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MINUTES OF THE COUNCIL MEETING

Held on Monday 5 December 2016


Released to the public on Thursday 8 December 2016

Table of Contents

Item Number	Page Number
1. PRESENT	1
2. APOLOGIES.....	2
3. DISCLOSURES OF CONFLICTS OF INTEREST	2
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	2
5. PUBLIC QUESTION TIME.....	3
6. CONSIDERATION OF REPORTS	8
6.1 FINANCIAL REPORT – 3 MONTHS ENDED 30 SEPTEMBER 2016	8
6.2 EXTERNAL COMMUNICATION ACTIVITY UPDATE	10
6.3 UPCOMING LANDFILL REGIONAL WASTE CONTRACT – CT201117	12
6.4 DAREBIN CREEK MANAGEMENT COMMITTEE MEMORANDUM OF UNDERSTANDING RENEWAL.....	15
6.5 APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN POD/3/2015 – 198 BEAVERS ROAD, NORTHCOTE.....	17
6.6 FAST TRACK GOVERNMENT LAND SERVICE – REZONING FOR PART 48, RONA STREET, RESERVOIR.....	21
6.7 MAYORAL AND COUNCILLOR ALLOWANCES ANNUAL ADJUSTMENT	25
6.8 INSTRUMENTS OF DELEGATION – SPECIAL COMMITTEES.....	27
6.9 BILL LAWRY AND OLDIS GARDEN MASTER PLAN	29
7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS.....	33
7.1 FUTURE OF PRESTON MARKET.....	33
8. NOTICES OF MOTION	38
8.1 CLEAN COUNCIL – TRANSPARENCY AND ACCOUNTABILITY.....	38
8.2 CLEAN COUNCIL – PUBLIC PARTICIPATION AND DEMOCRACY	40
8.3 CLEAN COUNCIL – STATUTORY PLANNING	43
8.4 ENERGY AND ENVIRONMENT	45
8.5 COUNCIL CHAMBER SOUND SYSTEM	47
8.6 MEETING WITH PLANNING MINISTER	48
8.7 REVIEW OF PRESTON MARKET STRUCTURE PLAN	48
8.8 SUPPORTING PRESTON MARKET	49
9. URGENT BUSINESS.....	50
9.1 DAREBIN's COMMITMENT TO A MULTICULTURAL COMMUNITY	50
9.2 FAMILY VIOLENCE LEAVE.....	51
10. GENERAL BUSINESS	52
11. PETITIONS	53
11.1 RALLY FOR PENDERS PARK, THORNBURY	53
12. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	54
12.1 ASSEMBLIES OF COUNCILLORS HELD	54

Table of Contents

Item Number		Page Number
13.	REPORTS BY MAYOR AND COUNCILLORS	58
13.1	REPORT OF CR. KIM LE CERF, MAYOR	58
13.2	REPORT OF CR. STEPH AMIR	59
13.3	REPORT OF CR. GAETANO GRECO	60
13.4	REPORT OF CR. JULIE WILLIAMS	60
13.5	REPORT OF CR. TIM LAURENCE.....	61
13.6	REPORT OF CR. SUSAN RENNIE	61
13.7	REPORT OF CR. TRENT McCARTHY.....	61
13.8	REPORT OF CR. SUSANNE NEWTON.....	62
14.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	64
14.1	ROADS RESURFACE PROGRAM – ASPHALT WORKS CT201623.....	65
14.2	PERSONNEL MATTER.....	67
15.	PLANNING APPLICATIONS	68
15.1	APPLICATION FOR PLANNING PERMIT D/815/2015 22-24 Knox Street, Reservoir Vic 3073	68
15.2	APPLICATION FOR PLANNING PERMIT D/289/2016 20-22 Thackeray Road, Reservoir Vic 3073.....	76
15.3	APPLICATION FOR PLANNING PERMIT D/757/2015 8 – 10 Pellew Street, Reservoir Vic 3073	78
15.4	APPLICATION FOR PLANNING PERMIT D/465/2015 36-46 High Street, Preston Vic 3072	86
16.	CLOSE OF MEETING.....	97



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 1 July 2013 in order
to confirm the commitment of Council to the process of
Reconciliation)**

Darebin City Council acknowledges the Wurundjeri people and the Kulin Nations as the traditional landowners and the historical and contemporary custodians of the land on which the City of Darebin and surrounding municipalities are located.

Council recognises, and pays tribute to, the diversity of Darebin's Aboriginal and Torres Strait Islander community, valuing the unique and important role Aboriginal and Torres Strait Islander community members play in progressing reconciliation, respect and the building of mutual understanding across the City, amongst its people, and in the achievement of shared aspirations. Council recognises and pays tribute to, and celebrates, Darebin's long standing Aboriginal and Torres Strait Islander culture and heritage.



Italian

Questo è l'ordine del giorno della riunione del Consiglio Comunale di Darebin per la data che compare sulla prima pagina di questo documento. Se desiderate informazioni in lingua italiana sugli argomenti dell'ordine del giorno, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτή είναι η ημερήσια διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου Darebin, για την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με τα θέματα σ' αυτή την ημερήσια διάταξη, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會議程表，其開會日期顯示於此文件之封面。如果您欲索取有關此議程表的中文資料，敬請致電 8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو جدول أعمال اجتماع مجلس بلدية داربيبن والذي سيحدد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على مزيد من المعلومات في اللغة العربية حول المواضيع المذكورة في جدول الأعمال، فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات 8470 8888

Macedonian

Ова е дневниот ред за состанокот на Општината на Градот Даребин, која ќе биде на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации на Македонски јазик, за предметите на овој дневен ред, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là nghị trình cho cuộc họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìà tài liệu này. Muốn biết thêm về chương trình nghị sự bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je dnevni red za sastanak Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o tačkama ovog dnevnog reda na bosanskom jeziku, molimo nazovite općinsku višjezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je dnevni red sastanka u Darebin City Council za dan koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o tačkama ovog dnevnog reda na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višjezičnu telefonsku liniju) na 8470 8888.

Portuguese

Esta é a pauta para a reunião da Câmara Municipal de Darebin a ser realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre os itens desta pauta, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је дневни ред за састанак Darebin City Council-а (Градско веће Darebin) који ће се одржати на дан који је наведен на насловној страни овог документа. Ако желите информације на српском о тачкама дневног реда, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodobada shirka lagaga wada hadli doono ee Degmada Degaanka Darebin ee taariikhda lagu xusey boga ugu sareeya ee qoraalkan. Haddii aad doonysid wararka ku saabsan qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 5 DECEMBER 2016**

THE MEETING OPENED AT 6.02 PM

WELCOME

The Chairperson, Cr. Le Cerf, in opening the meeting acknowledged the Wurundjeri people, the traditional owners of the land.

1. PRESENT

Councillors

Cr Kim Le Cerf (Mayor) (Chairperson)
Cr Steph Amir
Cr Gaetano Greco (Deputy Mayor)
Cr Tim Laurence
Cr Trent McCarthy
Cr Susanne Newton
Cr Susan Rennie
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Katrina Knox – Director Community Development
Steve Hamilton – Director Assets and Business Services
Andrew McLeod – Director Corporate Services
Libby Hynes – Acting Director Operations and Environment
Jacinta Stevens – Director Civic Governance and Compliance
Allan Cochrane – Executive Manager Finance and Corporate Risk
Blaga Naumoski – Manager, Governance and Corporate Information
Darren Rudd – Manager City Development
Dave Bell – Senior Media Advisor
Katia Croce – Coordinator Council Business
Michelle Martin – Council Business Officer

2. APOLOGIES

Cr. Messina is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Greco disclosed a conflict of interest in Item 14.2 – Personnel Matters.

Cr. Williams disclosed a conflict of interest in Item 15.2 – Application for Planning Permit D/389/2016 – 20-22 Thackeray Road, Reservoir.

Rasiah Dev disclosed a conflict of interest in Item – 6.6 – Fast Track Government Land Service – Rezoning for Part 48, Rona Street, Reservoir.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MOVED: Cr. J. Williams
SECONDED: Cr. T. Laurence

That the Minutes of the Ordinary Meeting of Council held on 3 October, and Special Council Meetings held on 7 November and 14 November 2016 be confirmed as a correct record of business transacted.

CARRIED

5. PUBLIC QUESTION TIME

MINUTE NO. 9

The Mayor, Cr. Le Cerf, responded to the following questions submitted for Public Question Time:

- **John Nugent submitted the following question:**

"Madam Mayor,

Could you please explain why Council upgraded the area next to the Preston City Oval with new table seats and park benches when no uses the area since Cr Morgan had the unemployed moved on."

The Chairperson, Cr. Le Cerf provided the following response:

"As background the community barbeque area was upgraded as part of Councils Citywide Beautification works which were undertaken in the 2015-2016 financial year. The area is now used regularly by the community market patrons and visitors to the nearby Preston City Oval."

- **Nicholas Komdoromou submitted the following question:**

"Me and fellow residents of "lovelace street" Have been complainning for long time about traffic of our supposed residential street. Large volume taking short cuts and speeing. But darebin city traffic management has given us the run around and inaccurate/manipulated data of traffic of steet. End of day its affecting our lives and council does not want spend money. but council has money to spend on other "higher priority" matters. Such as improving a park thats nowhere near my home. So as a result i refuse to pay my rates. Its only fair if my council issue is not a priority then i shouldnt be paying my rates for a park otehr side of suburb!"

The Chairperson, Cr. Le Cerf provided the following response:

"Council allocated \$1.5m in the 2016/2017 budget to address traffic management concerns such as those you describe. However, Council manages a road network that consists of over 500km of road. To ensure that we are using ratepayer funds in the most appropriate fashion Council prioritise the treatment of traffic on the basis of greatest need.

To determine these priorities, Council has recently surveyed over 300 streets across the Municipality including Lovelace Street. The data collected for Lovelace Street indicated the traffic through this section of Lovelace Street is within acceptable limits with regards to speed and volume. The average daily volume for all traffic was recorded to be approximately 1,145 vehicles per day in Lovelace Street (up to 2,000 vpd for local roads is acceptable) whilst the 85th percentile speed of vehicles was recorded at 47.8 km/h and average speed of 41.4 km/h.

It is important to note that roads within Darebin have an average speed of 48km/h and carry approximately 1,550 vehicles per day. Considering this, of the 300 roads that were surveyed in recent years, there were 138 roads that recorded higher average speeds and 70 roads that recorded higher traffic volumes than Lovelace Street.

These roads are therefore considered to have a higher comparative need on a risk and safety basis, and are prioritised accordingly for budget considerations and future works. This is not to say that works are not required in Lovelace Street (and/or other streets), rather,

Council allocates its limited funding to works of greatest need based on collected data and referencing relevant safety and traffic standards.”

- **John Nugent of Epping submitted the following question:**

“Madam Mayor,

Could you please advise now that council are doing the park at the market for a fee. Does this mean all council services can be sub-contracted for a fee also.”

The Chairperson, Cr. Le Cerf provided the following response:

“Council has entered into an agreement with the Preston Market Management to provide parking services in accordance with Section 90D of the Road Safety Act 1986 which provides the context for such agreements between private land owners and their respective municipal council.

Council does not receive a fee for this service from the Preston Market Management however the revenue from the infringement notices is retained by Council. Council also has other service agreements similar in nature with Northcote Plaza and Wood Street Medical Centre.”

- **Serena O’Meley of Reservoir submitted the following question:**

“The Gresswell Nature Conservation Reserves (NCR), is made up of Gresswell Forest, Gresswell Hill and Gresswell Habitat Link. The Gresswell Habitat Link adjoins the 10ha Strathallan Golf Course which creates a wildlife corridor to other creeks and parkland in Darebin. It contains trees that are hundreds of year old, many species of birds frogs, marsupials, butterflies and native grasses, including the endangered matted flax-lily, dianella amoena. The golf course is also of historical significance as it formed part of the grounds of the former Larundel Mental Asylum which treated repatriated war veterans.

The area is subject to major and damaging flooding and further development would exacerbate the flood risk to existing residents at the Western end of the course and downstream.

Question 1: Request for a report

(a) Will Council ask its officers to prepare a report, including reference to historical reports generated by Darebin Council, that investigates the terms upon which the land was transferred to LaTrobe University; assesses the significance of the site; and the risks posed by development?

(b) Could there please provide recommendations to council for ways the Planning Scheme could be amended to help protect the site and the most appropriate way to lobby the State Government to ensure the land becomes a permanent public recreation reserve.

Question 2: Liaison officer

Will council appoint a community liaison/campaigns officer to enhance information exchange between the council and members of the community who are campaigning to protect the Strathallan golf course?”

The CEO, Rasiah Dev provided the following response:

“Council could ask for a report to be provided. In any respect a report will be provided at the appropriate time.”

• **Terry Mason of Reservoir submitted the following question:**

"The community of Darebin appreciates the endeavours of the council concerning acquisition of the former Ruthvan School site and part of the Lakeside School site.

We ask for advice on the progress of the sale and transfer of land from State Government to Darebin Council."

The Chairperson, Cr. Le Cerf provided the following response:

"Council is presently working with the Department of Education and Training to finalise the sale.

Our lawyers are reviewing the contract documentation.

Once these documents are signed, a deposit will be paid with settlement in a further 2-3 months.

At this stage it is expected that the titles to both parcels of land will be in Council's name by April 2017."

• **James Cisco of Reservoir submitted the following question:**

"Madam Mayor,

What does Darebin intend to do about the Whittlesea business, Dairy Pac (1B 60 Keon Parade), who for years have been operating outside the legal minimum threshold distance for a dairy manufacturer as stated in provision 52.10 of the industrial planning scheme and trespass across the Darebin border by over 200 metres affecting Darebin residents' health and safety?"

The Chairperson, Cr. Le Cerf provided the following response:

"Each Council is responsible for enforcing its own planning scheme and matters concerning a business in the City of Whittlesea and issues about amenity impacts from that business can only be resolved by the City of Whittlesea. Irrespective of municipal boundaries residents in residential zones are protected by noise and odour regulations regardless of the zone the business is in. I would encourage you to contact the City of Whittlesea in relation to this matter."

• **Alan Turner of Reservoir submitted the following question:**

"Madam Mayor,

I am very much aware Darebin Councillors and Darebin Officers support to keep 48 Rona Street as open space for its residents.

I am extremely honoured and satisfied our new Councillors want to keep 48 Rona Street as open space.

Thank you for that.

What can Darebin Council do to ensure the Government Land Standing Advisory Committee do not get the opportunity to decide on the re-zoning of this open space?

I am aware that a sum of \$1.2 odd million dollars has been put as the value of this land at a commercial rate.

Has Darebin Council put a figure up to Melbourne Water for the purchase of this site known as 48 Rona Street, or have Darebin Council stuck to their guns in wanting this land gifted?"

Upon hearing the above question, Rasiah Dev, Chief Executive disclosed a conflict of interest in relation to the question describing the type of interest as a direct interest due to the key protagonist from the Community has undertaken work for his family in the past.

Rasiah Dev left the meeting prior to discussions of the item at 6.17 pm.

The Chairperson, Cr. Le Cerf provided the following response:

"The Chairperson, Cr. Le Cerf, advised that this matter is subject to a report before Council this evening so I am unable to answer this question. I encourage you to stay around for the discussion."

Rasiah Dev returned to the meeting at the conclusion of the above question at 6.18 pm.

• **Lorri-anne Sharp of Preston submitted the following question:**

"Can Council please inform who is paying for the inspectors that are responsible for issuing the infringements at the Preston Market 7 days per week, 8am to 10 pm including public holidays?"

The CEO, Rasiah Dev provided the following response:

"Council staff are responsible for enforcing these matters. Their salary comes from Council and any infringement revenue is returned to Council.

The CEO will also arrange to meet with Ms Sharp to discuss her concerns about evening enforcement and inspector safety."

• **Keith Coffey of Reservoir submitted the following question:**

"Madame Mayor,

My first question is how often are the drains cleaned, any time it rains heavy some of the Streets have a lot of water over the road one is Boldrewood Parade.

