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# MINUTES OF THE COUNCIL MEETING

Held on Monday 23 September 2019

Released to the public on Thursday 26 September 2019



## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN**

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin and pays respect to their Elders, past, present and emerging.

Council also pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises and pays tribute to the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait communities and the right to self-determination in the spirit of mutual understanding and respect.



**English**

These are the Minutes for the Council Meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

**Arabic**

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

**Chinese**

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

**Greek**

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

**Hindi**

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

**Italian**

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

**Macedonian**

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

**Nepali**

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

**Punjabi**

ਇਹ ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

**Somali**

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

**Spanish**

Estas son las Actas de la Reunión del Concejo. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

**Urdu**

یہ کاؤنسل کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

**Vietnamese**

Đây là những Biên bản Họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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**MINUTES OF THE ORDINARY MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH STREET PRESTON ON MONDAY 23 SEPTEMBER 2019**

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**THE MEETING OPENED AT 6.03PM**

**WELCOME**

The Chairperson, Mayor Rennie opened the meeting with the following statement:

*“Ngarrgma Wurundjeri Woi-wurrung guljin gurringanyinu bik wenerop Darebin dharri. Ngarri yana ngarnga bik, baan ba ngarrgu. Gahgook-al Nanggit Bambuth, Yalingbu ba gama-dji.*

*“I acknowledge the Wurundjeri Woi-wurrung people who are the Traditional Owners of the land. I recognise their continuing connection to land, water and culture. I pay my respects to Elders past, present and emerging.”*

**1. PRESENT**

**Councillors**

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

**Council Officers**

Sue Wilkinson - Chief Executive Officer

Ingrid Bishop - General Manager Governance and Engagement

Shadi Hanna - Acting General Manager Community

Sam Hewett - General Manager Operations and Capital

Sunny Haynes - Acting General Manager City Sustainability and Strategy

Jennifer Paterson - Acting Manager Governance and Performance

Allan Cochrane - Manager Finance

Steven Sagona – Project Manager Governance and Engagement

Jim Barrett - Coordinator Planning and Reporting

Stevie Meyer - Coordinator Strategic Planning

Stephen Mahon - Coordinator Governance, Council Business and Civic Services

Karlee Ferrante - Council Business Officer

Chaden Berbari - IT Service Desk Officer

Bhasker Mehta - IT Service Desk Officer

## 2. APOLOGIES

Nil.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Council Resolution</b>
---------------------------

**MINUTE NO. 19-187**

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. K Le Cerf

**That** the Minutes of the Ordinary Meeting of Council held on 2 September 2019 (as amended) be confirmed as a correct record of business transacted.

**CARRIED**

## 5. QUESTION AND SUBMISSION TIME

The Chairperson, Cr Rennie, responded to the following questions submitted for Public Question Time.

- **Sarah Green, Preston**

I've started a petition for a safe pedestrian crossing on Elizabeth Street between Bell Street and Murray Road. My Question relates to that Petition it currently has 385 signatures of concerned local residents.

What is Darebin Council doing to ensure the safety of pedestrians and cyclists crossing Elizabeth Street between Bell Street and Murray Road (West Preston/Coburg North)?

Will Darebin Council raise this issue of safety with VicRoads and request that they install a safe pedestrian crossing? (petition currently at 344 signatures: <http://chnq.it/fqVv89qd>).

### **Response from Chairperson, Mayor Rennie**

We know that creating crossing points on busy roads improves the ability of pedestrians and bike riders to complete their journey safely.

A crossing on Elizabeth Street between Bell Street and Murray Road is near where our Preston Streets for People corridor meets the Moreland border. A crossing at this location would allow people using the Preston Streets for People corridor to enter Moreland Council and continue to the Merri Creek Trail.

We also know that a crossing at this location would support students that need to cross the road to access both Coburg Secondary School and Preston Secondary School.

In the past Council has advocated to the Department of Transport for a safe crossing on Elizabeth Street and other important locations and I will write to the Department again.

I understand that the petition is to be tabled at tonight's meeting later. Council will receive the petition at that point.

- **David Schulze, Reservoir**

Why once again has the council failed to spend all the money allocated to capital works for the year and why is the money being put into a special fund rather than still allocated to those projects even if it is next year?

**Response from Chairperson, Mayor Rennie**

Improving the delivery of the annual capital works program each year is a key focus for improvement.

There are many contributing factors to an underspend including:

- Savings achieved in the delivery of some works after tendering
- Some projects not progressing
- Delivery delays to some projects
- Difficulties in procurement of suitable contractors for the delivery of capital works in a very competitive market
- Other factors such as latent conditions and issues with contractors.

Projects not completed in 2018-2019 are funded for completion in 2019-20 and so savings are able to be allocated into the Major Projects reserve.

- **Brian Sanaghan, Preston**

One question has been received from Mr Brian Sanaghan.

**Response from Chairperson, Mayor Rennie**

As the question is not in accordance with Councils Governance Local Law and raises subject matter that has previously been responded to, it will not be answered.

- **Barbara Trauer, Northcote**

Following the huge rally of support on Friday for the urgent need to act on the climate emergency facing the world, will Darebin council support the 3 day protest against IMARC (International Mining and Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 - 31 October?

**Response from Chairperson, Mayor Rennie**

Thank you for your question. Council recognises that we are in a state of Climate Emergency and I think the majority of Councillors here attended the Climate Rally on Friday. We need to restore a safe climate at emergency speed, in order to avoid dramatic and negative impacts on our community and around the world. Action is needed by all levels of government to rapidly transition our society away from fossil fuels.

I am aware that Councillor McCarthy proposes to raise this as a matter of urgent business so I think it is appropriate to address the question then.



- **Peter Thomson, Reservoir**

Regarding Alcohol Restricted Zones as defined by you on the 2 November 2009 in the following zones:

Preston Market shopping area in Preston and Edwardes street shopping area in Reservoir.

Have these zones been declared under section 111 of the local law act 1958 and the Declaration of Alcohol Free Zones under Darebin local law 11?

If not, why not, given that nearly nine years have elapsed since their 12 month trial period with resulting at times anti social behaviour and other misdemeanours of at times constant cohorts of street drinkers who flaunt this law and impact on the quality of life of the greater populace.

I bring to your attention yet again this subject as in the past outlined during City of Darebin public question time 5 December 2016.

**Response from Chairperson, Mayor Rennie**

Thank you for your question.

The area surrounding the Preston Market in Preston and Edwardes Street shopping area Reservoir are designated Alcohol Free Zones under Darebin local law section 11 and enforceable by Victoria Police.

Council is working with Victoria Police to respond to concerns around antisocial behaviour in these locations to ensure the spaces remain safe for all residents.

It is recognised that enforcement alone will not be effective approach to addressing these issues, many of which relate to complex social issues such as mental health and homelessness.

Council is also working to address these underlying issues, an example of this is the development of a homelessness assertive outreach program in Darebin which will commence in November 2019.

- **Peter Thomson, Reservoir**

Regarding major street and footpath flooding possibly due to lack of adequate drainage provision on the corner bounded by Edwardes and Ralph streets in the Reservoir shopping zone

A City of Darebin customer request being 296018 was generated by your service desk personnel on or near the 11 May 2018 and it was conveyed to me verbally that this matter would be attended to in the next financial year.

My question therefore is, has this drainage matter now been rectified on your part, given that VicRoads have performed their function last year by unblocking the main road drains possibly contributing to the situation and did so reasonably promptly at my request at about the same time.

I ask these questions in the Public's best interest and quote the local Govt Act 1958, S3c(2) To improve the overall quality of life of people in the local community.

