to fill a strategic gap in open space provision in the north western quadrant of Reservoir. Negotiation with the Department of Education and advocacy with other stakeholders may ensure that this open space can be secured for future generations. The land at the former Lakeside Secondary College is of significance to the local ecosystem of the Merri Creek. Whilst existing planning overlays will protect the Lakeside site's vegetation from removal, no provisions exist for maintenance – a job which has been undertaken by Council for the past thirty odd years. Acquisition of this land, which at over 18,000m² is substantial, would enable Council to protect this special part of the Merri Creek.

FUTURE ACTIONS

- Letter to VicRoads and negotiation with VicRoads to acquire land
- Letter to Melbourne Water regarding 48 Rona Street
- Letter to VicTrack regarding 45 Merri Parade
- Letters to Minister for Planning and Minister for Environment, Climate Change and Water regarding land at 45 Merri Parade
- Letters to local Members regarding land at 48 Rona Street and 45 Merri Parade
- Negotiations with the Department of Education with the intent of negotiating transfer of the former Ruthven Primary School to Council ownership
- Report to be provided to Council on the outcome of negotiations for various parcels of land

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

- Summary of Surplus Victorian Government Land (**Appendix A**)
- Decision Logic Map (**Appendix B**)
- Individual site assessments (**Appendices C- J**)
- Council Minutes - 15 September 2014
- Property Asset Management Strategy, Darebin City Council, 2014
- Victorian Government Landholding Policy and Guidelines, Victorian Government, 2015
- Policy and Instructions for the purchase, compulsory acquisition and sale of land, Victorian Government, 2000
- *Subdivision Act 1988*, Victorian Government
- Metropolitan Open Space Strategy, Melbourne Planning Authority, 2015 (draft)

9.4 CAPITAL WORKS REPORTING PROCESSES**MINUTE NO. 484****AUTHOR: Manager Major Projects and Infrastructure****REVIEWED BY: Director Assets and Business Services****SUMMARY**

This report responds to a resolution of Council in February this year seeking details of a new capital works reporting system that would ensure the community and ratepayer confidence that major projects are completed within acceptable timeframes and cost. The report also briefly details the Enterprise Project Management Office initiative which commenced late 2014 and seeks to improve all aspects of project planning and delivery.

CONSULTATION

- Chief Executive
- Acting Director Corporate Services
- Director Community Development
- Manager Assets and Properties
- Transport Management
- Public Realm and Leisure Services
- Chief Financial Officer and Finance
- Major Projects and Infrastructure
- Corporate Governance
- Corporate Risk
- Information Services
- Operational teams through the Champions Group

RECOMMENDATION

THAT Council receives and notes this report on Capital Works Reporting Processes.

COUNCIL RESOLUTION

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

THAT Council:

- (1) Receives and notes this report on Capital Works Reporting Processes.

- (2) Receive a further report in November 2015 on the development of an on line public monitoring process that informs the community and ratepayers on whether major projects are completed 'on time and on budget'.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

At its meeting on 16 February 2015 Council resolved the following Notice of Motion:

That Council:

- (1) *Council develops a more rigorous capital works reporting process to ensure the systematic and aperiodic reporting of large capital projects for consideration at future Council Meetings, thus ensuring that the community and ratepayers can have confidence that major project are completed 'in time and on budget.'*
- (2) *The new 'in time and on budget' reporting process be developed and endorsed by Council before the adoption of our new capital works program for 2015/2016.'*

This report is on the initiatives currently being developed or that have been implemented to improve capital works reporting and more significantly capital works delivery.

ISSUES AND DISCUSSION

Existing Capital Works Delivery and Reporting

Prior to the 2015/2016 Capital Works Program, project delivery has been completed by various departments across the organisation that had varying levels of skill and qualifications and limited mandatory corporate system or process. In addition, as with most local governments, the vast array of services provides for a cross-organisational communication challenge, with many departments being involved with project conception or design that is then handed to physical service teams for construction. This has fostered a number of failure opportunities that have the potential to limit successful delivery.

The monitoring and reporting of the Capital Works Program has been measured through monthly updates with an estimated percentage of completion and budget forecast against the original budget. Whilst such systems are simple and largely easier to administer they are also relatively subjective.

Proposed Capital Works Delivery

In order to address the deficiencies of current project delivery, the organisation is currently migrating to more project focussed structures with the implementation of an Enterprise Portfolio Management Office (EPMO). This is intended to improve delivery and result in improved systems and processes for monitoring and reporting. The introduction of an EPMO is a focus for many project focussed organisations world-wide, particularly local government. It is noted that a number of metropolitan councils in Victoria are undergoing such a change.

The key elements of this system are a focus on ensuring that new initiatives accord with the corporate strategic vision and projects are planned at the right time, in the right way. This latter aspect is being supported through the adoption of PRINCE2 as a corporate framework for project delivery. PRINCE2 is generally accepted as the most world's prominent project management framework, with extensive use in Europe.

PRINCE2 provides structure and consistency across delivery with projects delivered in a logical way following structured steps. Training for project managers and other key staff has been underway for a few months and most relevant capital projects are now benefitting from the new systems. The completion of a Gantt chart is now completed at the commencement of most projects, along with other processes that formalise the intent such as a business case, project brief, and risk management mitigation systems.

Proposed Capital Works Reporting.

Project monitoring and delivery also benefit from this approach. Progress is now being measured against the Gantt chart and earlier verification of the major risks that threaten the target date are a strong focus. This includes projects that do not have all necessary approvals, particularly from external agencies, or those where site selection remains unresolved. Equally projects that have not yet received full external funding would be flagged to minimise the threat of timely delivery.

The change would ultimately provide a dedicated system with a high level of monitoring and management of program progress. The evaluation and subsequent implementation of that system will be a focus over the next 6 months, with an expectation that it would be fully operational for the 2016/2017 Capital Works Program.

Once implemented, this system would provide ready access to individual project progress against the plan. It is also intended that dashboard 'reporting by exception' be a feature that reduces the effort required to monitor progress whilst still allowing immediate identification of projects under stress.

In the interim a dedicated spread sheet system, in addition to the existing finance based corporate reporting and the Gantt charts will enable improved monitoring.

POLICY IMPLICATIONS

Environmental Sustainability

The change to organisational project delivery will benefit all performance including projects aiming to improve environmental sustainability. This includes the Centre of Excellence function of the EPMO that will have vision over all projects and ensure their compliance to key sustainability imperatives.

Human Rights, Equity and Inclusion

The EPMO will ensure that initiatives are evaluated on a needs basis that provides an equitable outcome for the community.

Economic Development

Evaluations of general cross-industry performance confirms that superior project management planning and delivery and the use of the portfolio approach for strategic alignment and effective cross organisational involvement reduces rework and results in improved economy.

Other

More timely planning allows for improved consistency of delivery and achievement of Council Plan imperatives.

FINANCIAL AND RESOURCE IMPLICATIONS

The implementation of the EPMO and the improved monitoring and reporting would require additional resources that are yet to be quantified. This includes the Enterprise Performance Management Architecture (software) to provide reporting (expected to be procured prior to the end of this calendar year). The costs of the additional resources are expected to impose minimal additional operational cost as the majority will be capital program based and therefore capable of being capitalised.

CONCLUSION

The introduction of changes to the delivery of projects would provide major benefits to the delivery and reporting of the annual Capital Works program. This would enable superior risk management, alignment to organisational strategy and timely delivery. It would also enable learning from past experiences with structured post project reviews being mandatory.

FUTURE ACTIONS

The establishment of the EPMO will progress in accordance with current implementation planning and further reports on progress and benefits will be presented as appropriate.

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 – 16 February 2015

9.5 DAREBIN NATURAL HERITAGE STRATEGY 2015-2025**MINUTE NO. 485****AUTHOR: Manager Environment and Natural Resources****REVIEWED BY: Director Assets and Business Services****SUMMARY**

Darebin's natural heritage is comprised of flora, fauna and geological features that are of local, regional, state and even national significance. In accordance with the Council Plan funding to develop the Natural Heritage strategy was included in the 2014/2015 Council budget. A briefing paper on this issue, together with the draft plan was considered on 13 July 2015, prior to public consultation. Consultation occurred from 15 July to 17 August 2015.

This paper summarises the draft strategy and the public consultation process. The feedback from consultation has resulted in slight changes to the strategy proposed for Council adoption. The revised strategy is included in **Appendix A**.

CONSULTATION

- Council Briefing – 13 July 2015 and 14 September 2015
- Development of the draft strategy has been undertaken across Council including the following departments: Parks and Vegetation, Leisure and Public Realm, Economic Development and Civic Compliance, Strategic and Statutory Planning
- Consultation with external stakeholders has included: Wurrundjeri Tribe Land Compensation and Cultural Heritage Council Inc.; Aboriginal Advancement League; Aboriginal Affairs Victoria; creek management committees; friends' groups; Darebin Parklands Association; neighbouring councils; La Trobe University; La Trobe University Wildlife Sanctuary; Strathallan Golf Course; Springthorpe Owners Corporation; Australian Research Centre for Urban Ecology (ARCUE); Environment Protection Authority; Parks Victoria; Melbourne Water; Yarra Valley Water; VicTrack and Department of Environment, Land, Water and Planning (DELWP)
- Additionally the draft strategy has been presented to the Darebin Environmental Reference Group (DERG) for comment and was presented at a community event organised by "Wild Darebin" (a group of Darebin residents interested in local plants, animals and their habitat).

Public consultation

Public consultation of the draft strategy was undertaken 15 July to 17 August 2015 and included:

- Advertising online and in local papers
- The draft strategy sent to all relevant committees as well as community groups, creek management and friends' groups (as above) for comment
- General comments by email, post or phone
- A public forum held – 11 August 2015

COUNCIL RESOLUTION

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

THAT Council adopt the Darebin Natural Heritage Strategy 2015-2025 as contained within **Appendix A** of this report.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

There are places in Darebin where a glimpse of life before the 1830's is still possible. Water runs around a steep bend in the Merri Creek to the west and flows over rocky shallows in the Darebin Creek to the east. Wind blows through the grasslands at Ngarri-Djarrang (Central Creek) at sunset as kangaroos graze on new green shoots after a recent burn. Gang Gangs squawk in the tree tops at Gresswell Hill and echidnas fossick for ants in nests along Edgars Creek. It may come as a surprise to many that even these glimpses are still possible, given the transformation to the land and its people that has occurred since European settlers first arrived here in the 1830's.

Darebin's Natural Heritage Plan (NHP) was developed by consultants in 2011 as part of the development of a wider Heritage Study for Darebin City Council for planning purposes. The plan was not prepared in a form to be adopted by Council and the recommendations required review prior to adoption. The development of the draft Natural Heritage Strategy has included review of the Natural Heritage plan and recommendations as well as current practice and resourcing.

The attached Natural Heritage Strategy 2015-2025 (**Appendix A**) has been amended following feedback from public consultation. The proposed strategic vision remains:

"Darebin is a place where natural heritage is valued and nurtured and Council will work with land managers and the wider community to achieve this vision."

