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MINUTES OF THE ORDINARY COUNCIL MEETING

Held on Monday 18 May 2020

Released to the public on Friday 22 May 2020



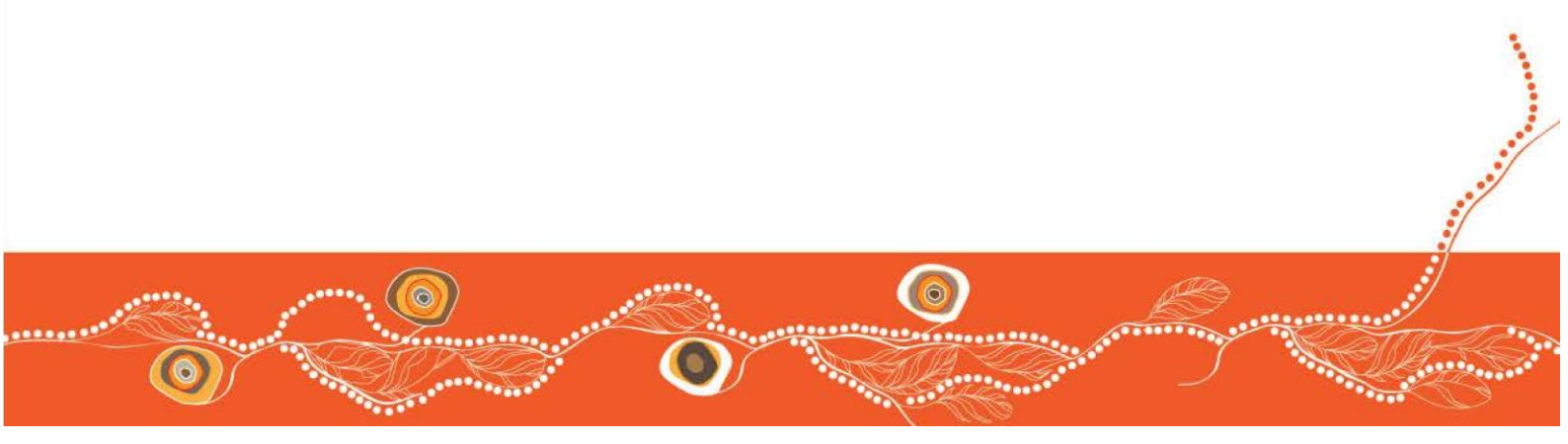
ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

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

Council 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 Islander 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 ਕੌਂਸਲ 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.

Table of Contents

Item Number	Page Number
1. PRESENT	5
2. APOLOGIES.....	5
3. DISCLOSURES OF CONFLICTS OF INTEREST	6
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	6
5. QUESTION AND SUBMISSION TIME	6
6. PETITIONS	14
7. CONSIDERATION OF REPORTS	14
7.1 REQUEST FOR LEAVE OF ABSENCE - CR. TIM LAURENCE.....	14
7.2 2019–20 QUARTER 3 REPORT INCLUDING FINANCIALS AND COUNCIL PLAN ACTION PLAN ITEMS	15
7.3 PROPOSED SINGLE-MEMBER WARDS	16
7.4 DECLARATION OF SPECIAL CHARGES: SOLAR SAVER RESIDENTIAL (BATCH 2) AND NON-RESIDENTIAL (BATCH 3).....	19
7.5 PRESTON MARKET UDPATE.....	23
7.6 MINOR BUILDING WORKS CONTRACTS	51
8. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS	52
9. NOTICES OF MOTION	52
9.1 CAPITAL WORKS.....	52
9.2 JOB SEEKER	54
9.3 INVITATION TO JANE STANLEY TO ADDRESS COUNCIL ON THE FUTURE OF PRESTON MARKET	57
9.4 STRATHALLAN GOLF CLUB	58
9.5 DAREBIN NATURE TRUST	61
10. URGENT BUSINESS.....	63
11. REPORTS OF STANDING COMMITTEES.....	63
12. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	63
12.1 ASSEMBLIES OF COUNCILLORS HELD.....	63
13. REPORTS BY MAYOR AND COUNCILLORS	64
14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	68
15. CLOSE OF MEETING.....	69

**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT IN THE TOWN HALL,
DAREBIN CIVIC CENTRE,
284 GOWER STREET PRESTON ON MONDAY 18 MAY 2020**

THE MEETING OPENED AT 6.00 PM

WELCOME

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

“I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today.”

1. PRESENT

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

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

Sam Hewett - General Manager Operations and Capital

Kerry McGrath - General Manager Communities

Rachel Ollivier - General Manager City Sustainability and Strategy

Damian Hogan, Manager Finance

Steven Sagona, Acting Manager Governance and Performance

Stephen Mahon - Coordinator Governance, Council Business and Civic Services

Lisa Thomas-Bates - Governance Project Officer

Michelle Martin - Council Business Officer

2. APOLOGIES

Cr. Tim Laurence

Note – Cr Laurence’s requested for leave of absence (refer Item 7.1 in these minutes) was approved for the period 25 April 2020 to the 24 May 2020.

3. DISCLOSURES OF CONFLICTS OF INTEREST

The General Manager Operations and Capital declared an indirect conflict of interest in Item 7.6 – Minor Building Works Contracts due to his close association to one of the owners of a business that had submitted a tender for the works.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MINUTE NO. 20-055

MOVED: Cr. S Amir
SECONDED: Cr. L Messina

That the Minutes of the Ordinary Meeting of Council held on 27 April 2020 and the Special Meeting of Council held on 13 May 2020 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.

- **Geoff Richards, Reservoir**

Whilst supporting the Council Rationale in the Draft Budget, to apply the current maximum permitted rate increase; given the present virus affecting circumstances; does Council still support a Budget Surplus, or has that now been reduced to an acceptable break even Budget following a Council Resolution on same at its May 13th 2020, Special Council Meeting?

Will the Draft Budget, before further release, now be revised in view of that resolution?

Response from Chairperson, Mayor Rennie

Thank you for the question Mr Richards. Council at its Special Council Meeting last Wednesday resolved to advertise its Draft 2020/21 Budget and seek comments and submissions which will be considered at a Hearing of Submissions Committee on the 25 June 2020. Council will then on the 15 July 2020 adopt the 2020/21 Budget with or without changes. Until this time Council's position on surpluses or anything else in relation to the budget will not have been finalised.

- **John Berriman, Bundoora**

If the Strathallan Golf Club should fail due to extreme revenue loss as a result of the Covid-19 crisis, in addition to crippling rates lodged by the Darebin Council, who does the Council think will co-ordinate, energise and provide the volunteer resources to support the local community's obvious desire to save the Strathallan open space, which has been described in this chamber to be the most significant environmental piece of land within the Darebin Council area?

Response from Chairperson, Mayor Rennie

Council Officers have reassessed Strathallan Golf Club rates and will continue to work with the Club on the statutory process required for Council to re-issue the 2019/20 rate notice at the reduced property valuation to the figure agreed to by both Strathallan Golf Club and Darebin City Council in line with the Consent Orders from VCAT. This would result in the rates payable to significantly decrease in line with previous years' rates payable.

To assist Strathallan Golf Club with the financial hardship it is currently experiencing due to COVID-19, the Club have the option to defer the 2019/20 4th instalment rate payment and all the 2020/21 instalment payments until 30 June 2021.

The land is zoned Public Park and Recreation Zone which is the highest level of protection that open space can have through the Victorian Planning Scheme and both Darebin Council and the Victorian Minister for Planning have expressed long term commitment to this site being open space.

Council has long advocated for this site to remain as open space. This has also been confirmed by the Victorian Minister for Planning in July 2018 in writing stating that the current zoning would remain in perpetuity.

- **John Berriman, Bundoora**

On 12 June 2018, 706 days ago, the Darebin Council unanimously passed a motion, Resolution Minute No 18-169, re the Strathallan Open Space. The motion asked for five actions to be undertaken by the Council Officers. They are:

1. To request that the Valuation Report as prepared by the VGV should be made available to all affected third parties.
2. To request the VGV to seek a second valuation and involve the Land Monitor.
3. That a copy of the correspondence forwarded to the VGV to be sent to: Mr Colin Brooks MP, State Member for Bundoora and Mr Richard Wynne MP, Minister for Planning.
4. Requests that Officers investigate the detailed terms associated with the contract of sale for the acquisition of the Strathallan Golf Course land by La Trobe University from the State Government.
5. And further, researches the details of any communications used to announce the sale.

On 24 September 2018, 602 days ago, the Darebin Council unanimously passed a motion, Resolution Minute No 18-261, re the Strathallan Open Space. That:

1. Council officers report back on progress in relation to the possible acquisition of the Strathallan Golf Course for use as open space, recreation and conservation purposes and retention the Strathallan Golf Course.

2. Furthermore, that the officers' report includes an up to date timetable for the possible staged acquisition via our open space reserve.

On 20 May 2019, 362 days ago, I raised a question in this chamber, details are similar to the above. The Mayor responded in part: "I am advised that Officers will provide a report to Council on this matter in coming months which will be comprehensive." My questions today is: When does the Council expect to deliver the report requested in May 2018, 706 days ago?

Response from Chairperson, Mayor Rennie

Thank you for that question also Mr Berriman.

- 1) The La Trobe valuation report was not prepared by the Valuer-General but was prepared independently and is confidential for use only by La Trobe University and Darebin City Council. Parties are not able to distribute the Valuation Report. That was in relation I think to 2.1.
- 2) Advice received from the Office of the Valuer-General indicated that Council is not able to seek a second valuation of the land as Council is not the landowner. Therefore, a second valuation must be requested by the landowner who in this case is La Trobe University. La Trobe expressed no interest in seeking another valuation. Involvement from the Land Monitor was not applicable as no land was being purchased by any parties.
- 3) As previously stated, due to Council not being the landowner and the engagement of the Land Monitor not being applicable, a request was not forthcoming from Council to seek a second valuation, therefore no correspondence was sent to Mr. Colin Brooks or Mr. Richard Wynne.
- 4) Council officers submitted a Freedom of Information application to La Trobe University to receive a copy of the contract of sale for the acquisition of the land from the State Government. Permission for a copy was not granted however Council officers were permitted to view the contract at La Trobe offices. Upon viewing, there was no special clauses addressing implied requirements, retentions, covenants or legal restrictions on the land.

We note that a report was not provided, and this should have occurred earlier.

In meetings throughout 2019 with Strathallan Golf Course representatives, Council advised that it would not be seeking to purchase the land and have included the land in Council's Open Space Strategy.

Should Council have considered acquisition of the land, it should be noted that it would do so at current market valuation with no considerations for any restrictions on the land.

A report on this matter is scheduled to be presented to Council on 9 June 2020.

- John Berriman, Bundoora

My third question is, in your first statement there you said that the valuation obtained by La Trobe cannot be used. What was the rest of that sentence please?

Response from Chairperson, Mayor Rennie

The La Trobe valuation report was not prepared by the Valuer General but was prepared independently and is confidential for confidential use only by La Trobe University and Darebin City Council. Parties are not able to distribute the valuation report.

- **John Berriman, Bundoora**

So, does that say that that valuation could not be used for the basis for the rates that have been lodged for Strathallan?

Response from Chairperson, Mayor Rennie

We will take that question on notice and note we have a meeting on Wednesday so we should be able to provide an answer to you then.

- **Maria Polietti, DADA President (Presented by Chris Erlandsen, DADA Vice President and Save Our Preston Market Representative)**

Council's own Good Governance Charter states '...we make our decisions in accordance with the 6 principles of our Good Governance Charter: Transparency; Accountability; Equity and Inclusion; Effectiveness and Efficiency; Community Engagement; and Ethical Decision Making.

This Council has had over three years to prove transparency. Councillors in the chamber made election promises of 'real transparency'.

If this is the case:

Will Council release to the public, as soon as they have them, any report they commission on behalf of their constituents?

Response from Chairperson, Mayor Rennie

Council is unable to make such an absolute statement as reports can be commissioned by Council that contain confidential information (be it commercial, contractual or other). I do note that there was concern about the reports on the market and that those have now been released as part of this agenda.

- **Maria Polietti, DADA President, (Presented by Chris Erlandsen, DADA Vice President and Save Our Preston Market Representative)**

Will Council immediately move to advertise/release general Council meeting agendas and related documents at least one week prior to the meeting?

Response from Chairperson, Mayor Rennie

Council's Governance Rules (Meeting Procedure and Common Seal) Local Law Clause 12 - stipulates that at least 6 days before a scheduled meeting the agenda must be delivered to each Councillor and published on Council's website. Whilst that is our expectation, every so often we don't meet this timeframe and in this regard I apologise for those instances.

- **Maria Polietti, DADA President, (Presented by Chris Erlandsen, DADA Vice President and Save Our Preston Market Representative)**

Will Council agree to record voting patterns in the General Council Meeting Minutes and Planning Committee Meeting Minutes?

Response from Chairperson, Mayor Rennie

Council's Governance Rules (Meeting Procedure and Common Seal) Local Law – clause 42(1) stipulates that the Mayor will call the names of Councillors (for and against) of all motions and amendments (except procedural matters) and that's a change that was made in the last Governance Local Law so that change that Ms Polietti has requested is actually now part of the Governance Local Law.

- **Chris Erlandsen, Preston DADA Vice President and Save Our Preston Market Representative**

Open Space is in short supply in Darebin, in particular in the Central Preston and West Preston suburbs. Save Our Preston Market, State Government and Council surveys show that the quality of the open space in Preston Market is highly valued by the community.

Has Council considered, in any planning strategy, the considerable loss of open space to Darebin if Preston Market is demolished and moved to Cramer Street so that the remainder of the site can be developed to maximum capacity?

How will Council replace the loss of Open Space at Preston Market with only a 10% open space levy when it is clear, from the objections to that levy, that major owners at Preston Market do not want to pay it.

Response from Chairperson, Mayor Rennie

I note that there is an item on Council's agenda relating to Preston Market precinct tonight.

Therefore, I note that without prejudicing Council's later decision, I am going to answer the question based on Council's most recent decision on the matter.