**Response from Chairperson, Mayor Rennie**

Thank you Mr Thomson for this question as well. Council inspected the drainage pit and pipes in May 2018.

Rectification works were planned and included removing debris and silt from the network which had restricted the stormwater flow and contractors also raised a previously buried pit to gain maintenance access. Reinstatement works were completed shortly afterwards

- **John Nugent, Epping**

Mayor Rennie, My Question concerns Brian Sanaghan. He is banned from attending Council Meetings for a period of 12 months and Council now hires security to keep Mr Sanaghan out of the building so he cannot attend Council Meetings. At the last Council Meeting on the second of September 2019 Mr Sanaghan was arrested by the police when standing on the footpath and was handcuffed like a common criminal. No charges were laid against Mr Sanaghan, but Mr Sanaghan was hurt in this incident and just had a new pace maker inserted.

I believe Mr Sanaghan has no intervention order against him by the Council and I understand Council must provide a safe workplace under the OH & S Act and my questions are:

Why does the Council hire security staff when they cannot lay a hand on him? Why does the Council call the police when he has not broken any Council laws? Has Council impeded Mr Sanaghan's rights when they call the Police? Why doesn't Council hire Security Staff on a full time basis, don't all staff need the same protection under the OH&S Act as Mr Sanaghan could turn up on other days and has Mr Sanghan got the right to stand outside the Council Building on Council nights as long as he does not try to enter the building.

- **John Nugent, Epping**

Mayor Rennie this is the third time I asked this question re. South East corner of Donath West. So far one question has been answered the South East corner of Donath West is part of the Master Plan. Now to save a bit of time I won't read out the actual initial points why I got into it, I'll just go onto part two.

Mayor Rennie I did get a laugh out in the letter I received dated the twelfth of September 2019. It stated "that the east of the oval is planned to remain gravel which is preferred by runners". Mayor Rennie in all my conversations with Council Officers re. gravel pathway it's never come up in conversation about this. In my fifty years at Donath West most runners run inside the oval not around the ovals. I will just leave it as that and you can read the questions later on.

**Response from Chairperson, Mayor Rennie**

Thank you for those questions Mr Nugent, I'll take them on notice.

**Pursuant to the Councils *Governance Local Law 2017* the response to a question from the public taken on notice must be recorded in the minutes of the next Ordinary Council meeting.**

**Responses to Public Questions taken on notice at the Council meeting on 2 September 2019.**

**At the Council meeting held on 2 September 2019, the following questions were taken on notice by the Chairperson, Mayor Rennie**

- **John Nugent, Epping**

I was so disappointed with the reply to my question, didn't answer the question I asked regarding Dole Donath Masterplan, so I'll ask the question a little differently. Is the south east corner on Donath West part of the Masterplan? What work will be carried out? When will the work be done and what has been planned to oval number 1 on Donath west?

**The following written response dated 12 September 2019 was provided to John Nugent by Rachel Ollivier, General Manager City Sustainability and Strategy.**

The south east corner of Donath is part of the master plan as advised in our letter to you of 2 July 2019. The letter also responded to a number of detailed questions about specific aspects of this part of the park with works for the master plan proposed to be implemented over several financial years.

I have enclosed a copy of the Master Plan for JC Donath / IW Dole Reserves for your reference- please refer to pages 33-37 for further details of planned works for the reserve and in particular the corner you refer to. The long-term plans for the south east corner of Donath West, as outlined in the Master Plan, do not show major change.

The path to the east of Oval 1 is planned to remain gravel, which is preferred by runners. Distance markers will be added in the long run.

Council allocated \$120,000 in the 2019-20 Budget for the implementation of the Donath and Dole Master Plan and works will include the continuation of the construction of the 2.5m main path network and the planting of the urban forest.

## 6. PETITIONS

### 6.1 SAVE RESERVOIR POLICE STATION

<b>Council Resolution</b>
---------------------------

**MINUTE NO. 19-188**

**MOVED: Cr. T Laurence**  
**SECONDED: Cr. K Le Cerf**

**That** the petition with approximately 1,000 signatories stating:

"We the undersigned residents, shoppers and traders call on the Darebin Council and State Government to keep a police station at Edwardes Street Reservoir open. Without an Edwardes Street police station in central Reservoir we feel the community will be less safe and crime will return to the area"

be tabled and referred to the Chief Executive Officer.

**CARRIED**

**6.2 PEDESTRIAN CROSSING – ELIZABETH STREET PRESTON****Council Resolution****MINUTE NO. 19-189**

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

**That** the petition with 385 signatories stating:

“There’s a clear need for a safe pedestrian crossing between Bell Street Preston and Murray Road Coburg North/West Preston. Elizabeth Street is a current barrier when accessing the Merri Creek path or Nicholson Street trams by foot or bike from West Preston. Significant numbers of school children also cross at this dangerous point on their way to Coburg High. The lack of footpath on the Coburg Cemetery side of the road means the only safe crossing is 500 metres away (in the wrong direction) at the intersection of Elizabeth Street and Murray Road. As a result, pedestrians and bicyclists are waiting unnecessarily long periods of time to cross safely. Time for a safe pedestrian crossing VicRoads!

be tabled and referred to the Chief Executive Officer.

**CARRIED****7. URGENT BUSINESS****ADMISSION OF URGENT BUSINESS****Council Resolution****MINUTE NO. 19-190**

**MOVED:** Cr. T McCarthy  
**SECONDED:** Cr. K Le Cerf

**That** an Urgent Business item relating to the Melbourne Climate Strikes be admitted to the agenda and heard at Item 7.1.

**CARRIED****7.1 MELBOURNE CLIMATE STRIKES****Motion**

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

**That** Council:

- 1) Notes the significant participation of Darebin residents in the highly successful Melbourne Climate Strike on 20 September and congratulates the student organisers on this peaceful and inclusive protest.
- 2) Notes that many Darebin residents, including students, families and older residents, intend to also participate in the upcoming Extinction Rebellion Spring Rebellion (commencing 7 October) and IMARC protests (28-31 October) and that these events are explicitly planned to be non-violent and inclusive.

- 3) Supports residents' rights to participate in these protests and other acts of non-violent civil disobedience and notes that the Victorian Charter of Human Rights and Responsibilities Act 2006 (Sections 16 and 16) expressly protects and promotes the rights to assembly and expression.
- 4) Does not endorse violence of any kind.
- 5) Writes to the Premier requesting that he also acknowledges the non-violent and inclusive nature of these planned protests and ensures that the Victoria Police response is at all times non-violent and consistent with the Victorian Charter of Human Rights and Responsibilities.
- 6) Engages with the organisers of both planned protests to identify how to best support Darebin residents' participation and ensure their safety.

*With leave of the Chair, Cr. Greco withdrew his seconding of the above motion. Cr. Williams seconded the motion.*

Cr. Greco sought support from the mover and seconder to amend point (3) as follows:

- (3) Supports residents' **and staffs** rights to participate in these protests and other acts of non-violent civil disobedience and notes that the Victorian Charter of Human Rights and Responsibilities Act 2006 (Sections 16 and 16) expressly protects and promotes the rights to assembly and expression.

The mover and seconder did not consent to the amendment.