A resident at 18 Sanctuary Drive Bundoora who has lived there for 10 years told me she has never seen anyone clean the drains in the area.

Second question is when a developer damages the footpath the width of the block. Who checks that the footpath is safe or do residents have to wait for 3 months or more till the development is finished there is no signs or tapes to warn people of the hazards. The development is in Chaley street second development from south of Black Street.

Final question there are fallen tree branches near Dole Avenue and Invermay Street near Darebin Blvd. How long will the tree branches stay there?"

The CEO, Rasiah Dev provided the following response:

"In response to your first question we do have regular cleaning of the drains however I am unsure how often. I will arrange for an inspection to occur and Council Staff will be in contact with you shortly.

Inspections do occur after works but Council will arrange for an inspection to occur.

Inspection regarding fallen tree branches will be arranged and Council will be in contact with you shortly."

- **Sofia De La Santos of Thornbury asked the following question:**

"Madam Mayor,

What is Council doing about the upgrade to Penders Park in Thornbury. Penders Park has been identified as a major neighbourhood park under councils play strategy. A review has been undertaken by residents in the area and it only meets a quarter of the standards of this strategy."

The CEO, Rasiah Dev provided the following response:

"Madame Mayor, if the resident can provide contact details we will be provide a response in due course.

In the past we have had history of spending money there but I do not have those details here. Council will get back to you shortly."

- **Robin Gallagher of Preston asked the following question:**

"Madam Mayor,

Provision of car share in Darebin is lacking, with no share cars available north of Bell Street. Give that increasing number of people are choosing not to own a car at all and that car-share is very common in other inner city municipalities, why is Darebin doing so poorly in facilitating the spread of car share through the northern half of the Council area?"

The CEO, Rasiah Dev provided the following response:

"We have had a report on the matter in certain areas. We have to take this question on notice and provide an answer in due course."

PROCEDURAL MOTION

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

That Council reorder the agenda items to be heard as follows:

Item 6.6, Item 11, Item 7.1, Item 8 (8.1 to 8.8), Item 9 (9.1 and 9.2), Item 10, Item 12, Item 13, Item 14, Item 15, Item 6 and Item 16.

CARRIED

Item 6.6, Item 11, Item 7.1, Item 8 (8.1 to 8.8), Item 9 (9.1 and 9.2), Item 10, Item 12 and Item 13 were dealt with prior to the following item.

6. CONSIDERATION OF REPORTS

6.1 FINANCIAL REPORT – 3 MONTHS ENDED 30 SEPTEMBER 2016

MINUTE NO. 22

Author: Financial Accountant

Reviewed By: Director Corporate Services

Report Background

Under the *Local Government Act 1989*, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date.

Previous Resolution

Nil

Briefing Date

Briefing 28 November 2016

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy

Summary

A comprehensive 1st quarter financial review has been undertaken for the three months ended 30 September 2016 to assess the financial performance of Council year-to-date. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$91.33 million, which is \$3.32 million ahead of budget and capital works expenditure of \$6.13 million, which is \$7.46 million behind the budget.

All material variations have been explained in the report.

Council Resolution

MOVED: Cr. G. Greco
SECONDED: Cr. S. Rennie

That Council receives the contents of the “Financial Report for the three months ended 30 September 2016” included as **Appendix A** to this report and notes the year-to-date actual and budget operating and capital results.

CARRIED UNANIMOUSLY

Cr. Laurence declared an 'interest' in the following item due to Legal Proceedings with three parties.

6.2 EXTERNAL COMMUNICATION ACTIVITY UPDATE

MINUTE NO. 23

Author: Manager Advocacy and Communication

Reviewed By: Director Corporate Services

Report Background

Officer report as per Council Report planner.

Previous Council Resolution

None.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal: Open and Accountable Democracy

Strategy: Communication and Stakeholder Engagement Strategy (2014)

Summary

This report provides an overview of Darebin Council's external communication and media activity between January 2016 and October 2016.

Community Survey results for 2015/2016 show that residents are satisfied with Council's communication about its programs and services, with a rating of 6.97 which is categorised as 'good'. The result is consistent with the long-term average for this metric over the last eight years.

The 2015/2016 survey report also noted that there was no variation in satisfaction with Council's performance communicating its programs and services across the eight precincts comprising the City of Darebin, a positive result as our aim is to provide information consistently and evenly across the municipality.

In 2014/2015, a reputation measure was introduced to the Community Survey to track community sentiment about the organisation as a whole, and to help determine the impact of communication on residents' perceptions of Council. The results for 2015/2016 were little changed from the previous year and the overall results reaffirm the general theme that there is a relatively 'good' level of satisfaction with the performance of Council, and that positive perceptions strongly outweigh negative ones.

Recommendation

That Council notes the overview of media and external communication activity and outcomes in this report.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

That Council:

- (1) Notes the overview of media and external communication activity and outcomes in this report.
- (2) Receive a briefing on Council's Communication Plan for 2017.

CARRIED UNANIMOUSLY

Cr. Rennie temporarily left the meeting during discussion of the above item at 7.46 pm and returned at 7.48 pm.

6.3 UPCOMING LANDFILL REGIONAL WASTE CONTRACT – CT201117

MINUTE NO. 24

Author: Manager City Works and Contracts

Reviewed By: Acting Director Operations and Environment

Report Background

This report considers the extension of Council’s landfill services agreements as the current term finishes 1 April 2017 and Council is required to provide notice by 31 December 2016 if it wishes to extend the contract.

Previous Council Resolution

At its meeting on 21 March 2011 and 8 December 2014 Council resolved that the reports and Council resolutions remain confidential.

Previous Briefing(s)

This matter was presented to Council at the Council briefing on 28 November, 2016.

Council Plan Goal/Endorsed Strategy

Council adopted the Waste and Litter Strategy 2015 – 2025 in July 2015. The Council plan goal for Sustainable and Resilient Neighbourhoods is to lead and work with our community and partners to achieve a rapid transition to an environmentally sustainable city.

Executive Summary

Council is currently party to a regional landfill contract managed by the Metropolitan Waste and Resource Recovery Group (MWRRG) and through this uses the Hanson Landfill in Wollert with an option to use the Melbourne Regional Landfill (MRL) if the Hanson landfill is not accessible. The current term of the agreement finishes 1 April 2017 and Council can extend for a period of up to 2 by 2 years to 31 March 2021.

The contract is providing good value to Council and provides excellent environmental outcomes. The agreement with MRL provides an alternative disposal site if required. It is recommended that the agreements be extended for the full four year term at an estimated total cost of \$13,310,000 (GST inc) over the four years. The Stage Government land fill levy currently accounts for 60% of these landfill costs.

Recommendation**That Council:**

- (1) Resolve to extend the contractual arrangement for Contract CT201117 for the supply of landfill services with Hanson Landfill Services Pty Ltd, at the adjusted rates as set out in the agreement for an estimated expenditure of \$13,310,000 (incl. GST) for a two by two year term beginning 1 April 2017.
- (2) Resolve to extend the contractual arrangement for Contract CT201117 for the supply of landfill services with Cleanaway Solid Waste Pty Ltd, trading as Landfill Operations Pty Ltd for the Melbourne Regional Landfill (MRL), at the adjusted rates as set out in the agreement for a two by two year term beginning 1 April 2017.
- (3) Note that the MRL contract is used as a fall back service should any issues arise with the Hanson Landfill Services site.
- (4) Authorise the Chief Executive to sign and execute the required extension agreement for the provision of landfill services for the Hanson Landfill Services Pty Ltd landfill contract.
- (5) Authorise the Chief Executive to sign and execute the required extension agreement for the provision of landfill services with Cleanaway Solid Waste Pty Ltd, trading as Landfill Operations Pty Ltd for the Melbourne Regional Landfill contract.

Council Resolution**MOVED: Cr. T. McCarthy****SECONDED: Cr. S. Amir****That Council:**

- (1) Resolve to extend the contractual arrangement for Contract CT201117 for the supply of landfill services with Hanson Landfill Services Pty Ltd, at the adjusted rates as set out in the agreement for an estimated expenditure of \$13,310,000 (incl. GST) for a two by two year term beginning 1 April 2017.
- (2) Resolve to extend the contractual arrangement for Contract CT201117 for the supply of landfill services with Cleanaway Solid Waste Pty Ltd, trading as Landfill Operations Pty Ltd for the Melbourne Regional Landfill (MRL), at the adjusted rates as set out in the agreement for a two by two year term beginning 1 April 2017.
- (3) Note that the MRL contract is used as a fall back service should any issues arise with the Hanson Landfill Services site.
- (4) Authorise the Chief Executive to sign and execute the required extension agreement for the provision of landfill services for the Hanson Landfill Services Pty Ltd landfill contract.
- (5) Authorise the Chief Executive to sign and execute the required extension agreement for the provision of landfill services with Cleanaway Solid Waste Pty Ltd, trading as Landfill Operations Pty Ltd for the Melbourne Regional Landfill contract.
- (6) Notes that Darebin Council, residents and traders contributed \$1,626,000 in the 2015/16 financial year, which is 0.9% of all landfill levies collected that year (\$175 million). Council further notes that \$400 million of State Government landfill levies have gone unspent, with Darebin's share being approximately \$3.6 million.

- (7) Receives a report by March 2017 on the total amount collected for the State Government landfill levy from Darebin Council, residents and traders since the introduction of the levy, compared with the amount received by Darebin in grants (after deducting funding for environmental agencies such as EPA, Sustainability Victoria and MWRRG). The report should also outline the various options available to Council to advocate for its fair share of the State Government landfill levy, including the unspent amount of approximately \$3.6 million.

CARRIED UNANIMOUSLY

Cr. Newton temporarily left the meeting during discussion of the above item at 7.53 pm and returned at 7.54 pm.

Darren Rudd, Manager Planning and Building and Julie Smout, Coordinator Statutory Planning entered the meeting at 7.56 pm.

Andrew McLeod, Director Corporate Services, Libby Hynes, Acting Director Operations and Environment and Allan Cochrane, Executive Manager Finance and Corporate Risk, left the meeting at the conclusion of the above item at 7.56 pm.

ADJOURNMENT – 7.57 PM

The Chairperson, Cr. Le Cerf adjourned the meeting for five minutes to allow for reconfiguration of Chambers in preparation for Planning Applications to be heard.

**6.4 DAREBIN CREEK MANAGEMENT COMMITTEE
MEMORANDUM OF UNDERSTANDING RENEWAL****MINUTE NO. 29****Author: Coordinator Public Spaces and Strategies****Reviewed By: Director City Futures and Assets****Report Background**

One of the actions of the Darebin Open Space Strategy is for Council to continue participating in and contributing financially each year to the Darebin Creek Management Committee (DCMC). This funding is used by DCMC to manage and maintain Darebin Parklands, pay the salary of the Darebin Creek Coordinator and support the conservation and education initiatives undertaken by DCMC in relation to the Darebin Creek Linear Park. At present there is a formal agreement in place that expired 30 June 2016.

The existing Memorandum of Understanding (MOU) has been active since November 2013 and has directed the way that DCMC spends funding and how DCMC reports back to Council on activities and funding and is required to be compliant with Council's procurement policies. This agreement was a successful way to manage the relationship between DCMC and Council.

The renewed MOU has been developed in consultation with Banyule and Whittlesea City Councils as they are key financial contributors to DCMC. A copy of the draft MOU is provided with this report as **Appendix A**.

Previous Council Resolution

On 6 November 2013 Council resolved that:

"Council authorise the Chief Executive (or his delegate) to finalise negotiations and execute Memorandum of Understandings for Darebin Creek Management Committee and Meri Creek Management Committee."

Previous Briefing(s)

Councillor Briefing – 28 November 2016

Council Plan Goal/Endorsed Strategy

Darebin Open Space Strategy

Summary

A new Memorandum of Understanding is required to be put in place between Council and Darebin Creek Management Committee to direct how Council's funds are spent and to set future reporting requirements for DCMC. In return for funding, Darebin Creek Management Committee provides education programs to the Darebin Community, maintains Darebin Parkland's 33 hectares of parkland and manages the leachate system to mitigate runoff from the historic tip.

Recommendation

That Council:

- 1) Adopt a Memorandum of Understanding between Darebin Creek Management Committee and Darebin City Council attached as **Appendix A**, agreeing to an additional 3 years financial support for the Darebin Creek Management Committee.
- 2) Authorise the Chief Executive Officer to execute the memorandum of Understanding for the period from the date of signing to 30 June 2019.
- 3) Note a report will be submitted annually to Council showing the financial spend of Darebin Creek Management Committee under the Memorandum of Understanding.

Council Resolution

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

That Council:

- 1) Adopt a Memorandum of Understanding between Darebin Creek Management Committee and Darebin City Council attached as **Appendix A**, agreeing to an additional 3 years financial support for the Darebin Creek Management Committee.
- 2) Authorise the Chief Executive Officer to execute the memorandum of Understanding for the period from the date of signing to 30 June 2019.
- 3) Note a report will be submitted annually to Council showing the financial spend of Darebin Creek Management Committee under the Memorandum of Understanding.
- 4) Invites DCMC representatives to present to Councillors on the work of the organisation and any identified opportunities to expand or enhance its conservation and education Initiatives, in time for Council's 2016/2017 budget deliberations

CARRIED UNANIMOUSLY

**6.5 APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN
POD/3/2015 – 198 BEAVERS ROAD, NORTHCOTE****MINUTE NO. 30****Author: Manager Planning and Building****Reviewed By: Director City Futures and Assets****Report Background**

On 7 May 2015, the Minister for Planning approved Amendment C122 to the Darebin Planning Scheme. The Amendment rezoned land at 198 Beavers Road from Industrial 3 Zone to the Residential Growth Zone, and included the site within an Environmental Audit Overlay and Development Plan Overlay (DPO). This process included a 2 month exhibition period and consideration of submissions by an independent planning panel. The Residential Growth Zone in this instance provides for a discretionary height of 4 storeys.

Previous Council Resolution

This matter was reported to the Council Meeting of 19 September 2016, however the item lapsed and a decision was not made at that meeting.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Council Plan Goal 1: Vibrant City and Innovative Economy

1.3 Well-designed housing development

Encourage well-designed, well-located, higher-density housing development that is accessible, inclusive, safe, affordable and consistent with Council's Housing and Affordable Housing Strategies.

Summary

This report seeks the adoption by Council of a development plan as required by schedule 12 to Clause 43.04 to the Darebin Planning Scheme. The development plan provides the guiding design principles and requirements for the future consideration of planning applications and ensures development outcomes are coordinated where there are multiple property ownerships. Development plans are relatively high level documents and are not required to include the level of detail typically expected in a planning application.

This development plan application proposes the following:

- Up to 120 dwellings with three (3) or more bedrooms.
- One vehicle access point to beavers road to the east of the site,
- Three storey development to the north of the site and four storey development in the middle, and to the east, west and south of the site.
- A maximum building height of 13.5m

- Car parking provided in accordance with clause 52.06.