Council has long recognised that the open space within Preston Market is really valued and that it plays a very important role as a social space in Preston. We also think there is not enough open space more broadly in central Preston. There is a gap clearly shown in Breathing Space, Council's adopted Open Space Strategy.

Because of this, Council has called for open space to be increased within the Preston Market precinct. In 2019 Council called for three things:

Firstly - that in any development scenario, we would like to see ALL of the open space within Preston Market, including the wide walkways and cruciform intersections, protected through the planning controls.

Secondly – we called for a minimum of 10% of the whole of the rest of the Preston Market site to become new usable green open space that is fully accessible to the whole community.

Thirdly - We called for a contribution of up to a further 8% of the value of the Preston market site. This would be for improvements to open space near the site.

Outside of the market walkways, there is no open space within the site at present, so these objectives would see a substantial amount of new usable green space opened up for our whole community to enjoy.

- **Chris Erlandsen, Preston DADA Vice President and Save Our Preston Market Representative**

Have all Councilors read, in full, the reports attached to tonight agenda?

Response from Chairperson, Mayor Rennie

In accordance with the Local Law, Council agendas and all accompanying reports are made available to both Councillors and the public in advance of the meeting, in time for reports to be reviewed. Reports for this meeting were made available last Wednesday.

- **Keith Coffey, Reservoir**

I have two questions related to the last two budget submissions I put in. Everything is still the same, the gutters, weeds everywhere in Cheddar Road in the gutter, in the roundabouts and on the plantations and the same in Keon Parade and the roundabout at the Cnr Hickford Street and Cheddar Road there is bushes that need cutting as it blocks the view of traffic for pedestrians crossing the road. It's very hard and it's alright while the lollypop man is there but other neighbours have told me the same thing that they can't see and it needs cutting down.

There is a lot of streets in the ward where the roundabouts have got weeds in them. It goes to prove that things were better when you had more hands on Council Staff to do the jobs you could get things done and not repeatedly ask questions about getting things done.

About 18 months ago I informed Darren Rudd, the Planning Manager about tripping hazards at 91 and 93 Darebin Boulevard. The concrete is cracked and sunken. That went on for a long time and I happened to bump into Rachel at the Hub and I put the question to her and she said alright. She got Michael the By Laws officer to come down. He took photos and went away. Months later I never heard anything. I bumped into Darren who said it was in hand and here we are 18 months later and it's still not even done. Then only reason I brought it up to Darren to start with was a developers problem and I couldn't see why the ratepayers would have to pay to get it done if it ever gets done. How many times do I have to report things? There's a lot of things I've put over the last two years that I have to report them, I know I'm criticizing you. I reckon the Council Meetings are not running like they were.

Response from Chairperson, Mayor Rennie

Mr Coffey, I take on board your feedback and I apologise if you have found that those things have not been actioned. I will ask if you could leave with us a list of any concerns.

I am pleased to be able to let you know that we have a significant number of staff redeployed to undertake a complete audit of all the assets that you were talking about, so they are walking literally every metre of the footpaths to note down and do exactly what you are asking for which is to note down the cracks, the bumps, the weeds and actually make sure we have that condition audit is so that we want to get on top of the items that you are identifying to us, but certainly the officers have noted in relation to 91 and 93 Darebin Boulevard that you have expected some follow up.

- **Peter Roberts, President Strathallan Golf Club**

Given the fact that under the Darebin City Council's Annual Budget for the 2019/20 year Council was hoping to raise some \$130 million via various revenue streams, of this amount \$129 million is attributed to general rates. Then the rates revenue under the heading recreational – and I have taken that to include cultural and recreational entities; a nominal amount of \$45,705 is shown.

Is DCC prepared to make a commitment of support for the each of the 10 entities falling within the Cultural and Recreational umbrella, by waiving on a permanent basis and perceived potential Annual Rates liability that may be attributed to each and every one of the 10 entities?

Response from Chairperson, Mayor Rennie

Thank you very much for that question and I apologise if there was confusion about when it should have been received. I will take that question on notice and refer it to our Manager Finance noting that we are meeting on Wednesday so I should expect an answer may be available at that time.

- **Peter Roberts, President Strathallan Golf Club**

With reference to the Strathallan Golf Club Inc., a not for profit community based recreational & social body, the long-standing Rates Issue has caused enormous stress and distress for those involved in the Club. In particular, the members of the Committee of Management who, in recent months during the Coronavirus crisis have been endeavouring to develop strategies to maintain the current & long term financial viability of this great community asset.

Are Councillors, as part of an open and transparent process, prepared to meet with representatives of the Golf Club and the Save Strathallan Open Space Community Coalition, to hear the concerns given the actions of Council and thus be in a fully informed position to make an assessment of the appropriate action to be taken to resolve this matter?

EXTENSION OF PUBLIC QUESTION TIME

Council Resolution

MINUTE NO. 20-056

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

That the Public Question Time continue after 6.32pm for a further 10 minutes.

CARRIED**Response from Chairperson, Mayor Rennie**

Thank you also for that question.

I am aware that you have a meeting on Wednesday. It's my most sincere hope that differences are able to be resolved and that we can turn over a new leaf and move forward in a way that meets the expectations of both Council and the club in relation to rates and I have no doubt that you will be back in touch with Councillors if you feel as though that is required after that meeting.

- **John Nugent, Epping**

Mayor Rennie, as one of the leaders of the city, will you and the CEO and Senior Managers and Councillors take a 20% pay cut in their salary or reimbursements and give it to those in need in this city caused by this Coronavirus?

Response from Chairperson, Mayor Rennie

Thank you for that question Mr Nugent. No there is no proposal that there would be any pay cuts. I think it is worth noting that Councillors are reimbursed \$30,000 a year for their time and that Councillors devote a considerable amount of time to their role. As the Mayor I do receive a full time income however if there is a misconception in the community that Councillors are somehow overpaid for their time then that should be corrected.

- **John Nugent, Epping**

Mayor Rennie, is there any specific spending in this budget to bring Edwards Lake back to the Jewel of the North in the City of Darebin, by improving water quantity for bird life, boating and even water skiing or can we get a report as per Cr Gaetano Greco asked for on the 13 May 2020. Councillors, I want to remind you all how much Council spent on the Merri Creek in the Southern part of the City.

Response from Chairperson, Mayor Rennie

Mr Nugent thank you for that question. Council has an ongoing commitment to ensuring that Edwards Park Lake and Edwards Park is a wonderful place for many members of the community and there is significant investment going into looking at models for that area. Ms Ollivier, I might see if you might like to add anything.

Response from Ms Rachel Ollivier, General Manager City Sustainability and Strategy

The Draft Budget which has been released includes funding for maintenance and cleaning and other operational matters.

Response from Chairperson, Mayor Rennie

Thank you Ms Ollivier, and I think that it's worth noting that Councillors are very committed to the quality of the catchment and one of the things that have been identified is that the biggest obstacle to improved water quality in Edward's Lake is the water coming in from the entire catchment which includes many hundreds of kilometres of creeks and waterways spanning right up into Melbourne's growth areas. I think that Mr Nugent, I hear your desire which is shared by members of this Council to see that water quality improve and that's going to take significant State Government investment and change at an EPA level to actually improve the quality of water that is in water catchments right across Melbourne's Northern Metropolitan Area.

- **John Nugent, Epping**

Mayor Rennie, could you please advise why this Council did not help the former V.F.L Preston Football Club AKA the Northern Blues stay afloat?

My question is, if its good enough to help the Darebin Falcons to pay in the V.F.L.W then its good enough to help the Bullants stay in the V.F.L. We cannot have double standards in this Council.

Response from Chairperson, Mayor Rennie

Mr Nugent, thank you for that question. I am not familiar with the financial settings of the clubs, so I'll take that on notice thank you.

6. PETITIONS

Nil

7. CONSIDERATION OF REPORTS

7.1 REQUEST FOR LEAVE OF ABSENCE - CR. TIM LAURENCE

Author: Coordinator Governance, Council Business & Civic Services

Reviewed By: General Manager Governance and Engagement

EXECUTIVE SUMMARY

Cr. Laurence has requested leave of absence from the 25 April 2020 to the 24 May 2020.

Leave of Absence is a formal permission granted by way of Council resolution to a Councillor excusing them from attending Council Meetings for the duration of the leave.

The Local Government Act 1989 (the Act) (Section 69) makes provision for Council to approve 'leave of absence' for a Councillor when a Councillor is likely to be absent from 4 consecutive Ordinary Council Meetings, which if this occurs creates an extraordinary vacancy ie. the Councillors cease to be a Councillor.

The Act specifically states that 'the Council must not unreasonably refuse to grant leave' (Section 69 (2))

These sections of the Act remain in force until the 24 October 2020.

Council Resolution

MINUTE NO. 20-057

MOVED: Cr. J Williams
SECONDED: Cr. L Messina

That Cr Tim Laurence be granted leave of absence from the 25 April 2020 to the 24 May 2020.

CARRIED UNANIMOUSLY

7.2 2019–20 QUARTER 3 REPORT INCLUDING FINANCIALS AND COUNCIL PLAN ACTION PLAN ITEMS

Author: Coordinator Planning and Reporting
Financial Accountant

Reviewed By: General Manager Governance and Engagement

PURPOSE

To report progress for the third quarter of the 2019-20 financial year (January–March 2020) for Council Plan Action Plan implementation and to endorse the third quarter financial statements.

EXECUTIVE SUMMARY

Council is required by the *Local Government Act* (the Act) 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.

The attached report provides a comprehensive summary of Council's activities, including progress towards achieving agreed Council Plan actions, financial performance and the delivery of the capital works program to 31 March 2020. The provision of an integrated report detailing outputs is a recent initiative and reflects Councils commitment to improved transparency.

To comply with the Act, the report includes the following comparisons for the nine months ended 31 March 2020:

- Actual and budgeted operating revenues and expenses
- Actual and budgeted capital revenues and expenses
- Actual and budgeted movements in the balance sheet
- Actual and budgeted movements in the cash flow statement.

It is noted that the impacts of the COVID-19 pandemic to Councils services and financial circumstances have already been substantial and this will continue in 2020/21 and this has been the subject of a number of separate Council reports previously. However, it is also noted that the impacts of COVID-19 on the third quarter performance were limited to the last four weeks (approximately) of that quarter.

Council Resolution

MINUTE NO. 20-058

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

That Council:

- (1) Notes the 2019–20 Quarter 3 Progress Report at **Appendix A**.

Notes the year-to-date financial results against budget and endorses the Financial Report nine months ended 31 March 2020 (commencing at page 57 in **Appendix A**), including the budget and financial adjustments, the capital works budget adjustments and the adjusted end-of-year forecast results.

CARRIED UNANIMOUSLY

7.3 PROPOSED SINGLE-MEMBER WARDS

Author: Acting Manager Governance and Performance

Reviewed By: General Manager Governance and Engagement

EXECUTIVE SUMMARY

In 2019, Council participated in the Victorian Electoral Commission (VEC) Electoral Representation Review of Darebin City Council and argued in favour of maintaining three multi-councillor wards of three councillors each. The community submissions – both preliminary and in response to the VEC’s draft report – overwhelmingly supported the 3 x 3-councillor ward model. The VEC’s final report recommended maintenance of the 3 x 3 model, with minor adjustments to the existing ward boundaries.

Despite the above, the State Government last year foreshadowed changes within the (then) Local Government Bill to cease multi-councillor wards and to move, in most municipalities, to single-councillor wards. Council formally considered the proposal at its ordinary meeting on 16 December 2019 and was strong in its opposition to the proposed change.

Following proclamation of the new *Local Government Act 2020* after it passed the Victorian Parliament on 24 March, the Minister for Local Government wrote to Council on 6 May to advise that Darebin would move to a nine single-councillor ward electoral structure for the 2020 election. The Minister provided a ward map (Refer **Attachment A**) and invited Council to submit ward names and any other significant issues that it wished to draw to the Minister's attention by close of business on Monday, 25 May 2020 to enable the maps to be finalised and Gazetted.

In preparing this report, officers have reviewed the proposed map against the VEC's criteria for determining ward boundaries and have considered Council's previous resolutions on this matter.

Of particular concern is the lack of opportunity for community engagement on the proposed ward boundaries and ward names, and the disregard of the 2019 VEC Electoral Representation Review of Darebin.

Officers recommend that Council convey these concerns to the Minister, restate its preference for the current 3x3-councillor ward electoral structure, and seek the Minister's support of a ward naming process that allows for thorough community consultation, particularly with Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation in relation to ward names of local indigenous significance.

Motion

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

That Council:

- (1) Conveys its disappointment to the Minister for Local Government about:
 - (a) The lack of sufficient time afforded to Council to appropriately consider, consult and provide feedback to the Minister about the proposed nine single-councillor ward model and ward names;
 - (b) The lack of any community engagement in relation to the proposed nine single-councillor ward model and ward names;
 - (c) The Minister's disregard of the findings of the 2019 VEC Electoral Representation Review of Darebin City Council which, after community consultation, recommended the existing model of three wards of three councillors each should be maintained.
- (2) Restates its strong preference for the 3 x 3-councillor ward electoral structure as per the recommendations of the 2019 VEC Electoral Representation Review.
- (3) Notwithstanding its strong preference for the 3 x 3-councillor ward electoral structure, requests that the Minister considers the following:
 - (a) Whether nine councillors remains the optimal number of councillors in a single-councillor ward electoral structure in Darebin;

- (b) The merits of moving the proposed boundary between wards A and D to the south in response to anticipated variances in population growth rates in that part of the municipality, to better maintain the required +/-10% voter number deviation across all wards until the next anticipated electoral boundary review prior to the 2032 election.
- (4) In relation to naming of the proposed wards:
- (a) Reaffirms its strong preference for ward names to reflect the Wurundjeri Woi Wurrung people, figures, symbols or culturally significant items, as a way of recognising and respecting them as Traditional Owners of the land and waters on which Darebin stands;
 - (b) Foreshadows a process of community engagement to commence after the 2020 election, including consultation with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, to inform a subsequent request from Council to the Minister for wards to be renamed during 2020-24 Council term;
 - (c) Having regard to (4)(b) above, requests the Minister to gazette the wards names as ward 'A', 'B', 'C' etc as an interim solution pending the submission of new ward names by Council during the 2020-24 Council term.