<b>Amendment</b>
------------------

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

**That Council:**

- 1) Notes the significant participation of Darebin residents in the highly successful Melbourne Climate Strike on 20 September and congratulates the student organisers on this peaceful and inclusive protest.
- 2) Notes that many Darebin residents, including students, families and older residents, intend to also participate in the upcoming Extinction Rebellion Spring Rebellion (commencing 7 October) and IMARC protests (28-31 October) and that these events are explicitly planned to be non-violent and inclusive.
- 3) Supports residents' and staff rights to participate in these protests and other acts of non-violent civil disobedience and notes that the Victorian Charter of Human Rights and Responsibilities Act 2006 (Sections 16 and 16) expressly protects and promotes the rights to assembly and expression.
- 4) Does not endorse violence of any kind.
- 5) Writes to the Premier requesting that he also acknowledges the non-violent and inclusive nature of these planned protests and ensures that the Victoria Police response is at all times non-violent and consistent with the Victorian Charter of Human Rights and Responsibilities.
- 6) Engages with the organisers of both planned protests to identify how to best support Darebin residents' participation and ensure their safety."

The amendment was put and lost.

**LOST**

Cr. Amir sought support from the mover and seconder to amend point (3) as follows:

- (3) Supports **the right of anyone who lives or works in Darebin to** participate in these protests and other acts of non-violent civil disobedience and notes that the Victorian Charter of Human Rights and Responsibilities Act 2006 (Sections 16 and 16) expressly protects and promotes the rights to assembly and expression.

The mover and seconded consented to this amendment.

<b>Council Resolution</b>
---------------------------

**MINUTE NO. 19-191**

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

**That Council:**

- 1) Notes the significant participation of Darebin residents in the highly successful Melbourne Climate Strike on 20 September and congratulates the student organisers on this peaceful and inclusive protest.
- 2) Notes that many Darebin residents, including students, families and older residents, intend to also participate in the upcoming Extinction Rebellion Spring Rebellion (commencing 7 October) and IMARC protests (28-31 October) and that these events are explicitly planned to be non-violent and inclusive.
- 3) Supports the right of anyone who lives or works in Darebin to participate in these protests and other acts of non-violent civil disobedience and notes that the Victorian Charter of Human Rights and Responsibilities Act 2006 (Sections 16 and 16) expressly protects and promotes the rights to assembly and expression.
- 4) Does not endorse violence of any kind.
- 5) Writes to the Premier requesting that he also acknowledges the non-violent and inclusive nature of these planned protests and ensures that the Victoria Police response is at all times non-violent and consistent with the Victorian Charter of Human Rights and Responsibilities.
- 6) Engages with the organisers of both planned protests to identify how to best support Darebin residents' participation and ensure their safety.

**CARRIED UNANIMOUSLY**

**ADMISSION OF URGENT BUSINESS**

<b>Motion</b>
---------------

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

**That** an Urgent Business item relating to the Preston Market be admitted to the agenda and heard at Item 7.2.

**PROCEDURAL MOTION – DISSENT OF CHAIR**

**Motion**

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

**That** the Chairpersons ruling be dissented from.

7.02 pm. In accordance with clause 52 of the Governance Local Law Mayor Rennie left the Chair and Deputy Mayor Newton assumed the Chair.

Cr. Laurence was provided the opportunity to state the reasons for his dissent and the Mayor provided a reply.

The motion was put and lost.

**LOST**

7.08 pm. Mayor Rennie resumed the Chair.

**Council Resolution**

**MINUTE NO. 19-192**

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

**That** an Urgent Business item relating to the Preston Market be admitted to the agenda and heard at Item 7.2.

**CARRIED**

**7.2 PRESTON MARKET**

<b>Motion</b>
---------------

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

**That Council:**

Notes

- 1) The determination by the Heritage Council not to include Preston Market in the Victorian Heritage Register.
- 2) The Heritage Council committee considers that there is sufficient evidence that Preston Market may have cultural heritage significance at the local level to justify the Heritage Council referring the its recommendations and submissions to the VPA for consideration for an amendment to the Darebin Planning Scheme.
- 3) That the committee gave particular consideration to the technical significance of Preston Market's space frame roof structure and load-bearing, tilt-up concrete walls. Even though the state level threshold was not satisfied the committee was still of the view that technological achievement associated with the design and construction of the market may strongly indicate cultural heritage significance at the local level, to the extent that internal controls may be warranted.
- 4) The committee was of the view that Council's position that there are likely to be better planning controls than a Heritage Overlay (in isolation) ought to be revisited in light of submissions received particularly given the direct link between the technological achievements evidenced by Preston Market's fabric make up.
- 5) The committee was of the view that internal controls may be required in order to conserve Preston Market's cultural heritage significance at a local level and that a heritage Overlay is the most appropriate planning mechanism to enact such controls.
- 6) Committee resolved to exercise its power to refer the recommendation and submission to the VPA for consideration for an amendment to the Darebin Planning Scheme to include Preston Market in the heritage Overlay.

Resolves

- 7) That as a matter of urgency the Mayor on Behalf of Council writes to the VPA and the Planning Minister strongly urging them to consider the Heritage Council recommendations requesting them to amend the Darebin Planning Scheme to include a Heritage Overlay as a way of conserving Preston Market's heritage significance at a local level and request that the VPA revisit their current work on developing new planning controls for Preston Market to include a Heritage Overlay.
- 8) That contrary to Council's and officers' current position that there are better controls than a Heritage Overlay, Council is now takes the firm position that a Heritage Overlay is the most appropriate planning mechanism to protect the heritage significance of the market in light of the Heritage Council's strong recommendation and
- 9) That Council accordingly amends Councils Guiding Principles to advocate for Heritage Overlay to better protect the future development of Preston Market.
- 10) Council write to all local state and federal MP seeking letters of support from them urging that the VPA and the planning Minister to urgently consider the Heritage Council recommendations with the view to amend the Darebin Planning Scheme to include a Heritage Overlay as a way of conserving Preston Market's heritage significance at a local level.



- 11) Council makes a public statement in the Northcote and Preston Leader, Darebin Community News and on Council on-line platforms supporting the need to amend the Darebin Planning Scheme to include a Heritage Overlay to better protect the cultural heritage significance of Preston Market at a local level.

The motion was put and lost

**LOST**

## ADMISSION OF URGENT BUSINESS

### Council Resolution

**MINUTE NO. 19-193**

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

**That** an Urgent Business item relating to an assistance package to High Street Reservoir traders be admitted to the agenda and heard at Item 7.3.

**CARRIED**

## 7.3 ASSISTANCE TO HIGH STREET TRADERS

### Motion

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. L Messina

**That** Council write to the Premier and Minister for Transport Infrastructure urging them to provide an assistance package to support High Street in Reservoir as a result of the Rail Crossing removal works.

Cr. Laurence sought support from the mover and seconder to amend the motion as follows:

**That** Council write to the Premier and Minister for Transport Infrastructure urging them to provide an assistance package to support High Street, **Spring Street, Edwardes Street and Broadway Traders** in Reservoir as a result of the Rail Crossing removal works.

The mover and seconder consented to this amendment.

### Council Resolution

**MINUTE NO. 19-194**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. L Messina

**That** Council write to the Premier and Minister for Transport Infrastructure urging them to provide an assistance package to support High Street, Spring Street, Edwardes Street and Broadway Traders in Reservoir as a result of the Rail Crossing removal works.

**CARRIED UNANIMOUSLY**

## 8. CONSIDERATION OF REPORTS

The Chairperson, Mayor Rennie, consented to the reordering of the agenda to bring forward Item 8.2 to be dealt with at this point.

### 8.2 3KND RELOCATION - PROPOSED LEASED AREA OPTIONS

**Author:** Manager Equity and Wellbeing

**Reviewed By:** Acting General Manager Community

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#### PURPOSE

This report seeks Council's endorsement of an increase to the proposed lease area for the relocation of 3KND Kool n Deadly Radio (3KND) into the former Preston Police Station, at 59B Roseberry Avenue, Preston.