Recommendation

That development plan POD/1/2015 be adopted subject to the following alterations / requirements:

The approved documentation is to comprise plans: LSK01, SK1.4, SK1.5, SK1.6, SK1.7, SK1.8, SK1.9, SK1.10, SK1.11, SK1.12, SK1.13 All Rev A modified as follows:

- (1) Provision of a minimum 3 m wide paved Disability Discrimination Act 1992 compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a Section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
- (2) Building envelopes set back a minimum 3m from the east boundary of 200 Beavers Road except where the development plan for 200 Beavers Road approved 17 December 2016 under POD/1/2015 allows buildings on the common boundary at the same level. Where balconies or living areas are orientated towards the apartment envelope for 200 Beavers Road approved under POD/1/2015 these shall be setback 4.5m from the east boundary of 200 Beaver Road.
- (3) The building envelope setback 2m from the east boundary increased to 3m at level 1, 2 and 3 and setback 5m at level 4 with no other reductions in setbacks.
- (4) The building envelope setback a minimum 5m from Beavers Road at level 4.
- (5) The building envelope setback a minimum 5m from the golf course to the west at level 4.
- (6) Passive surveillance provided to the west over the Northcote Golf Course (SK1.10).
- (7) Building envelopes at level 2 to 4 to match section B on SK1.8.
- (8) The development plan to show any proposed super lots (maximum of 5) and staging.
- (9) Include the following notations:
 - a) Buildings fronting Beavers Road to be designed to minimise noise and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application as appropriate.
 - b) Minimal balconies or living areas provided facing Croxton Special Education School.
 - c) Canopy trees are to be provided along the perimeter of the site adjacent to:
 - The Northcote Golf Course,
 - The rear yards of dwellings fronting Beaconsfield Parade; and,
 - Croxton Special Education School.
 - Beavers Road
 - d) Subdivision to create super lots only will be allowed once development is approved and common areas constructed. Subdivision of individual residential

- allotments to occur only once the development of the land / individual super lot is substantially completed.
- e) Pedestrian access to dwelling entries from the internal communal access way to maximise landscaping opportunities in the shared internal access way.
 - f) Crossovers to the street 5.5m wide with visibility splays.
 - g) Car parking provided on site in accordance with Clause 52.06 for dwelling residents.
 - h) A maximum of 120 dwellings provided.
 - i) Collection of waste by a private contractor.
 - j) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
 - k) Earthy muted tones and non-reflective or low reflectivity materials to be used.
 - l) Garages and driveways will not dominate the internal communal access way.
 - m) Except for the buildings in the centre of the site where garages will be screened by electric gates, two car space garages will generally be in a tandem / car stacker layout unless architecturally treated in a manner where passive surveillance and activation of the ground floor of dwellings can be clearly demonstrated.
 - n) No fencing provided in the Beavers Road front setback or between dwellings and the communal shared access way.
 - o) Boundary fencing adjacent to the Northcote Golf Course a minimum 25% visually permeable.
 - p) Architectural treatments to accentuate dwelling entries and to integrate garage doors into the design of the development potentially incorporating windows / glazed panels and materials not typically associated with garage doors.
 - q) Setbacks, articulation and built form to the west boundary are to be provided having regard to the future use and development of 200 Beavers Road.
 - r) Building envelopes do not imply a right to build over the entire envelope
 - s) Setbacks from boundaries and / or internally between buildings may need to be increased to ensure equitable development opportunities and / or appropriate amenity of future neighbours and protect the amenity of the public realm.
 - t) Buildings are to be setback sufficiently to allow adequate solar access to other buildings on the land.
 - u) Environmental Audit process and building design to address gas migration issues.
 - v) Internal road paving to reinforce pedestrian / shared access requirements (not asphalted).
 - w) Fencing on the north boundary as existing or a maximum 2m in height.
 - x) SIDRA analysis must be undertaken as part of the Town Planning Application.
 - y) All outdoor lighting to be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
 - z) The design of the built form towards any access ways is to reflect the fine grain pattern of nearby streets, floors to be distinguishable from each other through punctured facades (eg. balconies, windows, façade articulation) and located to provide a comfortable pedestrian scale.
- (10) Deletion of the Standard B17 building envelope and associated notation on Plan SK1.12 and SK1.13 which contradicts with the building envelopes.

- (11) Deletion of “no setback is provided to Beavers Road...” notation on plan SK1.4, SK1.5, SK1.6, SK1.7 which contradicts with the building envelopes.
- (12) Deletion of proposed rooftop terrace mass from section A and B on plan SK1.8 Rev A and inclusion of a notation that any roof top terrace to be designed to have minimal visual mass and bulk.

Council Resolution

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Amir

That Council:

- (1) Defers the matter to receive a further report providing a comparison with the development plan already approved for the adjoining site of 200 Beavers Road, Northcote, including any variations in relation to ESD requirements and expected outcomes.
- (2) Writes to the applicant advising them of the reason for the deferral and encouraging them to consider entering into a legal agreement under section 173 of the *Planning and Environment Act* to include the provision of 10% social housing within the proposed development.

CARRIED UNANIMOUSLY

Rasiah Dev, Chief Executive disclosed a conflict of interest in relation to the following item describing the type of interest as a direct interest due to the key protagonist from the Community has undertaken work for his family in the past.

Rasiah Dev left the meeting prior to discussions of the item at 6.28 pm.

Steve Hamilton assumed the chair as Acting Chief Executive.

6.6 FAST TRACK GOVERNMENT LAND SERVICE – REZONING FOR PART 48, RONA STREET, RESERVOIR

MINUTE NO. 10

Author: Manager City Design and Strategic Planning

Reviewed By: Director City Futures and Assets

Report Background

This report:

1. Provides an update on actions and outcomes of past resolutions of Council regarding the sale of 48 Rona Street, Reservoir. Council has sent letters to Government Ministers and the Managing Director of Melbourne Water requesting that the land be formally recognised for its current use as public open space, requesting that the land be gifted. This request has not been successful and responses have affirmed commitment to progress the sale of this land, with the process now in the final stages of delivery.
2. Informs Council of the current Melbourne Water proposal to *rezone Part 48, Rona Street Reservoir* under the *Fast Track Government Land Service* process and discusses options for Council's response and participation.

Previous Council Resolution

This matter is the subject of two previous Council resolutions:

- 5 October 2015 and
- 18 July 2016.

At its meeting held 18 July 2016, Council resolved:

That Council:

- (1) *Authorise officers to enter into a long-term community based lease arrangement with Melbourne Water for a section of the Yan Yean pipe track between Rona and Cameron Streets in Reservoir with the intention of providing neighbourhood play space and otherwise making the land available for use by the general public.*
- (2) *Refer sufficient additional funding to the 2017/18 budget to allow for the increased maintenance costs of the land and play space equipment.*
- (3) *Refer funding for the construction of a neighbourhood play space within the Yan Yean pipe track between Rona and Cameron Streets in Reservoir to the 2017/18 capital works program for funding consideration.*
- (4) *Write to the local Members of Parliament, the Minister for Water and Managing Director of Melbourne Water thanking them for their assistance in obtaining a positive outcome for the local community.*

- (5) *Write to the Minister for Planning, Minister for Water and the Environment, upper and lower house MPs in the northern region and Managing Director of Melbourne Water requesting that the land at 48 Rona Street be formally recognised for its current use as public open space or other forms of public zoning, and its strategic importance as part of Darebin's Open Space Strategy and request that the land use zoning be recognised and retained in this regard for the future use of Darebin residents.*

Copies of the council resolutions from the 5 October 2015 and 18 July 2016 are provided in **Appendix B**, attached.

Previous Briefing(s)

- Councillor Briefing – 14 June 2016
- Councillor Briefing – 28 November 2016

Council Plan Goal/Endorsed Strategy

Council Plan 2013-2017

Goal 1: Vibrant city and innovative economy: Promote an innovative, vibrant and thriving economy with physical infrastructure that is both well maintained and appropriately regulated.

Endorsed Strategies

- Darebin Housing Strategy 2013
- Darebin Open Space Strategy 2007-2017
- Darebin Playspace Strategy 2010-2020

Summary

1. Sale of Part 48 Rona Street, Reservoir

The Council resolution of 18 July 2016 requested that the site at 48 Rona Street Reservoir be retained with Council for use as open space and to meet a deficiency in provision of a neighbourhood play space. This request was unsuccessful and the site is deemed surplus by the state government.

The response from Melbourne Water is presented in **Appendix C** which advises that Melbourne Water is bound by the *Victorian Government Landholding Policy and Guidelines*, stipulating that land cannot be sold for less than the Valuer-General Victoria valuation.

With the current rezoning and impending sale process underway (excluding the adjoining Yan Yean pipe track land), it is not likely that the land will be transferred or gifted to Council for open space.

2. Melbourne Water Yan Yean pipe track land

Council has resolved to enter in to enter a long-term license with Melbourne Water for a section of the Yan Yean pipe track land between Rona and Cameron Streets, for the purposes of providing a neighbourhood play space and a future linear shared user path. This addresses the strategic direction of Council's *Open Space Strategy 2007-2017* and *Playspace Strategy 2010-2020*.

3. Rezoning Process for part 48 Rona Street, Reservoir

Melbourne Water has made a request to the Minister for Planning to prepare a planning scheme amendment to rezone the land (as described in Table 1 below) which has been

declared surplus to current and future requirements. The rezoning is required to enable sale of the site currently in a Public Use Zone – Service and Utility (PUZ1) to the private market in a General Residential Zone Schedule 2 (GRZ2). This is sought in accordance with the *Victorian Government Landholding Policy and Guidelines*.

The amendment affects a portion of the land (excluding the land above the pipe track) at 48 Rona Street, Reservoir. The site measures a total area 934m². Documents outlining the proposed planning changes for the site are provided in **Appendix A**.

The amendment is being processed through the Fast Track Government Land (FTGL) Service. The Minister for Planning has also referred the proposal to the Government Land Standing Advisory Committee (the Advisory Committee) to assess and make recommendations on the proposed planning provision changes. The Advisory Committee comprises independent experts in statutory and strategic planning, land development, economics, social and environmental issues. All submissions to the Advisory Committee must be consistent with the Terms of Reference, detailed in **Appendix F** and are due to be submitted on Friday 9 December 2016.

Under the FTGL process, the amendment is subject to a public exhibition and submissions period that commenced on 31 October 2016 and will close on 9 December 2016. Direct written notice has been provided to surrounding property owners and occupiers. The proposal and submissions received will be subject to a public hearing by the Advisory Committee to be held in February 2017 (date yet to be confirmed). The Committee will report their findings and recommendations to the Minister for Planning for final consideration in April 2017.

Council officers are currently reviewing the proposal and will be lodging a submission for consideration by the Advisory Committee. The submission will assess the planning provision changes against local strategic planning policy, and will articulate the issues around the proposed change, including those on Darebin's open space network.

This report seeks Council's formal position on the proposed rezoning prior to closure of the exhibition period on 9 December 2016. The Public Hearing held by the Advisory Committee is expected to occur in early February 2017 prior to Council's anticipated first meeting for the 2017 calendar year.

Recommendation

That Council:

- (1) Note the proposal by Melbourne Water to change the planning provisions for land at Part of 48 Rona Street Reservoir under the Fast Track Government Land Service.
- (2) Authorise officers to lodge and present a submission based on the following key point in relation to Part 48 Rona Street Reservoir:
 - The retention of the site for public open space is the priority.
 - Preference for the General Residential Zone Schedule 2 (GRZ2) as the most appropriate zone to apply to this site if the rezoning were to be finalised.

Copies of the council resolutions from the 5 October 2015 and 18 July 2016 are provided in **Appendix B**, attached.

Council Resolution**MOVED: Cr. J. Williams****SECONDED: Cr. T. Laurence****That Council:**

- (1) Note the proposal by Melbourne Water to change the planning provisions for land at Part of 48 Rona Street Reservoir under the Fast Track Government Land Service.
- (2) Authorise officers to lodge and present a submission with Councils position that 48 Rona Street Reservoir be retained as public open space and the land zoning be formally reflected as such.
- (3) Write to the Minister for Planning and Managing Director of Melbourne Water requesting that 48 Rona Street Reservoir be retained as public open space and the land zoning be formally reflected as such.
- (4) Authorise the CEO to immediately commence negotiations with relevant parties to retain 48 Rona Street site as public open space if this zoning is not formalised. This may include land transfers or negotiations of a concessional purchase price which reflects open space use.
- (5) Receive an update as soon as practicable, and be presented with any negotiated position or options for consideration prior to finalisation.

CARRIED UNANIMOUSLY

Rasih Dev returned to the meeting at the conclusion of the above item at 6.35 pm

6.7 MAYORAL AND COUNCILLOR ALLOWANCES ANNUAL ADJUSTMENT

MINUTE NO. 31

Author: Acting Manager Governance and Corporate Information**Reviewed By: Director Civic Governance and Compliance****Report Background**

The Minister for Local Government, the Hon. Natalie Hutchins MP, has reviewed current Mayoral and Councillor Allowances and has determined under section 73B of the *Local Government Act* 1989 to increase the allowances by 2.5% from 1 December 2016.

Previous Council Resolution

At its Special Council meeting on 14 November 2016 Council resolved that:

“Council receive and note this report on Mayoral and Councillor allowances and support for the 2016/2017 Council year.”

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Summary

Section 74(1) of the *Local Government Act* 1989 provides for each Council to review and determine Mayoral and Councillor allowances within six months after each general election or by the next 30 June, whichever is later. The allowances fixed become payable for the next four financial years, subject to any variations or adjustments made by the Minister for Local Government.

At its Special meeting on 14 November 2016, Council noted the allowances payable to Darebin Councillors as being:

- Councillors - \$28,907 plus an amount equivalent to the superannuation guarantee contribution.
- Mayor - \$92,333 plus an amount equivalent to the superannuation guarantee contribution.

Council Resolution

MOVED: Cr. J. Williams

SECONDED: Cr. T. McCarthy

That Council:

- (1) Set the Mayoral allowance at \$94,641 plus 9.5%, an amount equivalent to the superannuation guarantee for the 2016/2017 and 2017/2018 financial years.
- (2) Set the Councillor allowance at \$29,630 plus 9.5% an amount equivalent to the superannuation guarantee for the 2016/2017 and 2017/2018 financial years.
- (3) Note that the allowances resolved by Council will be subject to any future adjustments made by the Minister for Local Government during the four-year Council term.

CARRIED UNANIMOUSLY

6.8 INSTRUMENTS OF DELEGATION – SPECIAL COMMITTEES**MINUTE NO. 32****Author: Coordinator Council Business****Reviewed By: Director Civic Governance and Compliance****Report Background**

This report proposes formal delegation of authority by Council to the Planning Committee, Hearing of Submissions Committee and Bundoora Homestead Board of Management as indicated in the respective Committee Charters endorsed by the Council at its Special (Statutory) meeting on 14 November 2016.

Previous Council Resolution

At its meeting held on 23 November 2015 Council resolved that:

That:

1. Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Planning Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix A** to this report subject to the conditions and limitations specified in that Instrument.
2. Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Hearing of Submissions Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix B** to this report subject to the conditions and limitations specified in that Instrument.
3. Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Bundoora Homestead Board of Management, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix C** to this report subject to the conditions and limitations specified in that Instrument.
4. The *Instruments of Delegation* come into force immediately the common seal of Council is fixed to the Instruments.
5. Previous *Instruments of Delegation* which are inconsistent with, or superseded by, these Instruments of Delegation are hereby revoked.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Summary

This report proposes formal delegation of authority by Council to the Planning Committee, Hearing of Submissions Committee and Bundoora Homestead Board of Management as indicated in the respective Committee Charters endorsed by the Council at its Special (Statutory) meeting on 14 November 2016.

The respective Instruments of Delegation remain in force until revoked or varied by Council resolution.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

That:

- (1) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Planning Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix A** to this report subject to the conditions and limitations specified in that Instrument.
- (2) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Hearing of Submissions Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix B** to this report subject to the conditions and limitations specified in that Instrument.
- (3) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Bundoora Homestead Board of Management, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the *Instrument of Delegation* enclosed as **Appendix C** to this report subject to the conditions and limitations specified in that Instrument.
- (4) The *Instruments of Delegation* come into force immediately the common seal of Council is fixed to the Instruments.
- (5) Previous *Instruments of Delegation* which are inconsistent with, or superseded by, these Instruments of Delegation are hereby revoked.

CARRIED UNANIMOUSLY

6.9

BILL LAWRY AND OLDIS GARDEN MASTER PLAN

MINUTE NO. 33

Author: Manager Transport and Public Places**Reviewed By:** Director City Futures and Assets**Report Background**

The purpose of this report is to present for adoption the draft Bill Lawry and Oldis Gardens Master Plan (the Master Plan), following a three week community consultation process.

Previous Council Resolution

At its meeting on 18 April 2016 Council resolved to '*present the draft Bill Lawry Oval and Oldis Gardens Master Plan for community consultation*'.