Amendment

It was moved by Cr Greco that an additional point 5 be added to read –

- (5) Advise that we are writing to the Wurundjeri Woi Wurrung Council seeking their advice regarding ward names for future consideration.

The mover and seconder consented to the amendment.

The amended motion was put and carried.

Council Resolution

MINUTE NO. 20-059

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

That Council:

- (1) Conveys its disappointment to the Minister for Local Government about:
 - (a) The lack of sufficient time afforded to Council to appropriately consider, consult and provide feedback to the Minister about the proposed nine single-councillor ward model and ward names;
 - (b) The lack of any community engagement in relation to the proposed nine single-councillor ward model and ward names;
 - (c) The Minister's disregard of the findings of the 2019 VEC Electoral Representation Review of Darebin City Council which, after community consultation, recommended the existing model of three wards of three councillors each should be maintained.

- (2) Restates its strong preference for the 3 x 3-councillor ward electoral structure as per the recommendations of the 2019 VEC Electoral Representation Review.
- (3) Notwithstanding its strong preference for the 3 x 3-councillor ward electoral structure, requests that the Minister considers the following:
 - (a) Whether nine councillors remains the optimal number of councillors in a single-councillor ward electoral structure in Darebin;
 - (b) The merits of moving the proposed boundary between wards A and D to the south in response to anticipated variances in population growth rates in that part of the municipality, to better maintain the required +/-10% voter number deviation across all wards until the next anticipated electoral boundary review prior to the 2032 election.
- (4) In relation to naming of the proposed wards:
 - (a) Reaffirms its strong preference for ward names to reflect the Wurundjeri Woi Wurrung people, figures, symbols or culturally significant items, as a way of recognising and respecting them as Traditional Owners of the land and waters on which Darebin stands;
 - (b) Foreshadows a process of community engagement to commence after the 2020 election, including consultation with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, to inform a subsequent request from Council to the Minister for wards to be renamed during 2020-24 Council term;
 - (c) Having regard to (4)(b) above, requests the Minister to gazette the wards names as ward 'A', 'B', 'C' etc as an interim solution pending the submission of new ward names by Council during the 2020-24 Council term.
- (5) Advise that we are writing to the Wurundjeri Woi Wurrung Council seeking their advice regarding ward names for future consideration.

CARRIED UNANIMOUSLY

7.4 DECLARATION OF SPECIAL CHARGES: SOLAR SAVER RESIDENTIAL (BATCH 2) AND NON-RESIDENTIAL (BATCH 3)

Author: Coordinator Solar Saver

Reviewed By: General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The Solar Saver program is a key action of the Council Plan and Council's *Climate Emergency Plan*.

The report considers the declaration of a non-residential Special Charge Scheme and a residential Special Charge Scheme. These schemes include:

- Non-residential batch 3, including 1 installation (for local business Pizza Meine Liebe), adding 5kW of solar capacity to Darebin.
- Residential batch 2, including 21 installations, adding 94.71kW of solar capacity to Darebin.

The value of the proposed Special Charge scheme is:

- \$11,443.89 (relating to installations valued at \$14,981.88 gross including GST and pre Small-scale Technology Certificate [STC] claim) for the non-residential installations and
- \$124,084.05 (relating to installations valued at \$183,755.05 gross including GST and pre STC claim) for the residential installations.

Council will pay upfront for installation and supply of the solar power systems as listed in Appendix B. Council will be repaid these costs, also as detailed in Appendix B. Around 30% to 40% of this cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems (in 2020). The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years. There are two adjustments to individual charges identified in Appendix B that may apply to individual beneficiaries after this declaration:

- Firstly, most participants are expected to be eligible for state government rebates and this would reduce the amount of the Special Charge that would be required to be raised, as well as the upfront cost to Council. Officers estimate that the total amount raised could reduce by approximately \$36,000 after rebates are confirmed.
- Secondly, an adjustment in price of the solar system components will be made. This will increase installation price by no more than 10% compared to the initial quote for each system. This reflects a recent significant change in stock costs associated with a large change in the Australian exchange rate related to the economic shock of COVID19. The contractor has sought a variation and this has been considered and approved by Council officers under delegation considering the contract terms.

No interest is charged on Special Charge repayments. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants.

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on non-residential properties participating in the Solar Saver scheme. No objections were received in response to the public notification process.

This report also provides an update on risk management during the COVID-19 outbreak.

Council Resolution**MINUTE NO. 20-060**

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

That Council:

- (1) Having complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* ("Act"), and otherwise according to law, declares a Special Charge ("Special Charge") under section 163 of the Act as follows:
- a) A Special Charge is declared 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) The Special Charge is declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on properties participating in the Solar Saver scheme, which:
 - i. Council considers is or will be a special benefit to those persons 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 be recorded as \$11,443.89 for the non-residential batch and \$124,084.05 for the residential batch;
 - ii. Amount for the Special Charge to be levied be recorded as \$11,443.89 for the non-residential batch and \$124,084.05 for the residential batch, or such other amount as is lawfully levied as a consequence of this resolution.
 - d) The Special Charge is declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e) The following list is specified as the criteria that form the basis of the Special Charge so declared:
 - Ownership of any land described in paragraph 1(d) of this resolution.
 - f) The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
 - i. A Special Charge 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 Agreement has been executed, totalling \$11,443.89 for the non-residential batch and \$124,084.05 for the residential batch, being the total cost of the scheme to Council
 - ii. To 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, let it be recorded that the owners of the land described in paragraph 1(d) of this resolution will 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) Considers that there will be a special benefit to those required to pay the Special Charge *because* there will be a benefit to them that is over and above, or greater than, the benefit that is available to those 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) 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 those who are liable to pay the Special Charge is 100%.
- (4) Directs that notice be given to all owners and occupiers of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Charge are that:
- a) There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers.
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to its 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) All those who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.
- (5) Where a participant wishes to withdraw from the Scheme, agrees to such withdrawal where the participant has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the participant's solar system.

CARRIED UNANIMOUSLY

7.5 PRESTON MARKET UPDATE**Author:** Project Manager**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The Victorian Planning Authority (VPA) is currently drafting plans for the future of the Preston Market Precinct to guide future development that is proposed by the landowner. Advocating for the protection of the character, identity and long-term success of Preston Market has been a major focus of Council's throughout this process.

Council is not the decision maker for future plans for the site. However because of the market's unique role and character is so valued by the community, Council has undertaken extensive community engagement and commissioned multiple studies by experts in their fields, to identify and clearly articulate what is most important to protect through any redevelopment.

This work has informed Council's advocacy position, as captured in *The Heart of Preston*.

It has long been Council's position that, due to the complexity of the multiple elements that make up the market's character, planning mechanisms alone will not be sufficient to protect them. This is why Council has been advocating for the objectives and key elements set out in *The Heart of Preston* to be protected through a comprehensive package of both traditional planning mechanisms and non-planning mechanisms.

Council has now finalised a number of technical reports on urban design, heritage and identity. This advice provides a clearer picture on the technical opportunities, limitations, benefits and disbenefits to inform Council's future response to the VPA's planning for the Preston Market Precinct, and eventually a development proposal from the developer.

Strongest Possible Protections for the Market

These reports provide greater clarity about the elements of Preston Market that are most important to protect, and what quality of place and broader community benefits are realisable from the development of the precinct. As a result of this, officers recommend that Council now call on the VPA to provide the strongest possible protections for:

- The existing group of traders so that they can continue to be part of the market long into the future, and that other similar multicultural traders are enabled to also take up opportunities over time
- The architectural heritage of the building, especially the innovative spaceframe technology that adorns its roof and overall modernist aesthetic
- The look and feel of the market, its wide walkways, collection of stalls and small shops, and airy feel
- The ongoing use of the market on the site
- A commitment to broader community benefit, especially green spaces, highest quality architecture, walkability, affordable housing and community infrastructure

A suite of planning tools, including the structure plan, a local heritage overlay and a binding voluntary agreement such as a Section 173, will be needed to ensure the strongest level of protection for all of these elements.

Whilst these types of protections are far-reaching in a planning context and ask the State Government planning system and the developer to go further than is typical for a privately owned redevelopment site, they are warranted due to the special nature of the market and its critical role in the life of Preston and the community.

Non-Alignment of Advice and Community Views

There is a very high degree of consensus around the community's love of the market's unique character, its wide walkways and airy street market feel, its multicultural traders and its affordable and diverse product range. However, there is not consensus within the community about aspirations for change – many strongly feel the market should stay as it is, while others express a view the market is tired and needs updating.

Similarly, the individual pieces of advice within the technical reports are not always fully aligned. This is common in a planning context, where community aspirations, heritage, urban design and viability advice must be considered and analysed as a whole, to avoid poor planning outcomes, find sweet spots and protect what matters most.

Assessment Tool

Given that Council is not the decision maker, and plans are being developed by others, this report proposes an assessment tool based on the objectives of *The Heart of Preston* that can be used to understand the implications of any plans or proposals that are put forward by the VPA or the developer. This will help to highlight what any plans or proposals achieve well, where they are at risk of damaging the viability or identity of the market, and/or where they fall short of best practice planning for the wider precinct.

The assessment tool is proposed to reflect the objectives and key elements from *The Heart of Preston*, endorsed on 19 August 2019, and updated in this paper to reflect the findings of the latest urban design and heritage reports.

Updates to Heart of Preston Objectives and Elements

In order to develop this, officers recommend that Council reaffirm the objectives and elements as originally set out in *The Heart of Preston*, updated to reflect this latest technical advice, as detailed in the proposed resolution. The five overarching objectives remain the same as captured in *The Heart of Preston*.

A number of elements have been refined and slightly altered – see **Appendix E** for full details of exactly how and why there have been changes to the elements.

A smaller number are new, or have been substantially updated, as follows:

Urban Design

- The market is not completely surrounded by taller buildings, hidden from view
- Wind impact is minimised through precinct and building design for pedestrian amenity and comfort, particularly at key open spaces
- Architectural Heritage
- The market undergoes minimal change to protect as many significant heritage elements as possible.

- The market retains at least 75% of the existing spaceframe roof either in situ or relocated, only if relocation is determined to be appropriate by a Conservation Management Plan prepared by the VPA.
- The market has the same or similar outer concrete walls.
- The market has the same layout and wide, light and airy walkways.

Advice from Key Technical Reports

Two key reports have been recently completed: one on heritage and one on urban design. As has been the case with other reports on heritage, identity and other key planning matters for Preston Market, these are being made fully public, and are attached to this report.

In September 2019, the Heritage Council of Victoria considered new evidence and recommended that the VPA carry out additional heritage analysis to determine if the market has local heritage significance. Council resolved to carry out its own additional heritage analysis to ensure the fullest possible picture of whether the market has local heritage significance, and to what extent. Council commissioned heritage experts RBS, a company with both heritage and architectural expertise, to carry out this work and provide detailed advice.

Council has also had leading urban design experts MGS Architects provide advice about the principles that should underpin planning for the precinct, and analysis on various scenarios and how these would likely impact on the market. MGS have extensive experience of urban design in retail environments, including markets.

These reports have been considered in the context of previously commissioned work, most notably the Preston Market Quarter Identity Study, carried out by urban strategists Hello City in 2019. This piece of work won a commendation at the Place Leaders Asia Pacific Awards in 2019 for its innovative approach to codifying the tangible and intangible aspects of Preston Market's unique identity, and social and cultural heritage, and how these may be impacted through the planning process.

Call for Local Heritage Overlay

Council has repeatedly called for the VPA to fully consider heritage considerations and provide all appropriate protections as part of its work in drafting the planning controls, including to consider if a local heritage overlay is warranted.

A Heritage Council of Victoria hearing was held in 2019 which examined new information and findings and determined that the market does not have state heritage significance but that the matter of local significance should be further considered by the VPA in the drafting of the planning controls. Council again called on the VPA to fully consider all heritage matters and provide all appropriate protections within the planning controls. Council also resolved to commission its own further study to look at local heritage significance.

Council's new heritage study report finds that, in light of the new evidence, the Preston Market is of social, historical, aesthetic and technical significance and recommends a local Heritage Overlay (HO) be applied to the market, to consider how any redevelopment will affect the heritage significance of the market.

This report provides more robust strategic justification, particularly for architectural significance, than previous heritage reports.

The heritage consultants have also developed a Heritage Citation (Statement of Significance) for Preston Market that describes in great detail what, why and how the market meets the criteria for heritage significance. This citation (and the overall report) are intended to underpin Council's advocacy around how heritage is treated by the VPA and as the strategic basis for requesting, once again, that the Planning Minister intervene to apply an interim HO to the market.

Officers recommend that Council now undertake the following steps, which represent the strongest possible action Council can take on heritage at this stage:

- Request the Minister intervene to apply an Interim HO to ensure the market is protected prior to permanent controls being in place
- Request the VPA to apply a permanent HO to the Preston Market building
- Incorporate into the HO a Statement of Significance that is equally as strong as the citation proposed to be endorsed by Council
- Request the VPA to develop a Conservation Management Plan to guide any redevelopment of the market building, and incorporate them into the HO.

Key Heritage Advice:

- The market building is of local heritage significance (subject to testing of heritage findings at Planning Panel) and a local HO should be applied
- Any development should respect significant heritage elements through its design, governed by a heritage overlay and incorporated heritage citation (statement of significance) and policies of a Conservation Management Plan
- A local HO would not necessarily mean that to conserve significant heritage elements the market building must be preserved in its current location. It might be possible to relocate the market on the broader site, whilst largely retaining its heritage significance due to the adaptive original design of the market. This will need to be tested and quantified during detailed planning stages.
- The heritage report notes that significant change is possible for the market while retaining heritage significance, if the following is generally retained:
 - the spaceframe roof – a preliminary estimate is that a reduction of 25% of the market with the spaceframe roof may not substantially harm its significance. This may not need to be in situ, as it may be possible to relocate in a sensitive manner.
 - the outer concrete walls (although these could be shifted or recreated in a similar aesthetic); and
 - the layout and wide walkways, along with the sense of open air
- Distinctive elements of the original design that reflect its Modernist ethos should be retained.