The paper presents for Council consideration three options relating to the leased area, outlining the benefits and the constraints of each option.

#### EXECUTIVE SUMMARY

On 7 August 2017, Council endorsed the relocation of 3KND Kool n Deadly Radio (3KND) into the former Preston Police Station subject to external investment being secured. This commitment was further reaffirmed on the 24 September 2018.

As part of the feasibility study process funded through the Department of Environment, Land, Water and Planning Aboriginal Community Infrastructure Project, the station has identified that the original footprint endorsed by Council in August 2017 may not meet their requirements, particularly into the future on a proposed 40 year lease term.

3KND has subsequently requested that Council reconsider the proposed leased area and have requested an increase to the footprint. Three different footprint options which have been prepared as part of the feasibility study for the site, with the recommended option being a moderate increase to the footprint to create a total area of 444m<sup>2</sup>.

A verbal submission in relation to this item was made by Erica Higgins a representative of 3KND.

<b>Recommendation</b>
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**That Council:**

- (1) Increase the proposed leased area for the 3KND relocation to 59B Roseberry Avenue Preston, to a total footprint of 444m<sup>2</sup>.
  - (2) Reaffirms the endorsement for 3KND to be located into the former Preston Police Station subject to external investment being secured.
  - (3) Notes project progress including the submission of the project feasibility study by 3KND to the State Government Aboriginal Community Infrastructure Program.
-

- (4) Works with 3KND through a Memorandum of Understanding agreement to actively seek the funding required to undertake the works at the former Preston Police Station.

<b>Council Resolution</b>
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**MINUTE NO. 19-195**

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

**That Council:**

- (1) Increases the proposed leased area for the 3KND relocation to 59B Roseberry Avenue Preston, to a total footprint of 643m<sup>2</sup>.
- (2) Reaffirms the endorsement for 3KND to be located into the former Preston Police Station subject to external investment being secured.
- (3) Notes project progress including the submission of the project feasibility study by 3KND to the State Government Aboriginal Community Infrastructure Program.
- (4) Works with 3KND through a Memorandum of Understanding agreement to actively seek the funding required to undertake the works at the former Preston Police Station.

**CARRIED UNANIMOUSLY**

**ADJOURNMENT IN PROCEEDINGS**

8.05 pm The Chairperson, Mayor Rennie adjourned the meeting for a 5 minute break.

8.10 pm The meeting resumed.

**8.1 COUNCIL PLAN ACTION PLAN QUARTER 4 PROGRESS REPORT****Author:** Coordinator Planning and Reporting**Reviewed By:** Acting General Manager Governance and Engagement

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**EXECUTIVE SUMMARY**

Council is required by the Local Government Act 1989 to prepare a Council Plan containing the strategic objectives of Council, strategies for achieving those objectives and indicators to monitor the achievement of those objectives.

In accordance with Council's commitment to continuous improvement and transparency, attached is an integrated progress report that provides in detail an update not only on the Council Plan Action Plan, but also the capital works program, status of Council resolutions and the financial statements. The report covers the period from 1 July 2018 to 30 June 2019.

*The General Manager Governance and Engagement advised Council of an error in the Council Plan Action Plan Report Fourth Quarter 2018-19 – page 54 which referred to the 2018-19 actual spend on capital works being \$39.6 million when the correct figure was \$32.74 million. The Officers Recommendation has been amended accordingly.*

<b>Recommendation</b>
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**That Council:**

- (1) Notes the 2018–19 Quarter 4 Report (Appendix A as amended).
- (2) Endorses transfer of \$7,806,770 in identified capital works savings from 2018-19 to the Major Capital Works Reserve noting that these reserve funds are to only be used for the construction of intergenerational infrastructure assets where the cost of the asset is in excess of \$10 million.

<b>Motion</b>
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**MOVED:** Cr. G Greco  
**SECONDED:** Cr. S Newton**That Council:**

- 1) Notes the 2018–19 Quarter 4 Report (Appendix A as amended).
- 2) Receive a detailed briefing report regarding the capital works savings from 2018-19 regarding the specific reasons for the underspend before endorsing the transfer of \$7,806,770 to the Major Capital Works reserve.

Cr. Laurence sought support from the mover and seconder to amend point (2) as follows:

- 2) Receive a detailed briefing **and a Council** report regarding the capital works savings from 2018-19 regarding the specific reasons for the underspend before endorsing the transfer of \$7,806,770 to the Major Capital Works reserve.

The seconder did not consent to this amendment.

**Amendment**

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

**That Council:**

- 1) Notes the 2018–19 Quarter 4 Report (Appendix A as amended).
- 2) Receive a detailed briefing and a Council report regarding the capital works savings from 2018-19 regarding the specific reasons for the underspend before endorsing the transfer of \$7,806,770 to the Major Capital Works reserve.

The amendment was put and carried and became the substantive motion before Council.

**CARRIED**

**Council Resolution**

**MINUTE NO. 19-196**

**MOVED: Cr. G Greco**  
**SECONDED: Cr. S Newton**

**That Council:**

- 1) Notes the 2018–19 Quarter 4 Report (Appendix A as amended).
- 2) Receive a detailed briefing and a Council report regarding the capital works savings from 2018-19 regarding the specific reasons for the underspend before endorsing the transfer of \$7,806,770 to the Major Capital Works reserve.

**CARRIED UNANIMOUSLY**

**8.3 INTERCULTURAL CENTRE FEASIBILITY STUDY  
CONSULTATION PLAN****Author:** Manager Creative Culture and Arts**Reviewed By:** Acting General Manager Community

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**EXECUTIVE SUMMARY**

Council is renewing and relocating the Darebin Intercultural Centre.

A community consultation is planned for October and November 2019 seeking feedback on the renewed approach and proposed new location for the Centre.

Key stakeholders and representatives of Darebin's CALD communities, such as service providers, cultural leaders, cultural agencies and cultural groups, as well as the broader community of Darebin, will be encouraged to provide feedback for Council's deliberation in December 2019.

The consultation will seek community feedback and submissions on three elements of the Darebin's Intercultural Centre.

- (1) Renewed vision, mission and approach
- (2) The proposed new location for the Intercultural Centre at High Street, Preston
- (3) Spaces: capabilities and requirements (area schedule)

A consultation plan is presented here for Council endorsement.

<b>Recommendation</b>
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**That** Council endorses the release of the draft Discussion Paper on 'Darebin's Intercultural Centre at the New Town Hall', attached as **Appendix A**, for public consultation.

<b>Council Resolution</b>
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**MINUTE NO. 19-197**

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

**That** Council:

- (1) Endorses the release of the draft Discussion Paper on 'Darebin's Intercultural Centre at the New Town Hall', attached as **Appendix A**, for public consultation.
- (2) Also include in the discussion paper a list of the options that have been considered and an explanation as to why they were not considered appropriate.
- (3) Provide more clarity and specification about the new proposed location and whether it will be a distinct stand alone centre.

**CARRIED**

## 8.4 PLANNING SCHEME AMENDMENT C186 - OPEN SPACE LEVY

**Author:** Senior Strategic Planner

**Reviewed By:** General Manager City Sustainability and Strategy

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### EXECUTIVE SUMMARY

Darebin Planning Scheme Amendment C186 proposes to increase Council's open space levy rate to 10% across the municipality.

The Open Space Contributions Review Report 2019 recommends that sites with a high level of strategic importance, where growth is likely to be particularly intensive, should be subject to a higher levy of up to 18.2%. The strategic sites identified where a negotiated higher levy should be pursued are the Preston Market Precinct and sites within the Northland Urban Renewal area.