Previous Briefing(s)

Councillor Briefing 8 March 2016 and 28 November 2016

Council Plan Goal/Endorsed Strategy

- Council Plan 2013 – 2017
 - Goal 1: Vibrant City and Innovative Economy
 - Goal 2: Healthy and Connected Community
 - Goal 3: Sustainable and Resilient Neighbourhoods
- Darebin Health and Wellbeing Plan 2013
- Darebin Open Space Strategy 2007-2017
- Darebin Playspace Strategy
- Darebin Cycling Strategy
- Darebin 'Outdoor Sports Infrastructure Priority Plan'

Summary

Bounded by Westgarth Street, Heidelberg Road and Merri Creek, Bill Lawry Oval and Oldis Gardens are two sites of historic, recreational and social importance to the Northcote community. During the 19th Century (1860-1907) they were the only public recreation reserves servicing the area.

Oldis Gardens is classified as a Neighbourhood Park and is primarily used for passive recreation such as walking, reading or yoga. The formal pathway layout, rockery, garden beds, heritage entrance gates, water fountain and mature vegetation are the significant heritage elements of the gardens. Bill Lawry Oval is used for active recreational uses. It is the home ground to the Northcote Park Football Club and Northcote Cricket Club. The two parks are used separately but are actually a single parcel of public open space.

The need for the master plan was identified in the Darebin's Open Space Strategy (2007-2017), which recommend that '*prepare management plans to guide ongoing management and development into the future for Northcote Park encompassing Oldis Gardens and Bill Lawry Oval.*'

The draft Master Plan has been prepared to guide future projects to improve the integration, amenity and functionality of Bill Lawry Oval and Oldis Gardens, in response to the needs of a growing community.

The draft Master Plan was placed on public exhibition for a three week period, where community feedback was sought. A total of 31 responses were provided to the draft master plan. The Master Plan has been revised considering community feedback and is now ready for adoption.

Recommendation

That Council adopt the Bill Lawry and Oldis Gardens Master Plan 2016 as attached in **Appendix A** to this report.

Introduction

- Named after a former Mayor, Oldis Gardens is classified as a Neighbourhood Park, with passive recreational and historic value. The pathway layout, rockery beds, entrance gates, water fountain and mature vegetation are the significant elements of the gardens. It has a large collection of historic exotic trees and conifers, however drought and time has taken its toll on the park as some trees are in decline. The Jika Jika Community Centre also operates from the Council facility in the gardens. Capital improvements made in 2012/2013 to Oldis Gardens, including a new playspace, half basketball court and minor landscaping improvements. These works were done in consultation with the community and are well used additions to the park.
- Bill Lawry Oval is used for active recreational uses. It is the home ground to the Northcote Park Football Club and Northcote Cricket Club. The 1926 grandstand, bluestone retaining wall along Westgarth Street and the row of Elms and Peppercorn Trees are of heritage value to the site.
- Both sites are located on Crown land, for which Council is the Committee of Management. The parkland also forms part of an important off-road cycling link, connecting cyclists to the T.H. Westfield Reserve (City of Yarra) and Main Yarra Bike Trial.
- The need for the master plan was identified in the Darebin Open Space strategy (2007-2017), which recommend that Council '*prepare management plans to guide ongoing management and development into the future for Northcote Park encompassing Oldis Gardens and Bill Lawry Oval.*'
- To assist Council officers in commencing the master plan process, two onsite community consultation sessions were held in late August 2015 to gather ideas and community aspirations for the wider improvements of the park and oval. The suggestions were used to help shape the draft BLOG master plan.
- The draft Master Plan has been prepared to guide future projects to improve the integration, amenity and functionality of Bill Lawry Oval and Oldis Gardens, in response to the needs of a growing community.

Motion**MOVED: Cr. T. McCarthy****SECONDED: Cr. J. Williams****That Council:**

- (1) Adopts the Bill Lawry and Oldis Gardens Master Plan 2016 as attached in Appendix A to this report.
- (2) Provides practical support for the establishment of a Friends of Bill Lawry and Oldis Gardens community group, as requested by residents. This may include drawing upon the expertise of other local Friends groups (eg. Friends of Mayer Park, Friends of Batman Park).
- (3) Writes to all consultation participants thanking them for their input into the development of the master plan and inviting them to be part of the establishment of a new Friends group.

Cr. Laurence proposed to the mover and seconder that point (2) in the motion be amended as follows. This was accepted by Cr. McCarthy and Cr. Williams.

- (2) Provides practical support for the establishment of a Friends of Bill Lawry and Oldis Gardens community group, as requested by residents. This may include drawing upon the expertise of other local Friends groups (eg. Friends of Mayer Park, Friends of Batman Park, **the community living in nearby Public Housing and Public Housing Associations**).

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion**MOVED: Cr. T. McCarthy****SECONDED: Cr. J. Williams****That Council:**

- (1) Adopts the Bill Lawry and Oldis Gardens Master Plan 2016 as attached in Appendix A to this report.
- (2) Provides practical support for the establishment of a Friends of Bill Lawry and Oldis Gardens community group, as requested by residents. This may include drawing upon the expertise of other local Friends groups (eg. Friends of Mayer Park, Friends of Batman Park, the community living in nearby Public Housing and Public Housing Associations).
- (3) Writes to all consultation participants thanking them for their input into the development of the master plan and inviting them to be part of the establishment of a new Friends group.

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

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. J. Williams

That Council:

- (1) Adopts the Bill Lawry and Oldis Gardens Master Plan 2016 as attached in Appendix A to this report.
- (2) Provides practical support for the establishment of a Friends of Bill Lawry and Oldis Gardens community group, as requested by residents. This may include drawing upon the expertise of other local Friends groups (eg. Friends of Mayer Park, Friends of Batman Park, the community living in nearby Public Housing and Public Housing Associations).
- (3) Writes to all consultation participants thanking them for their input into the development of the master plan and inviting them to be part of the establishment of a new Friends group.

CARRIED UNANIMOUSLY

7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS

7.1 FUTURE OF PRESTON MARKET

MINUTE NO. 12

Author: Executive Manager City Plan and Transformation

Reviewed By: Director City Futures and Assets

Report Background

This report is in response to Notice of Motion 300 from the Council meeting held on 15 August 2016.

Previous Council Resolution

At its meeting on 15 August 2016, Council resolved:

That Council:

- (1) *Organise an urgent meeting to be held as soon as possible at a suitable time and venue formally inviting all Preston Market stall holders to discuss their concerns about the future of the market. The meeting may be coordinated by the Economic Development unit of Council or other relevant officers, at the discretion of the Chief Executive.*
- (2) *The Mayor write to all five local state upper house members and local state MPs including local member for Preston Robin Scott urging the state government to acknowledge the potential economic value to the government and social and cultural benefits to the residents of Darebin and the broader northern community by purchasing the Preston Market and to safe guard it from private sector commercial and development interests.*
- (3) *Receives a report on the outcomes of the meeting and any possible actions to be facilitated by the Council.*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Darebin Council Plan 2013-2017, Goal 1 – A Vibrant and Thriving Economy.

Summary

- Two Council information sessions were organised for Preston Market stall holders to discuss their concerns about the future of the Market.
- Invitations to the sessions were hand delivered by Council staff to all stall holders.
- The sessions were held on Tuesday 6 September, a non-market day, at approximately 11.30am and 2.30pm.
- A total of 72 operators and staff from the Preston Market attended the sessions.
- Council officers attended the sessions and were able to respond directly to some of the concerns raised by stall holders.

- A representative of the Office of the Victorian Small Business Commissioner attended the sessions to respond to any leasing matters.
- A number of items raised by the stall holders were issues that need to be addressed or negotiated directly between the stall holders and their landlord (or management).
- Council distributed minutes from the sessions to all stall holders on Friday, 16 September. While many of the responses were provided at the information session, the answers to concerns which could not be provided at the time, were included in detail in the minutes.

Recommendation**That Council:**

- (1) Note the concerns and responses of the Preston Market stall holders.
- (2) Arrange another set of information sessions with Preston Market stall holders, after the refurbishment works have been completed to discuss any ongoing or new issues that may need to be addressed.
- (3) Undertake additional information sessions with Preston Market stall holders to ensure they understand the proposed development once the planning application for stage 1B and 1C is placed on exhibition. To be considered at the discretion of the CEO.
- (4) Receives a report on the outcomes of the additional information sessions and any possible actions to be facilitated by the Council. To be considered at the discretion of the CEO.

Motion

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

That Council:

Notes the broad concerns and responses to the Preston Market stall holders and:

- (1) Authorises the Mayor and Deputy Mayor to call an urgent meeting with Salta Properties managing director Mr Sam Tarascio and Mr Anthony Medich from the Medich Corporation. Also to be invited to the meeting are traders and community representatives from the 'Save our Preston Market' group.
- (2) Receives an urgent report at the next Council meeting on 12 December 2016 regarding the establishment of a Preston Market Reference group. The report should consider appropriate terms of reference, membership composition which may consist of traders (and their nominated representatives), members of the 'Save our Preston Market' group, representatives from the Preston Market Management, Council Officers, and Councillors.
- (3) Immediately suspends undertaking enforcement of the car parking arrangements associated with the new parking meters in the Preston Market car park and enters into discussions with the Preston Market Management to explore alternative parking enforcement arrangement to manage parking restrictions at the Preston Market site. The reasons for the suspension are that the operational decision of Council to enter into a contract to enforce the new ticketing system on behalf of the Preston Market Management are;
 - a) Disadvantaging shoppers especially CALD communities members and senior citizens and may be contrary to council's social inclusion policies

- b) Adversely affecting Council's reputation with shoppers, traders and residents at large
- (4) Organises an urgent community meeting within two weeks at Preston Town Hall or other suitable venue regarding the future of Preston Market.
- (5) The Mayor immediately write to Mr Richard Wynne, Minister for Planning requesting that he:
 - a) 'Calls in' the current planning applications before council regarding the Preston Market site.
 - b) Immediately introduces interim planning controls that will safeguard the social significance of Preston Market pending a review of the Preston Market Structure Plan by Council.

Cr. Laurence proposed to the mover and seconder to add Notice of Motions Item 8.7 and 8.8 presented in the Agenda of 5 December 2016, now numbered points (6), (7), (8) below as follows. This was accepted by Cr. Greco and Cr. Williams.

- (6) Receive a Council report as soon as possible on possible options available to Council to update the 2007 Preston Market Structure Plan.
- (7) Notes the public interest to maintain the essence and character of Preston Market.
- (8) Supports the on-going viability of Preston Market as asserted by all stakeholders including the owners, traders and residents by displaying a large banner with the words "We love Preston Market" as soon as possible at the front of the Council building in High Street Preston."

THE AMENDED MOTION READ AS FOLLOWS:

Motion

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

That Council:

Notes the broad concerns and responses to the Preston Market stall holders and:

- (1) Authorises the Mayor and Deputy Mayor to call an urgent meeting with Salta Properties managing director Mr Sam Tarascio and Mr Anthony Medich from the Medich Corporation. Also to be invited to the meeting, are traders and community representatives from the 'Save our Preston Market' group.
- (2) Receives an urgent report at the next Council meeting on 12 December 2016 regarding the establishment of a Preston Market Reference group. The report should consider appropriate terms of reference, membership composition which may consist of traders (and their nominated representatives), members of the 'Save our Preston Market' group, representatives from the Preston Market Management, Council Officers, and Councillors.
- (3) Immediately suspends undertaking enforcement of the car parking arrangements associated with the new parking meters in the Preston Market car park and enters into discussions with the Preston Market Management to explore alternative parking enforcement arrangement to manage parking restrictions at the Preston Market site. The reasons for the suspension are that the operational decision of Council to enter into a contract to enforce the new ticketing system on behalf of the Preston Market Management are;
 - a) Disadvantaging shoppers especially CALD communities members and senior citizens and may be contrary to council's social inclusion policies

- b) Adversely affecting Council's reputation with shoppers, traders and residents at large
- (4) Organises an urgent community meeting within two weeks at Preston Town Hall or other suitable venue regarding the future of Preston Market.
- (5) The Mayor immediately write to Mr Richard Wynne, Minister for Planning requesting that he:
 - a) 'Calls in' the current planning applications before council regarding the Preston Market site.
 - b) Immediately introduces interim planning controls that will safeguard the social significance of Preston Market pending a review of the Preston Market Structure Plan by Council.
- (6) Receive a Council report as soon as possible on possible options available to Council to update the 2007 Preston Market Structure Plan.
- (7) Notes the public interest to maintain the essence and character of Preston Market.
- (8) Supports the on-going viability of Preston Market as asserted by all stakeholders including the owners, traders and residents by displaying a large banner with the words "We love Preston Market" as soon as possible at the front of the Council building in High Street Preston."

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

Council Resolution

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

That Council:

Notes the broad concerns and responses to the Preston Market stall holders and:

- (1) Authorises the Mayor and Deputy Mayor to call an urgent meeting with Salta Properties managing director Mr Sam Tarascio and Mr Anthony Medich from the Medich Corporation. Also to be invited to the meeting, are traders and community representatives from the 'Save our Preston Market' group.
- (2) Receives an urgent report at the next Council meeting on 12 December 2016 regarding the establishment of a Preston Market Reference group. The report should consider appropriate terms of reference, membership composition which may consist of traders (and their nominated representatives), members of the 'Save our Preston Market' group, representatives from the Preston Market Management, Council Officers, and Councillors.
- (3) Immediately suspends undertaking enforcement of the car parking arrangements associated with the new parking meters in the Preston Market car park and enters into discussions with the Preston Market Management to explore alternative parking enforcement arrangement to manage parking restrictions at the Preston Market site. The reasons for the suspension are that the operational decision of Council to enter into a contract to enforce the new ticketing system on behalf of the Preston Market Management are;
 - a) Disadvantaging shoppers especially CALD communities members and senior citizens and may be contrary to council's social inclusion policies
 - b) Adversely affecting Council's reputation with shoppers, traders and residents at large

- (4) Organises an urgent community meeting within two weeks at Preston Town Hall or other suitable venue regarding the future of Preston Market.
- (5) The Mayor immediately write to Mr Richard Wynne, Minister for Planning requesting that he:
 - a) 'Calls in' the current planning applications before council regarding the Preston Market site.
 - b) Immediately introduces interim planning controls that will safeguard the social significance of Preston Market pending a review of the Preston Market Structure Plan by Council.
- (6) Receive a Council report as soon as possible on possible options available to Council to update the 2007 Preston Market Structure Plan.
- (7) Notes the public interest to maintain the essence and character of Preston Market.
- (8) Supports the on-going viability of Preston Market as asserted by all stakeholders including the owners, traders and residents by displaying a large banner with the words "We love Preston Market" as soon as possible at the front of the Council building in High Street Preston."

CARRIED UNANIMOUSLY

8. NOTICES OF MOTION**8.1 CLEAN COUNCIL – TRANSPARENCY AND ACCOUNTABILITY****MINUTE NO. 13****NOTICE OF MOTION NO. 310****CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

***That** Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve transparency and accountability:*

1. *Require all incoming Councillors to undertake facilitation training in preparation for the role of chairing Council and Committee meetings;*
2. *Introduce real time disclosure of donations, gifts and hospitality to the value of \$150 or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the Local Government Act 1989;*
3. *Require all Councillors to undertake annual governance training and competency testing; and*
4. *Encourage constructive consensus-building around Council decisions, while always allowing for open and respectful debate and disagreement in line with the Local Government Act 1989."*

Notice Received: 22 November 2016

Notice Given to Councillors: 28 November 2016

Date of Meeting: 5 December 2016

Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Newton

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve transparency and accountability:

1. Require all incoming Councillors to undertake facilitation training in preparation for the role of chairing Council and Committee meetings;
2. Introduce real time disclosure of donations, gifts and hospitality to the value of \$150 or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the Local Government Act 1989;
3. Require all Councillors to undertake annual governance training and competency testing; and
4. Encourage constructive consensus-building around Council decisions, while always allowing for open and respectful debate and disagreement in line with the Local Government Act 1989.

Cr Laurence proposed to the mover and seconder that point 2. In the motion be amended as follows. This was accepted by Cr. McCarthy and Cr. Newton.