Urban design advice

The '*Preston Market Options Review – MGS Architects – March 2020*' explores the pros and cons of various development scenarios relating to market location within the precinct. The report makes a number of key findings on how the market should be located and designed to ensure it remains vibrant, successful and accessible. It also promotes best practice urban design principles needed to achieve a liveable sustainable precinct.

Key Urban Design Advice

- The market building should have a significant street presence on Cramer Street to ensure visibility to passing pedestrians, cyclists and vehicles
- The market should not be embedded within the site, surrounded by tall buildings that obscure it from view of surrounding main streets
- The market should be located in a way that allows sufficient exposure and activation through the east-west key pedestrian interface between High Street and the Market
- The market building should only have limited or no height above it to preserve the market function and reduce conflict with other uses
- lower heights should be clustered along the southern boundary to preserve sunlight to the Preston Oval and surrounding green spaces
- The market location and precinct layout should create a clear hierarchy of streets and public spaces for clear access and permeability through the site, and enhanced pedestrian experience.
- The ideal location of a market should consider impacts of pedestrian experience and impact on traders during its transition stages, which could span a period of 10 to 15 years

Construction advice

Council received informal construction advice that suggests the market needs significant upgrades to ensure public comfort and safety, integration of utility services, upgrading of back of house facilities and consolidation of delivery access and services to provide separation and safety for customers and traders. The construction advice points to the need for a more substantial rebuild, as distinct from a renovation of the existing buildings. However, the advice notes that it would be possible, from a construction point of view (as opposed to a commercial or heritage point of view), to stage redevelopment in the current location.

Key Market Viability Advice

- For the market to remain successful, the market needs to adapt and thrive in the context of a site that is going to undergo significant change
- The market building is not meeting current building standards and codes and significant redevelopment is required, of the type it may not be possible to trade through
- The market needs a significant presence to a major street such as Cramer Street to give it the visibility, scale and prominence common to successful markets around the world
- The site is privately owned and designated by the State Government as a strategic redevelopment site. It is therefore highly likely that, if the market stays in its current position, it would be surrounded by tall buildings from the main street and hidden from view. This creates risk that the market will not attract as many visitors and shoppers as it does currently, where it is visible from both Murray Road and Cramer Street.

Key Identity Advice

Council's endorsed Preston Market Quarter Identity Study (Hello City, 2019) is the most holistic of the technical reports commissioned to date on Preston Market – it considers aspects of social and cultural heritage, urban design, retail typologies, and the social and economic role and function of the market.

- The Market's unique built and spatial qualities important to retain include:
 - The same number, types and sizes of stalls in a network of neighbourhood blocks with 12m wide streets, and two cruciform intersections
 - The same sunlit, open and airy feel
 - Active market streets open 24/7 that connect to the broader precinct, including along High Street to the station
- Affordability and diversity:
 - the vibrant mix of traders from diverse backgrounds are supported before, during and after redevelopment
 - retain diversity of independent businesses with no franchises or chains
 - provide security and affordability for traders
 - maintaining appropriate access and trade conditions, including during redevelopment

Heart of Preston Assessment Tool

The technical reports described above consider the redevelopment of the precinct through the lens of their specific expertise and interest. They therefore must be analysed and considered together and their recommendations understood and balanced. This is typical in planning for a complex project where there are competing aspirations and issues.

At times key pieces of technical advice for the planning of the Preston Market Precinct are in conflict and there is no one development scenario that is ideal to ensure that the precinct redevelopment avoids all of the following significant risks identified by technical experts:

- The market becomes non-viable commercially due to poor location or design
- The market is gentrified and the diversity of existing traders is lost
- Important architectural heritage elements are lost
- The level of disruption forces traders out of business
- Poor urban design outcomes such as 'the density donut' or overshadowing of Preston Oval
- The scale of community benefit is low

To make sense of this, Council officers have updated *The Heart of Preston* objectives and key elements with the latest heritage, identity and urban design advice, and translated it into performance-based criteria, so that it can be used as a tool to assess any plans or proposals put forward by the VPA or the developer.

Officers do not recommend Council takes a position on a single preferred configuration of the market precinct at this time. Because so many scenarios and configurations are possible, by both the VPA (based on their strategic priorities) and the developer (based on what is commercially and structurally feasible for them), Council needs a way of assessing multiple possible outcomes.

Officers are proposing to develop a Heart of Preston Assessment Tool to make it simpler to:

- assess how well a development plan proposal is meeting the objectives of Council, the community, and traders
- identify any risks to the market identity or quality of place that any plan may present
- help shape a proposed development plan to better meet Council's objectives
- retain flexibility to allow for multiple scenarios to be considered during detailed project planning as heritage details, building condition, market conditions, etc. become clearer and iterations of proposals are potentially put forward

This tool will help guide Council's future submission to the State Government during the development of the planning controls, and Council's ongoing advocacy to the State Government and developer.

Mechanisms Needed to Protect Key Objectives

Due to the complexity of the issues around identity, trader support, urban design and heritage, officers are of the view that planning controls alone will not protect the market, and that a suite of planning and non-planning mechanisms must be put in place. These mechanisms should include as a minimum:

- The Activity Centre Zone, including design guidelines, a framework plan showing the market size and location, and application requirements like a market transition plan and construction management plan
- The Structure Plan, outlining the importance of protecting the form and character of the market with a framework plan, clearly indicating key urban design outcomes such as the wide walkways, cruciform layout, size of the market and street presence
- A local Heritage Overlay on the whole market, a heritage citation (statement of significance) and a Conservation Management Plan
- A Community Charter or similar, enshrined within a Section 173 (or other legal) agreement, including the approach to supporting existing and diverse traders

It is recommended Council adopt the updated and new criteria in the Heart of Preston Assessment Tool, call on the VPA to apply the HO, with a robust Statement of Significance (heritage citation) and Conservation Management Plan to feed into the planning scheme amendment and give the community a chance to comment on the proposal before it is submitted to the Planning Minister to commence the amendment process.

Mr Chris Erlandsen, Vice President of the DADA addressed the Council on this matter.

Recommendation

That Council:

- (1) Notes the findings of the '*Preston Market Options Review – MGS Architects – March 2020*' that identifies urban design principles important in any redevelopment of the Preston Market site (**Appendix B**).
- (2) Notes the findings of the '*Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020*' that finds the market has local heritage significance and recommends a heritage overlay (**Appendix C**).
- (3) Adopt the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*' that provides a statement of significance to support Council's request for a Heritage Overlay and form part of Council's future submission to the Victorian Planning Authority's planning scheme amendment (**Appendix D**).
- (4) Write to the Victorian Planning Authority, notifying it of Council's heritage findings and requesting the following strongest protections are put in place:
 - a. Apply a permanent Heritage Overlay to the Preston Market as part of the package of planning controls and mechanisms for the Preston Market Precinct
 - b. Support Council's request to the Planning Minister to intervene and apply an Interim Heritage Overlay, through Amendment C192 to the Darebin Planning Scheme
 - c. Ensure any future Statement of Significance for the market is consistent with the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*'
 - d. Develop a Conservation Management Plan as part of the planning scheme amendment package to guide any changes to the Preston Market
 - e. Release the draft framework plan publicly, before submitting an amendment to the Minister for Planning for authorisation, as committed during the last phase of engagement.
- (5) Request the Minister for Planning prepare and approve an amendment to the Darebin Planning Scheme, pursuant to Section 20(4) of *the Planning and Environment Act 1987* to apply an interim Heritage Overlay to the market building, using the Statement of Significance provided by the Preston Market Heritage Citation by RBA Architects and Heritage Consultants as the basis of this amendment.
- (6) Update *The Heart of Preston* objectives and key elements that were adopted at Council's Planning Committee meeting of the 19 August 2019 by endorsing the use of the following criteria in a Heart of Preston Assessment Tool so that any redevelopment scenario can be tested against the criteria to assess where and how it is responding to Council's priorities and aspirations:

Value and Protect the Market's Unique Identity & Heritage

- a. **Objective one:** Following redevelopment, the market retains its heritage significance and unique feel of covered streets, intersections, sheds, stalls and small shops that create a place of welcome, exchange and diversity; which would require the following key elements:

Identity

- i. At least the same number, types and sizes of stalls.
- ii. The same sunlit, open and airy feel and characteristics of the original heritage market and not a shopping centre or mall.
- iii. Has at least two cruciform intersections, which act as a key focal point, and connect to the broader precinct.
- iv. The market footprint is the same size or larger.

Urban Design & Feasibility

- v. Is made up of a network of neighbourhood blocks and covered market streets with main public walkways at least 12 metres wide.
- vi. Has active market streets in the evening and out of hours.
- vii. Provides a wide and inviting street frontage and sense of presence along Cramer Street, in a high amenity position opposite upgraded green space next to the oval.
- viii. Integrates with existing public open space, including the Preston Oval opposite and new and upgraded spaces as part of the level crossing removals and Council open space works.
- ix. Incorporates a safe and active connection from the station through to High street that has a high level of market activity.
- x. Strong public space functionality with generous public seating, and market streets that remain open to the public 24/7 and are protected via easements.
- xi. The market is not completely surrounded by taller buildings, hidden from view.

Architectural significance

- xii. The market undergoes minimal change to protect as many significant heritage elements as possible.
- xiii. The market retains at least 75% of the existing spaceframe roof either in situ or relocated, only if relocation is determined to be appropriate by a Conservation Management Plan prepared by the VPA.
- xiv. The market has the same or similar outer concrete walls.
- xv. The market has the same layout and wide, light and airy walkways.

Support Traders

- b. **Objective two:** the vibrant mix of traders, particularly those from diverse backgrounds, are supported before, during and after redevelopment to keep the market accessible, affordable and multicultural; which would require the following key elements:
 - i. Ensure continuous operation of the market before, during and after development by:
 - (1) entering into a formal agreement(s), which will include a Market Continuity Plan and Transition Plan.
 - (2) maintaining appropriate access and trade conditions

- (3) maintaining appropriate trader car parking and large vehicle loading / unloading conditions
 - (4) providing leases with the provision for rental adjustments where trading is adversely impacted by construction requirements.
- ii. Ensure security and affordability for traders by:
 - (1) prioritising existing tenants
 - (2) setting the same price in rent, adjusted for inflation
 - (3) offering a variety of flexible lease options.
- iii. Provide the same amount of Market car parking before, during and after redevelopment.
- iv. Retain the diversity of independent businesses, with no franchises or chains.
- v. Manage the market effectively during and after redevelopment to provide a clean, safe and pleasant environment for traders and shoppers.

Create a Sustainable and Vibrant Neighbourhood

- c. **Objective three:** the surrounding precinct is developed as a model of a sustainable, liveable neighbourhood with world class architecture, open spaces, streetscapes, public areas and urban design that tell the stories of the migrant communities that have made this place what it is; which would require the following key elements:
 - i. Meaningfully involve migrant communities in precinct design and creation of new open spaces.
 - ii. Create a fine-grain and liveable neighbourhood that is inviting and interesting from the ground floor up.
 - iii. Provide a variety of building heights and generous setbacks, with world class architecture and urban design.
 - iv. Provide a permeable street network that connects to the broader neighbourhood and prioritises pedestrians and cyclists.
 - v. Wind impact is minimised through precinct and building design for pedestrian amenity and comfort, particularly at key open spaces
 - vi. Provide opportunities to grow, prepare, share and compost food in the precinct.
 - vii. Provide at least 10% public open space on site, at multiple key intersections including along the main east-west market street.
 - viii. Provide an additional financial contribution of up to 8.2% to enhance existing open space within the central Preston area.
 - ix. Provide canopy trees on all streets and laneways.
 - x. There is minimal overshadowing of open spaces on the site and to Preston Oval and its surrounds, as the premier open space destination within Central Preston.
 - xi. No car parking on the ground level and underground car parking wherever possible.

- xii. Minimise vehicle movement within the precinct.
- xiii. A minimum of 6 - star green star communities (or current best-practice Green Star).
- xiv. Minimise waste and maximise reuse of materials in the redevelopment of, and future operation of the precinct.
- xv. Provide a safe, active connection to 421 High Street.
- xvi. A minimum 6 Green Star accreditation for all buildings as built (or current best-practice).
- xvii. A minimum 7 Star Nationwide House Energy Rating Scheme (NatHERS) rating (or current best-practice).

Deliver New Community Benefits

- d. **Objective four:** value that is created through the redevelopment is shared with the wider community through a range of state-of-the-art new community spaces, affordable housing, social programs and facilities and employment opportunities; which would require the following key elements:
 - i. Provide a range of commercial cultural facilities like a cinema or galleries, and also office spaces for local jobs.
 - ii. Contribute towards new community facilities such as lifelong learning facilities, and/or a bigger, better neighbourhood house.
 - iii. Provide new maternal and child health, and kindergarten facilities.
 - iv. Ensure new green open spaces that are usable to a broad range of people.
 - v. Provide affordable (20%) and diverse housing, with a proportion of tenancies weighted towards newly arrived migrants.
 - vi. New intercultural programs around food, language and art.
- e. **Objective five:** That any development is contingent on a contractual commitment to retain the market use at the Preston Market site.
 - i. The majority Landowner/developer to enter into a contractual commitment with the State Government and Council, before a planning scheme amendment is gazetted, to retain a fresh food and variety market within the Preston Market Precinct
 - ii. The market is an ongoing use within the precinct.

See **Appendix E** for a table identifying track changes and new additions.

- (7) Write to the VPA and the developer to notify them that *The Heart of Preston* has been updated.
- (8) Note that Council officers will have discussions with the developer on affordable housing, open space contributions, a new community facility, trader support and measures to ensure the affordability and diversity of the market in order to implement Council's decision.

