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AGENDA

Council meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 16 May 2016
at 7.00 pm.

Public question time will
commence shortly after 7.00 pm



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

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

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

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



Italian

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

Greek

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

Chinese

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

Arabic

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

Macedonian

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

Vietnamese

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

Bosnian

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

Croatian

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

Portuguese

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

Serbian

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

Somali

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

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Agenda

1. MEMBERSHIP

Cr. Vince Fontana (Mayor) (Chairperson)

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Bo Li

Cr. Trent McCarthy

Cr. Steven Tsitas

Cr. Angela Villella

Cr. Oliver Walsh

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 2 May 2016 be confirmed as a correct record of business transacted.

5. PUBLIC QUESTION TIME

PLEASE NOTE: Questions from the public must be submitted prior to the commencement of Council meetings.

- Questions can be submitted online up to 4.00 pm on the day of the meeting:
 - At darebin.vic.gov.au/publicquestiontime; or
 - By email to PQT@darebin.vic.gov.au
- Question can also be submitted in person:
 - At the counter of the Preston Customer Service, 274 Gower Street, Preston until 5.00 pm on the day of the meeting
 - At the Council Chamber from 6.45 pm to 7.00 pm on the day of the meeting

Council officers are available to assist residents in the preparation of questions between 3.00 pm and 5.00 pm on the day of the Council meeting. For assistance please call (03) 8470 8888 and you will be directed to the appropriate department.

No questions will be accepted after 7.00 pm on the night of the Council meeting.

Questions that relate to items that are listed on the Agenda, cannot be responded to.

The Mayor will read the question and provide a response. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question.

Residents do not need to attend the meeting for a question to be answered.

A period of up to 30 minutes will be set aside to enable the Chairperson to read out the questions submitted by the public in accordance with the above guidelines and to provide responses.

6. CONSIDERATION OF REPORTS

6.1 FINANCIAL REPORT – 9 MONTHS ENDED 31 MARCH 2016

Author: Financial Accountant

Reviewed By: Director Corporate Services

Report Background

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

Previous Resolution

Nil

Briefing Date

Briefing 26 April 2016

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy

Summary

A comprehensive 3rd quarter financial review has been undertaken for the nine months ended 31 March 2016 to assess the financial performance of Council year-to-date and the forecast financial position as at 30 June 2016. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$39.76 million, which is \$6.92 million ahead of budget and capital works expenditure of \$17.71 million, which is \$6.95 million behind the budget.

The forecast actual result for the year ending 30 June 2016 is an operating surplus of \$8.21 million and capital works expenditure of \$39.83 million. The forecast underlying result for the year ending 30 June 2016 is a surplus of \$2.06 million.

All material variations have been explained in the report.

Recommendation

That Council receives the contents of the “Financial Report for the nine months ended 31 March 2016” included as **Appendix A** to this report and notes the year-to-date and full-year forecast actual and budget operating and capital results.

Introduction

In compliance with the *Local Government Act 1989*, the attached report (Appendix A) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the nine months ended 31 March 2016. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

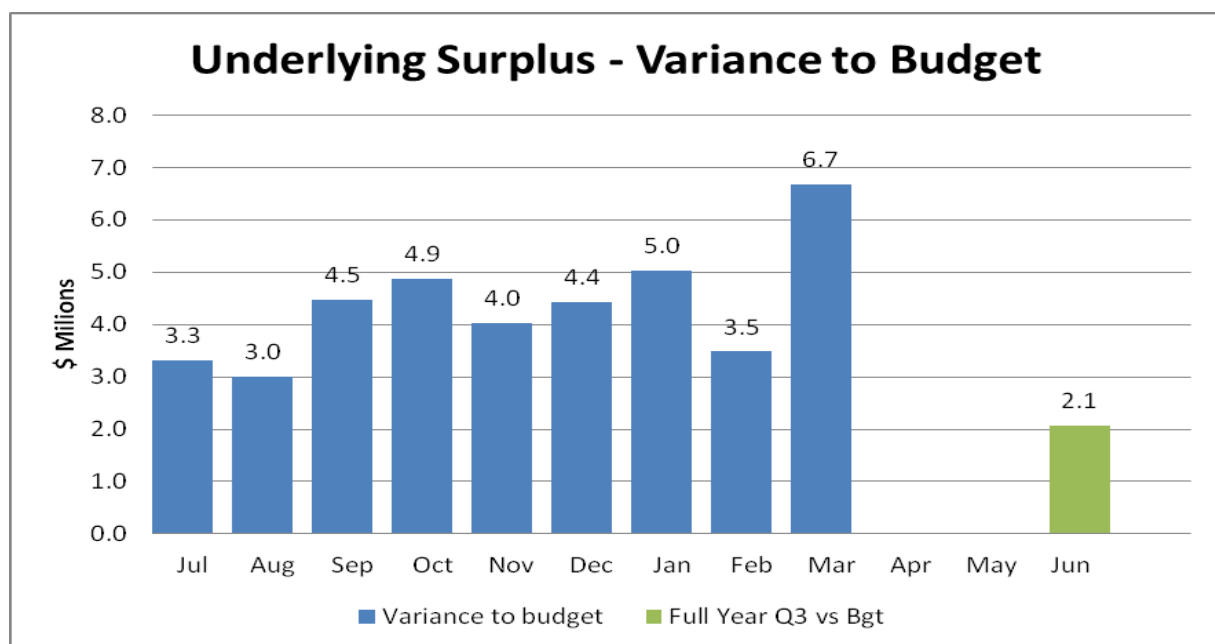
In addition, a detailed review of the estimated financial results for the year ending 30 June 2016 has been performed as part of Council’s 3rd quarter review process. The outcomes of this review are included within the report as the forecast financial results.