2. Introduce real time disclosure of donations, gifts and hospitality to the value of **\$20** or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the *Local Government Act 1989*;

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Newton

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve transparency and accountability:

1. Require all incoming Councillors to undertake facilitation training in preparation for the role of chairing Council and Committee meetings;
2. Introduce real time disclosure of donations, gifts and hospitality to the value of \$20 or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the *Local Government Act 1989*;
3. Require all Councillors to undertake annual governance training and competency testing; and
4. Encourage constructive consensus-building around Council decisions, while always allowing for open and respectful debate and disagreement in line with the *Local Government Act 1989*.

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

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Newton

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve transparency and accountability:

1. Require all incoming Councillors to undertake facilitation training in preparation for the role of chairing Council and Committee meetings;
2. Introduce real time disclosure of donations, gifts and hospitality to the value of \$20 or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the *Local Government Act 1989*;
3. Require all Councillors to undertake annual governance training and competency testing; and
4. Encourage constructive consensus-building around Council decisions, while always allowing for open and respectful debate and disagreement in line with the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

8.2

**CLEAN COUNCIL – PUBLIC PARTICIPATION AND
DEMOCRACY****MINUTE NO. 14****NOTICE OF MOTION NO.****311****CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

“That Council receives a report in early 2017 to facilitate the implementation of the following ‘Clean Council’ reforms to improve public participation and democracy:

- 1. Improve the role of Question Time in Council meetings and trial a question time model that allows for questions to be asked and answered prior to the hearing of specific Council agenda items;*
- 2. Reinstate ward meetings, with the locations rotated to different neighbourhoods in each ward;*
- 3. Introduce a ‘community planning forum’ to be held on a monthly or bi-monthly basis, enabling all Darebin residents and ratepayers to be able to contribute to Council’s policies, plans and priorities;*
- 4. Improve the use of social media, website and other communication tools to enable more regular and direct dialogue between Councillors and the community;*
- 5. Make more effective use of the Hearing of Submissions Committee process to enable regular contributions from community members to Council’s policies, plans and priorities; and*
- 6. Use deliberative democracy (eg. citizens’ juries) and participatory budgeting to ensure a broader range of perspectives are considered in Council decisions, from future community planning and CEO appointments through to capital works expenditure and rate rises.”*

Notice Received: 22 November 2016

Notice Given to Councillors: 28 November 2016

Date of Meeting: 5 December 2016

WITH LEAVE OF THE CHAIRPERSON, CR. LE CERF, CR. MCCARTHY AMENDED HIS NOTICE OF MOTION PRIOR TO IT BEING SECONDED, TO READ AS FOLLOWS:

Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. G. Greco

That Council receives a report in early 2017 to facilitate the implementation of the following ‘Clean Council’ reforms to improve public participation and democracy:

1. Improve the role of Question Time in Council meetings and trial a question time model that allows for questions to be asked and answered prior to the hearing of specific Council agenda items;

2. Reinstate ward meetings, with the locations rotated to different neighbourhoods in each ward;
3. Introduce a 'community planning forum' to be held on a monthly or bi-monthly basis, enabling all Darebin residents and ratepayers to be able to contribute to Council's policies, plans and priorities;
4. Improve the use of social media, website and other communication tools to enable more regular and direct dialogue between Councillors and the community;
5. Make more effective use of the Hearing of Submissions Committee process to enable regular contributions from community members to Council's policies, plans and priorities; and
6. Use deliberative democracy (eg. citizens' juries) and participatory budgeting to ensure a broader range of perspectives are considered in Council decisions, from future community planning and CEO appointments through to capital works expenditure and rate rises.
7. **Provides free training workshops and online resources to assist community members to make submission to Council and other bodies (eg. Royal Commissions, regulatory reviews)**

Cr. Greco proposed to the mover that point 1. in the motion be amended as follows. This was accepted by Cr. McCarthy

1. Improve the role of Question Time **by reinstating the capacity to ask questions without notice in Council meetings and** to trial a question time model that allows for questions, **comments and submissions** to be asked and answered prior to the hearing of specific Council agenda items;

Cr. Greco further proposed to the mover that point 8. in the motion be added as follows. This was accepted by Cr. McCarthy

8. Better facilitate recommendations coming from Advisory Committees.

THE MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve public participation and democracy:

1. Improve the role of Question Time by reinstating the capacity to ask questions without notice in Council meetings and to trial a question time model that allows for questions, comments and submissions to be asked and answered prior to the hearing of specific Council agenda items;
2. Reinstate ward meetings, with the locations rotated to different neighbourhoods in each ward;
3. Introduce a 'community planning forum' to be held on a monthly or bi-monthly basis, enabling all Darebin residents and ratepayers to be able to contribute to Council's policies, plans and priorities;
4. Improve the use of social media, website and other communication tools to enable more regular and direct dialogue between Councillors and the community;

5. Make more effective use of the Hearing of Submissions Committee process to enable regular contributions from community members to Council's policies, plans and priorities; and
6. Use deliberative democracy (eg. citizens' juries) and participatory budgeting to ensure a broader range of perspectives are considered in Council decisions, from future community planning and CEO appointments through to capital works expenditure and rate rises.
7. Provides free training workshops and online resources to assist community members to make submission to Council and other bodies (eg. Royal Commissions, regulatory reviews)
8. Better facilitate recommendations coming from Advisory Committees.

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

Council Resolution

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

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve public participation and democracy:

1. Improve the role of Question Time by reinstating the capacity to ask questions without notice in Council meetings and to trial a question time model that allows for questions, comments and submissions to be asked and answered prior to the hearing of specific Council agenda items;
2. Reinstatement of ward meetings, with the locations rotated to different neighbourhoods in each ward;
3. Introduce a 'community planning forum' to be held on a monthly or bi-monthly basis, enabling all Darebin residents and ratepayers to be able to contribute to Council's policies, plans and priorities;
4. Improve the use of social media, website and other communication tools to enable more regular and direct dialogue between Councillors and the community;
5. Make more effective use of the Hearing of Submissions Committee process to enable regular contributions from community members to Council's policies, plans and priorities; and
6. Use deliberative democracy (eg. citizens' juries) and participatory budgeting to ensure a broader range of perspectives are considered in Council decisions, from future community planning and CEO appointments through to capital works expenditure and rate rises.
7. Provides free training workshops and online resources to assist community members to make submission to Council and other bodies (eg. Royal Commissions, regulatory reviews)
8. Better facilitate recommendations coming from Advisory Committees.

CARRIED UNANIMOUSLY

8.3 CLEAN COUNCIL – STATUTORY PLANNING**MINUTE NO. 15****NOTICE OF MOTION NO.****312****CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

***That** Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve community confidence in statutory planning decisions:*

1. *Reverse the recent Council decision in relation to the recognition of residents who object to developments that are more than 200 metres away from their property;*
2. *Review the speaking time limits and other arrangements for applicants and objectors at the Planning Committee to ensure that objectors to major developments are not disadvantaged by the number and complexity of objections (i.e. five objectors may have very different grounds for objecting to a major development, however if they all opt to speak within the current five minute limit, they each only get one minute to speak); and*
3. *Require that all permit applications for electronic gaming machines (pokies) and developments of four storeys or more come to the Planning Committee rather than being considered 'under delegation' by Council officers.*

Notice Received:**22 November 2016****Notice Given to Councillors:****28 November 2016****Date of Meeting:****5 December 2016**

WITH LEAVE OF THE CHAIRPERSON, CR. LE CERF, CR. MCCARTHY AMENDED HIS NOTICE OF MOTION PRIOR TO IT BEING SECONDED, TO READ AS FOLLOWS:

Motion

MOVED: Cr. T. McCarthy**SECONDED: Cr. S. Rennie**

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve community confidence in statutory planning decisions:

1. Reverse the recent Council decision in relation to the recognition of residents who object to developments that are more than 200 metres away from their property;
2. Review the speaking time limits and other arrangements for applicants and objectors at the Planning Committee to ensure that objectors to major developments are not disadvantaged by the number and complexity of objections (i.e. five objectors may have very different grounds for objecting to a major development, however if they all opt to speak within the current five minute limit, they each only get one minute to speak);
3. Require that all permit applications for electronic gaming machines (pokies) and developments of four storeys or more come to the Planning Committee rather than being considered 'under delegation' by Council officers; and

4. ***Provides free training workshops and online resources to assist community members to understand their rights in relation to statutory planning matters at Council and VCAT.***

Cr. Rennie proposed to the mover that point 3. In the motion above be amended as follows. This was accepted by Cr. McCarthy.

3. Require that all permit applications for electronic gaming machines **or in locations that contain electronic gaming machines** (pokies) and developments of four storeys or more come to the Planning Committee rather than being considered 'under delegation' by Council officers; and

Cr. Greco further proposed to the mover and seconder that point 3 be further amended as follows. This was not accepted by Cr. Rennie.

3. Require that all permit applications for electronic gaming machines or in locations that contain electronic gaming machines (pokies) and developments of four storeys or more, **four dwellings or more on the one site** come to the Planning Committee rather than being considered 'under delegation' by Council officers; and

CR. GRECO PROPOSED AN AMENDMENT TO INCLUDE POINT 3. THE AMENDMENT THEN READ AS FOLLOWS:

Amendment

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

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve community confidence in statutory planning decisions:

1. Reverse the recent Council decision in relation to the recognition of residents who object to developments that are more than 200 metres away from their property;
2. Review the speaking time limits and other arrangements for applicants and objectors at the Planning Committee to ensure that objectors to major developments are not disadvantaged by the number and complexity of objections (i.e. five objectors may have very different grounds for objecting to a major development, however if they all opt to speak within the current five minute limit, they each only get one minute to speak); and
3. Require that all permit applications for electronic gaming machines or in locations that contain electronic gaming machines (pokies) and developments of four storeys or more, **four dwellings or more on the one site** come to the Planning Committee rather than being considered 'under delegation' by Council officers; and
4. Provides free training workshops and online resources to assist community members to understand their rights in relation to statutory planning matters at Council and VCAT.

THE AMENDMENT WAS PUT AND CARRIED

THE AMENDMENT BECAME THE MOTION

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

Council Resolution

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

That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve community confidence in statutory planning decisions:

1. Reverse the recent Council decision in relation to the recognition of residents who object to developments that are more than 200 metres away from their property;
2. Review the speaking time limits and other arrangements for applicants and objectors at the Planning Committee to ensure that objectors to major developments are not disadvantaged by the number and complexity of objections (i.e. five objectors may have very different grounds for objecting to a major development, however if they all opt to speak within the current five minute limit, they each only get one minute to speak);
3. Require that all permit applications for electronic gaming machines or in locations that contain electronic gaming machines (pokies) and developments of four storeys or more, four dwellings or more on the one site come to the Planning Committee rather than being considered 'under delegation' by Council officers; and
4. Provides free training workshops and online resources to assist community members to understand their rights in relation to statutory planning matters at Council and VCAT.

CARRIED UNANIMOUSLY

8.4 ENERGY AND ENVIRONMENT

MINUTE NO. 16

NOTICE OF MOTION NO. 313

CR. TRENT MCCARTHY

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

***That** Council establishes an Energy and Environment Working Group to further develop Council proposals for a Darebin Energy Foundation and a Darebin Nature Trust, as proposed by four elected Councillors during the recent Council elections. The Working Group will comprise the Mayor and Councillors _____ (Councillors to be named at the meeting) and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in February 2017.*

Notice Received: 22 November 2016

Notice Given to Councillors: 28 November 2016

Date of Meeting: 5 December 2016

WITH LEAVE OF THE CHAIRPERSON, CR. LE CERF, CR. MCCARTHY AMENDED HIS NOTICE OF MOTION PRIOR TO IT BEING SECONDED, TO READ AS FOLLOWS:

Motion

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Amir

That:

- (1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.
- (2) Council establishes an Energy and Environment Working Group to further develop Council proposals for a Darebin Energy Foundation and a Darebin Nature Trust, as proposed by four elected Councillors during the recent Council elections. The Working Group will comprise the Mayor and all Councillors who wish to participate and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in February 2017.

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

Council Resolution

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Amir

That:

- (1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.
- (2) Council establishes an Energy and Environment Working Group to further develop Council proposals for a Darebin Energy Foundation and a Darebin Nature Trust, as proposed by four elected Councillors during the recent Council elections. The Working Group will comprise the Mayor and all Councillors who wish to participate and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in February 2017.

CARRIED UNANIMOUSLY

8.5

COUNCIL CHAMBER SOUND SYSTEM

MINUTE NO. 17

NOTICE OF MOTION NO.

314

CR. GAETANO GRECO

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

“That Council

- (1) Notes the long standing complaints from numerous community members and councillors regarding the inadequacy of the current sound system in the Council Chamber.*
- (2) Has a social inclusion policy obligation to ensure that all residents (including the hearing impaired) are not disadvantaged in their interaction and engagement with.*
- (3) Receives a comprehensive report in time for the mid-year budget review on options to improve or install an appropriate sound system that enables residents and Councillors to properly hear debates at the Council meeting. If necessary, the report should consider possibly budget savings to accommodate any additional expenditure.’*

Notice Received:

22 November 2016

Notice Given to Councillors:

28 November 2016

Date of Meeting:

5 December 2016

Council Resolution

MOVED: Cr. G. Greco

SECONDED: Cr. T. Laurence

That Council

- (1) Notes the long standing complaints from numerous community members and councillors regarding the inadequacy of the current sound system in the Council Chamber.
- (2) Has a social inclusion policy obligation to ensure that all residents (including the hearing impaired) are not disadvantaged in their interaction and engagement with.
- (3) Receives a comprehensive report in time for the mid-year budget review on options to improve or install an appropriate sound system that enables residents and Councillors to properly hear debates at the Council meeting. If necessary, the report should consider possibly budget savings to accommodate any additional expenditure.

CARRIED UNANIMOUSLY

WITH LEAVE OF THE CHAIRPERSON, CR. LE CERF, NOTICE OF MOTION 8.6 WAS WITHDRAWN AS IT WAS COVERED IN THE COUNCIL RESOLUTION AT ITEM 7.1 (FUTURE OF PRESTON MARKET) AND NOTICE OF MOTIONS 8.7 AND 8.8 WERE INCLUDED IN THE COUNCIL RESOLUTION OF ITEM 7.1 (FUTURE OF PRESTON MARKET) EARLIER IN THIS MEETING.

8.6 MEETING WITH PLANNING MINISTER**NOTICE OF MOTION NO. 315 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

“That Council Authorise the Mayor and Deputy Mayor to call a meeting as urgently as possible with Richard Wynn MP, State Minister for Planning regarding the future of Preston Market.”

Notice Received: 22 November 2016
Notice Given to Councillors: 28 November 2016
Date of Meeting: 5 December 2016

NOTICE OF MOTION 8.6 WAS WITHDRAWN.

8.7 REVIEW OF PRESTON MARKET STRUCTURE PLAN**NOTICE OF MOTION NO. 316 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

“That Council receive a Council report as soon as possible on possible options available to Council to update the 2007 Preston Market Structure Plan.”

Notice Received: 22 November 2016
Notice Given to Councillors: 28 November 2016
Date of Meeting: 5 December 2016

NOTICE OF MOTION 8.7 BECAME POINT (6) IN THE COUNCIL RESOLUTION OF ITEM 7.1 (FUTURE OF PRESTON MARKET) EARLIER IN THIS MEETING.

8.8 SUPPORTING PRESTON MARKET**NOTICE OF MOTION NO.****317****CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 5 December 2016, it is my intention to move:

That Council:

1. *Notes the public interest to maintain the essence and character of Preston Market.*
2. *Supports the on-going viability of Preston Market as asserted by all stakeholders including the owners, traders and residents by displaying a large banner with the words "We love Preston Market" as soon as possible at the front of the Council building in High Street Preston."*

Notice Received: 22 November 2016

Notice Given to Councillors: 28 November 2016

Date of Meeting: 5 December 2016

NOTICE OF MOTIONS 8.8 BECAME POINTS (7) AND (8) IN THE COUNCIL RESOLUTION OF ITEM 7.1 (FUTURE OF PRESTON MARKET) EARLIER IN THIS MEETING.