Darebin has a wealth of natural heritage for a metropolitan Council including:

- 51 sites of local significance
- 24 sites of regional significance
- 2 sites of regional-state significance
- 34 sites of state significance
- 2 sites of regional-national significance; and
- 26 sites of national significance

In 2011 Darebin's Natural Heritage Plan (NHP) was prepared as part of the development of a wider Heritage Study for Darebin City Council. To produce the NHP consultants conducted flora and geological surveys and drew on previous flora and fauna surveys to assess the significance of surveyed natural heritage sites within the municipality. Statements of significance were produced for approximately 260 sites using a range of criteria.

The NHP is a significant resource and developed a number of recommendations including both site specific recommendations and over 50 general recommendations which have been reviewed to develop this strategy. Appendix 2 of the Strategy includes the analysis and treatment of the general NHP recommendations in the development of this strategy.

The draft strategy identifies a range of actions to protect and enhance Darebin's natural heritage assets over the next ten years. The recommended actions are grouped into four themes:

1. Knowing about natural heritage
2. Caring for natural heritage
3. Working with land owners, managers and groups
4. Community engagement and education

In Council's roles as land owner/manager and planning authority, as well as through community engagement, the draft strategy commits to working with our community to protect and enhance Darebin's natural heritage assets for the enjoyment of current and future generations as well as for their own intrinsic value.

The preparation of the draft Strategy involved consultation across the organisation as well as with Darebin Environmental Reference Group (DERG) and key stakeholders. Public consultation followed the development of this draft and consultation methods and stakeholders are summarised in the consultation section below.

ISSUES AND DISCUSSION

The ongoing issues and threats to Darebin's natural heritage arise from small and large variations to the way things were in Darebin prior to the 1830's. Natural heritage significance is influenced by a range of factors including the presence or absence of other indigenous flora and fauna, which is in turn affected by factors such as the spread of weeds, presence or absence of feral animals, dumping of rubbish, behaviour of adjoining land owners, flooding events and extremes of weather. Some of these factors can be at least partly controlled by Council and others are beyond Council's control.

The NHP provides site-specific issues within each statement of significance. Whilst the health of a particular site can be significantly impacted by a single issue, the degradation of sites in most cases arises from the presence and cumulative impact of a number of interlinking factors. The key issues set out in the draft strategy include:

- Urban development
- Weeds
- Land ownership and management boundaries
- Fractured habitat
- Resources
- Community engagement and education and
- Climate change
- Broader biodiversity

Consultation summary

Stakeholders and consultation methods are summarised in the consultation section at the end of this report. Council received detailed feedback from 8 stakeholders. The feedback and proposed changes in response to feedback are included in **Appendix B**. As a result of the consultation 21 proposed actions have been changed or added.

The following were key issues regarding the draft strategy raised by a number of stakeholders:

Targets and Resourcing

Many stakeholders have a desire to see measurable targets to increase the extent of revegetated areas or areas developed as natural heritage areas. The creek corridors in particular have many areas in both public and private ownership that are weed ridden with limited vegetation management. It was estimated in the 2011 NHP that there is around 173ha of remnant vegetation and around 166ha of Darebin that has been revegetated. This represents indigenous vegetation over approximately 6% of Darebin. To increase this area would not simply be a one-off capital cost and would require ongoing resource increases. Weed management, particularly along steep creek banks, can be very resource intensive and needs to be undertaken continuously as the weeds keep on establishing from upstream.

The recommended focus is currently on increasing and improving the quality of existing native vegetation areas, with a secondary focus on increasing quantity by land area. This is in line with best-practice management approaches, i.e. the Bradley Method, as well as current resourcing. Since 2011, there has been an increase in the quality of existing indigenous vegetation within the municipality as well as some increase in quantity by replanting indigenous vegetation at previously degraded sites. It is difficult to put meaningful/ measurable targets to this approach.

There are many one-off grants or short term projects by other land managers which have become overgrown with weeds and unrecognisable that revegetation has occurred a few years after they were completed. Short term investments are not effective in this area. The draft strategy proposes management of resources for replanting programs and weed control in the following order of site priority:

1. Remnant vegetation sites of national and state significance
2. Remnant vegetation sites of regional and local significance
3. Revegetated sites and lastly
4. Degraded sites, noting that additional resources for ongoing maintenance would also be required.

The success of the strategy will be measured against implementation of the Actions in Section 4.

Broader biodiversity issues

The development of a biodiversity strategy is a core recommendation of the Natural Heritage Plan and the draft Natural Heritage Strategy. The NHP and the draft Natural Heritage Strategy focus on existing natural heritage assets (primarily pre 1830's vegetation and geological features). A biodiversity strategy would incorporate the total biodiversity issues in Darebin (not just the current natural heritage areas), would look to the future to develop further assets and would also incorporate fauna issues such as habitat conservation, development and corridors.

Planning controls/land management

The majority of known state and nationally significant natural heritage sites in Darebin are already owned and/or managed by Council, by state government agencies, or by La Trobe University. There may be limited opportunities for Council to impose additional planning controls over highly significant natural heritage sites in private ownership. There are planning controls over much of the creek corridors although direct land management or more stringent regulatory controls are sought by many stakeholders.

POLICY IMPLICATIONS

Environmental Sustainability

Darebin's natural heritage comprises flora, fauna and geological features that are of local, regional, state and even national significance. Natural heritage in Darebin forms a precious part of the wider biodiversity of Darebin. Its nurture and survival brings a range of benefits to both current and future generations. The Natural Heritage Strategy is supported by and has regard to the following strategies:

- Darebin Urban Forest Strategy
- Watershed: Towards a Water Sensitive Darebin,
- Darebin Community Climate Change Action Plan
- Darebin Waste and Litter Strategy 2015 - 2025
- Darebin Climate Change and Peak Oil Adaptation Plan
- GreenStreets Streetscape strategy
- Domestic Animal Management Plan 2013-2017

Human Rights, Equity and Inclusion

A fundamental equity issue in the preservation of natural heritage is intergenerational equity so that current and future generations can benefit from these assets. Community wellbeing can be enhanced by access and connection with the natural environment.

Actions proposed through the strategy consider our diverse community's needs in relation to use, information and engagement around natural heritage issues. An Equity and Inclusion Assessment has been conducted for this Strategy. The consultation was undertaken consistent with this assessment.

Economic Development

Darebin's natural heritage assets not only make Darebin the place to live, but make Darebin the place to visit. Natural heritage features, such as those at Bundoora Park and Melbourne wildlife sanctuary and surrounds, are tourist destinations for local, regional and overseas visits. Protecting, enhancing and providing information about our natural heritage assets will enhance tourism.

Other

The Council Plan aims for Council to lead and work with the community and partners to achieve a rapid transition to an environmentally sustainable city. A specific action under the plan is to develop the Natural Heritage Strategy.

FINANCIAL AND RESOURCE IMPLICATIONS

Council currently commits over \$1 million annually in operating funds for the management of Darebin's natural heritage sites, with the majority of this being used to fund works undertaken by Council's Bushland Crew.

Council also provides funding to Darebin parklands, the Merri and Darebin Creek Management Committees towards their annual operating costs, contracted vegetation restoration and management programs and community education activities.

Approximately \$200,000 in capital funding is spent annually (this is an average as it varies from year to year) to develop/conservate areas of natural heritage significance. Council also collaborates with a range of stakeholders to secure grants and other resources to advance natural heritage outcomes.

The majority of actions proposed within this strategy will be undertaken within existing Council budgets. Where additional funds are required to undertake an action, this will be considered in future Council budget considerations. Council will also seek funding from government, statutory authorities and philanthropic organisations to improve our Natural Heritage.

One of the issues raised in the consultation was the valuable resourcing contributed by community volunteers to this area. The strategy recognises this and there is an action to quantify the time and resourcing contributed by volunteers as this is a significant resourcing component.

CONCLUSION

The attached draft Natural Heritage strategy 2015-2025 (**Appendix A**) has been developed from a review of the general recommendations of the 2011 Natural Heritage Plan (NHP) as well as internal and external stakeholder consultation. Public consultation was invited July 15 to August 17 and has resulted in proposed changes to 21 strategic actions as well as changes throughout the document noted in **Appendix B**.

The Strategy is recommended for Council adoption.

FUTURE ACTIONS

- Subject to Council approval - implementation of adopted strategy

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- *Darebin Natural Heritage Strategy 2015-2025 (Appendix A)*
- *Darebin Natural Heritage Strategy 2015-2025* consultation issues and proposed changes (**Appendix B**)
- Darebin Natural Heritage Plan 2011
- Darebin Urban Forest Strategy
- Watershed: Towards a Water Sensitive Darebin,
- Darebin Community Climate Change Action Plan
- Darebin Waste and Litter Strategy 2015 - 2025
- Darebin Climate Change and Peak Oil Adaptation Plan
- Darebin Municipal Strategic Statement
- GreenStreets Streetscape strategy
- Domestic Animal Management Plan 2013-2017

**9.6 ADOPTION OF LEISURE SERVICES ACTION PLAN
2015 – 2020****MINUTE NO. 486****AUTHOR: Acting Manager Leisure and Public Realm****REVIEWED BY: Acting Director Culture, Leisure and Works****SUMMARY**

The Leisure Strategy 2010 – 2020 was adopted by Council in 2010. The Leisure Strategy is supported by action plans that set out the team priorities and drive work to deliver increased sports and recreation opportunities in Darebin. Following Council endorsement at the meeting of 29 April 2015 officers undertook community consultation on the draft 2015 – 2020 Action Plan (**Appendix A**). Following community consultation and several amendments to the document it is now presented to Council for formal adoption.

CONSULTATION

- A summary of stakeholders consulted is attached at **Appendix B**.
- Advisory committees consulted:
 - Active and Healthy Ageing Committee - 11 June 2015
 - Disability Advisory Committee - 1 June 2015
 - Women's Advisory Committee - 14 May 2015
 - Darebin Ethnic Communities Advisory Committee - 21 May 2015
 - Darebin Women in Sport Committee - 13 May 2015
- The following committees were also consulted via email – Child Friendly Cities Committee, Aboriginal Advisory Committee, Bicycle advisory committee, Youth Advisory Committee, Sex, Sexuality and Gender Advisory Committee, International Day Against Homophobia committee
- Internal consultation undertaken with:
 - Coordinator Leisure Services
 - Leisure Services staff
 - Coordinator Public Realm
 - Public Realm staff
 - Coordinator Major Projects
 - Manager Communications and Marketing
 - Team Leader Community Wellbeing
 - Coordinator Leisure Contracts
 - Coordinator Youth Services
 - Coordinator Health Protection
 - Manager Arts and Culture
 - Senior Coordinator Transport
 - Manager Parks and Vegetation

- Chief Financial Officer
- Senior Coordinator Major Projects and Engineering
- An internal workshop was held with 21 internal stakeholders
- **20** written submissions were received (**Appendix C**)

RECOMMENDATION

THAT Council adopts the 2015 – 2020 Leisure Action Plan attached as **Appendix A** to this report.

MOTION

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

THAT Council adopts the 2015 – 2020 Leisure Action Plan attached as **Appendix A** to this report.

Cr. Greco proposed to the mover that point (2) be added as follows. This was accepted by Cr. Villella.

- (2) Receives annual reports on how Council is achieving the targets.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

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

THAT Council:

- (1) Adopts the 2015 – 2020 Leisure Action Plan attached as **Appendix A** to this report.
- (2) Receives annual reports on how Council is achieving the targets.