Access to open space is essential to people's health and well-being. Darebin's population is growing and there is increased pressure on the municipality's existing open spaces. There are areas within Darebin that do not currently have access to open space within 500 metres.

Without creation of new open spaces, there will be a further reduction in the open space per capita rates and an increase in the number of residents who do not have access to open space within 500 metres. Further, the projected increase in residents living in higher density development will mean that occupants have less private open space and rely more heavily on public open spaces for their needs.

Council currently applies an open space levy in line with the Subdivision Act. As with the current levy, the new levy would apply to developers (i.e. those seeking to profit from the development of land) at subdivision of a single lot into three or more lots. It would not apply to small subdivisions of a typical house block into two unless those lots could be further subdivided.

The current open space levy rate in the Darebin Planning Scheme will not be sufficient to provide for the open space needs of the future population. The funds made available from the increased open space levy will be used to invest directly back into open spaces to improve the quality of existing spaces and to acquire more open space to grow the network.

The amendment implements recommendations of *Breathing Space: The Darebin Open Space Strategy* (adopted by Council on 2 September 2019). It is supported by the *Open Space Contributions Review* report (SGS Economics & Planning) which identifies a future open space need from all developable land of 18.2% and provides the methodology and strategic justification for the increased levy.

<b>Recommendation</b>
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**That Council:**

- (1) Adopts the *Open Space Contributions Review 2019*, prepared by SGS Economics and Planning, as attached at **Appendix A**;
  - (2) Requests under section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C186
-

to the Darebin Planning Scheme;

- (3) When authorised by the Minister for Planning, exhibit Amendment C186 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (4) Seeks community and stakeholder feedback as part of the exhibition period, on the proposed changes to the planning scheme to increase the open space levy
- (5) Authorise the Manager City Futures to make minor alterations and corrections, where necessary to, Amendment C186 material as attached at **Appendix B** prior to the lodgement of the authorisation request with the Minister for Planning and/or exhibition period.

9.11 pm Cr Le Cerf left the meeting

9.12 pm Cr Le Cerf returned to the meeting

### Motion

**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. S Amir

**That Council:**

- (1) Adopts the *Open Space Contributions Review 2019*, prepared by SGS Economics and Planning, as attached at **Appendix A**;
- (2) Requests under section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C186 to the Darebin Planning Scheme;
- (3) When authorised by the Minister for Planning, exhibit Amendment C186 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (4) Seeks community and stakeholder feedback as part of the exhibition period, on the proposed changes to the planning scheme to increase the open space levy
- (5) Authorise the Manager City Futures to make minor alterations and corrections, where necessary to, Amendment C186 material as attached at **Appendix B** prior to the lodgement of the authorisation request with the Minister for Planning and/or exhibition period.

Cr. Laurence sought support of the mover and seconder to amend point (1) as follows:

- (1) Adopts the *Open Space Contributions Review 2019*, prepared by SGS Economics and Planning, as attached at **Appendix A with an increase in the 10% levy replaced with a 12% levy and a Council commitment to source other funding of 6.2%**;

The mover and seconder did not consent to this amendment.

### Amendment

**MOVED:** Cr. T Laurence

**SECONDED:** Cr. G Greco

**That Council:**

- (1) Adopts the *Open Space Contributions Review 2019*, prepared by SGS Economics and



Planning, as attached at **Appendix A** with an increase in the 10% levy replaced with a 12% levy and a Council commitment to source other funding of 6.2%;

- (2) Requests under section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C186 to the Darebin Planning Scheme;
- (3) When authorised by the Minister for Planning, exhibit Amendment C186 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (4) Seeks community and stakeholder feedback as part of the exhibition period, on the proposed changes to the planning scheme to increase the open space levy
- (5) Authorise the Manager City Futures to make minor alterations and corrections, where necessary to, Amendment C186 material as attached at **Appendix B** prior to the lodgement of the authorisation request with the Minister for Planning and/or exhibition period.

### PROCEDURAL MOTION – DISSENT OF CHAIR

<b>Motion</b>
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**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That** the Chairpersons ruling be dissented from.

9.26 pm in accordance with clause 52 of the Governance Local Law Mayor Rennie left the Chair and Deputy Mayor Newton assumed the Chair.

Cr. Greco was provided the opportunity to state the reasons for his dissent and the Mayor provided a reply.

The motion was put and lost.

**LOST**

9.30 pm Mayor Rennie resumed the Chair.

The amendment was put and lost

**LOST**

<b>Council Resolution</b>
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**MINUTE NO. 19-198**

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

**That** Council:

- (1) Adopts the *Open Space Contributions Review 2019*, prepared by SGS Economics and Planning, as attached at **Appendix A**;
- (2) Requests under section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C186 to the Darebin Planning Scheme;

- (3) When authorised by the Minister for Planning, exhibit Amendment C186 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (4) Seeks community and stakeholder feedback as part of the exhibition period, on the proposed changes to the planning scheme to increase the open space levy
- (5) Authorise the Manager City Futures to make minor alterations and corrections, where necessary to, Amendment C186 material as attached at **Appendix B** prior to the lodgement of the authorisation request with the Minister for Planning and/or exhibition period.

**CARRIED**

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**8.5 INTENTION TO DECLARE A SPECIAL CHARGE -NON-RESIDENTIAL SOLAR SAVER****Author:** Commercial Solar Officer**Reviewed By:** General Manager City Sustainability and Strategy

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**PURPOSE**

To seek Council's declaration of intent to declare a Special Charge for the first batch of the Non-residential Solar Saver Stream.

**EXECUTIVE SUMMARY**

The Solar Saver program is a key action of Council's Climate Emergency Plan. The proposed Special Charge scheme includes 5 non-residential properties and would add **118kW** of solar to Darebin. This first batch of non-residential installations is a small pilot run to test our processes for non-residential installations.

The proposed Special Charge scheme totals **\$128,774.43** (\$195,981.87 gross including GST and pre STC claim) and these funds will be paid back to Council through the Special Charge scheme over 10 years. No interest is charged. These payments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits.

9.40 pm Cr. Laurence left the meeting

9.45 pm Cr. Laurence returned

<b>Council Resolution</b>
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**MINUTE NO. 19-199****MOVED: Cr. T McCarthy****SECONDED: Cr. S Amir**

That Council:

- 1) Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the *Local Government Act 1989 (Act)* as follows:
  - (a) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
  - (b) We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
    - i. Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
    - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
  - (c) The total:
    - i. Cost of performing the function described in paragraph 1(b) of this

- 
- resolution is \$128,774.43; and
- ii. Amount for the Special Charge to be levied is \$128,774.43, or such other amount as is lawfully levied as a consequence of this resolution
- (d) We declare the Special Charge in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
  - (e) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
  - (f) The Special Charge will be assessed and levied as follows:
    - i. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$128,774.43, being the total cost of the scheme to Council;
    - ii. The Special Charge will be levied each year for a period of 10 years.
  - (g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
    - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
    - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- 2) Council considers that there will be a special benefit to the persons or organisations required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
  - 3) For the purposes of having determined the total amount of the Special Charge to be levied:
    - (a) Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
    - (b) Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
  - 4) Council will give public notice in the *Northcote Leader* and *Preston Leader* newspapers of Council's intention to declare, at its ordinary meeting to be held on 16 December 2019, the Special Charge in the form set out above.
  - 5) Council will send separate letters, enclosing a copy of: this resolution; **Appendix B** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy
-

the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.