9. URGENT BUSINESS**Council Resolution**

MOVED: Cr. S. Amir
SECONDED: Cr. T. McCarthy

That an Urgent item relating to 'Darebin's Commitment to a Multicultural Community' to be admitted to the agenda and heard at Item 9.1.

CARRIED

9.1 DAREBIN'S COMMITMENT TO A MULTICULTURAL COMMUNITY

MINUTE NO. 18

Motion

MOVED: Cr. S. Amir
SECONDED: Cr. T. Laurence

That:

- (1) Darebin Council notes with deep concern the reckless remarks made by the Immigration Minister Peter Dutton MP, concerning the Lebanese Community in Australia.
- (2) The Mayor writes an open letter to the Prime Minister Malcolm Turnbull MP, and Immigration Minister, Peter Dutton MP, inviting them to visit Darebin so that they can observe how migrants, refugee and their children and grandchildren have successfully integrated and significantly contribute to the life and economy of our multicultural city.
- (3) Darebin Council re-affirms its commitment to:
 - Standing in solidarity with Darebin's multicultural communities and the Darebin Ethnic Communities Council
 - Celebrating our cultural diversity as a strength
 - Fostering a culture of inclusion and care, not fear and hatred
 - Challenging racism where we see and hear it in Darebin and beyond.

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

Council Resolution

MOVED: Cr. S. Amir
SECONDED: Cr. T. Laurence

That:

- (1) Darebin Council notes with deep concern the reckless remarks made by the Immigration Minister Peter Dutton MP, concerning the Lebanese Community in Australia.

- (2) The Mayor writes an open letter to the Prime Minister Malcolm Turnbull MP, and Immigration Minister, Peter Dutton MP, inviting them to visit Darebin so that they can observe how migrants, refugee and their children and grandchildren have successfully integrated and significantly contribute to the life and economy of our multicultural city.
- (3) Darebin Council re-affirms its commitment to:
- Standing in solidarity with Darebin's multicultural communities and the Darebin Ethnic Communities Council
 - Celebrating our cultural diversity as a strength
 - Fostering a culture of inclusion and care, not fear and hatred
 - Challenging racism where we see and hear it in Darebin and beyond.

CARRIED UNANIMOUSLY

Council Resolution

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

That an Urgent Business item relating to 'Family Violence Leave' to be admitted to the agenda and heard at Item 9.2.

CARRIED UNANIMOUSLY

9.2 FAMILY VIOLENCE LEAVE

MINUTE NO. 19

Motion

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

That the Mayor write to the local government representative at COAG, ALGA, President Mayor David O'Loughlin to advocate for the inclusion of a family violence leave clause in the National Employment Standards at the COAG meeting to be held on the 9th December 2016.

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

Council Resolution

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

That the Mayor write to the local government representative at COAG, ALGA, President Mayor David O'Loughlin to advocate for the inclusion of a family violence leave clause in the National Employment Standards at the COAG meeting to be held on the 9th December 2016.

CARRIED UNANIMOUSLY

10. GENERAL BUSINESS

Nil

11. PETITIONS**11.1 RALLY FOR PENDERS PARK, THORNBURY****MINUTE NO. 11****Council Resolution**

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Rennie

That the petition:

"We, the undersigned community, wish to advise Darebin City Council that Penders Park needs a substantial upgrade to ensure it meets the requirements of a Major Neighbourhood Park under the Council's Play Strategy.

Penders Park is so important to Thornbury, South Preston and the broader Darebin community on the east side of High Street, as it is one of few larger parks in the area for people to be able to gather, picnic, walk their dogs, exercise, kids to safely ride their bikes and play. With four primary schools and a number of kinders and childcare centres within one kilometre this great space is becoming more critical to all our community as housing densifies and people have less and less private space in their backyards.

We ask that the Darebin City Council invest in a substantial upgrade to Penders Park as it is used so regularly by a wide range of community members and groups. This investment would be to upgrade the play area for all abilities as well as upgrading the amenities. Council needs to be providing for all members of the community it serves, all abilities and ages including the aging and the increased younger family demographic, particularly the children in Darebin who need challenging and interesting nature based playgrounds.

We request that Council formally consider this petition at a Council meeting and to:

- 1) Note the significant support for this project by residents.*
- 2) Resolve to undertake a Master Planning Process for Penders Park in 2016/2017 with the community to upgrade Penders Park as an All-Abilities Major Neighbourhood Park.*
- 3) Commit to deliver the Master Plan for Penders Park under the Capital Work Budget in 2017/2018."*

be tabled and a request for a report in early 2017.

CARRIED UNANIMOUSLY

12. RECORDS OF ASSEMBLIES OF COUNCILLORS**12.1 ASSEMBLIES OF COUNCILLORS HELD****MINUTE NO. 20**

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:

- Sexuality, Sex and Gender Diversity Advisory Committee – 15 November 2016
- Darebin Women's Advisory Committee – 17 November 2016
- Darebin Bicycle Advisory Committee – 22 November 2016

Council Resolution

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Rennie

That the record of the Assembly of Councillors held on 15, 17 and 22 November 2016 be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Sexuality, Sex and Gender Diversity Advisory Committee
	Date:	Tuesday 15 November 2016
	Location:	Conference room, 350 High Street, Preston
PRESENT:	Councillors:	Cr. Steph Amir
	Council Staff:	Mandy Bathgate, Cécile Taché, Nick Matteo
	Other:	Members of the Sexuality, Sex and Gender Diversity Advisory Committee, MIND Australia
APOLOGIES:		Cr. Susanne Newton

The Assembly commenced at 6.05 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Information on new Council	No disclosures were made
2	Three pilot sites for social and affordable housing	No disclosures were made
3	MIND Australia – update on LGBTI clinical service in northern metro region	No disclosures were made
4	HOW2 program – engagement with participating staff	No disclosures were made
5	Update on SSGD Action plan and actions arising from previous meetings	No disclosures were made
6	Other Business	No disclosures were made

The Assembly concluded at 8.25 pm

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



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Women's Advisory Committee
	Date:	Thursday 17 November 2016
	Location:	Conference room, 350 High Street, Preston
PRESENT:	Councillors:	Cr. Kim Le Cerf (Mayor)
	Council Staff:	Mandy Bathgate, Cécile Taché, Stuart McFarlane
	Other:	Members of the Darebin Women's Advisory Committee, representatives from the Women's Arts Register
APOLOGIES:		Cr. Susanne Newton

The Assembly commenced at 6.00 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Information on new Council	No disclosures were made
2	Women's Mural Documentation Project	No disclosures were made
3	State of play of Aboriginal affairs in Darebin	No disclosures were made. The Mayor left during this discussion
4	IWD planning	No disclosures were made
5	Governance – expiration of terms, upcoming EOs	No disclosures were made
6	Update on current projects and issues	No disclosures were made
7	Other Business	No disclosures were made

The Assembly concluded at 6.55 pm (meeting continued on until 8.pm)

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



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Bicycle Advisory Committee
	Date:	Tuesday 22 November 2016
	Location:	Conference Room, Darebin Council Offices
PRESENT:	Councillors:	Cr. Steph Amir
	Council Staff:	Anna Haygreen, Che Sutherland
	Other:	Representatives of the Darebin Bicycle Advisor Group.
APOLOGIES:		

The Assembly commenced at approximately 6.35 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Cycling Strategy Technical Report Delivery Update	No disclosures were made
2	Cycling Capital Works Program for 2016-17	No disclosures were made
3	Prioritising Bike Boxes at Intersections	No disclosures were made
4	Bundoora Park Precinct Master Plan Shared Path Recommendations	No disclosures were made
5	Project Updates	No disclosures were made
6	Regent Station Car Park Upgrade	No disclosures were made
7	Fairfield Master Plan Consultation	No disclosures were made
8	Retiring DBAC members and recruitment of new members	No disclosures were made

The Assembly concluded at 8.30 pm

13. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 21

Council Resolution

MOVED: Cr. S. Amir
SECONDED: Cr. G. Greco

That Council note the Reports by Mayor and Councillors.

CARRIED**13.1 REPORT OF CR. KIM LE CERF, MAYOR**

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

- Confidential Funding Announcement – Northcote High School
- Darebin Women's Advisory Committee
- Citizenship Ceremony
- Shape Edwardes Lake Park – Playground Area
- Launch of "O Logos" Hellenic Writers Association
- CALD Press Briefing
- Planning Committee Meeting
- Planning Committee – De Brief with David Vorchheimer
- Darebin's Municipal Emergency Management Planning Meeting
- March to the Oval – White Ribbon Day
- Catch Up with Chief Executive Officer
- Visit to SPAN Community House to Meet Manager and Board Members
- Interview with Assumption College Kilmore as member of alumni
- Darebin Environmental Reference Group
- MAV Councillor Induction Day
- Briefing - Audit Committee Meeting
- Sustainability Awards
- Darebin Multicultural White Ribbon Day 2016
- Audit Committee
- Meeting with representatives from Save Our Preston Market Committee

13.2 REPORT OF CR. STEPH AMIR

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

- Oath of Office
- Darebin Councillor training - 9 and 10 November 2016
- VLGA Councillor welcome
- Darebin Community Network afternoon tea
- Statutory Meeting
- Sex, Sexuality and Gender Diversity Advisory Committee meeting
- Planning Committee training
- Darebin Enterprise Centre/Melbourne Innovation Centre AGM and meeting (November 17th)
- VLGA new councillor training
- Planning Committee briefing and meeting
- Darebin Bicycle Advisory Committee
- MAV Councillor Induction Day
- Preston and Thornbury Neighbourhood House launch of new brand
- Sylvester Hive Community Garden – speech on behalf of the Mayor and Council
- Opening of the 2016-17 Open Air Cinema season at Mayer Park – informal speech
- Councillor briefing
- Regent Station consultation by VicTrack
- NBAA breakfast awards finale
- Met with residents regarding 48 Rona St Reservoir
- Friends of Merri Creek music fundraiser
- Attended to issues raised by residents:
 - Preston Market – new development and complaints about the parking meters
 - Community opposition to rezoning of 48 Rona Street
 - Proposal of new carparks at Regent Station (specifically negative impacts on cyclists and pedestrians)
 - Planning issues relating to current planning proposals
 - Individual complaints regarding rubbish, traffic issues.

13.3 REPORT OF CR. GAETANO GRECO

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

- Statutory meeting
- Friends of Baucau meeting
- Planning Committee Meeting and debrief
- Bundoorra Homestead Art Centre Board meeting
- Darebin Multicultural White Ribbon Day
- Launched Verdant Gardens and Regeneration exhibition at the Bundoora Homestead Arts Centre
- Darebin Brass Band Annual Caberet
- End of year East Reservoir Festival
- Leisure Services Annual Sports Club breakfast 2016
- Welcome event by Minister for Mayor and Deputy Mayors
- IntoWork AGM and Board meeting
- Councillor Briefing
- Attended to resident's concerns:
 - Rona Street refining
 - Roundabout in Radford Street

13.4 REPORT OF CR. JULIE WILLIAMS

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

- Statutory Meeting
- Planning Committee training
- Councillor Training with David Vorchheimer
- Meeting with Preston Market shop owners
- RSL Remembrance
- Holy Name Fete
- Planning Briefing
- Planning Committee Meeting
- De-Brief with David Vorchheimer
- PBAC and Delphi Bank meeting
- Thornbury Neighbourhood house with Jeanette
- White Ribbon Event
- Council Briefing
- Rona Street Residents
- Wild Art Heart Community Arts
- Briefing for the DDAC
- Darebin Disability Committee

13.5 REPORT OF CR. TIM LAURENCE

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

- Statutory Council meeting at Preston
- Attended Council briefing at Preston
- Planning Committee meeting
- Bundoora Homestead Board of Management meeting
- Met with residents on site at Melbourne water land
- Met with Thornbury Traders re community issues
- Met with Thornbury trader re: uncut grass near Thornbury station
- Met with residents re traffic issues in Massey Ave, Reservoir
- Met with Reservoir residents re Planning Issues

13.6 REPORT OF CR. SUSAN RENNIE

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

- Merri Creek Management Committee
- Darebin Creek Management Committee
- Thornbury Women's Neighbourhood House
- Alphington Community House Christmas Market
- Audit Committee Meeting
- Sustainability Awards
- Briefing on Audit Committee
- LaTrobe Unitown and Smart Cities – driving economic development in Melbourne's North
- MAV Councillor Induction Day Program
- VLGA Councillor Welcome evening

13.7 REPORT OF CR. TRENT MCCARTHY

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

- Oath of Office Event
- Statutory Meeting
- Citizenship Ceremony
- State Government Announcement about Funding for School Netball Courts
- March to the Oval - UN International Day for the Elimination of Violence Against Women
- Darebin Enterprise Centre Ltd Board Meeting
- Darebin Environmental Reference Group Meeting
- Meeting with SPAN House staff and board members

- Planning Committee Briefing
- Planning Committee Meeting
- Councillor Briefing
- Bridge Launch Event
- Various issues on behalf of residents and traders

13.8 REPORT OF CR. SUSANNE NEWTON

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

- Strathallan Golf Club – The Future
- Councillor Training on Planning
- Councillor Induction
- Friends of Baucau
- La Trobe UniTown and Smart Cities – Driving Economic Development in Melbourne's North
- Sustainability Awards
- NBAA Network Breakfast Grand Finale
- End of Year Reservoir Festival
- Planning Committee
- Catch Up with Chief Executive Officer
- MAV Councillor Induction Day
- Save Preston Market Community Meeting
- Melbourne Music Week opening night
- Bundoora Homestead Board Meeting
- Met residents from Rona Street, Reservoir regarding 48 Rona St
- Life is a Song concert at Wesley Ann (grant recipients)
- Preston Symphony Orchestra Concert
- Darebin Disability Advisory Committee meeting

PROCEDURAL MOTION

MOVED: Cr. T. McCarthy
SECONDED: Cr .S. Amir

That Council reorder the agenda to be heard as follows:

Item 6.1, Item 6.2, Item 6.3, and Items 15 (Planning Applications).

CARRIED

Agenda Items Item 6.1, Item 6.2, Item 6.3 and Items 15 (Planning Applications) were dealt with in this order.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**CLOSE OF MEETING****MOVED: Cr. T. McCarthy****SECONDED: Cr. G. Greco**

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

14.1 Roads Resurface Program – Asphalt Works CT201623**14.2** Consideration of Personnel Matter**CARRIED**

The meeting was closed to members of the public at 9.40pm.

The Council considered and resolved on Report Item 14.1 (Roads Resurface Program – Asphalt Works CT201623) and Item 14.2 (Consideration of Personnel Matter) which had been circulated to Councillors on 28 November 2016 with the Council Agenda Paper.

RE-OPENING OF MEETING**MOVED: Cr. T. McCarthy****SECONDED: Cr. S. Amir**

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 9.57pm.

CONFIDENTIAL**14.1 ROADS RESURFACE PROGRAM – ASPHALT WORKS
CT201623****MINUTE NO. 34****Author:** Major Works Engineer**Reviewed By:** Director City Futures and Assets**Report Background**

Tenders have been called for road resurfacing works as part of Council's 2016-2017 Capital Works Program. This work involves road profiling, asphalt patching, traffic control and the supply and laying of stone mastic asphalt (SMA). The roads resurface program includes the asphalt resurfacing of streets spread around Darebin based on condition assessments undertaken by the qualified engineers.

Previous Council Resolution

This tender is not the subject of a previous Council resolution. The works are included in the Darebin City Council Budget Report- 2016/2017 Budget, Capital Works Area-Roads.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Council's Road Asset Management Plan 2013 reflects the purposes and objectives of Council as outlined in the Darebin Council Plan 2013-2017, which includes:

To manage the existing asset base, ensuring that the city's public spaces, drains, roads, footpaths, facilities, street trees, parks and other infrastructure are maintained to the highest standard.