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

COUNCIL RESOLUTION

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

THAT Council:

- (1) Adopts the 2015 – 2020 Leisure Action Plan attached as **Appendix A** to this report.
- (2) Receives annual reports on how Council is achieving the targets.

CARRIED UNANIMOUSLY

REPORT

INTRODUCTION AND BACKGROUND

Sport and recreational activities are a vital part of community life providing outlets for social, physical and mental health and wellbeing. In order to ensure that Darebin is the place to live, and that our community is healthy and connected, Council must continue to make a concerted effort to increase participation in sport and physical activity. Whether it is an informal walk, recreating in a park or being an active member of a sporting club, involvement in sport and physical activity is a vital component to community wellbeing. Broadly, Council is able to directly impact the provision of programs, services and infrastructure to promote participation in sport and physical activity. The provision of high quality community programs, services and amenities such as sporting clubs or subsidised exercise programs like 'free exercise in the parks', are a key facilitator in enabling our population to be more active.

The Leisure Strategy 2010 – 2020 is an overarching ten-year plan which provides a broad framework and vision for identifying and addressing the key leisure needs. It guides the provision of sport and active recreation facilities and participation in the City of Darebin. Council's vision is to create an inclusive environment where our diverse community can experience physical and mental wellbeing by participating in sustainable sport and recreation initiatives. The 2015 – 2020 Action Plan is the detailed document which will enable the Leisure Services team to achieve the articulated outcomes of the 2010 – 2020 Leisure Strategy.

The 2015 – 2020 Leisure Action Plan has a specific focus on increasing women and girl's participation in sport and recreation. We will achieve this through a multi-layer approach of improving programs, services and infrastructure to encourage and support female participation. The construction of additional sporting facilities for women in Darebin will be an important facilitator in achieving this aim.

The 2015 – 2020 Leisure Action Plan is a detailed document that identifies projects and tasks which will enable Council to build upon the achievements delivered through our 2010 – 2014 Action Plan; and successfully deliver the Leisure Strategy 2010 – 2020.

The draft 2015 – 2020 Action Plan was subject to a six week period of public consultation from Monday 27 April 2015 - Monday 1 June 2015 with 20 written submission received (summary available at **Appendix C**) and five Darebin advisory groups consulted. Some key feedback themes included:

- Higher prioritisation of walking groups
- Provision of programs and services specifically designed to meet the needs of older residents
- Target women through child and maternal health centres and mothers groups to get them back into physical activity and exercise
- Increased provision of informal sport opportunities
- Promotion of sport and exercise at shopping malls and Preston market
- Provision of low cost or free participation opportunities
- Sport opportunities through the ages – from children to older adults
- Increased opportunities for families to participate together
- Increased provision of netball courts throughout Darebin

- The importance of safe sporting environments to encourage women's and children's participation
- Leisure Services to improve their contact and engagement with local clubs
- Include reference to the Human Rights Charter and the Equal Opportunity Act
- The importance of transport to sport and physical activity opportunities, especially for older people, people with disabilities and those from low socioeconomic backgrounds
- Build the capacity of coaches and leaders to be more knowledgeable and inclusive of people from all abilities and backgrounds
- Increase female leadership in sport
- Increased opportunities and spaces for casual bookings or spontaneous use

In addition there were several suggestions for changes to specific actions which have been reflected in the 2015 – 2020 Action Plan presented for adoption.

ISSUES AND DISCUSSION

The 2010 – 2014 Leisure Action Plan; a review of achievements

The Leisure Action Plan 2010-2014 identified specific actions to be undertaken over the period. Following the conclusion of this plan a review of achievements over the period was presented to Council in April 2015, of which highlights included:

- \$8.02 million of pavilion refurbishment works undertaken.
- \$2.07 million of sports field lighting upgrades undertaken.
- Over \$700,000 of works to establish and refurbish synthetic playing surfaces.
- Leisure Minor works program gave away \$157,031 worth of grants to Darebin sports clubs over the four years.
- \$798,000 of external funding was obtained through successful grant applications to Sport and Recreation Victoria facility development partnership programs.
- The Recreational Trades in Open Space Policy has seen 11 personal trainers issued with permits to operate in Darebin. Four hot air balloon trader permits are also due to be processed.
- Council commits \$58,000 annually for a permanent 0.6 EFT participation and inclusion officer, to increase participation of people from diverse and disadvantaged population groups in sport and leisure.

2015 – 2020 action plan - consultation and adoption

The 2015 – 2020 Leisure Action Plan provides Council with a strategic document to guide the planning, provision, promotion and advocacy of sport and physical activity for the next five years and beyond, so that both formal and informal participation in sport and physical activity by all sectors of the community is increased. It identifies projects and tasks which will enable Council to build upon the achievements delivered through our 2010 – 2014 action plan and successfully deliver the Leisure Strategy 2010-2020 a ten-year plan which provides a broad framework and vision for identifying and addressing the key leisure needs of the Darebin community.

The 2015 – 2020 Leisure Strategy Action Plan was developed through learnings from the previous action plan and consultation with key stakeholders. The plan, aligned to the six goals of the Council Plan 2013 – 2017, details key actions and strategies to increase active participation in sport and physical activity. Action items have been categorised as either high, medium or low which indicates the priority with which they need to be undertaken. As a guide the indicative timelines mean:

- High priority – item actioned within the next two years;
- Medium priority – item to be actioned within the next three to four years;
- Low priority – item to be actioned within the life of the action plan

Following Council endorsement to commence consultation on the draft 2015 – 2020 Leisure Action Plan on 29 April 2015 a six week consultation period was undertaken from Monday 27 April 2015 - Monday 1 June 2015. Input was actively encouraged from sporting groups, recreation organisations as well as all members of the general public. Feedback and comments received (refer to Introduction and Background section) have been integrated into the final plan presented for adoption.

Advisory groups consulted included the Child Friendly Cities Committee, Aboriginal Advisory Committee, Bicycle advisory committee, Youth Advisory Committee, Sex, Sexuality and Gender Advisory Committee, International Day Against Homophobia committee. Over 200 other stakeholders were sent the draft plan for comment including local sports clubs and associations, state sporting associations, local schools, neighbouring Local Governments, managers of sport and recreation facilities, hard to reach communities and Council reference groups. A summary list of stakeholders consulted is attached at **Appendix B**.

POLICY IMPLICATIONS

Environmental Sustainability

Good practice in Environmentally Sustainability Design (ESD) will be considered by officers during the implementation of this action plan.

Human Rights, Equity and Inclusion

The Leisure Action Plan 2015 – 2020 has been subject to the Equity and Inclusion Planning and Audit Tool to ensure diversity, human rights and equity considerations. A broad cross-range of community stakeholders and advisory groups were consulted in the drafting, development and finalisation of this action plans.

Economic Development

Nil

Other

Adoption of the Leisure Action Plan 2015 – 2020 will contribute to the achievement of a number of Council Plan goals and aims. It is expected outcomes of implementation will see an increase in the number of women and girls playing sport and engaging in active recreation.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial and / or human resources are required to achieve some of the actions identified in the Leisure Action Plan 2015 – 2020. Any such projects will be subject to capital, operational or grant funding in order to proceed.

CONCLUSION

Council endorses the 2015 – 2020 Leisure Action Plan for adoption

FUTURE ACTIONS

- Following endorsement of the Leisure Action Plan 2015 – 2020 officers will begin implementation of the 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

- Leisure Action Plan 2015 – 2020 (**Appendix A**)
- Summary of stakeholder consultation (**Appendix B**)
- Written submissions (**Appendix C**)

Gavin Cator, Director Corporate Services temporarily left the meeting during discussions at 8.55 pm and returned at 9.00 pm.

9.7 BT CONNOR RESERVE**MINUTE NO. 487****AUTHOR: Acting Manager Leisure and Public Realm****REVIEWED BY: Acting Director Culture, Leisure and Works****SUMMARY**

A general business item from the Council meeting of 3 August 2015 requested that Council receive a report on BT Connor Reserve regarding its current condition and future improvements of the facilities and surrounding park area.

This report provides an update on improvements and investment at BT Connor over the past three financial years.

CONSULTATION

- Coordinator Park and Vegetation
- Coordinator Public Realm
- Preston Lions Soccer Club
- Coordinator Facilities Maintenance

RECOMMENDATION

THAT Council notes this report on BT Connor Reserve.

MOTION

MOVED: Cr. T. Laurence

SECONDED: Cr. G. Greco

THAT Council notes this report on BT Connor Reserve.

Cr. Greco proposed to the mover that the motion be amended as follows. This was accepted by Cr. Laurence.

THAT Council:

- (1) Consults with key stake holders including the Preston Lions Football Club to complete the draft BT Connor Reserve masterplan with approximate costing.
- (2) Considers the masterplan for adoption by the end of December 2015 in time for the 2016 budget deliberations.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

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

THAT Council:

- (1) Consults with key stake holders including the Preston Lions Football Club to complete the draft BT Connor Reserve masterplan with approximate costing.
- (2) Considers the masterplan for adoption by the end of December 2015 in time for the 2016 budget deliberations.

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

COUNCIL RESOLUTION

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

THAT Council:

- (1) Consults with key stake holders including the Preston Lions Football Club to complete the draft BT Connor Reserve masterplan with approximate costing.
- (2) Considers the masterplan for adoption by the end of December 2015 in time for the 2016 budget deliberations.

CARRIED UNANIMOUSLY

REPORT**INTRODUCTION AND BACKGROUND**

Over the past three years substantial Council investment has been made at BT Connor Reserve over a number of areas including capital infrastructure, turf management and general maintenance totalling \$548,414. The BT Connor sporting precinct is generally in good functional condition featuring four sporting grounds all with sports field lighting, a large car park, two pavilions, a canteen and grandstand.

Preston Lions Football Club (PLFC) is the primary tenant club at BT Connor Reserve, Reservoir holding a 12 month licence to access the facility. In 2014 a new committee was elected who are committed to seeing further development of the precinct and the club.

With approximately 300 members, PLFC is one of the larger clubs in Darebin consisting of three senior men's teams; two senior women's team; 12 junior boys' teams; one junior girls team and; one Minirooms program.

PLFC are a proactive club who take pride in offering an inclusive environment and encourage Darebin's diverse community to participate in the range of soccer programs. PLFC offers support for children from culturally and linguistically diverse communities; subsidised fees for children from refugee and recent migrant communities; a Blind Football program for the visually disadvantaged; and is currently working with Darebin and Banyule Councils and Heidelberg United Soccer Club to establish an indigenous football (soccer) program. This work resulted in the club achieving a 50 per cent discount off their fees in 2014/2015 under the Darebin Sporting Fees, Charges and Occupancy Agreement policy.

ISSUES AND DISCUSSION

BT Connor Reserve is located on the Merri Creek corridor in the north-west of the city. The precinct provides good facilities to the tenant club including two pavilions, four sports grounds (all with sports field lighting), canteen, grandstand and public toilets. The amenity of the pavilions and toilets is fair, with upgrades scheduled over a medium term in line with Council strategies including the Public Toilet strategy, the Leisure Strategy and the Infrastructure Priority Plan. The tenant club, Preston Lions Soccer Club, is a proactive club who currently host men's, women's, junior teams. Their membership as of March 2015 was 282 males, 50 females and 242 juniors (under 17). Club membership consists of approximately 64 per cent Darebin residents.