- 6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- 7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

**CARRIED**

### **EXTENSION OF TIME**

<b>Council Resolution</b>
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**MINUTE NO. 19-200**

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

**That** the Council meeting continue after 10.00 pm for 30 minutes.

**CARRIED**

**8.6 BETTER APARTMENTS IN NEIGHBOURHOODS 2019 - DAREBIN RESPONSE****Author:** Senior Strategic Planner**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

This report recommends that Council take the opportunity to advocate on a number of issues that are important to it by making a submission to consultation that the Department of Environment Land Water and Planning is currently doing in regards to proposed changes to the *Apartment Design Guidelines for Victoria*, and by also at the same time writing to the Minister for Planning.

The discussion paper proposes to change the Victoria Planning Provisions' Better Apartments Design Standards and the *Apartment Design Guidelines for Victoria* to improve the design outcomes and reduce the amenity impacts of new apartments on existing neighbourhoods.

Officers have recommended a submission (**Appendix B**), which outlines the proposed changes, implications for Darebin and suggestions for further improvements. Officers have also recommended a letter to the Minister for Planning (**Appendix C**) that would accompany the submission. The letter raises key advocacy points, including environmental performance of apartment buildings (Environmentally Sustainable Development), addressing the climate emergency and seeking to strengthen planning controls more generally for social and housing affordability.

The Department of Environment Land Water and Planning (DELWP) is seeking submissions to its Discussion Paper: *Better Apartments in Neighbourhoods* (**Appendix A**) which aims to address the following five policy considerations for new apartment developments:

- The need for green space and the greening of new developments
- The need to improve design and quality of apartments
- The need to minimise off-site impacts of new high-rise developments
- The need for improved on-street amenity for existing neighbourhoods.

<b>Recommendation</b>
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**That Council:**

- (1) Authorise officers to lodge a submission (as shown in **Appendix B**) in response to the Department of Environment, Land, Water and Planning's *Better Apartments in Neighbourhoods* Discussion Paper.
- (2) Write to the Minister for Planning (as shown in **Appendix C**), to call for improvements to the Victoria Planning Provisions to address the climate emergency, to ensure high standards of design excellence and environmentally sustainable design, and to significantly increase affordable and social housing.

**Motion**

**MOVED:** Cr. L Messina  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Authorise officers to lodge a submission (as shown in Appendix B) in response to the Department of Environment, Land, Water and Planning's Better Apartments in Neighbourhoods Discussion Paper.
- (2) Write to the Minister for Planning (as shown in Appendix C), to call for improvements to the Victoria Planning Provisions to address the climate emergency, to ensure high standards of design excellence and environmentally sustainable design, and to significantly increase affordable and social housing.
- (3) Amend the submission in response to the Better Apartments in Neighbourhoods Discussion Paper to:
  - (a) Seek a new design objective to consider graffiti prevention and management and apply a standard for external materials which prevent or limit unwanted graffiti opportunities
  - (b) Seek improved guidance for site servicing on waste and recycling for apartments, to support best-practice waste management practices towards a Circular Economy.

Cr. Greco sought support from the mover and seconder to include 3 additional parts to point (3) as follows:

- (c) Seek a new design objective to require consideration of disability access requirements including design of street interfaces, external ground floor ingress and egress areas and construction impacts.
- (d) Seek the inclusion of a mandatory requirement for applications of 8 storeys or more to be formally referred to the Office of Victorian Government Architect for comment.
- (e) Seek the inclusion of a mandatory requirement for rainwater retention systems (and not 'where possible' as outlined in the draft submission).

The mover and seconder consented to the amendment.

9.51 pm Cr. Newton left the meeting

9.51 pm Cr Newton returned

**Council Resolution****MINUTE NO. 19-201**

**MOVED:** Cr. L Messina  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Authorise officers to lodge a submission (as shown in Appendix B) in response to the Department of Environment, Land, Water and Planning's Better Apartments in Neighbourhoods Discussion Paper.
- (2) Write to the Minister for Planning (as shown in Appendix C), to call for improvements to the Victoria Planning Provisions to address the climate emergency, to ensure high standards of design excellence and environmentally sustainable design, and to

significantly increase affordable and social housing.

- (3) Amend the submission in response to the Better Apartments in Neighbourhoods Discussion Paper to:
- (a) Seek a new design objective to consider graffiti prevention and management and apply a standard for external materials which prevent or limit unwanted graffiti opportunities
  - (b) Seek improved guidance for site servicing on waste and recycling for apartments, to support best-practice waste management practices towards a Circular Economy.
  - (c) Seek a new design objective to require consideration of disability access requirements including design of street interfaces, external ground floor ingress and egress areas and construction impacts.
  - (d) Seek the inclusion of a mandatory requirement for applications of 8 storeys or more to be formally referred to the Office of Victorian Government Architect for comment.
  - (e) Seek the inclusion of a mandatory requirement for rainwater retention systems (and not 'where possible' as outlined in the draft submission).

**CARRIED**



**8.7 RECYCLING UPDATE****Author:** General Manager Operations and Capital**Reviewed By:** Chief Executive Officer

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Until recently, SKM Industries (SKM) had kerbside recycling and sorting contract contracts with 32 Councils across Victoria, including the City of Darebin (since late 2011).

During July 2019, SKM and associated glass recycling facility, GRS, had been subject to Environment Protection Authority Victoria (EPA) actions to cease accepting material. The EPA's actions were taken to reduce potential risk to human health and the environment posed by stockpiles of recyclable waste material at the SKM sites. The EPA issued several regulatory notices to SKM to clean up its Laverton North and Coolaroo sites.

On 25 July 2019 SKM advised Council that it would no longer accept kerbside recyclable material at any of its sites.

SKM's decision to close its doors meant that Darebin and most of SKM's other contracted Councils had no other option but to send kerbside recyclable material to landfill. This was an unfortunate but unavoidable outcome of SKM shutting its doors. For all Councils, sending recyclable material to landfill was a last resort.

This issue affects not only Councils across Victoria, but also across the country, and it requires a response from all levels of government. Council has been advocating for, and working with, the State and Federal Governments to come up with more sustainable long-term solutions for processing recycling locally.

For some months, Darebin has been seeking to enter discussions and negotiations with other recycling partners to ensure that kerbside recycling material continues, as far as possible, to be recycled.

Since SKM's demise, there are currently only two other viable options for Council's kerbside processing – Visy and Polytrade. While discussions have been held with both companies, Visy's receiving centre in Banyule was identified as the most likely remaining destination for Darebin's kerbside recycling.

This report advises that a solution has been found for Council's kerbside recycling service and that as of Friday 6 September 2019, Darebin kerbside recycling material is being recycled again.

9.56pm Cr. Amir left the meeting

9.58pm Cr. Amir returned

<b>Council Resolution</b>
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**MINUTE NO. 19-202**

**MOVED:** Cr. L Messina  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Notes that a recycling and sorting contract has now been executed with Visy Paper Pty Ltd in Banyule for a period of 4 years to June 2023 with an option for a further 1 year

extension (by agreement).

- (2) Notes that, on legal advice, Council's previous contract with SKM Recycling has been terminated.
- (3) Notes that all recycling material collected via the Council kerbside collection material is now being diverted away from landfill and will be recycled.

**CARRIED UNANIMOUSLY**

**8.8 CT201952 - DAREBIN ARTS CENTRE AIRCONDITIONING REPLACEMENT****Author:** Senior Project Manager**Reviewed By:** General Manager Operations and Capital

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**PURPOSE**

The purpose of this report is to seek Council's approval to award Contract No. CT201952 – Darebin Arts Centre Airconditioning Replacement to an appropriately qualified experienced building services contractor.