Summary

Tenders were invited for the 2016/2017 Roads Resurface Program (CT201623) on 27 August 2016. The tender was divided into 3 groups of roads - Groups A, B and C. Council has the option to award the tender to one or more companies to obtain best value and to ensure the works can be delivered in a timely manner. At the close of tenders on 29 September 2016, 5 tender submissions were received for all 3 road groups.

This tender is a lump sum contract with the works anticipated to be completed by 31 June 2017. The Tender Evaluation Panel (TEP) has evaluated the tenders and recommends the award of the contract.

Recommendation

That the Council report and resolution remains confidential.

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

That the following Council resolution:

“That:

- (1) Council resolves that the tender submitted by Asphaltech Pty Ltd for the Road Resurface Program Asphalt Works 2016/2017 (CT201623) be accepted for Asphalt Groups – (A, B and C) for the total contract amount of \$1,829,025.50 (inc. GST), for the period commencing 1 January 2017 and finishing 30 June 2017.
- (2) A contingency allowance of \$110,000.00 (Inc. GST), being 6.0% of the total contract amount, be provided from within the project budget for Road Resurface Program Asphalt Works 2016/2017 (CT201623).
- (3) Council authorizes the Chief Executive to finalize and execute the contract documentation on behalf of the Darebin City Council.”

be made public, but the report remain confidential.

CARRIED

Rasiah Dev, Chief Executive, Katrina Knox, Director Community Development, Steve Hamilton, Director City Futures and Assets, Blaga Naumoski, Manager Governance and Corporate Information, Katia Croce, Coordinator Council Business and Michelle Martin, Council Business Officer left the meeting prior to discussion of the item at 9.45 pm.

Gaetano Greco disclosed a conflict of interest in relation to the following item describing the type of interest as a direct interest due to a settled legal matter with the Chief Executive Officer.

Gaetano Greco left the meeting prior to discussions of the item at 9.46 pm.

CONFIDENTIAL

14.2 PERSONNEL MATTER

MINUTE NO. 35

Author: Mayor

Reviewed By:

Report Background

Previous Council Resolution

This report is not subject to a previous Council resolution.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - Open and Accountable Democracy

Council Resolution

That the Council report and resolution remains confidential.

CARRIED

15. PLANNING APPLICATIONS

15.1 APPLICATION FOR PLANNING PERMIT D/815/2015
 22-24 Knox Street, Reservoir Vic 3073

MINUTE NO. 25

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
C Mai - Planning And Design	Thanh Nghiem Tran and Thi Tuyet Oanh Nguyen	

SUMMARY:

- This application seeks approval to construct a medium housing density development comprising six (6) double storey dwellings. Unit 1 will have three (3) bedrooms and access to a double space garage. Units 2-6 will have two (2) bedrooms and access to a single space garage. One (1) visitor parking space is provided on site. Vehicle access is to be gained via an existing, modified crossover located centrally across the frontage. An existing crossover located at the western edge of the site is to be removed. Secluded private open space is provided at ground level with areas of between 25 square metres and 52.3 square metres.
- The development is across two titles and equates to 3 dwellings per lot.
- The site is zoned General Residential Zone Schedule 2 (GRZ2).
- There is no restrictive covenant on the title for the subject land.
- Eighty (80) objections were received against this application. This includes one (1) petition with 102 signatures
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Darebin Parks, Transport Management and Planning, Capital Works and Council's ESD Officer.
- This application was not required to be referred to external authorities.

Darren Rudd, Manager Planning and Building informed the meeting the following Addendum circulated to Councillors on Friday 2 December 2016, be added to the report as follows:

The purpose of this addendum is to consider and respond to additional grounds for objection which were raised subsequent to the publication of the Planning Committee agenda.

Objections summarised

- The proposal requires the removal of an electricity pole.
- Mailboxes and metres encroach into the pedestrian visibility splays.
- Proposed habitable room windows are not sufficiently setback from the accessway.
- Load bearing pillars should be removed to improved manoeuvrability for cars using the internal accessway.
- Door to garages encroach into the car parking spaces.
- Stairs to garages encroach into the car parking spaces.
- The proposal does not meet the statutory car parking requirement.
- Bin storage for the proposed units is impractical.

Officer comment on summarised objections

The proposal requires the removal of an electricity pole.

Council's Vehicle Crossing Policy requires a crossover to be setback from any power pole by 1 metre. It is noted that crossover serving the central accessway has a setback to the existing power pole of 1.695 metres.

Mailboxes and metres encroach into the pedestrian visibility splays.

The plans note that pedestrian visibility splays measuring 2.0m across and 2.5m deep into the site to the proposed crossover will be provided on eastern and western side of the proposed accessway. While it is noted that the proposed mailboxes encroach within this area, it is considered that the mail boxes can be comfortably accommodated without exceeding 1.15 metres in height and will not unreasonably obstruct vehicle sightlines. Should these structures exceed a height of 1.15 metres they would be required to be relocated to an area outside of the splay area. The proposed utility metres do not encroach into this area.

Proposed habitable room windows are not sufficiently setback from the accessway.

While it is noted that the proposed setbacks to the accessway of Dwellings 1, 2, 5 and 6 are currently insufficient to comply with Standard B15 of Clause 55 of the Darebin Planning Scheme, this can be easily corrected via a condition of permit. As such, conditions requiring compliance with this standard have been included in the recommendation.

Load bearing pillars should be removed to improved manoeuvrability for cars using the internal accessway.

Council's Transport Management and Planning Unit has assessed the vehicle manoeuvrability of the proposed dwellings and determined that the space provided is sufficient to for vehicles to enter and exit the site in a forward direction, in accordance with Clause 52.06 of the Darebin Planning Scheme.

Door to garages encroach into the car parking spaces.

A condition has been included within the recommendation requires the doors providing access to the garages of Dwellings 1, 2 and 3 must not open into the proposed garages, in accordance with Clause 52.06 of the Darebin Planning Scheme.

Stairs to garages encroach into the car parking spaces.

A condition has been included within the recommendation which requires the stairs providing access to the garages of Dwellings 5 and 6 must not encroach into the car parking spaces, in accordance with Clause 52.06 of the Darebin Planning Scheme.

The proposal does not meet the statutory car parking requirement.

The required number of car parking spaces has been provided in accordance with Clause 52.06-5 of the Darebin Planning Scheme. A full assessment against Clause 52.06 (Car Parking) is included within the Planning Committee Report.

Bin storage for the proposed units is impractical.

Bin storage has been provided within the secluded private open space of each dwelling. The proposed locations are considered sufficient in size and practical, thus ensuring that bins are not stored in view of the public realm.'

The following people verbally addressed the meeting and were ultimately thanked for their presentation by the Chairperson, Cr. Le Cerf:

- Chris McKenzie, on behalf of the Applicant
- Di Cambridge, Objector

Recommendation

That Planning Permit Application D/815/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TP01 Rev D, First Floor Plan TP02 Rev D and Elevations TP03 Rev D, dated 10.02.2016 and prepared by Planning and Design P/L) but modified to show:
 - a) A landscape plan in accordance with Condition 4 of this Permit. The plan must include at least four (4) suitable moderate canopy trees in the front setback and six (6) suitable small canopy trees planted within the private open space areas and additional landscaping along the common accessway to the satisfaction of the Responsible Authority.
 - b) Either the deletion of the retreat for Unit 3 or reduction in dimensions to 2.0 metres by 2.5 metres.
 - c) The kitchen windows of Units 1 and 6 setback a minimum of 1.0 metre from the accessway.
 - d) The south-facing kitchen windows of Units 2 and 5 with a sill height of 1.4 metres above the accessway and double glazed.
 - e) Reduction in the use of render at the upper level of the dwellings. This must be supplemented with horizontal cladding.
 - f) The doors providing pedestrian access to the garages of Units 1-3 not opening into the car parking space area.

- g) The stairs associated with pedestrian access to the garages of Units 5 and 6 not encroaching into the car parking space area.
- h) External fixed shading to the north windows and glazed doors.
- i) External adjustable shading to all east and west windows and glazed doors on the ground floor.
- j) Garage doors or rear doors that allow for daylight to enter.
- k) All 2000 litre water tanks.
- l) Annotations that all living and bedroom windows are double glazed.
- m) The finished surface levels of each dwelling.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details Of All Existing Trees To Be Retained And All Existing Trees To Be Removed, Including Overhanging Trees On Adjoining Properties And Street Trees Within The Nature Strip. The Genus, Species, Height And Spread Of All Trees Must Be Specified.
 - b) A Planting Schedule Of Proposed Vegetation Detailing The Botanical Name, Common Name, Size At Maturity, Pot Size And Quantities Of All Plants.
 - c) A Diversity Of Plant Species And Forms. All Proposed Planting Must Be To The Satisfaction Of The Responsible Authority.
 - d) Where The Opportunity Exists, An Appropriate Number And Size Of Canopy Trees Are To Be Shown Within The Secluded Private Open Space Areas Of Each Dwelling And Within The Front Setback Of The Property, Commensurate With The Size Of Planting Area Available. All Canopy Trees Are To Have A Minimum Height Of 1.6 Metres In 40 Litre Containers At The Time Of Installation. Canopy Trees Must Have The Following Minimum Widths At Maturity: Small Canopy (4 Metres), Medium Canopy (6 Metres), Large Canopy (10 Metres).
 - e) Annotated Graphic Construction Details Showing All Landscape Applications And Structures Including Tree And Shrub Planting, Retaining Walls, Raised Planter Bed And Decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and

concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

- g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the naturestrip tree at a radius in accordance with the Australian Standard AS4970 - 2009: Protection of trees on development sites from the base of the trunk to define a 'tree protection zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The tree protection fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.
- No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

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

NOTATIONS

(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been

approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

Motion

MOVED: Cr. S. Amir
SECONDED: Cr. J. Williams

That Planning Permit Application D/815/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The application is inconsistent with and fails to respect the landscape character of the neighbourhood in providing a built form of two storeys through the entire site.
2. The proposal fails to provide adequate landscaping that is consistent with the rear yard garden character of the area.
3. Driveway access to the property that is angular lacks legibility and continuity with the streetscape and is inconsistent with the character of the area
4. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Clause 55.03-10 Standard B15 – The habitable room windows of Unit 1, Unit 2, Unit 4 and Unit 6 which face the internal accessway fail to provide the setback and/or sill heights required by this standard.
 - b) Clause 55.04-6 Standard B22 – The ground floor windows of the proposed dwellings are not provided with a visual barrier of at least 1.8 metres in height to prevent overlooking of adjoining properties.

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

Council Resolution

MOVED: Cr. S. Amir
SECONDED: Cr. J. Williams

That Planning Permit Application D/815/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The application is inconsistent with and fails to respect the landscape character of the neighbourhood in providing a built form of two storeys through the entire site.
2. The proposal fails to provide adequate landscaping that is consistent with the rear yard garden character of the area.
3. Driveway access to the property that is angular lacks legibility and continuity with the streetscape and is inconsistent with the character of the area

4. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
- a) Clause 55.03-10 Standard B15 – The habitable room windows of Unit 1, Unit 2, Unit 4 and Unit 6 which face the internal accessway fail to provide the setback and/or sill heights required by this standard.
 - b) Clause 55.04-6 Standard B22 – The ground floor windows of the proposed dwellings are not provided with a visual barrier of at least 1.8 metres in height to prevent overlooking of adjoining properties.

CARRIED UNANIMOUSLY

Cr. Williams disclosed a conflict of interest in relation to the following item describing the type of interest as a direct interest due to close association at the school her child attends.

Cr. Williams left the meeting prior to discussions of the item at 8.29 pm.

15.2 APPLICATION FOR PLANNING PERMIT D/289/2016
 20-22 Thackeray Road, Reservoir Vic 3073

MINUTE NO. 26

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Catania Investments Pty Ltd	Patricia Margaret Mouser and Kevin Joseph O'Connor	Ikonomidis Reid

SUMMARY:

- It is proposed to construct eight (8) double storey dwellings and reduce the visitor car parking requirement. The development comprises four (4) dwellings with three (3) bedrooms and two (2) car spaces, and four (4) dwellings with two (2) bedrooms and one (1) car space. Private open space is provided at ground level and ranges from 40 square metres to 109 square metres in area.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 29 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s ESD officer, Capital Works Unit and Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

The following people verbally addressed the meeting and were ultimately thanked for their presentation by the Chairperson, Cr. Le Cerf:

- Chris McKenzie, on behalf of the Applicant
- Josie Franco, Objector
- Andrew Rodda, Objector

Council Resolution

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

That Planning Permit Application D/389/2016 be refused and Notice of Refusal be issued on the following grounds:

- 1) The proposed setbacks and extent of built form to the rear of the site results in detrimental mass and bulk impacts on the amenity of surrounding properties.
- 2) Crossovers and hard paving dominate the front setback / central access way and the proposal provides insufficient landscaping opportunities and is contrary to the character of the area.
- 3) The first floor setback from the street results in an over dominant built form to the street and fails to respect the desired neighbourhood character for the area.

CARRIED UNANIMOUSLY

Katia Croce, Coordinator Council Business temporarily left the meeting during discussions of the above item at 8.29 pm and returned at 8.32 pm.

Cr. Williams returned to the meeting at the conclusion of the above item at 8.47 pm.

15.3 APPLICATION FOR PLANNING PERMIT D/757/2015
 8 – 10 Pellew Street, Reservoir Vic 3073

MINUTE NO. 27

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Donnan	John Konidaris and Maria Konidaris

SUMMARY:

- Six (6) double storey dwellings and reduction to the visitor car parking requirement (one (1) space).
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- Twenty objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to ESD officer, the Transport Management and Planning Unit and the Capital Works Unit.
- This application was not required to be referred to external authorities.

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Donnan	John Konidaris and Maria Konidaris

SUMMARY:

- Six (6) double storey dwellings and reduction to the visitor car parking requirement (one (1) space).
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- Twenty objections were received against this application.

- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to ESD officer, the Transport Management and Planning Unit and the Capital Works Unit.
- This application was not required to be referred to external authorities.

The following people verbally addressed the meeting and were ultimately thanked for their presentation by the Chairperson, Cr. Le Cerf:

- Alexandra Mavridis, Objector
- Ida Elliott, Objector

Recommendation

That Planning Permit Application D/757/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP04 Rev C, TP05 Rev C, TP06 Rev C and TP07 Rev C, dated 3 August 2016 (job no. 2722) prepared by Donnan but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this permit.
 - b) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 5 of this permit).
 - c) Modifications in accordance with the Tree Protection Management Plan (TPMP) (refer to Condition No. 6 of this permit). The TPMP must detail the means of protecting the existing palm tree located within the rear of No. 12 Pellew Street and located adjacent the proposed garage of dwelling 4.
 - d) Installation of retractable vertical external shading devices to the east and west facing windows and or balconies.
 - e) Fixed horizontal shading devices to all north facing windows.
 - f) Clear glazing to the south facing bedroom 2 and 3 windows of dwelling 1.
 - g) Two (2) south facing windows to the garage of dwelling 1.
 - h) Two (2) south facing windows to the two (2) ensuites of dwelling 6.
 - i) Revised fenestration treatments to the ground floor south elevation of dwelling 6. The revised fenestration must allow views to Broughton Avenue and provide a similar design to the west facing ground floor windows serving dwellings 1, 2 and 3.
 - j) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

- k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to all driveways to Broughton Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
- The development does not start within three years from the date of this Permit; or
 - The development is not completed within five years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
- Within six months after the expiry date; or

Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.

4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- g) Hard paved surfaces at all entry points to dwellings.

- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.
6. Before the development starts, a Tree Protection Management Plan (TPMP) must be developed in accordance with AS 4970-2009 and follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction). This must be prepared by a certified project arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience).

The TPMP must detail the means of protecting the existing palm tree located within the rear of No. 12 Pellew Street and located adjacent the garage of dwelling 4.

The TPMP must contain:

- a) A clear photograph of the tree.
- b) The general condition and overview of the tree (e.g. Species, Health, Structure, Useful Life Expectancy (ULE), Height, Width (north-south and east-west) Diameter at Breast Height (DBH)).
- c) Any specific damage/faults evident within the tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
- d) An assessment of the potential impacts to the tree during and as a result of demolition and construction.
- e) Details of footings and other construction techniques to protect the root system of the tree.
- f) Details of a Tree Protection Zone (TPZ). A tree protection fence must be constructed before buildings and works (including demolition) start. The tree protection fence must be erected around the tree at a radius of determined by the arborist to define a 'tree protection zone'.