PLFC has been active in the last few years working with Council to improve the overall facilities at BT Connor Reserve. This proactive relationship with Council has resulted in a number of capital, maintenance and turf management works being undertaken. The club has co-contributed funding towards capital improvements including \$10,000 towards a new sports field lighting system in 2014/2015 and \$1,600 in the 2014/2015 Leisure Minor Works program which saw installation coach and player boxes on Grounds 2 and 3.

Investment at BT Connor over past three financial years

The table below details the Council investment made at BT Connor Reserve over the past three financial years.

| Year | Works | Cost | Club contribution |
|---------------------------|--|-----------|-------------------|
| Capital investment | | | |
| 2013/2014 | Lighting for pitch 4 | \$155,000 | |
| 2013/2014 | Fencing replacement, pitch 4 | \$50,000 | |
| 2014/2015 | Sports field lighting on pitches 2 and 3 | \$145,651 | \$10,000 |
| 2014/2015 | Retaining wall refurbishment works | \$16,000 | |
| 2014/2015 | Coaches bench grounds 2 and 3 | \$1,800 | \$1,800 |
| Turf management | | | |
| 2013/2014 to 2014/2015 | Turf and irrigation improvements including warm season turf conversion and irrigation system repairs on all pitches. | \$106,880 | |

| General maintenance | | | |
|--|-----------------------------|------------------|--|
| 2013/2014 to 2015/2016 (to date) | Minor and maintenance works | \$73,083 | |
| TOTAL | | \$548,414 | |

Capital improvements

A number of capital improvement projects have been undertaken over recent years at BT Connor reserve including:

- Sports field lighting, pitch 4
- Fencing replacement, pitch 4
- Sports field lighting, pitches 2 and 3
- Retaining wall establishment works
- Coaches bench grounds 2 and 3

The value of these projects is \$368,451, which represents a significant Council investment in this facility.

General maintenance

Over the past two years in excess of \$73,000 of minor and maintenance works have been undertaken at BT Connor. In comparison a similar facility, in size and scale, at Hayes Park, Thornbury has had \$18,574 in maintenance and small upgrades invested over the same period. This represents a high level of expenditure at BT Connor Reserve in comparison to similar sporting facilities elsewhere in the municipality.

Turf and Parkland management to date

Darebin Parks have confirmed that all grounds at BT Connor reserve have recently been converted to warm season grass and the primary growing season for this grass variety is in summer. The club over the past few seasons requested and have been allocated summer and winter (annual) use. The allocation of yearly use is not sustainable if there is an expectation of a full turf cover at the start of each winter season; critical areas that will be affected by year round use will be the goal mouths, penalty spots and the centre corridor. To reinstate these areas to an appropriate and safe standard with 'stadium type' instant turf would require an increase in the operational budget of around \$40K. Darebin Parks recommended that each pitch has a minimum four months recuperation period allocated between seasons. This will provide an opportunity to fully reinstate any areas that have a weak grass cover or devoid of any grass cover.

Future improvements planned

Parks

Darebin Parks have indicated that the existing irrigation system has inherent design and age related issues; and maintaining the irrigation systems at this reserve is currently a costly item. In order to rectify this problem it is proposed that Council undertakes a staged program to upgrade each pitch irrigation system seasonally via existing capital works program.

It is also proposed that additional goal post sleeves are installed at each ground to allow for rotation of the centre corridor use. This will be funded via the capital program - Sports Goal Posts Replacements. The oval fencing for ground one requires replacing in the short to medium term and for this will be considered funding in the 2016/2017 capital program, subject to budget approval.

Public Realm

The parkland surrounding the ground is in good condition. There is some tree work required that will be undertaken in the current financial year. Park and car park fencing will also be upgraded part of the Park Asset Renewal capital works program, which is subject to budget bids over the coming years. There is a play space scheduled for installation at the reserve in the space adjacent to Radford Road by 2020, subject to Council budget approval.

Capital infrastructure

Future improvements include sports field lighting to the main pitch is tentatively proposed by 2020, subject to Council budget approval. As noted below the club have requested a number of capital improvements they aspire to be undertaken over the coming years, some of which are planned in the capital works program and others which could be considered as non-essential, but would improve general amenity.

Consultation with Preston Lions Soccer Club

Over the past 12 months officers have had regular communications with the club about their future aspirations for the facility. This included the development of a club 'master plan' for the precinct in conjunction with Public Realm and Leisure Services, which is attached at **Appendix A**. Some of these works have already been undertaken, including construction of a retaining wall and removal of media box. Other works are scheduled over the next few years, subject to available budgets, which include installation of a play space, improved irrigation and replacement sports field lighting on ground one.

In the context of a tight fiscal environment which includes the impact of rates capping, other works such as the resurfacing of the driveway and removal of turnstiles could be seen as non-essential. Officers will continue to work with the club on progressing these projects subject to available budget and club co-contributions.

Summary

There has been significant Council investment at this reserve over the past three years totalling \$548,414. The club enjoys access to four grounds and two sporting pavilions - one servicing the senior pitch and one servicing the junior pitch. A female change facility was added to the junior pavilion complex in 2006. This provides the club with a relatively high level of change/toilet/shower functionality. There is therefore not a high priority to improve pavilion and change facilities in the short term.

There are some functional and amenity issues which require short to medium term attention, however in general the club has access to a very good range of facilities in comparison to many other Darebin sports clubs. There are some short and medium term priorities for future capital expenditure at BT Connor Reserve which are outlined above and subject to Council budget approval.

As there are many clubs whose facilities are far below the standard of facilities and amenities available at BT Connor Reserve, planned upgrades for those clubs will be requested to be funded in future budgets prior to some of the works identified as non-essential at BT Connor.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil

Human Rights, Equity and Inclusion

Nil

Economic Development

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Over the past three financial years (2013/2014 to 2015/2016) Council has invested a total of \$548,414 at BT Connor Reserve, this includes:

Turf management - \$106,880

Facilities and maintenance - \$73,084

Sports ground upgrades and capital infrastructure - \$368,451

CONCLUSION

Council to note this report on the current condition of BT Connor Reserve, works recently undertaken and those works planned over future years, subject to Council budget approval.

FUTURE ACTIONS

- Council to note this report

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

- Club master plan for the BT Connor reserve (**Appendix A**)
- Council Minutes – 3 August 2015

9.8 COMMENCE STATUTORY LEASING PROCEDURES – NEIGHBOURHOOD HOUSES**MINUTE NO. 488****AUTHOR: Property Manager, Assets and Properties
Manager Children, Families and Community****DIRECTOR: Director Assets and Business Services
Director Community Development****SUMMARY:**

This report recommends that Council commence the statutory procedures to enter into lease agreements with seven Neighbourhood Houses that operate their services from Council owned buildings across the City of Darebin.

CONSULTATION:

- Children, Families and Community Unit
- Facilities Maintenance
- Darebin Neighbourhood House Network

COUNCIL RESOLUTION**MOVED: Cr. A. Villella
SECONDED: Cr. T. Laurence****THAT** Council:

- (1) Commence the statutory process, under section 190 and section 223 of the *Local Government Act 1989*, to give effect of its intention to enter into leases with the neighbourhood houses at the following Council premises;
 - Alphington Community Centre - 2 Kelvin Road, Alphington
 - Jika Jika Community Centre - Corner Plant and Union Streets Northcote and 2 East Street, Northcote
 - Preston Neighbourhood House - 218-220 High Street, Preston
 - Preston Reservoir Adult Community Education (PRACE), Merrilands Community Centre - 35 Sturdee Street, Reservoir
 - Reservoir Neighbourhood House - 2B Cuthbert Road, Reservoir
 - SPAN Community House Inc. - 64 Clyde Street, Thornbury
 - Thornbury Women's Neighbourhood House - 131 Shaftesbury Parade, Thornbury and 99 Leinster Grove, Thornbury
- (2) Give public notice under section 190 and section 223 of the *Local Government Act 1989* of Councils intention to enter into leases with Neighbourhood Houses in the appropriate newspaper; and

- (3) Be presented with a further report on the outcome of the statutory process for the proposed leases with Neighbourhood Houses.

CARRIED

REPORT

There are seven neighbourhood houses, each with their own committee, (the Houses) that operate their services from Council owned buildings across the City of Darebin. Each of the Houses forms part of the Darebin Neighbourhood House Network (DNHN) providing services and programs that benefit the broader Darebin community. The Houses include: -

- Alphington Community Centre - 2 Kelvin Road, Alphington
- Jika Jika Community Centre - Corner Plant and Union Streets Northcote and 2 East Street, Northcote
- Preston Neighbourhood House - 218-220 High Street, Preston
- Preston Reservoir Adult Community Education (PRACE), Merrilands Community Centre - 35 Sturdee Street, Reservoir
- Reservoir Neighbourhood House - 2B Cuthbert Road, Reservoir
- SPAN Community House Inc. - 64 Clyde Street, Thornbury
- Thornbury Women's Neighbourhood House - 131 Shaftesbury Parade, Thornbury and 99 Leinster Grove, Thornbury

Recently, Council implemented funding and service agreements along with a memorandum of understanding with the DNHN, which acknowledges, strengthens and commits to the ongoing development of the partnership between Council and the DNHN.

ISSUES AND DISCUSSION

1. Expire Agreements

Over the years there have been many forms used to facilitate the tenancy arrangements and the provision of the neighbourhood house service between Council and the Houses. These have now expired and the Houses are currently in 'overholding' pending their renewal. The provision of 'overholding' means that all the terms and conditions of the expired agreement continue until the agreement is renewed or terminated.

In order to maintain the existing relationship with DNHN, allowing them to continue to provide neighbourhood house related services and support across the municipality, Council is required to undertake a leasing process to comply with legislation.

The process for developing a new lease agreement with DNHN included:

- (1) *The development of a new lease using Council's standard lease document.*
- (2) *Consultation with DNHN, including providing them with the opportunity to review and comment on the non-standard terms and conditions of the draft lease.*
- (3) *Initial report to Council to commence the Statutory Process.*
- (4) *Statutory Process – section 190 and section 223 of the Local Government Act 1989 – Advertise intention to enter into lease (section 190) and provide for submissions (section 223).*

- (5) *Report to Council with Outcome of section 223 process and to seek approval to enter into new agreements.*
- (6) *Finalise new lease agreements with DNHN in accordance with the Council resolution.*

2. New Leases

Standard lease and licence agreements have been developed for various property use types by Council's legal advisors in conjunction with the relevant departments. The standard leases for the neighbourhood houses contain the following terms and conditions which have been agreed to by all parties:

Term of Lease

Three and a half years with a right to renew the lease for a further two terms of three years per term.

The lease provides a date for which the tenant is required to notify Council of their intention to exercise (take up) the option (being not earlier than six months or later than three months, before the end of the Term).

The Houses that are in breach of their lease may not be given the option to renew the lease for a further term.

Rent

Rent charges will apply to each lease. The rent fee has been set at \$52 per annum (excluding GST), and is payable annually in advance on or before the first day of each year.

The rent will be increased annually by \$1 (excluding GST).

Permitted Use

To occupy and use the premises for a community centre for activities including art, craft, recreational, education, occasional childhood education and care services.