**EXECUTIVE SUMMARY**

The appointment of an experienced contractor for the demolition and removal of existing heating and cooling infrastructure and replacement with modern HVAC units and associated works was sought via a public open tender process. The Request for Tender (RFT) was released on 8 July 2019 and closed on 15 August 2019.

Council had allocated funding for this project in the 2019/2020 Capital Works Program. The proposed contract arrangement is a lump sum contract and works are targeted to be completed between mid-December 2019 and late January 2020, during the DAC shut-down period. The project will be managed by Darebin City Council's Assets & Capital Delivery Department.

The scope of works includes:

- Removal of existing HVAC infrastructure and disposal for recycling to the extent possible
- Removal of existing gas ducting
- Builder's work to make good floors, walls and ceilings as required where vents and openings are no longer required
- Temporary works and equipment associated with lifting and rigging
- Drainage and plumbing work for coolers
- Electrical works including switchboards and meters
- Insulation works (relating to noise, dust and temperature)
- Supply and installation of new controls, valves, strainers, heat pumps, VSDs, sub-metering equipment and HVAC units as specified in the documentation
- Testing and commissioning of all equipment
- Supply of operations and maintenance manuals, warranties and training of DAC staff

The Tender Evaluation Panel has evaluated the tenders and recommends awarding the contract to the preferred Tenderer.

10.00 pm Cr. Messina left the meeting

10.00 pm Cr. Messina returned

**Council Resolution**

**MINUTE NO. 19-203**

**MOVED: Cr. J Williams**

**SECONDED: Cr. K Le Cerf**

**That Council:**

- (1) Awards Contract No. CT201952 for the Darebin Arts Centre Airconditioning Replacement to Air Control Australia Pty Ltd for the contract sum of \$764,650 (GST inclusive).
- (2) Approves a contingency amount of \$77,000 (inclusive of GST), in addition to the above Contract amount, to be used if required for variations or unforeseen complications as part of Contract No. CT201952.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

**CARRIED**

**8.9 ROAD SAFETY (GENERAL) REGULATIONS 2019****Author:** Manager City Safety and Compliance**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

Council set its 2019-20 budget on 24 June 2019, including setting penalty units for parking offences. The state government is remaking regulations that set the penalties, and as a result, to implement the penalties Council decided on in its 2019-20 budget, Council must also reaffirm by resolution these penalties.

The City of Darebin currently has set the penalty for the 11 applicable offences (**Appendix A**) at 0.5 of a penalty unit (which at 0.5 is currently \$83), as per the Fees and Charges schedule of the current 2019 – 2020 Council Budget.

The State Government sets the penalty amounts for all statutory parking offences in Victoria, via the provisions of the Road Safety (General) Regulations 2009. Under the provisions of the *Road Safety Act* 1986, the State permits a council via a council resolution, to increase the penalty for certain prescribed offences from 0.2 of a penalty unit (currently \$33), up to 0.5 of a penalty unit.

On the 12 September 2019, the State Government notified councils that the Road Safety (General) Regulations 2009 (current Regulations) are being remade on 24 September 2019 for commencement on 27 September 2019. The new regulations will be known as the Road Safety (General) Regulations 2019 (new Regulations).

<b>Council Resolution</b>
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**MINUTE NO. 19-204****MOVED:** Cr. J Williams**SECONDED:** Cr. G Greco

**That** Council resolves, as per the provisions of Section 87(4) of the *Road Safety Act* 1986, to fix a penalty for a parking infringement issued for a contravention of the parking offences described in attachment one of this report, and listed in part in Schedule 6 of the Road Safety (General) Regulations 2019, at 0.5 of a penalty unit.

**CARRIED**

## 9. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

### 9.1 JC DONATH RESERVE OVAL 1

**Author:** Acting Manager Parks and Open Space

**Reviewed By:** General Manager Operations and Capital

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#### EXECUTIVE SUMMARY

On 2 September 2019, Council resolved to request a report in relation to the need for upgrade works at JC Donath Reserve oval number 1.

This report makes recommendations to undertake minor maintenance works to the perimeter fence at JC Donath Reserve oval number 1 but advises that no additional work is required for the playing surface or the spoon drain at this time.

<b>Recommendation</b>
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**That** Council:

- (1) Notes the report
- (2) Notes that maintenance repair works to the perimeter fence and drainage pit will be actioned within 4 weeks.

<b>Motion</b>
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**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. S Amir

**That** Council:

- (1) Notes the report
- (2) Notes that maintenance repair works to the perimeter fence and drainage pit will be actioned within 4 weeks.

Cr. Laurence sought the support of the mover and seconder to an additional point (3) as follows:

- (3) Receive a further report to address current grass condition of oval 1.

The mover and seconder did not consent to the amendment.

**Amendment**

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

**That Council:**

- (1) Notes the report
- (2) Notes that maintenance repair works to the perimeter fence and drainage pit will be actioned within 4 weeks.
- (3) Receive a further report to address current grass condition of oval 1.

The amendment was put and lost.

**LOST**

**Council Resolution**

**MINUTE NO. 19-205**

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

**That Council:**

- (1) Notes the report
- (2) Notes that maintenance repair works to the perimeter fence and drainage pit will be actioned within 4 weeks.

**CARRIED**

Cr. Laurence requested that his opposition to the motion be noted.

**10. NOTICES OF MOTION**

Nil

**11. REPORTS OF STANDING COMMITTEES**

Nil



## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 12.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 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:

- Active and Healthy Ageing Advisory Board – 13 June 2019
- Darebin Domestic Animal Management Reference Group meeting – 8 August 2019
- Darebin Interfaith Council Advisory Committee meeting – 8 August 2019
- Active and Healthy Ageing Advisory Board – 15 August 2019
- Darebin Education Committee – 28 August 2019
- Darebin Women's Advisory Committee – 29 August 2019
- Darebin Aboriginal Advisory Committee – 4 September 2019
- Councillor Briefing Session – 9 September 2019

<b>Council Resolution</b>
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**MINUTE NO. 19-206**

**MOVED:** Cr. T McCarthy  
**SECONDED:** Cr. L Messina

**That** the record of the Assembly of Councillors held on 13 June, 8, 15, 28 & 29 August, and 4, 9 September 2019 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

**CARRIED**

### 13. REPORTS BY MAYOR AND COUNCILLORS

<b>Council Resolution</b>
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MINUTE NO. 19-207

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. J Williams

**That** Council note the Reports by Mayor and Councillors.

**CARRIED**

#### REPORT OF CR. SUSAN RENNIE, MAYOR

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

- Media Training
- Councillors Dinner
- Breavington Memorial Award Ceremony
- DADA Informal catch up
- Darebin Aboriginal Advisory Committee
- Northern Business Achievement Awards breakfast
- Veolia Bulla - food and green waste processing facility tour
- Recycling photo for Leader
- Youth for Human Rights Summit
- Ganesh Chaturthi event – Bundoora Park
- Preston Symphony Orchestra Youth Concerto Competition
- One on One with the CEO
- Preston South Primary School - Cazaly Ward Councillors discussion
- Council Briefing
- Meeting with Hon Marlene Kairouz MP
- Melbourne Rough Sleeper Initiative - A hands-on workshop to create a practical plan for action
- Invitation to speak at RRCL Melbourne Study Tour - The Role of Local Government in Championing Social Justice Issues
- Special Mayoral Taskforce Teleconference
- Meet Aunty Rieo and Mayor
- Greek Genocide in Smyrna - Solemn Reflection
- Batman Park Kindergarten Fun Day
- Mayoral Briefing - Licence Agreement discussion
- Mayoral Briefing – Northern Councils Alliance