Motion

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

That Council :

- (1) Will do all it can to protect Preston Market from being demolished and relocated thereby safeguarding its confirmed local heritage significance.
- (2) Notes the findings and recommendations of the 'Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020' (Appendix C) that especially:
 - a. finds the market has local heritage significance because it is determined to be of local historic, aesthetic, technical and social significance;
 - b. recommends a heritage overlay be immediately sought/enacted;
 - c. recommends Council (on the basis of the markets significance) immediately commissions and provides the VPA who are preparing a Planning Scheme Amendment the following:
 - i. Conservation Management Plan that protect the market from demolition and inappropriate changes proposed by future planning permit applications which must be accompanied with a report from a heritage architect;
 - ii. Structural analysis and/or modelling report;
 - iii. Master Plan for the sites development that ensures the current footprint of Preston Market the significant elements identified in the Statement of Significance for the Preston Market remain protected;
 - d. recommends “that distinctive elements of the design which reflect its modernist ethos and that which have been removed/altered or obscured are reinstated” as follows:
 - i. Review the design of the now fully enclosed walkways;
 - ii. Reinstatement the connecting sections of space frame;
 - iii. Remove paint from the highlight windows;
 - iv. Reinstatement original (red) or consistent sympathetic colour scheme to post, struts etc.;
 - v. Review stormwater drainage system – remove PCV downpipes below the space frame and introduce a more sympathetic, partly concealed system;
 - vi. Reinstatement original sandblasted concrete finish, and painted circles, to at least some of the external walls;
 - vii. Rationalise services and conduits in to a less, ad hoc configuration/system;

- viii. Consider reinstating sympathetic free-standing light fittings, similar to the original;
 - ix. Consider reinstating a similar planting regime format to the original;
- (2) Adopt the 'Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020' (Appendix D), that:
- a. Provides a Statement of Significance regarding Council's demand for a Heritage Overlay and to the Victorian Planning Authority's planning scheme amendment;
 - b. articulates amongst other factors that:
 - i. "Preston Market, constructed in 1969-70 is significant to the City of Darebin";
 - ii. "The (largely) intact independent shops to the north end constructed in the mid-1960s to early 1970s are of contributory significance especially where they integrated materially with the space frame sections";
 - iii. "The Preston Market, the Centreway is of historical, aesthetic, technical" (space frame technology which still remains in good condition 50 years later, intact design, tilt-slabs construction) "and social significance" (inclusive/welcoming multicultural space) "to the City of Darebin";
 - iv. "By 2017 the Preston Market had become the second largest in Melbourne with about 80,000 visitors per week and include 148 main tenancies and 10 kiosks";
 - v. "There is no ready comparison to the Preston Market within the municipality, or Melbourne more broadly, in terms of building typology and in relation to its specific design";
 - vi. "The Preston Market varies from a typical commercial entity because it has a stronger social function than most retail places";
 - vii. "On a wider metropolitan basis, comparison could be made with other markets, open/mall shopping centres, and buildings where a space frame has been employed. In all instances, the Preston Market stands as a distinctive example";
 - viii. "Compared to other markets in Melbourne, Preston is probably the second oldest market in terms of constituent fabric, after Queen Victoria Market...";
 - ix. "A heritage overlay should cover the remaining original sections of the Preston Market – space frame (significant) and non space frame (contributory) – with nominal curtilage of 10 meters";
- (3) Dismisses the 'Preston Market Options Review – MGS Architects – March 2020', (Appendix B) highlighting the following serious concerns and recommended action:
- a. The report was developed without direct reference and knowledge of the 'Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020' report and is therefore considered redundant;

- b. That the Preferred Option C of effectively demolishing the existing footprint currently occupied by Preston Market and relocating a Market to Cramer Street clearly offends the heritage protections proposed in the Citation (Statement Of Significance) that proposes an overlay that covers the original sections of the Preston Market – both space frame and non-space frame with the curtilage of 10 meters;
 - c. Recommends that Council commissions an updated independent report on development principles that acknowledges and fully respects the local heritage significance as articulated in the 'Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020' and proposed Statement of Significance;
- (4) Write to the Victorian Planning Authority, notifying it of Council's heritage findings and requesting the following strongest protections are put in place:
- a. Apply a permanent Heritage Overlay to the Preston Market as a central pillar and part of the package of planning controls and mechanisms for the Preston Market Precinct that strictly adheres to Statement of significance;
 - b. Support Council's request to the Planning Minister to immediately intervene and apply an Interim Heritage Overlay, through Amendment C192 to the Darebin Planning Scheme in order to protect it from demolition;
 - c. Adopts the Statement of Significance prepared for the market by the 'Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020';
 - d. That Council will develop a Conservation Management Plan and submit it as part of the planning scheme amendment package to protect the existing market against any proposed planning applications that seek any changes to the Preston Market;
 - e. Release the draft framework plan publicly, before submitting an amendment to the Minister for Planning for authorisation, as committed during the last phase of engagement;
 - f. That Council be given the opportunity to formally consider the draft framework at a Council meeting and make a recommendation to support it or not;
- (5) Request the Minister for Planning prepare and approve an amendment to the Darebin Planning Scheme, pursuant to Section 20(4) of the Planning and Environment Act 1987 to immediately apply an interim Heritage Overlay to the market building and footprint, using the Statement of Significance provided by the Preston Market Heritage Citation by RBA Architects and Heritage Consultants as the basis of this amendment:
- (6) Update The Heart of Preston objectives and key elements that were adopted at Council's Planning Committee meeting of the 19 August 2019 by endorsing the use of the following criteria in a Heart of Preston Assessment Tool so that any redevelopment scenario beyond the 10 meter curtilage stated in the Statement of Significance provided by the Preston Market Heritage Citation by RBA Architects and Heritage Consultants can be tested against the criteria to assess where and how it is responding to Council's priorities and aspirations:

Value and Protect the Market's Unique Identity & Heritage

- a. **Objective one:** Should redevelopment occur, the market must remain in situ and retains its heritage significance and unique feel of covered streets, intersections, sheds, stalls and small shops that create a place of welcome, exchange and diversity; which would require the following key elements strictly adhering to the Statement of Significance:

Identity

- i. At least the same number, types and sizes of stalls.
- ii. The same sunlit, open and airy feel and characteristics of the original heritage market and not a shopping centre or mall.
- iii. Has at least two cruciform intersections, which act as a key focal point, and connect to the broader precinct.
- iv. The market footprint is the same size or larger.
- v. The "*distinctive elements of the design which reflect its modernist ethos and that which have been removed/altered or obscured are reinstated*"

Urban Design & Feasibility

- v. Is made up of a network of neighbourhood blocks and covered market streets with main public walkways at least 12 metres wide.
- vi. Has active market streets in the evening and out of hours.
- vii. Provides a wide and inviting street frontage and sense of presence along Cramer Street, in a high amenity position opposite upgraded green space next to the oval, while maintaining and protecting existing footprint and heritage values of the market.
- viii. Integrates with existing public open space, including the Preston Oval opposite and new and upgraded spaces as part of the level crossing removals and Council open space works.
- ix. Incorporates a safe and active connection from the station through to High street that has a high level of market activity.
- x. Strong public space functionality with generous public seating, and market streets that remain open to the public 24/7 and are protected via easements.
- xi. The market is not surrounded by taller buildings, hidden from view.

Architectural significance

- xii. Changes that reduce the footprint and the heritage significance must not be permitted in order to protect the confirmed local historical, aesthetic, technical and social significance of the market.

- xiii. The market retains 100 % of the existing significant section of spaceframe roof in situ. Only a preliminary cautionary estimate up to 25% of the significant section (with space frame roof) only may be considered for relocation if is determined to be appropriate by a Conservation Management Plan prepared by the Council and adopted by the VPA.
- xiv. The market retains the same heritage significant outer concrete walls.
- xv. The market retains the same layout and wide, light and airy walkways in situ.

Support Traders

- b. Objective two:** the vibrant mix of traders, particularly those from diverse backgrounds, are supported before, during and after redevelopment to keep the market accessible, affordable and multicultural; which would require the following key elements:
 - i. Ensure continuous operation of the market in situ before, during and after development by:
 - (1) entering into a formal agreement(s), which will include a Market Continuity Plan and Transition Plan.
 - (2) maintaining appropriate access and trade conditions
 - (3) maintaining appropriate trader car parking and large vehicle loading / unloading conditions
 - (4) providing leases with the provision for rental adjustments where trading is adversely impacted by construction requirements.
 - ii. Ensure security and affordability for traders by:
 - (1) prioritising existing tenants
 - (2) setting the same price in rent, adjusted for inflation
 - (3) offering a variety of flexible lease options.
 - iii. Provide the same amount of Market car parking before, during and after redevelopment.
 - iv. Retain the diversity of independent businesses, with no franchises or chains.
 - v. Manage the market effectively during and after redevelopment to provide a clean, safe and pleasant environment for traders and shoppers.

Create a Sustainable and Vibrant Neighbourhood

- c. Objective three:** the surrounding precinct is developed as a model of a sustainable, liveable neighbourhood with world class architecture, open spaces, streetscapes, public areas and urban design that tell the stories of the migrant communities that have made this place what it is; which would require the following key elements:

- i. Meaningfully involve migrant communities in precinct design and creation of new open spaces.
- ii. Create a fine-grain and liveable neighbourhood that is inviting, and interesting from the ground floor up.
- iii. Provide a variety of building heights to a mandatory maximum of 10 storeys including podium (currently a non-mandatory 10 story height limit applies) and generous setbacks, with a 30 degree gradient outwards from the markets 10 meter curtilage footprint under the heritage overlay conditions stipulated in the Statement of significance, with world class architecture and urban design.
- iv. Provide a permeable street network that connects to the broader neighbourhood and prioritises pedestrians and cyclists.
- v. Wind impact is minimised through precinct and building design for pedestrian amenity and comfort, particularly at key open spaces
- vi. Provide opportunities to grow, prepare, share and compost food in the precinct.
- vii. Provide at least 18% public open space on site, at multiple key intersections including along the main east-west market street in line with the identified open space deficiency in Darebin.
- viii. Provide an additional financial contribution of up to 8.2% to enhance existing open space within the central Preston area.
- ix. Provide deep rooted canopy trees on all streets and laneways and reinstate plants as per RBA report cited above.
- x. There is minimal overshadowing of open spaces on the existing market footprint and the site and to Preston Oval and its surrounds, as the premier open space destination within Central Preston.
- xi. No car parking on the ground level and sufficient market underground car parking must be provided.
- xii. Minimise vehicle movement within the precinct.
- xiii. A minimum of 6 - star green star communities (or current best practice Green Star).
- xiv. Minimise waste and maximise reuse of materials in the redevelopment of, and future operation of the precinct.
- xv. Provide a safe, active connection to 421 High Street.
- xvi. A minimum 6 Green Star accreditation for all buildings as built (or current best-practice).
- xvii. A minimum 7 Star Nationwide House Energy Rating Scheme (NatHERS) rating (or current best-practice).

Deliver New Community Benefits

- d. Objective four: value** that is created through the redevelopment is shared with the wider community through a range of state-of-the-art new community spaces, affordable housing, social programs and facilities and employment opportunities; which would require the following key elements:
- i. Provide a range of commercial cultural facilities like a cinema or galleries, and also office spaces for local jobs.
 - ii. Contribute towards new community facilities such as lifelong learning facilities, and/or a bigger, better neighbourhood house.
 - iii. Provide new maternal and child health, and kindergarten facilities.
 - iv. Ensure new green open spaces that are usable to a broad range of people.
 - v. Provide affordable, social (20%) and diverse housing, with a proportion of tenancies weighted towards newly arrived migrants.
 - vi. New intercultural market programs around food, language and art.
- e. Objective five:** That any development is contingent on a contractual commitment to retain the market use on the existing footprint occupied by Preston Market at the.
- i. The majority Landowner/developer to enter into a contractual and legally enforceable commitment (containing substantial penalties for breaches) with the State Government and Council, before a planning scheme amendment is gazetted, to retain a fresh food and variety market within the Preston Market Precinct
 - ii. The market is an ongoing use within the precinct.

Appendix E to be adjusted to reflect table identifying track changes and new additions to.

- (7) Immediately write to the VPA and the developer to notify them that The Heart of Preston has been updated.
- (8) Note that Council officers will adhere to points 1 to 7 above when they have discussions with the developer on heritage protection, affordable and social housing, open space contributions, a new community facility, trader support and measures to ensure the affordability and diversity of the market in order to implement Council's decision.
- (9) That Appendix F, "Have your say" be updated to reflect the above resolution.

The motion was put and lost.

LOST

For: Cr's Greco, Williams and Messina (3)

Against: Cr's Rennie, Newton, Amir, Le Cerf and McCarthy (5)

Motion

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

That Council:

- (1) Notes the findings of the '*Preston Market Options Review – MGS Architects – March 2020*' that identifies urban design principles important in any redevelopment of the Preston Market site (**Appendix B**).
- (2) Notes the findings of the '*Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020*' that finds the market has local heritage significance and recommends a heritage overlay (**Appendix C**).
- (3) Adopt the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*' that provides a statement of significance to support Council's request for a Heritage Overlay and form part of Council's future submission to the Victorian Planning Authority's planning scheme amendment (**Appendix D**).
- (4) Write to the Victorian Planning Authority, notifying it of Council's heritage findings and requesting the following strongest protections are put in place:
 - a. Apply a permanent Heritage Overlay to the Preston Market as part of the package of planning controls and mechanisms for the Preston Market Precinct
 - b. Support Council's request to the Planning Minister to intervene and apply an Interim Heritage Overlay, through Amendment C192 to the Darebin Planning Scheme
 - c. Ensure any future Statement of Significance for the market is consistent with the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*'
 - d. Develop a Conservation Management Plan as part of the planning scheme amendment package to guide any changes to the Preston Market
 - e. Release the draft framework plan publicly, before submitting an amendment to the Minister for Planning for authorisation, as committed during the last phase of engagement.
- (5) Request the Minister for Planning prepare and approve an amendment to the Darebin Planning Scheme, pursuant to Section 20(4) of *the Planning and Environment Act 1987* to apply an interim Heritage Overlay to the market building, using the Statement of Significance provided by the Preston Market Heritage Citation by RBA Architects and Heritage Consultants as the basis of this amendment.
- (6) Update *The Heart of Preston* objectives and key elements that were adopted at Council's Planning Committee meeting of the 19 August 2019 by endorsing the use of the following criteria in a Heart of Preston Assessment Tool so that any redevelopment scenario can be tested against the criteria to assess where and how it is responding to Council's priorities and aspirations:

Value and Protect the Market's Unique Identity & Heritage

- a. **Objective one:** Following redevelopment, the market retains its heritage significance and unique feel of covered streets, intersections, sheds, stalls and small shops that create a place of welcome, exchange and diversity; which would require the following key elements:

Identity

- i. At least the same number, types and sizes of stalls.
- ii. The same sunlit, open and airy feel and characteristics of the original heritage market and not a shopping centre or mall.
- iii. Has at least two cruciform intersections, which act as a key focal point, and connect to the broader precinct.
- iv. The market footprint is the same size or larger.