3. Legislation

Statutory Process

Council officers must undertake a statutory process, in accordance with section 190 of the *Local Government Act 1989*, for any lease that is for one year or more, where the market rental value of the land is \$50,000 or more a year.

The statutory process provides for a Public Notice advertising Council's intention and inviting submissions within 28 days in accordance with section 223 of the *Local Government Act 1989*.

Retail Leases Act 2003

In May 2003 the laws governing leases changed in Victoria with the introduction of the *Retail Leases Act 2003 (Vic)* ("the Act"). The Act applied to premises that are predominantly used for the sale or hire of goods by retail or for the retail provision of services.

For many years, Council has been required to make application for an exemption to the application of the Act to the Small Business Commissioner. For the most part, Council's services that are run by not-for-profit organisations were not considered retail as it was not the predominant use.

Under the most recent determination, Council is required to determine whether the Act applies to each of the lease matters. Whilst it would not appear that the Act would apply to the neighbourhood house lease agreements, further legal advice is being sought. The outcome of such would not affect moving forward with the statutory process, as the standard lease documents provide for the application of the Act.

POLICY IMPLICATIONS

Environmental Sustainability

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

Human Rights, Equity and Inclusion

The proposed leases for the Neighbourhood Houses enable the ongoing services and programs to continue to benefit the Darebin community.

Economic Development

There are no factors in this report which impact upon economic development.

Other

This report has been prepared having regard to appropriate legislation.

FINANCIAL AND RESOURCE IMPLICATIONS

- Annual leasing fee of \$52 will apply to all Neighbourhood Houses lease agreements.
- Council is primarily responsible for the annual maintenance of all Neighbourhood Houses.

CONCLUSION

It is recommended that Council commence the statutory process in accordance with section 190 and section 223 of the *Local Government Act 1989*, advertising its intention to enter into leases with Neighbourhood Houses at the respective Council premises.

FUTURE ACTIONS

- A Public Notice be placed advertising Councils intention to enter into a three and a half year lease agreement with the provision of a further two (2) terms of three years with the Neighbourhood Houses that occupy Council owned buildings in accordance with section 190 of the *Local Government Act 1989*.
- Further report to Council detailing outcome of statutory process.

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- Council's Standard Lease
- *Local Government Act 1989*
- *Road Management Act 2004*
- *Retail Leases Act 2003*

9.9 PROPOSED DISCONTINUANCE AND SALE OF ROAD RESERVE LOCATED AT THE REAR OF 29 ZOE CIRCUIT, NORTHCOTE

MINUTE NO. 489

AUTHOR: Property Manager

DIRECTOR: Director Assets and Business Services

SUMMARY

This report recommends that Council discontinue the 7 square metres of road reserve at the rear of 29 Zoe Circuit, Northcote, and sell the land from the road to the owner of 29 Zoe Circuit.

Statutory procedures under the *Local Government Act 1989* have been completed and this report recommends that the section of road reserve be discontinued and sold by private treaty in accordance with Council policy.

CONSULTATION

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

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. J. Williams

THAT Council, having given public notice of a proposal to discontinue the section of road reserve located at the rear of 29 Zoe Circuit, Northcote, shown hatched on the plan enclosed 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) Discontinue the section of road reserve 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 reserve be sold by private treaty to the owner of 29 Zoe Circuit, Northcote, in accordance with Council policy;
- (4) Signs and seals all documents relating to the sale of the land from the discontinued road reserve to the owner of 29 Zoe Circuit, Northcote.

**CARRIED
REFER TO MINUTE NO. 480**

REPORT

INTRODUCTION AND BACKGROUND

Council had received an application from the owner of 29 Zoe Circuit, Northcote, for the discontinuance and sale of a small section of the road reserve located at the rear of the property, shown hatched on site plan (**Appendix A**) and shown on Title Plan (**Appendix B**). Council officers commenced investigations and commissioned Macquarie Lawyers to undertake the process to facilitate the possible discontinuance and sale of the 7 sqm of road.

The small section of road reserve whilst listed on Council's Road Register as part of the road reserve under the *Road Management Act 2004* is not constructed and is not used for access. It has not been landscaped as part of the road reserve along Arthurton Road and is considered to be an under-utilised parcel of land.

ISSUES AND DISCUSSION

At its ordinary meeting held on 20 July 2015, Council directed that the statutory procedures for the proposed discontinuance and sale of the 7 square parcel of road reserve at the rear of 29 Zoe Circuit, Northcote, be commenced.

Public notice of the proposal was given in Preston and Northcote Leader newspapers in the week commencing Monday 27 July 2015. 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 have been received.

Council and all necessary Service Authorities have been consulted in respect to the proposal and no objections have been received.

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.

Economic Development

There are no factors in this report which impact upon economic development.

Other

This report has been prepared having regard to Council's Sale of Minor Council Property Assets Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

The owner of 29 Zoe Circuit, Northcote has agreed to acquire the land, shown as Lot 1 on Title Plan TP95106X as shown in **Appendix B**, at its current market value and to also meet all of Council's reasonable costs associated with undertaking the discontinuance.

CONCLUSION

It is considered that the section of road reserve at the rear of 29 Zoe Circuit, Northcote, is no longer reasonably required as a road for public use.

No submissions were received regarding the proposal as a result of the statutory process.

On this basis it would be reasonable for Council to discontinue the road and sell the land from the road to the adjoining owner by private treaty in accordance with Council Policy.

FUTURE ACTIONS

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

Arrange for Council's Register of Public Roads under the *Road Management Act 2004* to be amended to exclude the section of road reserve in Arthurton Road, Northcote.

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

- Site plan (**Appendix A**)
- Title Plan (**Appendix B**)
- *Local Government Act 1989*
- *Road Management Act 2004*
- Council's Sale of Minor Council Property Assets Policy – May 2015
- Council Minutes – 20 July 2015

9.10 **PROPOSED DISCONTINUANCE AND SALE OF DRAINAGE RESERVE ADJOINING 2 TO 6 VALE STREET AND 2 BRYAN STREET, RESERVOIR**

MINUTE NO. 490

AUTHOR: **Property Manager**

DIRECTOR: **Director Assets and Business Services**

SUMMARY

This report recommends that Council finalise procedures for the sale of the land from the 3.05m wide drainage reserve adjoining the rear of 2 to 6 Vale Street and the side of 2 Bryan Street, Reservoir.

CONSULTATION

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

COUNCIL RESOLUTION

MOVED: **Cr. V. Fontana**

SECONDED: **Cr. J. Williams**

THAT Council, having given public notice of a proposal to sell the land from the 3.05m wide drainage reserve adjoining the rear of 2 to 6 Vale Street and the side of 2 Bryan Street, Reservoir, shown hatched on the plan enclosed 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) Directs that the land from the reserve be sold by private treaty to the owners of 2, 4 and 6 Vale Street, Reservoir in accordance with section 189 of the *Local Government Act 1989* and Council's Sale of Minor Council Property Assets Policy
- (2) Signs and seals all documents relating to the sale of the land from the reserve to the owners of the adjoining properties.

CARRIED
REFER TO MINUTE NO. 480

| |
|---------------|
| REPORT |
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INTRODUCTION AND BACKGROUND

Council received an application from property owners to investigate the discontinuance and sale of the 3.05m wide drainage reserve at the rear of 2 to 6 Vale Street and the side of 2 Bryan Street, Reservoir, shown hatched on the site plan in **Appendix A**. The reserve is also shown in the aerial photo in **Appendix B**.

Council officers commenced investigations and commissioned Macquarie Lawyers to undertake the process to facilitate the possible discontinuance and sale of the drainage reserve.

ISSUES AND DISCUSSION

At its meeting on 20 July 2015, Council directed that the statutory procedures for the proposed discontinuance and sale of the 3.05m drainage reserve at the rear of 2 to 6 Vale Street and the side of 2 Bryan Street, Reservoir, be commenced.

Public notice of the proposed sale, pursuant to section 189 of the *Local Government Act 1989*, was given in Preston and Northcote Leader newspapers in the week commencing Monday 4 August 2015. 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 have been received.

Council and all necessary Service Authorities have been consulted in respect to the proposal and no objections have been received.

Yarra Valley Water Corporation has a sewer within the land and will require an easement to be saved over the land. Similarly Council has a drain within the land and will also require an easement to be saved over the land. Easements for sewerage and drainage will be created in the plan of subdivision.

In addition to the completion of the statutory procedures for the sale of the land it will be necessary for Council to complete the procedures for vesting in Council, removing the reserve status and subdividing the land into 3 lots under part 4 of the *Planning and Environment Act 1987* and section 24A of the *Subdivision Act 1988*.

As part of these procedures Council will be required to prepare a Plan of Subdivision to vest the drainage reserve in itself, remove the "reserve" status and subdivide the Land. Once the plan has been approved and certified by Council and registered at the Titles Office, separate titles will issue for the various lots. The proposed division of the land is shown on the draft Plan of Subdivision PS729584F in **Appendix C**.

The above procedures are currently being advanced.

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.

Economic Development

There are no factors in this report which impact upon economic development.

Other

This report has been prepared having regard to Council's Sale of Minor Council Property Assets Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Owners of the adjoining properties have agreed to acquire the land from the reserve at its current market value and to also meet all of Council's reasonable costs associated with undertaking the discontinuance.

CONCLUSION

It is considered that the section of reserve at the rear of 2 to 6 Vale Street and the side of 2 Bryan Street, Reservoir, is no longer reasonably required for the purpose for which it was reserved.

No submissions were received regarding the proposal as a result of the statutory process.

On this basis it would be reasonable for Council to finalise the statutory procedures for the discontinuance, vesting, subdivision and sale of the reserve.

FUTURE ACTIONS

Arrange for the land to be sold and transferred to the owners of the adjoining properties by private treaty in accordance with Council policy once the procedures for vesting in Council, removing the reserve status and subdividing the land into 3 lots under part 4 of the *Planning and Environment Act 1987* and section 24A of the *Subdivision Act 1988* have been finalized.

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

- Site plan (**Appendix A**)
- Aerial photo (**Appendix B**)
- Draft Plan of Subdivision PS729584F (**Appendix C**)
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
- Council's Sale of Minor Council Property Assets Policy May 2015
- Council Minutes – 20 July 2015

**9.11 PROPOSED PUBLIC HIGHWAY DECLARATION OF LAND
ADJOINING 52 BROOKE STREET, NORTHCOTE****MINUTE NO. 491****AUTHOR: Property Manager****DIRECTOR: Director Assets and Business Services****SUMMARY**

This report recommends that Council declare a sliver of land adjoining the side of 52 Brooke Street, Northcote, to be a public highway.

Statutory procedures under section 204(1) of the *Local Government Act 1989* (the Act) have been completed and this report recommends that the land be declared a public highway.

CONSULTATION:

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

COUNCIL RESOLUTION**MOVED: Cr. V. Fontana**
SECONDED: Cr. J. Williams**THAT** Council, acting under section 204(1) of the *Local Government Act 1989*:

- (1) Declares the land shown cross-hatched on **Appendix A** to be a public highway for the purposes of the said Act as and from the date of publication of the declaration in the Victoria Government Gazette.
- (2) Directs that notice of the declaration be published in the Victoria Government Gazette.