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until construction is completed.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

The ground surface of the TPZ must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

- g) A statement that all roots located on the subject site of greater than 30mm in diameter will be retained.
 - h) A statement that the property owner/developer will be liable for any damage caused to the tree during the development process, including damage by privately engaged contractors.
 - i) Recommendations to reduce impact to the tree and tree protection guidelines to be followed through all phases of development.
 - j) A statement that the project arborist may be required to oversee all works near the tree for the duration of works.
 - k) If relevant; gantry/scaffold specifications that ensure trunk and branches are provided with a minimum clearance of 500mm – an engineered solution may be required rather than pre-fabricated systems.
7. The development must be constructed in accordance with the requirements/recommendations of the TPMP to the satisfaction of the Responsible Authority. The principal contractor will be responsible for the implementation of the TPMP by all contractors and personnel on site.
8. The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
9. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
10. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.
- The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
12. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
13. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
 15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 19. Before the development is occupied, the vehicular crossing must be constructed to align with the approved driveways to the satisfaction of the Responsible Authority. Any redundant crossings or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

Motion

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

That Planning Permit Application D/757/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

- 1) Solar access to the secluded private open space of dwellings 2 and 5 is contrary to Standard B29 of Clause 55 of the Darebin Planning Scheme.
- 2) The development does not provide a visitor car parking space, contrary to Clause 52.06 of the Darebin Planning Scheme.
- 3) The proposal is an overdevelopment of the site.

Cr. McCarthy proposed to the mover and the seconder that point 4) be added as follows. This was accepted by Cr. Laurence and Cr. Greco.

- 4) The development does not meet the required street setback standard as per clause 55.03-1 B6.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

- 1) Solar access to the secluded private open space of dwellings 2 and 5 is contrary to Standard B29 of Clause 55 of the Darebin Planning Scheme.
- 2) The development does not provide a visitor car parking space, contrary to Clause 52.06 of the Darebin Planning Scheme.
- 3) The proposal is an overdevelopment of the site.
- 4) The development does not meet the required street setback standard as per clause 55.03-1 B6.

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

Council Resolution

MOVED: Cr. T. Laurence

SECONDED: Cr. T. McCarthy

That Planning Permit Application D/757/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

- 1) Solar access to the secluded private open space of dwellings 2 and 5 is contrary to Standard B29 of Clause 55 of the Darebin Planning Scheme.
- 2) The development does not provide a visitor car parking space, contrary to Clause 52.06 of the Darebin Planning Scheme.
- 3) The proposal is an overdevelopment of the site.
- 4) The development does not meet the required street setback standard as per clause 55.03-1 B6.

CARRIED

15.4 APPLICATION FOR PLANNING PERMIT D/465/2015
 36-46 High Street, Preston Vic 3072

MINUTE NO. 28

AUTHOR: Principal Planner – John Limbach
DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Alvin Nominees c/- Contour Consultants Pty Ltd	Alfonso Colleluori and Concetta Colleluori	<ul style="list-style-type: none"> • Contour Consultants • Rothe Lowman • ADP Consulting Engineering • Leigh Design • Acoustic Logic • Traffix Group • Tract Consultants • Ark Resources

SUMMARY:

- The proposal is for a mixed use development comprising:
 - Buildings and works consisting of a 12 storey building (plus three (3) levels of basement and part mezzanine);
 - Use as 90 dwellings;
 - A reduction in the car parking requirement associated with use as 90 dwellings and two (2) retail premises;
 - Waiver of the loading/unloading requirements associated with use as two (2) retail premises
- The maximum height of the proposed building is 38 metres, not including the rooftop plant and associated screening. The adopted version of Amendment C137 submitted to the Minister for approval by Council proposes a mandatory maximum height of 12 storeys.
- The proposal includes the provision of 91 car parking spaces, six (6) motorcycle parking spaces and 95 bicycle parking spaces.
- Vehicular access is proposed from High Street, via a double crossover. Two (2) car lifts are proposed to allow vehicle access to vehicle parking spread over five (5) levels, including three (3) levels of basement.
- The site is zoned Commercial 1 Zone and is affected by the Design and Development Overlay – Schedule 3, the Environmental Audit Overlay, the Development Contributions Plan Overlay and Darebin Planning Scheme Amendment C137, which proposes to replace the Design and Development Overlay – Schedule 3.
- There is no restrictive covenant on the title for the subject land.
- 20 objections were received against this application and these are summarised and responded to within this report.
- The proposal is generally consistent with relevant policy within the Darebin Planning Scheme (The scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via signage posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Public Realm Unit, Capital Works Unit, Transport Management and Planning Unit, City Works Unit, ESD Officer and Strategic Planning Unit.
- This application was referred externally to Public Transport Victoria.

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr. Le Cerf:

- Simon Gilbertson, Applicant

Recommendation

That Planning Permit Application D/465/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP00.01, TP02.02 and TP03.03 dated 24.06.15, TP01.00, TP01.01, TP01.07, TP01.08, TP01.09, TP01.10, TP01.11, TP01.12, TP01.13, TP01.14 and TP01.15 revision A, dated 12.02.16, TP01.02, TP01.03, TP01.04, TP01.05 and TP01.06 revision B, dated 12.02.16, TP02.01 and TP03.02 revision C, dated 18.05.16 and TP03.01 revision D, dated 18.05.16 prepared by Rothe Lowman) but modified to show:
 - a) A comprehensive schedule of external materials, colours and finishes (including a physical material / colour sample board with product / colour names and specifications). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - b) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - c) Dimensions to the ground floor (TP01.03), south elevation (TP02.01) and north elevation (TP02.02) illustrating that the pedestrian canopy is set back 750mm from the kerb.
 - d) Dimensions that show the clearance height of the pedestrian canopy measured from the underside of the canopy to the surface of the footpath to all relevant elevations (TP02.01 and TP02.02) and sections (TP03.01, TP03.02 and TP03.03.). The clearance height is to be a minimum of 3 metres.
 - e) Car parking spaces 18, 38 and 58 increased in length to a minimum of 4.9 metres.
 - f) Car parking spaces 11, 71, 84, 85 and 91 increased in width by a minimum of 300mm per 2.4.2(c) of Australian Standard AS2890.1:2004.
 - g) A 1 metre aisle extension beyond car space 72 as per 2.4.2(c) of Australian Standard AS2890.1:2004.
 - h) The pedestrian doors of the southern substation are not to open into the vehicle access way.

- i) All motorcycle parking spaces to be a minimum of 2.5 metres by 1.2 metres in accordance with Australian Standard AS2890.1993.
- j) Columns adjacent to car parking spaces 18, 19, 38, 39, 58, 59 and 90 to be relocated in accordance with Standard 2 at Clause 52.06-8 of the Darebin Planning Scheme.
- k) Any modifications in accordance with Car Parking Management Plan (Refer to Condition No. 10 of this Permit).
- l) A minimum of 17 resident bicycle parking devices are to be of ground level (horizontal) type in accordance with Australian Standard 2890.3:2015.
- m) Bin chutes that allow for both garbage and recycling.
- n) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- o) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated
- p) The northern light court to levels 2 and 3 to have a minimum depth of 1.5 metres, measured from the northern boundary.
- q) A 1.7 metre high privacy screen constructed from obscure glazing and/ or 25% permeable to the middle of the northern courtyard on level 2. Both dwellings that adjoin this courtyard are to include doors to access the divided space.
- r) A list or table detailing all environmentally sustainable design features in accordance with the revised Sustainable Management Plan (Refer to Condition No. 11 of this Permit).
- s) Modifications in accordance with the revised Sustainability Management Plan (Refer to Condition No. 11 of this Permit).
- t) Details of window operation. Awning windows are to be avoided where possible, with preference given to casement or louvre windows that allow for superior ventilation. Window operation must not cause non-compliance with Standard B22 (overlooking) at Clause 55.04-6 of the Darebin Planning Scheme.
- u) Relocation of photo-voltaic panels to ensure that they are not overshadowed by lifts, stairs or rooftop plant.
- v) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows and glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- w) The location, volume, use (including number of toilets) and area of roof connected to the 20,000 litre water tank.
- x) Notations for the fire system water tank detailing how water will be saved for fire testing in accordance with the revised Sustainability Management Plan (Refer to Condition No. 11 of this Permit).
- y) Notations detailing recommendations for acoustic treatment relating to the following building elements as set out in the revised Acoustic Assessment (Refer to Condition No. 14 of this Permit):
 - i. Glazing
 - ii. Roof construction
 - iii. External walls

- iv. Plant and equipment
 - v. Fire pump room
 - vi. Carpark (including car lifts)
 - vii. Pedestrian lifts
 - viii. Retail uses
- z) Details of the level 2 privacy screening to the eastern and southern elevations ensuring that it is either:
- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.
- aa) The following windows and balconies:
- East facing bedroom windows of the 2 bedroom apartments located in the south eastern corner of the site (with a 1.945 metre eastern boundary setback) from levels 3 to level 11 (inclusive).
 - East facing balconies and windows of the 1 bedroom apartments located in the south eastern corner of the site (with a 2.195 metre eastern boundary setback) from levels 3 to level 11 (inclusive)
- provided with either:
- A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.
- Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- bb) All balconies with a minimum area of 8 square metres.
- cc) Indicative signage locations for the two (2) retail premises.
- dd) All dwellings numbered on the floor plans.
- ee) Notations to all storage cages, illustrating that they are allocated to a specific dwelling and have a minimum volume of 3 cubic metres.
- ff) Notations illustrating car parking allocation in accordance with Condition No. 25 of this Permit.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
- Within six (6) months after the expiry date; or

- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - c) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - d) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - e) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - f) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - i) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
 6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
 7. Before the development starts, a revised Landscape Management Plan, generally in accordance with the submitted report (identified as 'Landscape Report, prepared by Tract and dated 10 September 2015) detailing the proposed green wall must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. The Landscape Management Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment

- b) green wall establishment details such as:
 - i. Weight loading (dead load, live load and transient load)
 - ii. Access
 - iii. Construction layers including sectional diagrams
 - iv. Support structures
 - v. Waterproofing
 - vi. Irrigation and plant nutrition
 - vii. Vegetation
 - viii. Lighting
 - c) A maintenance planning schedule including:
 - i. Details of who will be responsible for the maintenance of the garden wall and landscaping
 - ii. Required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - iii. Access requirements/ agreements.
 - iv. Irrigation and plant nutrition
 - d) A landscape plan detailing:
 - i. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants
 - ii. Location of vegetation
 - iii. An outline of the building and buildings on adjoining land
 - iv. Hard landscape elements
 - v. A scale, north point and appropriate legend
8. The green wall as detailed within the approved Landscape Management Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the green wall the permit holder must advise Council, in writing, that the green wall has been completed.
9. The green wall as shown on the approved Landscape Management Plan must be maintained in accordance with the approved Landscape Management Plan to the satisfaction of the Responsible Authority.
10. Before the development starts, a Car Park Management Plan (CPMP) prepared by a suitably qualified professional, must be submitted to and approved in writing by, the Responsible Authority. The CPMP must address the following:
- 1. A queue assessment for both the entry and exit car lifts.
 - 2. Whether default lift positions will be incorporated into the lift programming to reduce vehicle waiting periods during peak usage periods.
 - 3. Details of any signals or alerts informing queuing vehicles as to whether the lift is occupied by another vehicle.

4. A maintenance schedule for the car lifts including:
 - i. Details of who will be responsible for the maintenance of the car lifts.
 - ii. Required maintenance tasks (routine, reactive, emergency).
 - iii. Access requirements and agreements.
5. Any other relevant information regarding the operation of the on-site car parking.

The car lifts must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the CPMP to the satisfaction of the Responsible Authority.
11. Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the submitted document (identified as 'Sustainable Management Plan' prepared by Ark Resources and dated 22 July 2015) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised as follows:
 - a) Modifications to the dwellings located on the level 11 to increase their star rating.

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

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
12. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan (identified as 'Waste Management Plan' prepared by Leigh Design and dated 10 July 2015) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
13. The WSUD treatments detailed within the approved WSUD report (identified as Water Sensitive Urban Design Analysis, prepared by ADP Consulting Engineering and dated 10 September 2015) must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

The WSUD treatments as detailed in the approved WSUD report must be maintained to the satisfaction of the Responsible Authority.
14. Before development starts, an Acoustic Assessment of the development generally in accordance with the submitted report (identified as 'Acoustic Assessment' prepared by Acoustic Logic and dated 18 September 2016) must be submitted to and approved in writing by the Responsible Authority. The assessment must be revised as follows:
 - a) Updated to reflect the latest set of development plans.
 - b) Removal of 'DRAFT' watermark from all pages.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
15. Before the construction or carrying out of buildings and works in association with the use commences either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

- All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

16. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
17. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
18. Before the dwellings are occupied, an automatic lighting system capable of illuminating the residential entry, car parking and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

Any external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
19. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
20. The land must be drained to the satisfaction of the Responsible Authority. All water tanks, raingardens, proprietary products, WSUD measures etc. must be incorporated into any engineering drawings in accordance with the endorsed plans / documents approved under any condition of this planning permit.
21. With the exception of guttering, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
23. Provision must be made on the land for letter boxes to the satisfaction of the Responsible Authority.

24. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways
- to the satisfaction of the Responsible Authority.

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

25. Car parking spaces are to be allocated as follows:
- a) One (1) to each of the two (2) bedroom dwellings
 - b) One (1) to each of the retail premises
 - c) The remainder to one (1) bedroom dwellings
26. Before the development is occupied, the bicycle racks shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority.
27. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
28. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
29. Before the development is occupied, the rain water tank(s) as shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority.

Public Transport Victoria Conditions

30. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

NOTATIONS

(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit

Motion

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That Planning Permit Application D/465/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

- 1) The internal amenity of dwellings is poor and unlikely to lead to positive resident health and wellbeing outcomes
- 2) The proposal is an overdevelopment of the site, particularly with regards to the building taking up 100% of the land footprint. The subsequent block formation of the building leads to poor design outcomes and poor natural light penetration to internal rooms.
- 3) The failure to set the building back from the northern boundary will lead to adverse impacts for residents in the adjoining property to the north.
- 4) The development provides a parking layout and configuration that lacks convenience and ready use by residents and will promote a tendency for residents to park on-street nearby where there is limited capacity.
- 5) The design of the façade/street wall fails to respect the scale and rhythm of fine grained architecture along High Street.
- 6) The building is non compliant with ResCode in respect to private open space provisions.
- 7) The location of the bin chute will lead to disruption and noise for residents in apartments on the north west of the building.
- 8) The building provides no communal spaces where residents can conveniently meet neighbours despite sound evidence of the health and well-being benefits of such space, in particular it fails to make use of rooftop space.
- 9) The building fails to offer a mix of dwelling sizes
- 10) The development fails to provide any affordable or social housing

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

Council Resolution

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That Planning Permit Application D/465/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

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- 9) The building fails to offer a mix of dwelling sizes.
- 10) The development fails to provide any affordable or social housing.

CARRIED UNANIMOUSLY

Darren Rudd, Manager Planning and Building, Julie Smout, Coordinator Statutory Planning and Dave Bell, Senior Media Advisor, left the meeting at the conclusion of the above item – 9.23 pm.

PROCEDURAL MOTION

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

That Council reorder the agenda to be heard as follows:

Item 6.4, Item 6.5, Item 6.7, Item 6.8 Item 6.9, Item 14 (Confidential Reports) and Item 16 (Close of Meeting).

CARRIED

Agenda Item 6.4, Item 6.5, Item 6.7, Item 6.8 Item 6.9, Item 14 (Confidential Reports) and Item 16 (Close of Meeting) were dealt with in this order.

16. CLOSE OF MEETING

The meeting closed at 9.59 pm.