Urban Design & Feasibility

- v. Is made up of a network of neighbourhood blocks and covered market streets with main public walkways at least 12 metres wide.
- vi. Has active market streets in the evening and out of hours.
- vii. Provides a wide and inviting street frontage and sense of presence along Cramer Street, in a high amenity position opposite upgraded green space next to the oval.
- viii. Integrates with existing public open space, including the Preston Oval opposite and new and upgraded spaces as part of the level crossing removals and Council open space works.
- ix. Incorporates a safe and active connection from the station through to High street that has a high level of market activity.
- x. Strong public space functionality with generous public seating, and market streets that remain open to the public 24/7 and are protected via easements.
- xi. The market is not completely surrounded by taller buildings, hidden from view.

Architectural significance

- xii. The market undergoes minimal change to protect as many significant heritage elements as possible.
- xiii. The market retains at least 75% of the existing spaceframe roof either in situ or relocated, only if relocation is determined to be appropriate by a Conservation Management Plan prepared by the VPA.
- xiv. The market has the same or similar outer concrete walls.
- xv. The market has the same layout and wide, light and airy walkways.

Support Traders

- b. **Objective two:** the vibrant mix of traders, particularly those from diverse backgrounds, are supported before, during and after redevelopment to keep the market accessible, affordable and multicultural; which would require the following key elements:
 - i. Ensure continuous operation of the market before, during and after development by:
 - (1) entering into a formal agreement(s), which will include a Market Continuity Plan and Transition Plan.
 - (2) maintaining appropriate access and trade conditions

- (3) maintaining appropriate trader car parking and large vehicle loading / unloading conditions
 - (4) providing leases with the provision for rental adjustments where trading is adversely impacted by construction requirements.
- ii. Ensure security and affordability for traders by:
 - (1) prioritising existing tenants
 - (2) setting the same price in rent, adjusted for inflation
 - (3) offering a variety of flexible lease options.
- iii. Provide the same amount of Market car parking before, during and after redevelopment.
- iv. Retain the diversity of independent businesses, with no franchises or chains.
- v. Manage the market effectively during and after redevelopment to provide a clean, safe and pleasant environment for traders and shoppers.

Create a Sustainable and Vibrant Neighbourhood

- c. **Objective three:** the surrounding precinct is developed as a model of a sustainable, liveable neighbourhood with world class architecture, open spaces, streetscapes, public areas and urban design that tell the stories of the migrant communities that have made this place what it is; which would require the following key elements:
 - i. Meaningfully involve migrant communities in precinct design and creation of new open spaces.
 - ii. Create a fine-grain and liveable neighbourhood that is inviting and interesting from the ground floor up.
 - iii. Provide a variety of building heights and generous setbacks, with world class architecture and urban design.
 - iv. Provide a permeable street network that connects to the broader neighbourhood and prioritises pedestrians and cyclists.
 - v. Wind impact is minimised through precinct and building design for pedestrian amenity and comfort, particularly at key open spaces
 - vi. Provide opportunities to grow, prepare, share and compost food in the precinct.
 - vii. Provide at least 10% public open space on site, at multiple key intersections including along the main east-west market street.
 - viii. Provide an additional financial contribution of up to 8.2% to enhance existing open space within the central Preston area.
 - ix. Provide canopy trees on all streets and laneways.
 - x. There is minimal overshadowing of open spaces on the site and to Preston Oval and its surrounds, as the premier open space destination within Central Preston.
 - xi. No car parking on the ground level and underground car parking wherever possible.

- xii. Minimise vehicle movement within the precinct.
- xiii. A minimum of 6 - star green star communities (or current best-practice Green Star).
- xiv. Minimise waste and maximise reuse of materials in the redevelopment of, and future operation of the precinct.
- xv. Provide a safe, active connection to 421 High Street.
- xvi. A minimum 6 Green Star accreditation for all buildings as built (or current best-practice).
- xvii. A minimum 7 Star Nationwide House Energy Rating Scheme (NatHERS) rating (or current best-practice).

Deliver New Community Benefits

- d. **Objective four:** value that is created through the redevelopment is shared with the wider community through a range of state-of-the-art new community spaces, affordable housing, social programs and facilities and employment opportunities; which would require the following key elements:
 - i. Provide a range of commercial cultural facilities like a cinema or galleries, and also office spaces for local jobs.
 - ii. Contribute towards new community facilities such as lifelong learning facilities, and/or a bigger, better neighbourhood house.
 - iii. Provide new maternal and child health, and kindergarten facilities.
 - iv. Ensure new green open spaces that are usable to a broad range of people.
 - v. Provide affordable (20%) and diverse housing, with a proportion of tenancies weighted towards newly arrived migrants.
 - vi. New intercultural programs around food, language and art.

- e. **Objective five:** That any development is contingent on a contractual commitment to retain the market use at the Preston Market site.
 - i. The majority Landowner/developer to enter into a contractual commitment with the State Government and Council, before a planning scheme amendment is gazetted, to retain a fresh food and variety market within the Preston Market Precinct
 - ii. The market is an ongoing use within the precinct.

See **Appendix E** for a table identifying track changes and new additions.

- (7) Write to the VPA and the developer to notify them that *The Heart of Preston* has been updated.
- (8) Note that Council officers will have discussions with the developer on affordable housing, open space contributions, a new community facility, trader support and measures to ensure the affordability and diversity of the market in order to implement Council's decision.

Amendment

MOVED: Cr. G Greco
SECONDED: -

That the following item be included to the recommendation, as item 1, with all subsequent numbering being changed.

1. That Council writes to the VPA and the Minister for Planning stating that the Preston Market must be protected from demolition and relocation in view of the Statement of Significance relating to the confirmed heritage of the market.

The mover and seconder did not consent to the amendment.

Amendment

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

That the following item be included to the recommendation, as item 1, with all subsequent numbering being changed.

1. That Council writes to the VPA and the Minister for Planning stating that the Preston Market must be protected from demolition and relocation in view of the Statement of Significance relating to the confirmed heritage of the market.

The amendment was put and lost.

LOST

For: Cr's Greco, Williams and Messina (3)

Against: Cr's Rennie, Newton, Amir, Le Cerf and McCarthy (5)

Amendment

MOVED: Cr. G Greco
SECONDED: -

That following item be changed to read –

Create a Sustainable and Vibrant Neighbourhood**c. Objective three:**

- iii. Provide a variety of building heights to a mandatory maximum of 12 storeys including podium (currently a non-mandatory 10 story height limit applies) and generous setbacks, with a 30 degree gradient outwards from the markets 10 meter curtilage footprint under the heritage overlay conditions stipulated in the Statement of significance, with world class architecture and urban design.

The mover and seconder did not consent to the amendment.

Amendment

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

That following item be changed to read –

Create a Sustainable and Vibrant Neighbourhood**c. Objective three:**

- iii. Provide a variety of building heights to a mandatory maximum of 12 storeys including podium (currently a non-mandatory 10 story height limit applies) and generous setbacks, with a 30 degree gradient outwards from the markets 10 meter curtilage footprint under the heritage overlay conditions stipulated in the Statement of significance, with world class architecture and urban design.

The amendment was put and lost.

LOST

For: Cr's Greco, Williams and Messina (3)

Against: Cr's Rennie, Newton, Amir, Le Cerf and McCarthy (5)

The substantive motion before the Council was put and carried i.e. the Officer Recommendation

Council Resolution

MINUTE NO. 20-061

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

That Council:

- (1) Notes the findings of the '*Preston Market Options Review – MGS Architects – March 2020*' that identifies urban design principles important in any redevelopment of the Preston Market site (**Appendix B**).
- (2) Notes the findings of the '*Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020*' that finds the market has local heritage significance and recommends a heritage overlay (**Appendix C**).
- (3) Adopt the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*' that provides a statement of significance to support Council's request for a Heritage Overlay and form part of Council's future submission to the Victorian Planning Authority's planning scheme amendment (**Appendix D**).
- (4) Write to the Victorian Planning Authority, notifying it of Council's heritage findings and requesting the following strongest protections are put in place:
 - a. Apply a permanent Heritage Overlay to the Preston Market as part of the package of planning controls and mechanisms for the Preston Market Precinct

- b. Support Council's request to the Planning Minister to intervene and apply an Interim Heritage Overlay, through Amendment C192 to the Darebin Planning Scheme
 - c. Ensure any future Statement of Significance for the market is consistent with the '*Preston Market Heritage Citation - RBA Architects and Heritage Consultants April 2020*'
 - d. Develop a Conservation Management Plan as part of the planning scheme amendment package to guide any changes to the Preston Market
 - e. Release the draft framework plan publicly, before submitting an amendment to the Minister for Planning for authorisation, as committed during the last phase of engagement.
- (5) Request the Minister for Planning prepare and approve an amendment to the Darebin Planning Scheme, pursuant to Section 20(4) of *the Planning and Environment Act 1987* to apply an interim Heritage Overlay to the market building, using the Statement of Significance provided by the Preston Market Heritage Citation by RBA Architects and Heritage Consultants as the basis of this amendment.
- (6) Update *The Heart of Preston* objectives and key elements that were adopted at Council's Planning Committee meeting of the 19 August 2019 by endorsing the use of the following criteria in a Heart of Preston Assessment Tool so that any redevelopment scenario can be tested against the criteria to assess where and how it is responding to Council's priorities and aspirations:

Value and Protect the Market's Unique Identity & Heritage

- a. **Objective one:** Following redevelopment, the market retains its heritage significance and unique feel of covered streets, intersections, sheds, stalls and small shops that create a place of welcome, exchange and diversity; which would require the following key elements:

Identity

- i. At least the same number, types and sizes of stalls.
- ii. The same sunlit, open and airy feel and characteristics of the original heritage market and not a shopping centre or mall.
- iii. Has at least two cruciform intersections, which act as a key focal point, and connect to the broader precinct.
- iv. The market footprint is the same size or larger.

Urban Design & Feasibility

- v. Is made up of a network of neighbourhood blocks and covered market streets with main public walkways at least 12 metres wide.
- vi. Has active market streets in the evening and out of hours.
- vii. Provides a wide and inviting street frontage and sense of presence along Cramer Street, in a high amenity position opposite upgraded green space next to the oval.
- viii. Integrates with existing public open space, including the Preston Oval opposite and new and upgraded spaces as part of the level crossing removals and Council open space works.
- ix. Incorporates a safe and active connection from the station through to High street that has a high level of market activity.

- x. Strong public space functionality with generous public seating, and market streets that remain open to the public 24/7 and are protected via easements.
- xi. The market is not completely surrounded by taller buildings, hidden from view.

Architectural significance

- xii. The market undergoes minimal change to protect as many significant heritage elements as possible.
- xiii. The market retains at least 75% of the existing spaceframe roof either in situ or relocated, only if relocation is determined to be appropriate by a Conservation Management Plan prepared by the VPA.
- xiv. The market has the same or similar outer concrete walls.
- xv. The market has the same layout and wide, light and airy walkways.

Support Traders

- b. **Objective two:** the vibrant mix of traders, particularly those from diverse backgrounds, are supported before, during and after redevelopment to keep the market accessible, affordable and multicultural; which would require the following key elements:
 - i. Ensure continuous operation of the market before, during and after development by:
 - (1) entering into a formal agreement(s), which will include a Market Continuity Plan and Transition Plan.
 - (2) maintaining appropriate access and trade conditions
 - (3) maintaining appropriate trader car parking and large vehicle loading / unloading conditions
 - (4) providing leases with the provision for rental adjustments where trading is adversely impacted by construction requirements.
 - ii. Ensure security and affordability for traders by:
 - (1) prioritising existing tenants
 - (2) setting the same price in rent, adjusted for inflation
 - (3) offering a variety of flexible lease options.
 - iii. Provide the same amount of Market car parking before, during and after redevelopment.
 - iv. Retain the diversity of independent businesses, with no franchises or chains.
 - v. Manage the market effectively during and after redevelopment to provide a clean, safe and pleasant environment for traders and shoppers.

Create a Sustainable and Vibrant Neighbourhood

- c. **Objective three:** the surrounding precinct is developed as a model of a sustainable, liveable neighbourhood with world class architecture, open spaces, streetscapes, public areas and urban design that tell the stories of the migrant communities that have made this place what it is; which would require the following key elements:
- i. Meaningfully involve migrant communities in precinct design and creation of new open spaces.
 - ii. Create a fine-grain and liveable neighbourhood that is inviting and interesting from the ground floor up.
 - iii. Provide a variety of building heights and generous setbacks, with world class architecture and urban design.
 - iv. Provide a permeable street network that connects to the broader neighbourhood and prioritises pedestrians and cyclists.
 - v. Wind impact is minimised through precinct and building design for pedestrian amenity and comfort, particularly at key open spaces
 - vi. Provide opportunities to grow, prepare, share and compost food in the precinct.
 - vii. Provide at least 10% public open space on site, at multiple key intersections including along the main east-west market street.
 - viii. Provide an additional financial contribution of up to 8.2% to enhance existing open space within the central Preston area.
 - ix. Provide canopy trees on all streets and laneways.
 - x. There is minimal overshadowing of open spaces on the site and to Preston Oval and its surrounds, as the premier open space destination within Central Preston.
 - xi. No car parking on the ground level and underground car parking wherever possible.
 - xii. Minimise vehicle movement within the precinct.
 - xiii. A minimum of 6 - star green star communities (or current best-practice Green Star).
 - xiv. Minimise waste and maximise reuse of materials in the redevelopment of, and future operation of the precinct.
 - xv. Provide a safe, active connection to 421 High Street.
 - xvi. A minimum 6 Green Star accreditation for all buildings as built (or current best-practice).
 - xvii. A minimum 7 Star Nationwide House Energy Rating Scheme (NatHERS) rating (or current best-practice).