CARRIED
REFER TO MINUTE NO. 480**REPORT****INTRODUCTION AND BACKGROUND**

Council received an application from the owner of 52 Brooke Street, Northcote requesting that a sliver of land adjoining the side of that property to be declared a public highway.

Initial investigations established that the sliver of land was originally part of the adjoining right of way (road) which had been discontinued by the City of Northcote in 1989. Once discontinued, the land was set aside for municipal purposes and guard rails erected on it.

A planning permit application (D953/2013) for a proposed development of a dual occupancy at 52 Brooke Street requires the property to have legal side abuttal to the road known as Little Newmarket Street in order to provide access to the rear dwelling.

The planning application cannot be determined until the road status is re-instated to the land. To facilitate this it is proposed to declare the 30 centimetre wide sliver of land, shown cross-hatched in **Appendix A**, a public highway.

The land is also shown on the aerial photograph **Appendix B**.

ISSUES AND DISCUSSION

At its meeting on 20 July 2015, Council directed that the statutory procedures to declare the land a public highway, be commenced.

Public notice of the proposal was given in the Preston Leader and Northcote Leader newspapers in the week commencing Monday 27 July 2015. Notification was also given on Council's website.

Owners and occupiers 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 have been received.

Council and all necessary Service Authorities have been consulted in respect to the proposal and no objections have been received.

POLICY IMPLICATIONS

Environmental Sustainability

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

Human Rights, Equity and Inclusion

Consultation with the adjoining owners and occupiers has been undertaken as part of the statutory procedures.

Economic Development

There are no factors in this report which impact upon economic development.

Other

This report has been prepared having regard to Council's Sale of Minor Council Property Assets Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

All costs associated with this exercise will be met by the applicant at 52 Brooke Street, Northcote.

CONCLUSION

It is considered reasonable that Council declare a 30 centimetre wide sliver of land adjoining 52 Brooke Street, Northcote to be a public highway in order to provide that property with legal abuttal to Little Newmarket Street.

FUTURE ACTIONS

- Arrange for a notice of the declaration to be published in the Victoria Government Gazette.
- Arrange for Council's Register of Public Roads under the *Road Management Act 2004* to be amended to include the sliver of land as part of the road known as Little Newmarket Street, Northcote.

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

- Site Plan
- Aerial Photo (**Appendix A**)
- *Local Government Act 1989*
- *Road Management Act 2004*
- Council Minutes – 20 July 2015

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

MINUTE NO. 492

AUTHOR: **Manager Corporate Governance and Performance**

REVIEWED BY: **Chief Executive**

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 17 March 2015, 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:

- Coordinator Statutory Planning

COUNCIL RESOLUTION

MOVED: **Cr. V. Fontana**

SECONDED: **Cr. J. Williams**

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 member 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 affixed with the Council Seal.

CARRIED
REFER TO MINUTE NO. 480

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 17 March 2015, 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 1987*. 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 1987* 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 1987*, 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

Economic Development

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, 10 December 2012, 18 February 2013, 15 April 2013, 6 May 2013, 7 October 2013, 6 November 2013, 17 February 2014, 19 May 2014, 17 November 2014, 16 March 2015, 18 August 2015 and 7 September 2015

10. NOTICES OF MOTION

10.1 RESCIND NOTICE OF MOTION – AMENDMENT C136

MINUTE NO. 493

NOTICE OF MOTION NO. 243 CR. TIM LAURENCE

Take notice that at the Ordinary meeting to be held on 5 October 2015, it is my intention to move:

THAT Darebin Council re-affirms its belief that all Darebin residents have the right to secure, affordable and appropriate housing close to reliable and accessible services.

THAT Darebin Council commits to standing up for the most vulnerable people in our community to support their housing needs within the planning policy sphere.

THAT Darebin Council re-affirms its believes that a whole of government affordable housing approach is required in all three levels of government to expand the supply, security and quality of low-cost and private housing in our local community.

THAT Council note to maintain the integrity of Darebin's Housing policy and Darebin's adopted Municipal Strategic Statement that Council resolves to the revoke of the following Council Resolution:

MINUTE No. 437 - AMENDMENT C136 – FURTHER INFORMATION AND ADOPTION Council Minutes 7 September 2015

And **THAT** Council now resolve to adopt the following resolution in relation to **AMENDMENT C136**:

THAT Council HAVING received a further briefing on the matters raised at its meetings:

- 16 February 2015;
- 16 March 2015;
- 29 April 2015;
- 17 August 2015
- 7 September 2015;

HAVING prepared and exhibited Amendment C136 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*; HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent Panel for Amendment C136 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, without changes to the following Panel Recommendations: 15, 17, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 40, 41, 43, 44, 46, 56, and 57 and Appendices A - P , as provided in the report to Council on 7 September 2015 with the following amendments:

- a) That Panel recommendation 42 be supported in part so that a mandatory maximum of 3 storeys be adopted on the site on the south west corner of St Georges Rd and Arthurton Rd, that is bounded by St Georges Rd, Arthurton Rd and Auburn Avenue Northcote.
- b) Application of an inclusionary Affordable Housing Zone: That Council support in part the Panel recommendation in relation to a 10 storeys limit at 30 St Georges Road and 32 to 44 Oakover Road Preston (sub-precinct 3) in C136 and that in line with Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
- c) That Council support the Panel recommendation in regards to the application of 6 storeys in sub-precinct 1, sub-precinct 4 and the section of sub-precinct 2 north of Showers Street in Precinct 7, and further recommended that all Office of Housing and State Government owned land within sub-precincts 1, 2 and 4 be subject to a requirement that the State Government or an alternative Victorian Government accredited affordable housing association or provider enter into a Section 173 Agreement to ensure that the approved dwellings are used for social or public housing and that that specifies that:
 - *All occupiers of the dwellings constructed in Precinct 7 on state government owned land must be either recipients of a government pension or benefit, or be on low or moderate income. They must also meet the eligibility criteria for affordable rental housing as determined from time to time by the State or Federal government.*
 - *The on-going management of the dwellings on state government owned land must be undertaken by the Victorian Office of Housing or an alternative Victorian Government accredited affordable housing association or provider.*
 - *Persons who do not meet the eligibility criteria set out in condition 5.1 (dot point 1) must not occupy the dwellings, except with the consent of the Responsible Authority if it is satisfied that the number of car parking spaces provided on the land is satisfactory for all residents.*

- d) That Council support the Panel recommendation in part in relation to sites with 6 and 5 storey limits within Precinct 1: (Bridge Street to Westbourne Grove), and sites with 5 storey limits within Precinct 3: (McCracken Avenue to Bent Street), and sites with 4 and 5 storey limits within Precinct 4: (Bent Street to Woolton Avenue), Precinct 5: (Woolton Avenue to Ballantyne Street), and Precinct 6: (Ballantyne Street to Miller Street), and 4 and 6 storey sites within Precinct 8: (Bell Street to Murray Road) and that in line with the goals of Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
- (2) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, having reviewed the documentation as directed in the following Panel Recommendations: 18, 32, and 33 and **Appendices A - P, as provided in the report to Council on 7 September 2015.**
- (3) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, with changes resulting from the Alternate Proposals to the following Panel Recommendations presented in the body of this report: 34, 35, 47, 55 and 58.
- (4) Note that Panel Recommendations 1 – 14, 19, 20, and 60, were addressed through the adoption of C138.
- (5) Note that the following Panel Recommendations 16, 28, 29, 30, 31, 39, 48, 49, 50, 51, 52, 53, 59 are directly related to C137 and are addressed in a separate report.
- (6) Submit Amendment C136 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
- (7) Advise all submitters to Amendment C136 of Darebin Council's adoption of the amendment.
- (8) Direct that this policy position and Amendment C136 be considered in the assessment of planning permit applications until the Amendment is gazetted.
- (9) Authorise the Manager City Development to make minor editorial adjustments where necessary to the Amendments incorporating further changes required by this resolution for the purpose of clarification, or strengthening Council position and in discussion with the Department of Environment, Land, Water and Planning to support approval.

Notice Received: 21 September 2015

Notice Given to Councillors: 1 October 2015

Date of Meeting: 5 October 2015

MOTION

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

THAT Darebin Council re-affirms its belief that all Darebin residents have the right to secure, affordable and appropriate housing close to reliable and accessible services.

THAT Darebin Council commits to standing up for the most vulnerable people in our community to support their housing needs within the planning policy sphere.

THAT Darebin Council re-affirms its believes that a whole of government affordable housing approach is required in all three levels of government to expand the supply, security and quality of low-cost and private housing in our local community.

THAT Council note to maintain the integrity of Darebin's Housing policy and Darebin's adopted Municipal Strategic Statement that Council resolves to the revoke of the following Council Resolution:

MINUTE No. 437 - AMENDMENT C136 – FURTHER INFORMATION AND ADOPTION Council Minutes 7 September 2015

And **THAT** Council now resolve to adopt the following resolution in relation to **AMENDMENT C136**:

THAT Council HAVING received a further briefing on the matters raised at its meetings:

- 16 February 2015;
- 16 March 2015;
- 29 April 2015;
- 17 August 2015
- 7 September 2015;

HAVING prepared and exhibited Amendment C136 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*; HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent Panel for Amendment C136 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, without changes to the following Panel Recommendations: 15, 17, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 40, 41, 43, 44, 46, 56, and 57 and Appendices A - P , as provided in the report to Council on 7 September 2015 with the following amendments:
 - a) That Panel recommendation 42 be supported in part so that a mandatory maximum of 3 storeys be adopted on the site on the south west corner of St Georges Rd and Arthurton Rd, that is bounded by St Georges Rd, Arthurton Rd and Auburn Avenue Northcote.

- b) Application of an inclusionary Affordable Housing Zone: That Council support in part the Panel recommendation in relation to a 10 storeys limit at 30 St Georges Road and 32 to 44 Oakover Road Preston (sub-precinct 3) in C136 and that in line with Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
- c) That Council support the Panel recommendation in regards to the application of 6 storeys in sub-precinct 1, sub-precinct 4 and the section of sub-precinct 2 north of Showers Street in Precinct 7, and further recommended that all Office of Housing and State Government owned land within sub-precincts 1, 2 and 4 be subject to a requirement that the State Government or an alternative Victorian Government accredited affordable housing association or provider enter into a Section 173 Agreement to ensure that the approved dwellings are used for social or public housing and that that specifies that:
- *All occupiers of the dwellings constructed in Precinct 7 on state government owned land must be either recipients of a government pension or benefit, or be on low or moderate income. They must also meet the eligibility criteria for affordable rental housing as determined from time to time by the State or Federal government.*
 - *The on-going management of the dwellings on state government owned land must be undertaken by the Victorian Office of Housing or an alternative Victorian Government accredited affordable housing association or provider.*
 - *Persons who do not meet the eligibility criteria set out in condition 5.1 (dot point 1) must not occupy the dwellings, except with the consent of the Responsible Authority if it is satisfied that the number of car parking spaces provided on the land is satisfactory for all residents.*
- d) That Council support the Panel recommendation in part in relation to sites with 6 and 5 storey limits within Precinct 1: (Bridge Street to Westbourne Grove), and sites with 5 storey limits within Precinct 3: (McCracken Avenue to Bent Street), and sites with 4 and 5 storey limits within Precinct 4: (Bent Street to Woolton Avenue), Precinct 5: (Woolton Avenue to Ballantyne Street), and Precinct 6: (Ballantyne Street to Miller Street), and 4 and 6 storey sites within Precinct 8: (Bell Street to Murray Road) and that in line with the goals of Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.