- One on One with the CEO
- Council Dinner
- Planning Committee Meeting
- Council Briefing
- Launch of Libraries After Dark State-wide grant recipients
- Lunch with the CEO
- Mayor and CEO Forum - Northern Councils Alliance
- Mayoral Briefing - Local Government Mayoral Taskforce
- Mayoral Briefing - VEC Public Hearing
- Amalgamation Celebration - Darebin Community Legal Centre and Fitzroy Legal Centre
- One on One with the Deputy Mayor
- Climate for youth Climate Strike rally
- One on One with the CEO
- Council Dinner
- Council Meeting

**REPORT OF CR. SUSANNE NEWTON, DEPUTY MAYOR**

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

- School Strike for Climate at Treasury Gardens
- Launch of bike repair station at Northcote Aquatic and Recreation Centre
- Met with resident about youth sports space at Shoalhaven Reserve Bundoora
- Opening night of You should be dancing at Northcote Town Hall
- Amalgamation Celebrations - Darebin Community Legal Centre and Fitzroy Legal Centre
- Planning Committee Meeting
- Councillor briefings
- Weekly catch ups with the mayor
- Darebin Art Prize exhibition launch
- Youth for human rights summit at Darebin Arts Centre
- Northern Business Achievement Awards breakfast
- Darebin Aboriginal Advisory Committee
- Media training

**REPORT OF CR. STEPH AMIR**

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

- Councillor briefings x2
- Darebin Nature Trust Park tour
- Octopus Schools selection panel meeting
- Meeting with Preston South Primary school parents
- West Preston swap meet
- "You Should Be Dancing - Minis" at Northcote Town Hall
- Phone calls regarding Oakhill precinct, cycling infrastructure and other matters

**REPORT OF CR. GAETANO GRECO**

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

- Away on leave from 27th August to 16th September.
- Visit to parkland with members of the Darebin Nature Trust
- Planning Committee meeting
- Councillor Briefing
- Attended to a resident's concerns regarding;
- Road conditions
- Traffic calming measures
- Determination by Heritage Council Victoria regarding Preston Market

**REPORT OF CR. KIM LE CERF**

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

- ICLEI Regional Executive Committee Meeting
- MAV Environment Committee Meeting
- Planning Committee Meeting x 2
- Confidential Special Council Meeting
- Darebin Community Awards Presentation Night
- Audit Committee Meeting
- Council Briefing x 3
- Ngulu Nganjin – Everyone's voice – One Mob – Mayoral Event
- Council Meeting (afternoon session) – 2 September 2019
- Darebin Creek Management Committee Meeting
- Council Meeting – 23 September 2019

**REPORT OF CR. TRENT MCCARTHY**

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

- National Council for Women Victoria Student Voice Event at Parliament House
- Darebin Nature Trust Meeting
- Special Council Meeting
- Community Climate Strike Information Night
- Transition Australia Convergence
- Meeting with Melbourne Farmers Market
- Presentation to Eastern Alliance for Greenhouse Action
- Meeting with St Georges Road Landscape Group
- Presentation to Strathbogie Shire Councillors
- Melbourne Innovation Centre AGM and Board Meeting
- Melbourne School Strike for Climate
- Planning Committee Meetings
- Council Briefings
- Youth for Human Rights Summit at Darebin Arts Centre
- Northern Business Achievement Awards
- Council Media Protocols Training

**REPORT OF CR. LINA MESSINA**

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

- Tour of Repourse IT
- Darebin Woman's Advisory Committee
- Media training
- Metropolitan Transport Forum
- Museum of Marvel – Preston Primary
- Northern Business Achievement Awards
- Council Briefings
- Meeting with Northlink
- Meeting with the Mayor
- SPAG Meeting
- SPAG-TARG Meeting Sustainability Fund Investment Workshop
- Rob Millards CEO MWRRG- Farewell

- The Bespoke Corner Tailors evening
- TSAA Annual Dinner
- Planning Committee
- Council Briefings
- Northlink First Birthday
- MIC Board meeting
- Bell Primary School Students Interview
- Various residents emails. phone calls, and meetings

**REPORT OF CR. JULIE WILLIAMS**

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

- Ladies Day at the Northern Blues
- Northern Blues Grand Final
- Preston Bullants Presentation
- Northland Youth Centre
- Council Meeting
- Media Training
- Northern Blues Achievements Awards
- R U OK? Day gathering with Islamic College
- HQ ice staking RUOK? promotion
- Preston South Primary School meeting
- Greek Genocide in Smyrna - DECC
- Planning Committee Meeting
- 3 x Council Briefing
- Planning Committee Meeting
- Thomas Grein interview regarding Australia Day
- Catch up with Penny Jamieson from PBAC
- Attended to other matters such as dumped rubbish, traffic, Graffiti, Preston Market, safety on high street, bus stop concerns and other constituent matters
- Darebin Disability Advisory Committee meeting
- 2 x Council Meeting
- School Strike for Climate Change

**REPORT OF CR. TIM LAURENCE**

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

- Council meeting
- Council planning meeting
- Consultation with traders in Reservoir
- Consultation with Reservoir Pool users
- Meeting with Reservoir traders
- Meeting with Broadway shop keepers
- Consultation with residents regarding Reservoir police station
- Inspection of site Donath Reserve
- Inspection of planning applications sites in Northcote, Fairfield and Reservoir
- Consultation with Springthorpe residents re car parking
- Consultation with Reservoir residents re car parking
- Consultation with ratepayers re overcharging of rates
- Rally for Tamil family outside High Court Melbourne
- Meeting with traders re car parking in Thornbury

**EXTENSION OF TIME**

<b>Council Resolution</b>
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**MINUTE NO. 19-208**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. K Le Cerf

**That** the Council meeting continue after 10.30pm for 30 minutes.

**CARRIED**

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

<b>Council Resolution</b>
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**MINUTE NO. 19-209**

**MOVED:** Cr. K Le Cerf  
**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 items designated confidential by the Chief Executive Officer.

**CARRIED**

10.19 pm The meeting was closed to the members of the public.

***The Council considered and resolved on Report Item 14.1 which had been circulated to Councillors with the Council Agenda Paper.***

**RE-OPENING OF MEETING**

<b>Council Resolution</b>
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**MINUTE NO. 19-210**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. J Williams

**That** the meeting be re-opened to the members of the public and the resolution of Council in regard to Item 14.1, Contract Award CT2018129 – Cleaning Services be recorded in the open minutes of the meeting viz.

**That** Council:

- 1) Endorse the appointment of two service providers under contract to provide cleaning services for Darebin Council's facilities for a 2-year fixed term with 2 extension options of 1 year each (maximum of 4 years) at an estimated cumulative total amount of \$5,097,611.85 if all options are exercised (inclusive of GST + CPI Year 3 and 4);
- 2) Endorse the appointment of Centre Point Cleaning Pty Ltd ABN 99 005 225 034 for the cleaning services for package A (Municipal offices and adjoining buildings, Preston);
- 3) Endorse the appointment of Fernando Enterprises Australia Pty Ltd t/a Ausbright Facilities Management ABN 43 131 468 687 for the cleaning services for package B (consisting of 38 facilities), package C (Reservoir Leisure Centre) and package D (open space amenities, public toilets, BBQs etc.);
- 4) Authorises the Chief Executive Officer to finalise and execute the contracts documentation on behalf of Darebin City Council; and
- 5) Authorises the Chief Executive Officer to exercise options for extensions if and when required.
- 6) Publicly releases the outcome of the Tender process

**CARRIED**



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

## **15. CLOSE OF MEETING**

The meeting closed at 10.38pm.

**CITY OF  
DAREBIN**

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