Deliver New Community Benefits

- d. **Objective four:** value that is created through the redevelopment is shared with the wider community through a range of state-of-the-art new community spaces, affordable housing, social programs and facilities and employment opportunities; which would require the following key elements:

- i. Provide a range of commercial cultural facilities like a cinema or galleries, and also office spaces for local jobs.
 - ii. Contribute towards new community facilities such as lifelong learning facilities, and/or a bigger, better neighbourhood house.
 - iii. Provide new maternal and child health, and kindergarten facilities.
 - iv. Ensure new green open spaces that are usable to a broad range of people.
 - v. Provide affordable (20%) and diverse housing, with a proportion of tenancies weighted towards newly arrived migrants.
 - vi. New intercultural programs around food, language and art.
- e. **Objective five:** That any development is contingent on a contractual commitment to retain the market use at the Preston Market site.
- i. The majority Landowner/developer to enter into a contractual commitment with the State Government and Council, before a planning scheme amendment is gazetted, to retain a fresh food and variety market within the Preston Market Precinct
 - ii. The market is an ongoing use within the precinct.

See **Appendix E** for a table identifying track changes and new additions.

- (7) Write to the VPA and the developer to notify them that *The Heart of Preston* has been updated.
- (8) Note that Council officers will have discussions with the developer on affordable housing, open space contributions, a new community facility, trader support and measures to ensure the affordability and diversity of the market in order to implement Council's decision.

CARRIED

For: Cr's Rennie, Newton, Amir, Le Cerf and McCarthy (5)

Against: Cr's Greco, Williams and Messina (3)

8.40pm The Council meeting was adjourned for 5 minutes.

Cr Le Cerf left the meeting and did not return.

8.47pm The Council meeting resumed.

Declaration of Conflict of Interest

8.47pm The General Manager Operations and Capital declared an indirect conflict of interest in the following Item 7.6 – Minor Building Works Contracts due to his close association to one of the owners of a business that had submitted a tender for the works. He left the Council Meeting prior to Council commencing its determination on this matter.

7.6 MINOR BUILDING WORKS CONTRACTS

Author: Coordinator, Facilities Management

Reviewed By: Manager, Assets & Capital Delivery

EXECUTIVE SUMMARY

The purpose of this report is to award contract CT202049 – Minor Building Works – Stimulus Packages.

In line with Council's objective to respond to the COVID19 pandemic, officers have identified opportunities to fast track required minor building works as part of Councils capital program. Seven packages comprising minor building works including painting, lighting upgrades, gutter and roof replacements, flooring maintenance and renewals and the replacement of dated or faulty appliances were designed for a closed multi-lot tender.

Recommendation

That Council:

- (1) Awards Contract No. CT202049 for Minor Building Works – Stimulus Packages to _____ for the amount of \$_____ inclusive of GST.
- (2) Authorises 10 per cent contingency across the packages of works to the maximum value of \$_____ inclusive of GST.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

8.48 pm Cr Messina returned to the meeting.

8.49 pm Cr Williams returned to the meeting.

Council Resolution

MINUTE NO. 20-062

MOVED: Cr. T McCarthy

SECONDED: Cr. S Newton

That Council:

- (1) Awards Contract No. CT202049 for Minor Building Works – Stimulus Packages to:
 - a) Arden Building Maintenance Pty Ltd for the amount of \$303, 930 inclusive of GST for packages 1 and 5.
 - b) Building Impressions Pty Ltd for the amount of \$595,145 inclusive of GST for packages 2 and 3.
 - c) Maple Constructions for the amount of \$236,001 inclusive of GST for packages 4, 6 and 7.

- (2) Authorises 10 per cent contingency across the packages of works to the maximum value of \$113,508 inclusive of GST.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

The total recommended upper limit program value is \$1,249,854 (inc. GST), inclusive of 10 per cent contingency and be accommodated within the 2019/20 and 2020/21 budget allowances for building renewal works.

CARRIED UNANIMOUSLY

9.00 pm The General Manager Operations and Capital returned to the meeting.

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

Nil

9. NOTICES OF MOTION

9.1 CAPITAL WORKS

Councillor: Gaetano GRECO

NoM No.: 472

Take notice that at the Council Meeting to be held on 18 May 2020, it is my intention to move:

That Council:

- (1) *Notes that a Special Meeting was originally scheduled (but later cancelled due to COVID-19) for 25 March 2020 to consider the release of the Draft Annual Budget 2020-2021 and Draft Strategic Resource Plan for community consultation which included over \$53m in capital works projects for the 2020-2021 financial year.*
- (2) *Calls for a report at the next Council meeting on the 9 June 2020 in time for our final budget deliberations in July 2020 outlining;*
 - *Which capital works projects are proposed to be cut in the draft Annual Budget 2020-2021 in response to the proposed decrease in Capital works expenditure to no more than \$33m as per council resolution adopted on 27 March 2020 and why.*
 - *A rigorous evaluation of potential capital works projects (up to a total capital works budget of \$53m) that could be prioritised from our 10 year capital works plan and that will provide short to medium term economic stimulus to our economy in light of the negative impact the coronavirus has had on our local economy including projects that are:*

- a) *Shovel ready'*
- b) *Can be brought forward from future years*
- c) *Do not require a long lead time to complete*
- d) *Are labour intensive.*
- e) *Provide improved infrastructure benefits across the whole municipality*

Brief rationale

This report is being sought so that Councillors can rigorously evaluate which capital works projects from our capital works plan are best suited to provide the maximum economic stimulus to our city in light of the negative economic impact caused by the Covid-19 crisis. Both the federal and state government have provided a huge economic impetus to keep the Australian economy afloat in the short term and it's important that Council plays its part in prioritising local capital works projects that provide immediate economic activity and support local businesses and trades.

Notice Received: 4 May 2020

Notice Given to Councillors 11 May 2020

Date of Meeting: 18 May 2020

Council Resolution**MINUTE NO. 20-063**

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

That Council:

- (1) Notes that a Special Meeting was originally scheduled (but later cancelled due to COVID-19) for 25 March 2020 to consider the release of the Draft Annual Budget 2020-2021 and Draft Strategic Resource Plan for community consultation which included over \$53m in capital works projects for the 2020-2021 financial year.
- (2) Calls for a report at the next Council meeting on the 9 June 2020 in time for our final budget deliberations in July 2020 outlining;
 - Which capital works projects are proposed to be cut in the draft Annual Budget 2020-2021 in response to the proposed decrease in Capital works expenditure to no more than \$33m as per council resolution adopted on 27 March 2020 and why.
 - A rigorous evaluation of potential capital works projects (up to a total capital works budget of \$53m) that could be prioritised from our 10 year capital works plan and that will provide short to medium term economic stimulus to our economy in light of the negative impact the coronavirus has had on our local economy including projects that are:
 - a) *Shovel ready'*
 - b) *Can be brought forward from future years*
 - c) *Do not require a long lead time to complete*

- d) Are labour intensive.
- e) Provide improved infrastructure benefits across the whole municipality

CARRIED UNANIMOUSLY

9.2 JOB SEEKER

Councillor: Gaetano GRECO

NoM No.: 474

Take notice that at the Council Meeting to be held on 18 May 2020, it is my intention to move:

That Council calls for a report at the next Council Meeting on the 9 June 2020 which outlines as best as possible on available data:

- *How many workers and ratepayers in Darebin have received the Centrelink Job Seeker Coronavirus Supplement of \$550 per fortnight.*
- *How many workers and ratepayers in Darebin have received the Job Keeper payment of \$1,500 per fortnight.*
- *How many small and medium sized business in Darebin are eligible for the federal government Covid-19 assistance program because they have experienced more than a 30% drop in turnover.*

Notice Received: 4 May 2020

Notice Given to Councillors 11 May 2020

Date of Meeting: 18 May 2020

Motion

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

That Council calls for a report at the next Council Meeting on the 9 June 2020 which outlines as best as possible on available data:

- *How many workers and ratepayers in Darebin have received the Centrelink Job Seeker Coronavirus Supplement of \$550 per fortnight.*
- *How many workers and ratepayers in Darebin have received the Job Keeper payment of \$1,500 per fortnight.*

- How many small and medium sized business in Darebin are eligible for the federal government Covid-19 assistance program because they have experienced more than a 30% drop in turnover.

Amendment

MOVED: Cr. T McCarthy

SECONDED:

That the motion be amended as follows -

That Council calls for a report at the next Council Meeting on the 9 June 2020 which outlines as best as possible on available data:

- How many residents in Darebin have received the Centrelink Job Seeker Coronavirus Supplement of \$550 per fortnight.
- How many residents in Darebin have received the Job Keeper payment of \$1,500 per fortnight.
- How many small and medium sized business in Darebin are eligible for the federal government Covid-19 assistance program because they have experienced more than a 30% drop in turnover.
- How many Darebin residents will be supported through Council's Working for Victoria application, if approved.
- How the local youth labour market has been impacted by Covid-19.

The amendment was not supported by the mover and seconder.

Amendment

MOVED: Cr. T McCarthy

SECONDED: Cr. L Messina

That the motion be amended as follows

That Council calls for a report at the next Council Meeting on the 9 June 2020 which outlines as best as possible on available data:

- How many residents in Darebin have received the Centrelink Job Seeker Coronavirus Supplement of \$550 per fortnight.
- How many residents in Darebin have received the Job Keeper payment of \$1,500 per fortnight.
- How many small and medium sized business in Darebin are eligible for the federal government Covid-19 assistance program because they have experienced more than a 30% drop in turnover.
- How many Darebin residents will be supported through Council's Working for Victoria application, if approved.

- How the local youth labour market has been impacted by Covid-19.

The amendment was put and carried unanimously

CARRIED UNANIMOUSLY

Amendment

MOVED: Cr. S Newton
SECONDED: -

That the motion be amended by the addition of two further points to read -

- How many Darebin residents have received one or both of the \$750 economic support payments from the federal government?
- How many residents in Darebin work in industries that are not covered by Jobkeeper?

The mover and seconder consented to the amendment.

The amended motion was put and carried unanimously.

Council Resolution

MINUTE NO. 20-064

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

That Council calls for a report at the next Council Meeting on the 9 June 2020 which outlines as best as possible on available data:

- How many residents in Darebin have received the Centrelink Job Seeker Coronavirus Supplement of \$550 per fortnight.
- How many residents in Darebin have received the Job Keeper payment of \$1,500 per fortnight.
- How many small and medium sized business in Darebin are eligible for the federal government Covid-19 assistance program because they have experienced more than a 30% drop in turnover.
- How many Darebin residents will be supported through Council's Working for Victoria application, if approved.
- How the local youth labour market has been impacted by Covid-19.
- How many Darebin residents have received one or both of the \$750 economic support payments from the federal government?
- How many residents in Darebin work in industries that are not covered by Jobkeeper?

CARRIED UNANIMOUSLY

9.3 INVITATION TO JANE STANLEY TO ADDRESS COUNCIL ON THE FUTURE OF PRESTON MARKET**Councillor: Gaetano GRECO****NoM No.: 475**

Take notice that at the Council Meeting to be held on 18 May 2020, it is my intention to move:

That Council resolves to invite renowned expert on markets, Ms Jane Stanley to address Councillors and relevant Officers in the immediate future at a Council Briefing before the Council makes any further decisions on its future position on the Preston Market.

Brief Rationale

This is following on from a DADA request at our last Council meeting. While I understand that the Mayor has agreed to facilitate this this motion (if passed) will ensure that Ms Stanley addresses Council and officers before any further decisions regarding Council's position on the future of the market.

Notice Received: 4 May 2020**Notice Given to Councillors 11 May 2020****Date of Meeting: 18 May 2020**

Leave was granted for Cr Greco to amend his Notice of Motion.

Motion

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

That Council resolves to invite renowned expert on markets, Dr Jane Stanley to address Councillors and relevant Officers as soon as possible at a Council Briefing and provides Dr Stanley with all relevant material and reports including the "Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020 report, Preston Market Options Review MGS Architects – March 2020 and Statement of Significance' before the Council makes any further decisions on its future position on the Preston Market.

The motion was put and carried unanimously.

9.28pm Cr Newton left the meeting.

9.30pm Cr Newton returned to the meeting.