- (2) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, having reviewed the documentation as directed in the following Panel Recommendations: 18, 32, and 33 and **Appendices A - P, as provided in the report to Council on 7 September 2015.**
- (3) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, with changes resulting from the Alternate Proposals to the following Panel Recommendations presented in the body of this report: 34, 35, 47, 55 and 58.
- (4) Note that Panel Recommendations 1 – 14, 19, 20, and 60, were addressed through the adoption of C138.
- (5) Note that the following Panel Recommendations 16, 28, 29, 30, 31, 39, 48, 49, 50, 51, 52, 53, 59 are directly related to C137 and are addressed in a separate report.
- (6) Submit Amendment C136 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
- (7) Advise all submitters to Amendment C136 of Darebin Council's adoption of the amendment.
- (8) Direct that this policy position and Amendment C136 be considered in the assessment of planning permit applications until the Amendment is gazetted.
- (9) Authorise the Manager City Development to make minor editorial adjustments where necessary to the Amendments incorporating further changes required by this resolution for the purpose of clarification, or strengthening Council position and in discussion with the Department of Environment, Land, Water and Planning to support approval.

Cr. Williams proposed to the mover and seconder that the following point be added (to become point (4)) to the motion. This was accepted by Cr. Laurence and Cr. Fontana.

- (4) That the 30 degree setback requirement be applied to all residential zones in Amendment C136.

THE AMENDED MOTION READ AS FOLLOWS:

AMENDED MOTION

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

THAT Darebin Council re-affirms its belief that all Darebin residents have the right to secure, affordable and appropriate housing close to reliable and accessible services.

THAT Darebin Council commits to standing up for the most vulnerable people in our community to support their housing needs within the planning policy sphere.

THAT Darebin Council re-affirms its believes that a whole of government affordable housing approach is required in all three levels of government to expand the supply, security and quality of low-cost and private housing in our local community.

THAT Council note to maintain the integrity of Darebin's Housing policy and Darebin's adopted Municipal Strategic Statement that Council resolves to the revoke of the following Council Resolution:

MINUTE No. 437 - AMENDMENT C136 – FURTHER INFORMATION AND ADOPTION Council Minutes 7 September 2015

And **THAT** Council now resolve to adopt the following resolution in relation to **AMENDMENT C136**:

THAT Council HAVING received a further briefing on the matters raised at its meetings:

- 16 February 2015;
- 16 March 2015;
- 29 April 2015;
- 17 August 2015
- 7 September 2015;

HAVING prepared and exhibited Amendment C136 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*; HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent Panel for Amendment C136 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, without changes to the following Panel Recommendations: 15, 17, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 40, 41, 43, 44, 46, 56, and 57 and Appendices A - P , as provided in the report to Council on 7 September 2015 with the following amendments:
 - a) That Panel recommendation 42 be supported in part so that a mandatory maximum of 3 storeys be adopted on the site on the south west corner of St Georges Rd and Arthurton Rd, that is bounded by St Georges Rd, Arthurton Rd and Auburn Avenue Northcote.
 - b) Application of an inclusionary Affordable Housing Zone: That Council support in part the Panel recommendation in relation to a 10 storeys limit at 30 St Georges Road and 32 to 44 Oakover Road Preston (sub-precinct 3) in C136 and that in line with Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
 - c) That Council support the Panel recommendation in regards to the application of 6 storeys in sub-precinct 1, sub-precinct 4 and the section of sub-precinct 2 north of Showers Street in Precinct 7, and further recommended that all Office of Housing and State Government owned land within sub- precincts 1, 2 and 4 be subject to a requirement that the State Government or an alternative Victorian

Government accredited affordable housing association or provider enter into a Section 173 Agreement to ensure that the approved dwellings are used for social or public housing and that that specifies that:

- *All occupiers of the dwellings constructed in Precinct 7 on state government owned land must be either recipients of a government pension or benefit, or be on low or moderate income. They must also meet the eligibility criteria for affordable rental housing as determined from time to time by the State or Federal government.*
 - *The on-going management of the dwellings on state government owned land must be undertaken by the Victorian Office of Housing or an alternative Victorian Government accredited affordable housing association or provider.*
 - *Persons who do not meet the eligibility criteria set out in condition 5.1 (dot point 1) must not occupy the dwellings, except with the consent of the Responsible Authority if it is satisfied that the number of car parking spaces provided on the land is satisfactory for all residents.*
- d) That Council support the Panel recommendation in part in relation to sites with 6 and 5 storey limits within Precinct 1: (Bridge Street to Westbourne Grove), and sites with 5 storey limits within Precinct 3: (McCracken Avenue to Bent Street), and sites with 4 and 5 storey limits within Precinct 4: (Bent Street to Woolton Avenue), Precinct 5: (Woolton Avenue to Ballantyne Street), and Precinct 6: (Ballantyne Street to Miller Street), and 4 and 6 storey sites within Precinct 8: (Bell Street to Murray Road) and that in line with the goals of Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
- (2) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, having reviewed the documentation as directed in the following Panel Recommendations: 18, 32, and 33 and **Appendices A - P, as provided in the report to Council on 7 September 2015.**
- (3) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, with changes resulting from the Alternate Proposals to the following Panel Recommendations presented in the body of this report: 34, 35, 47, 55 and 58.
- (4) That the 30 degree setback requirement be applied to all residential zones in Amendment C136.
- (5) Note that Panel Recommendations 1 – 14, 19, 20, and 60, were addressed through the adoption of C138.

- (6) Note that the following Panel Recommendations 16, 28, 29, 30, 31, 39, 48, 49, 50, 51, 52, 53, 59 are directly related to C137 and are addressed in a separate report.
- (7) Submit Amendment C136 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the Planning and Environment Act 1987.
- (8) Advise all submitters to Amendment C136 of Darebin Council's adoption of the amendment.
- (9) Direct that this policy position and Amendment C136 be considered in the assessment of planning permit applications until the Amendment is gazetted.
- (10) Authorise the Manager City Development to make minor editorial adjustments where necessary to the Amendments incorporating further changes required by this resolution for the purpose of clarification, or strengthening Council position and in discussion with the Department of Environment, Land, Water and Planning to support approval.

Cr. Greco proposed to the mover and seconder that points (1)b), (1)c) and (1)d) of the motion be amended as follows. This was not accepted by Cr. Laurence and Cr. Fontana.

- (1) (As per Notice of Motion above)
 - b) Application of an inclusionary Affordable Housing Zone: That Council support in part the Panel recommendation in relation to a 10 storeys limit at 30 St Georges Road and 32 to 44 Oakover Road Preston (sub-precinct 3) in C136 and that in line with Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met. **If the Victorian Government is unable or unwilling to impose this limitation, then the height for this area should be as was agreed at the September 27th 2015 Council meeting.**
 - c) That Council support the Panel recommendation in regards to the application of 6 storeys in sub-precinct 1, sub-precinct 4 and the section of sub-precinct 2 north of Showers Street in Precinct 7, and further recommended that all Office of Housing and State Government owned land within sub-precincts 1, 2 and 4 be subject to a requirement that the State Government or an alternative Victorian Government accredited affordable housing association or provider enter into a Section 173 Agreement to ensure that the approved dwellings are used for social or public housing and that that specifies that:
 - *All occupiers of the dwellings constructed in Precinct 7 on state government owned land must be either recipients of a government pension or benefit, or be on low or moderate income. They must also meet the eligibility criteria for affordable rental housing as determined from time to time by the State or Federal government.*

- *The on-going management of the dwellings on state government owned land must be undertaken by the Victorian Office of Housing or an alternative Victorian Government accredited affordable housing association or provider.*
 - *Persons who do not meet the eligibility criteria set out in condition 5.1 (dot point 1) must not occupy the dwellings, except with the consent of the Responsible Authority if it is satisfied that the number of car parking spaces provided on the land is satisfactory for all residents.*
 - ***If no such constraining S173 Agreement is in place, or is avoided by VCAT, then the height for this area should be as was agreed at the September 27th 2015 Council meeting***
- d) That Council support the Panel recommendation in part in relation to sites with 6 and 5 storey limits within Precinct 1: (Bridge Street to Westbourne Grove), and sites with 5 storey limits within Precinct 3: (McCracken Avenue to Bent Street), and sites with 4 and 5 storey limits within Precinct 4: (Bent Street to Woolton Avenue), Precinct 5: (Woolton Avenue to Ballantyne Street), and Precinct 6: (Ballantyne Street to Miller Street), and 4 and 6 storey sites within Precinct 8: (Bell Street to Murray Road) and that in line with the goals of Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met. **If the Victorian Government is unable or unwilling to impose this limitation, then the height for this area should be as was agreed at the September 27th 2015 Council meeting.**

THE CHAIRPERSON, CR. TSITAS RULED OUT THE PROPOSED AMENDMENTS AS THEY WERE IN CONFLICT WITH THE INTENTION OF THE NOTICE OF MOTION.

Cr. Walsh proposed to the mover and seconder that point (1)a), be amended and point (1)e) added to the amended motion as follows. This was not accepted by Cr. Laurence and Cr. Fontana.

- (1) a) That Panel recommendation 42 be supported in part so that a mandatory maximum of 3 storeys be adopted on the site on the ~~south~~ west corner of St Georges Rd and Arthurton Rd, that is bounded by St Georges Rd, Arthurton Rd and Auburn Avenue Northcote.
- (1) e) That the sites between Emmaline Street and Gladstone Avenue be reduced to four storeys.

THE CHAIRPERSON, CR. TSITAS ALSO RULED OUT THE PROPOSED AMENDMENTS AS THEY WERE IN CONFLICT WITH THE INTENTION OF THE NOTICE OF MOTION.

THE AMENDED MOTION IS THE MOTION BEFORE THE CHAIR.

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

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. V. Fontana

THAT Darebin Council re-affirms its belief that all Darebin residents have the right to secure, affordable and appropriate housing close to reliable and accessible services.

THAT Darebin Council commits to standing up for the most vulnerable people in our community to support their housing needs within the planning policy sphere.

THAT Darebin Council re-affirms its believes that a whole of government affordable housing approach is required in all three levels of government to expand the supply, security and quality of low-cost and private housing in our local community.

THAT Council note to maintain the integrity of Darebin's Housing policy and Darebin's adopted Municipal Strategic Statement that Council resolves to the revoke of the following Council Resolution:

MINUTE No. 437 - AMENDMENT C136 – FURTHER INFORMATION AND ADOPTION Council Minutes 7 September 2015

And **THAT** Council now resolve to adopt the following resolution in relation to **AMENDMENT C136**:

THAT Council HAVING received a further briefing on the matters raised at its meetings:

- 16 February 2015;
- 16 March 2015;
- 29 April 2015;
- 17 August 2015
- 7 September 2015;

HAVING prepared and exhibited Amendment C136 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*; HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent Panel for Amendment C136 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, without changes to the following Panel Recommendations: 15, 17, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 40, 41, 43, 44, 46, 56, and 57 and Appendices A - P , as provided in the report to Council on 7 September 2015 with the following amendments:
 - a) That Panel recommendation 42 be supported in part so that a mandatory maximum of 3 storeys be adopted on the site on the south west corner of St Georges Rd and Arthurton Rd, that is bounded by St Georges Rd, Arthurton Rd and Auburn Avenue Northcote.

- b) Application of an inclusionary Affordable Housing Zone: That Council support in part the Panel recommendation in relation to a 10 storeys limit at 30 St Georges Road and 32 to 44 Oakover Road Preston (sub-precinct 3) in C136 and that in line with Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.
- c) That Council support the Panel recommendation in regards to the application of 6 storeys in sub-precinct 1, sub-precinct 4 and the section of sub-precinct 2 north of Showers Street in Precinct 7, and further recommended that all Office of Housing and State Government owned land within sub-precincts 1, 2 and 4 be subject to a requirement that the State Government or an alternative Victorian Government accredited affordable housing association or provider enter into a Section 173 Agreement to ensure that the approved dwellings are used for social or public housing and that that specifies that:
- *All occupiers of the dwellings constructed in Precinct 7 on state government owned land must be either recipients of a government pension or benefit, or be on low or moderate income. They must also meet the eligibility criteria for affordable rental housing as determined from time to time by the State or Federal government.*
 - *The on-going management of the dwellings on state government owned land must be undertaken by the Victorian Office of Housing or an alternative Victorian Government accredited affordable housing association or provider.*
 - *Persons who do not meet the eligibility criteria set out in condition 5.1 (dot point 1) must not occupy the dwellings, except with the consent of the Responsible Authority if it is satisfied that the number of car parking spaces provided on the land is satisfactory for all residents.*
- d) That Council support the Panel recommendation in part in relation to sites with 6 and 5 storey limits within Precinct 1: (Bridge Street to Westbourne Grove), and sites with 5 storey limits within Precinct 3: (McCracken Avenue to Bent Street), and sites with 4 and 5 storey limits within Precinct 4: (Bent Street to Woolton Avenue), Precinct 5: (Woolton Avenue to Ballantyne Street), and Precinct 6: (Ballantyne Street to Miller Street), and 4 and 6 storey sites within Precinct 8: (Bell Street to Murray Road) and that in line with the goals of Darebin Council's Housing policy that Darebin Council request that the Victorian Government make this height limit subject to the provision of 20% affordable housing that must be addressed in applications for development approval for residential projects, and that is offered for sale to eligible low to moderate income earners (up to \$75,000 for singles, up to \$95,000 for couples and families) or affordable rental providers and subject to a legally binding agreement that ensures these requirements are met.

- (2) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, having reviewed the documentation as directed in the following Panel Recommendations: 18, 32, and 33 and **Appendices A - P, as provided in the report to Council on 7 September 2015.**
- (3) Adopt Amendment C136 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, with changes resulting from the Alternate Proposals to the following Panel Recommendations presented in the body of this report: 34, 35, 47, 55 and 58.
- (4) That the 30 degree setback requirement be applied to all residential zones in Amendment C136.
- (5) Note that Panel Recommendations 1 – 14, 19, 20, and 60, were addressed through the adoption of C138.
- (6) Note that the following Panel Recommendations 16, 28, 29, 30, 31, 39, 48, 49, 50, 51, 52, 53, 59 are directly related to C137 and are addressed in a separate report.
- (7) Submit Amendment C136 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
- (8) Advise all submitters to Amendment C136 of Darebin Council's adoption of the amendment.
- (9) Direct that this policy position and Amendment C136 be considered in the assessment of planning permit applications until the Amendment is gazetted.
- (10) Authorise the Manager City Development to make minor editorial adjustments where necessary to the Amendments incorporating further changes required by this resolution for the purpose of clarification, or strengthening Council position and in discussion with the Department of Environment, Land, Water and Planning to support approval.

CARRIED

Cr. Greco called for a Division:

| <u>For</u> | <u>Against</u> |
|--------------------|---------------------|
| Cr. Tim Laurence | Cr. Gaetano Greco |
| Cr. Vince Fontana | Cr. Angela Villella |
| Cr. Julie Williams | |
| Cr. Steven Tsitas | |

The Chairperson, Cr. Tsitas, declared the motion to be carried.

Darren Rudd, Manager City Development returned to the meeting during discussion of the above item – 9.10 pm.

Cr. Williams temporarily left the meeting during discussion of the above item at 9.35 pm and returned at 9.37 pm.

Lauren Close, Acting Manager Corporate Governance and Performed temporarily left the meeting during discussion of the above item at 9.39 pm and returned at 9.40 pm.

Cr. Walsh temporarily left the meeting during discussion of the above item - 9.40 pm.

10.2 GRAND FINAL EVE**MINUTE NO. 494****NOTICE OF MOTION NO. 244****CR. OLIVER WALSH**

Take notice that at the Ordinary meeting to be held on 5 October 2015, it is my intention to move:

THAT Council:

- (1) Council note the significant amount of businesses in Darebin that are forced to close as a result of the Grand Final eve Public holiday.
- (2) Council Write to the State Government and local sate MP's (both lower and upper house) asking them to reconsider the gazetting of the Grand Final Eve Public Holiday in future years.

Notice Received: 30 September 2015

Notice Given to Councillors: 1 October 2015

Date of Meeting: 5 October 2015

MOTION

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

THAT Council:

- (1) Council note the significant amount of businesses in Darebin that are forced to close as a result of the Grand Final eve Public holiday.
- (2) Council Write to the State Government and local sate MP's (both lower and upper house) asking them to reconsider the gazetting of the Grand Final Eve Public Holiday in future years.

THE MOTION WAS PUT TO THE VOTE AND LOST.

Cr. Walsh called for a Division:

| <u>For</u> | <u>Against</u> |
|--------------------|---------------------|
| Cr. Oliver Walsh | Cr. Steven Tsitas |
| Cr. Julie Williams | Cr. Tim Laurence |
| Cr. Vince Fontana | Cr. Gaetano Greco |
| | Cr. Angela Villella |

THE CHAIRPERSON, CR. TSITAS, DECLARED THE MOTION TO BE LOST.

Cr. Walsh returned to the meeting during discussion of the above item at 9.41 pm.

Bridget Monro-Hobbs, Acting Director Community Development left the meeting at the conclusion of the above item at 9.51 pm.

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

MINUTE NO. 495

COUNCIL RESOLUTION

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

THAT Council agree to consider the adoption of the General Business Item Nos. 10.3 and 10.4 'en bloc'.

CARRIED UNANIMOUSLY**COUNCIL RESOLUTION**

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

THAT the 'General Business Item Nos. 10.3 and 10.4 be adopted 'en bloc'.

CARRIED UNANIMOUSLY

WITH LEAVE OF THE CHAIRPERSON, CR. TSITAS CONFIRMED WITH CR. WALSH AND AMENDED NOTICE OF MOTION ITEM 10.4 TO READ GIVE **FULL** FRANCHISE.

10.3 DAREBIN RSL

MINUTE NO. 495

NOTICE OF MOTION NO. 245 CR. OLIVER WALSH

Take notice that at the Ordinary meeting to be held on 5 October 2015, it is my intention to move:

***THAT** Council write to Darebin RSL requesting a meeting regarding the future of the Fairfield RSL and Fairfield RSL site.*

This meeting should include ward councillors.

Notice Received: 30 September 2015

Notice Given to Councillors: 1 October 2015

Date of Meeting: 5 October 2015

COUNCIL RESOLUTION

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

THAT Council write to Darebin RSL requesting a meeting regarding the future of the Fairfield RSL and Fairfield RSL site.

This meeting should include ward councillors.

**CARRIED UNANIMOUSLY
REFER TO MINUTE NO. 495**

10.4 MAV STATE COUNCIL**MINUTE NO. 497**

NOTICE OF MOTION NO. 246 CR. OLIVER WALSH

Take notice that at the Ordinary meeting to be held on 5 October 2015, it is my intention to move:

To be submitted to MAV state council, as late motion.

THAT MAV write to Minister for local government asking her to give franchise to all business owners in all municipalities in the 2016 local government elections.

Notice Received: 30 September 2015

Notice Given to Councillors: 1 October 2015

Date of Meeting: 5 October 2015

COUNCIL RESOLUTION

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

To be submitted to MAV state council, as late motion.

THAT MAV write to Minister for local government asking her to give full franchise to all business owners in all municipalities in the 2016 local government elections.

**CARRIED UNANIMOUSLY
REFER TO MINUTE NO. 495**

11. URGENT BUSINESS

Nil

12. GENERAL BUSINESS

Nil

EXTENSION OF TIME – 9.53 PM

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

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

THAT the Council meeting continue after 10.00 pm for 30 minutes.

CARRIED

Darren Rudd, Manager City Development and Dave Bell, Senior Media Advisor, left the meeting prior to discussion of the Confidential item at 9.53 pm.

13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**CLOSE OF MEETING**

MOVED: Cr. V. Fontana
SECONDED: Cr. A. Villella

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

13.1 Provision of Kitchen, Kiosk and Beverage Supplies (CT201514)

CARRIED

The meeting was closed to members of the public at 9.54 pm.

The Council considered and resolved on Report Item 13.1 (Panel Kitchen, Kiosk and Beverage Suppliers (CT201514)) which had been circulated to Councillors on 1 October 2015 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. V. Fontana
SECONDED: Cr. J. Williams

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

CARRIED

The meeting was re-opened to the members of the public at 9.58 pm

CONFIDENTIAL**13.1 PANEL OF KITCHEN, KIOSK AND BEVERAGE SUPPLIERS
(CT201514)****MINUTE NO. 498****AUTHOR: Performing Arts Centres Coordinator****REVIEWED BY: Acting Director Culture, Leisure and Works****SUMMARY**

It is proposed to appoint a panel of suitably qualified and experienced suppliers to provide Kitchen, Kiosk and Beverage Supplies across Council. The successful suppliers will be responsible for providing high-quality products, efficient and versatile delivery services and value for money to Council.

Council operates a number of Kitchens, Cafes and Bars at various Council-owned and operated venues including Darebin Arts and Entertainment Centre, Northcote Town Hall, Bundoora Homestead, Bundoora Park and Reservoir Leisure Centre. Each venue currently purchase food and beverage supplies independently. As a result a number of suppliers are nearing or have exceeded Council's procurement policy thresholds.

The contract period for this panel will be for an initial term of three (3) years from the commencement date of the Agreement with two (2), one (1) year optional extension periods, reviewed at the end of each term and extended at the discretion of Council. This report outlines the objectives of the tender, term of the contract, methodology used to evaluate the tenders and procurement details as well as results of the evaluation process.

CONSULTATION

- Water and Waste Strategy Coordinator
- Manager Creative Culture
- Team Leader Darebin Arts Entertainment Centre
- Team Leader Northcote Town Hall
- Acting Director Culture, Leisure and Work
- Senior Procurement Officer
- Coordinator Procurement and Contracting
- Gallery Manager Bundoora Homestead Art Centre
- Coordinator Coopers Settlement
- Manager Reservoir Leisure Centre

RECOMMENDATION

THAT the report and Council Resolution remain confidential.

COUNCIL RESOLUTION

MOVED: Cr. A. Villella
SECONDED: Cr. O. Walsh

THAT the report and Council Resolution remain confidential.

CARRIED

14. CLOSE OF MEETING

The meeting closed at 9.59 pm.