Council Resolution**MINUTE NO. 20-065**

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

That Council resolves to invite renowned expert on markets, Dr Jane Stanley to address Councillors and relevant Officers as soon as possible at a Council Briefing and provides Dr Stanley with all relevant material and reports including the "Preston Market Heritage Review – RBA Architects and Heritage Consultants – March 2020 report, Preston Market Options Review MGS Architects – March 2020 and Statement of Significance' before the Council makes any further decisions on its future position on the Preston Market

CARRIED UNANIMOUSLY**9.4 STRATHALLAN GOLF CLUB**

Councillor: Gaetano GRECO

NoM No.: 473

Take notice that at the Council Meeting to be held on 18 May 2020, it is my intention to move:

That Council

1. *Notes the stress the community not for profit Strathallan Golf Club has endured in trying to resolve a long-standing valuation and rates matter with Darebin City Council.*
2. *Notes the letter sent to the Premier of Victoria, dated 27th April 2020, by the Strathallan Golf Club expressing profound concerns as to how this matter has been dealt with by Council as per the terms set out in Council's letter dated 2 April 2020.*
3. *Notes the representative of Strathallan Golf Club call, as detailed in emails sent to Council, for the withdrawal of the Darebin City Council's letter dated 2 April 2020 and that a meeting with all Councillors be held to discuss all matters relating to the issues raised in the Council letter.*
4. *Notes that representatives of Strathallan Golf Club and Save Strathallan Community Coalition have made submissions to the Mayor, Council officers, Council Valuer and Council Legal representative, that the valuations of land occupied by the Strathallan Golf Club are required and should be prepared pursuant to the relevant guidelines as issued by the Valuer General Victoria.*
5. *Calls for a report at the next Council meeting on the 9 June 2020 outlining the valuation matters associated with the Strathallan Golf Club and options available to Council including but not limited to:*
 - a) *Whether a request to the VGV to seek a second valuation with involvement of the Land Monitor should be carried out as per Council resolution passed on the 12 June 2018:*

- b) *Whether Council can withdraw the Council letter dated 2 April 2020;*
- c) *Whether a meeting between Councillors and representatives of the Club and Save Strathallan Community Coalition can be facilitated;*
- d) *Whether the deferment of any late payment interest with respect to outstanding rates and any demand for payment of any outstanding amount attributed to this matter can be considered.*

Brief Rationale

This is a long-standing matter of particular community concern. Councillors have been working with community representatives and members of the club to arrive at a fair outcome. As the matter is still not resolved, Council requests a report outlining actions to date and steps in place to resolve the matter as soon as possible

Notice Received:	4 May 2020
Notice Given to Councillors	11 May 2020
Date of Meeting:	18 May 2020

Motion

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

That Council

1. Notes the stress the community not for profit Strathallan Golf Club has endured in trying to resolve a long-standing valuation and rates matter with Darebin City Council.
2. Notes the letter sent to the Premier of Victoria, dated 27thApril 2020, by the Strathallan Golf Club expressing profound concerns as to how this matter has been dealt with by Council as per the terms set out in Council's letter dated 2 April 2020.
3. Notes the representative of Strathallan Golf Club call, as detailed in emails sent to Council, for the withdrawal of the Darebin City Council's letter dated 2 April 2020 and that a meeting with all Councillors be held to discuss all matters relating to the issues raised in the Council letter.
4. Notes that representatives of Strathallan Golf Club and Save Strathallan Community Coalition have made submissions to the Mayor, Council officers, Council Valuer and Council Legal representative, that the valuations of land occupied by the Strathallan Golf Club are required and should be prepared pursuant to the relevant guidelines as issued by the Valuer General Victoria.
5. Calls for a report at the next Council meeting on the 9 June 2020 outlining the valuation matters associated with the Strathallan Golf Club and options available to Council including but not limited to:

- a) Whether a request to the VGV to seek a second valuation with involvement of the Land Monitor should be carried out as per Council resolution passed on the 12 June 2018;
- b) Whether Council can withdraw the Council letter dated 2 April 2020;
- c) Whether a meeting between Councillors and representatives of the Club and Save Strathallan Community Coalition can be facilitated;
- d) Whether the deferment of any late payment interest with respect to outstanding rates and any demand for payment of any outstanding amount attributed to this matter can be considered.

The Mayor ruled against a point of order raised by Cr Greco.

Cr Greco moved a motion of dissent in the Chairperson's ruling on the point of order.

Motion

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

That the Chairperson's ruling on the point of order be dissented from.

9.46pm In accordance with clause 57 of the Council Meeting Governance Rules (Meeting Procedure and Common Seal Local Law) 2020, the Mayor left the chair and the Deputy Mayor assumed the chair as temporary Chairperson.

The temporary Chairperson invited the mover of the motion of dissent to state the reasons for his dissent.

The temporary Chairperson invited the Mayor to respond.

The motion that the Chairperson's ruling be dissented from was put and lost.

LOST

For: Cr's Greco and Williams (2)

Against: Crs Rennie, Newton, Amir, McCarthy and Messina (5)

9.49 pm The Deputy Mayor left the chair.

9.49 pm The Mayor resumed the chair.

Council Resolution

MINUTE NO. 20-066

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

That there be a continuance of the Council meeting for 30 minutes.

CARRIED

The motion before the Council (i.e. Cr Greco's Notice of Motion) was put and lost.

LOST

For: Cr's Greco and Williams (2)

Against: Cr's Rennie, Newton, Amir, McCarthy and Messina (5)

9.5 DAREBIN NATURE TRUST

Councillor: Gaetano GRECO

NoM No.: 476

Take notice that at the Council Meeting to be held on 18 May 2020, it is my intention to move:

That Council:

- (1) *Notes that at the last Darebin Nature Trust (DNT) advisory committee meeting on the 18 February 2020, DNT unanimously recommended that Council adopt a proposal to set up a structure of four Working Groups to better facilitate the functioning of the advisory committee. Further, that all DNT members understood from the 18 February 2020 meeting that the recommendation of advice to Council would be reported ASAP so that Council could accept, or reject, the advice and therefore permit this proposal for re-structure of the DNT to be resolved.*
- (2) *Notes this proposal, initiated by the DNT community members, was subject to a full briefing of the three Councillor members of the DNT prior to the 18 February 2020 meeting and was supported by the three Councillor members at the DNT meeting.*
- (3) *That Council receives a report at the next council meeting outlining the possible opportunities associated with establishing Working Groups as recommended and endorsed by all members of the Darebin Nature Trust at its last meeting in February.*

Rationale

Notwithstanding the other work currently underway looking at advisory committees in general, DNT is seeking the urgent support of Council to establish the working groups which have been agreed to by all community members and all three council representatives on the committee. This will aid the committee in adding value to Council's management of open space and biodiversity.

Notice Received: 4 May 2020
Notice Given to Councillors 11 May 2020
Date of Meeting: 18 May 2020

Motion

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

That Council:

- (1) Notes that at the last Darebin Nature Trust (DNT) advisory committee meeting on the 18 February 2020, DNT unanimously recommended that Council adopt a proposal to set up a structure of four Working Groups to better facilitate the functioning of the advisory committee. Further, that all DNT members understood from the 18 February 2020 meeting that the recommendation of advice to Council would be reported ASAP so that Council could accept, or reject, the advice and therefore permit this proposal for re-structure of the DNT to be resolved.
- (2) Notes this proposal, initiated by the DNT community members, was subject to a full briefing of the three Councillor members of the DNT prior to the 18 February 2020 meeting and was supported by the three Councillor members at the DNT meeting.
- (3) That Council receives a report at the next council meeting outlining the possible opportunities associated with establishing Working Groups as recommended and endorsed by all members of the Darebin Nature Trust at its last meeting in February.

Amendment

MOVED: Cr. T McCarthy
SECONDED: -

That additional words be added at the end of item (3) and an item (4) be added to read –

- (3) and the options for recruiting new members to Darebin Nature Trust over coming months.
- (4) Seeks input from Darebin Nature Trust to develop a Council submission to the recently announced Parliamentary Inquiry into Ecosystem Decline.

The mover and seconder consented to the amendment.

The amended motion was put and carried unanimously.

Council Resolution**MINUTE NO. 20-067**

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

That Council:

- (1) Notes that at the last Darebin Nature Trust (DNT) advisory committee meeting on the 18 February 2020, DNT unanimously recommended that Council adopt a proposal to set up a structure of four Working Groups to better facilitate the functioning of the advisory committee. Further, that all DNT members understood from the 18 February 2020 meeting that the recommendation of advice to Council would be reported ASAP so that Council could accept, or reject, the advice and therefore permit this proposal for re-structure of the DNT to be resolved.
- (2) Notes this proposal, initiated by the DNT community members, was subject to a full briefing of the three Councillor members of the DNT prior to the 18 February 2020 meeting and was supported by the three Councillor members at the DNT meeting.
- (3) That Council receives a report at the next council meeting outlining the possible opportunities associated with establishing Working Groups as recommended and endorsed by all members of the Darebin Nature Trust at its last meeting in February and the options for recruiting new members to Darebin Nature Trust over coming months.
- (4) Seeks input from Darebin Nature Trust to develop a Council submission to the recently announced Parliamentary Inquiry into Ecosystem Decline.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS

Nil.

11. REPORTS OF STANDING COMMITTEES

Nil

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

Section 80A of the Local Government Act 1989 which outlined the requirements to be observed in respect to Assemblies i.e.

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.

was repealed on the 1 May 2020 by the *Local Government Act 2020*.

An Assembly of Councillors was defined in the Act 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.

Officers anticipate that the issue of public transparency and accountability in relation to forums involving Councillors previously defined as Assemblies of Councillors will be addressed in the Councils Governance Rules which must be adopted by the 1 September 2020.

Until the Governance Rules are developed and adopted by Council, the 'regime' previously followed will continue in the interests of good governance.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 4 May 2020
- Darebin Interfaith Council – 7 May 2020
- Councillor Briefing – 11 May 2020

Council Resolution

MINUTE NO. 20-068

MOVED: Cr. McCarthy
SECONDED: Cr. L Messina

That the record of the Assembly of Councillors held on 4, 7 & 11 May and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

CARRIED UNANIMOUSLY

13. REPORTS BY MAYOR AND COUNCILLORS

Council Resolution

MINUTE NO. 20-069

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

That Council note the Reports by Mayor and Councillors and that Cr Greco's reports were tabled for inclusion.

CARRIED UNANIMOUSLY

REPORT OF CR. SUSAN RENNIE, MAYOR

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

- 3KND radio interview
- MAYORAL/EXEC daily check in
- One on One with Cr. Le Cerf
- MAYORAL/EXEC daily check in
- CEO/Mayor Catch up
- MAYORAL/EXEC daily check in
- Mayoral Briefing - Neighbourhood House discussion
- One on One with the Deputy Mayor
- MAYORAL/EXEC daily check in
- RMIT Student interview – Phone
- One on one with Cr Amir
- Dr Elliott Fishman – Transport Climate Emergency virtual meeting
- MAYORAL/EXEC daily check in
- CEO/Mayor Catch up
- Council Briefing
- MAYORAL/EXEC daily check in
- One on One with Cr Williams
- MAV Virtual Mayoral Meeting
- Comms Filming Mayoral message
- One on One with Cr. McCarthy
- MAYORAL/EXEC daily check in
- Mayoral Briefing – Local Government Announcement
- Mayoral Briefing - IDAHOBIT
- One on One with Cr Messina
- MAYORAL/EXEC daily check in
- CEO/Mayor Catch up
- Councillor Catch up
- One on One with the Deputy Mayor
- Bell Residents Group meeting
- MAYORAL/EXEC daily check in
- NARC Consultation call to resident
- Lord Mayor Sally Capp - Neighbouring Mayors' Meeting
- MAYORAL/EXEC daily check in

- Mayoral Briefing – Latrobe University Meeting
- Professor John Dewar AO (La Trobe University) – Virtual meeting with Mayor/CEO
- CEO/Mayor Catch up
- Dinner Prior to Planning Committee Meeting
- Planning Committee Meeting
- Councillor Briefing
- MAYORAL/EXEC daily check in
- Comms Filming – Sorry Day
- Comms Filming – IDAHOBIT day
- Immunisation Session
- One on One with Cr. Le Cerf
- MAYORAL/EXEC daily check in
- Dinner prior to Special Council Meeting
- Special Council Meeting
- One on One with Cr. Greco
- Regular Catch up with Kat Theophanous
- MAYORAL/EXEC daily check in
- One on One with the Deputy Mayor
- MAV Metro Central Meeting
- MAYORAL/EXEC daily check in
- Photo Shoot – Comms
- MAYORAL/EXEC daily check in
- CEO/Mayor catch up
- Dinner prior to Council Meeting
- Council Meeting

REPORT OF CR. STEPH AMIR

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

- Site visit with resident: High Street Preston
- Council briefing 4 May 2020
- Discussion with David Taylor re: Merri Creek proposal
- Interview on 3KND Breakfast re: life in lockdown
- Regular councillor online catch-up
- Planning Committee meeting
- Councillor Briefing 11 May 2020

- Special Meeting for the adoption of the draft budget
- Meeting with Mayor
- Meeting with CEO
- Phone conversations with residents and business owners regarding various matters including: street cleaning, solar savers, supporting local businesses and other matters

REPORT OF CR. GAETANO GRECO

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

- Planning Committee meeting
- Council Briefing 11 May 2020
- Catch up with CEO
- Special Council Meeting 13 May 2020 – Draft Budget
- Attended to Resident's concerns re Planning
- Draft Budget and Rate Increases

REPORT OF CR. TRENT MCCARTHY

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

- MAV Metropolitan Central Region Meetings
- Planning Committee Meetings
- Council Briefings
- Special Council Meeting
- NAGA Executive Committee Meeting
- NAGA Advocacy Committee Meeting
- Climate Emergency Australia Meetings

REPORT OF CR. KIM LE CERF

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

- Discussion with officers regarding emergency relief coordination
- Regular catch up with CEO
- Regular fortnightly catch up with Mayor x 2
- Council Briefing x 2
- Regular fortnightly catch up with Councillors
- Planning Committee Meeting
- ICLEI Regional Executive Committee Meeting

- Darebin Creek Management Committee Board Meeting
- Special Council Meeting – Adoption of the draft budget
- IDAHOBIT Day – live streaming of flag raising
- Council Meeting

REPORT OF CR. LINA MESSINA

No report received.

REPORT OF CR. SUSANNE NEWTON

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

- Weekly meetings with Mayor Rennie
- Fortnightly meetings with the Councillor group
- Special meeting to release the draft budget
- Planning committee meeting
- Councillor briefing x 2
- Academic Board Meeting for La Trobe College (industry representative)

REPORT OF CR. JULIE WILLIAMS

No report received.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

Council Resolution

MINUTE NO. 20-070

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

That in accordance with Clause 66 of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items designated confidential by the Chief Executive Officer.

14.1 Variation to Solar Saver Contract

14.2 Home of Football

CARRIED

The meeting was closed to the members of the public at 10.05pm.

The Council considered and resolved on Report Items 14.1 and 14.2. These reports were discussed in a closed meeting of Council due to the confidential nature of the Council business information being considered that would prejudice the Council's position in commercial negotiations if prematurely released.

RE-OPENING OF MEETING

Council Resolution

MINUTE NO. 20-071

MOVED: Cr. S Amir
SECONDED: Cr. S Newton

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 10.57pm.

15. CLOSE OF MEETING


The meeting closed at 10.58pm.

**CITY OF
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