Issues and Discussion

Operating Performance

For the 9 months ended 31 March 2016, Council has recorded an operating surplus of \$39.76 million. This is \$6.92 million ahead of the year to date budget. The main items contributing to this favourable variance are rates, other income, employee costs, materials and services, and depreciation and amortisation. The forecast operating result for the year ending 30 June 2016 is an operating surplus of \$8.21 million, which is \$1.33 million more than budget.

The year to date the adjusted underlying surplus is \$34.82 million, which is \$6.71 million ahead of budget. The underlying result is the net surplus for the year adjusted for capital grants and contributions and timing differences on grants received and spent. The forecast adjusted underlying surplus is \$2.06 million, which is \$1.67 million more than budget.



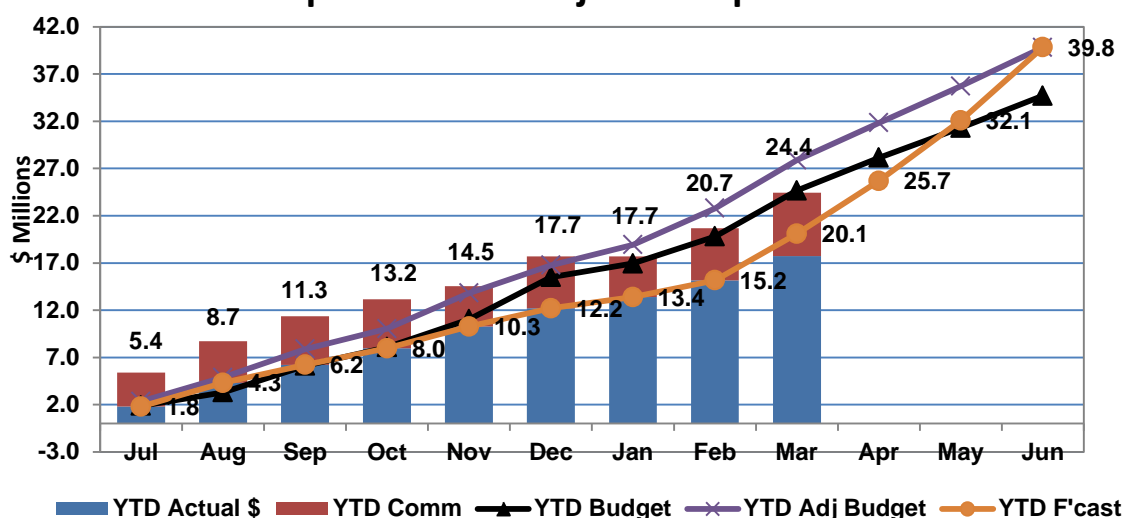
Capital Performance

For the 9 months ended 31 March 2016, Council has expended \$17.71 million on the capital works program. This is \$6.95 million behind the year to date budget. The variance is due mainly to delays in buildings works, purchase of plant and equipment, roads and transport and road safety works and parks, open space and streetscapes.

As at 31 March 2016, a further \$6.74 million has been committed by way of issued purchase orders. Commitments are not reflected in the reported capital expenditure and indicate that many projects are well advanced. The forecast total to be expended on capital works for the year ending 30 June 2016 is \$39.83 million, which is \$5.13 million more than the adopted budget. At this stage total of \$0.42 million expenditure is forecast to be carried forward into the 2016/2017 year.

	YTD Budget	YTD Adj. Budget	YTD Actual
% of budget expended	71%	71%	51%
% of budget expended and committed			70%

Capital Works Projects - Expenditure



Financial Position

The Financial Position as at 31 March 2016 shows a cash and investment balance of \$60.34 million which is \$26.26 million ahead of budget. The variance is due mainly to timing differences in receipt of rates, other income, payments to employees and suppliers, delay in payments for capital works and a higher opening cash and investment position compared with budget.

The cash and investment balance of \$60.34 million was sufficient to meet restricted cash and intended allocation obligations of \$27.10 million at the end of March. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds, statutory reserves and cash for intended allocations such as cash held to fund future capital works.

The net current asset position is \$65.93 million which is \$13.29 million more than budget. The net asset position of \$1.22 billion is \$0.56 million more than budget. The forecast Financial Position as at 30 June 2016 shows a cash position of \$46.04 million and net current assets of \$21.45 million.

Options for Consideration

Nil

Financial and Resource Implications

Nil

Risk Management

The Financial Report for the 9 months ended 31 March 2016, will be presented to Council's audit committee for review at its' next meeting in June 2016.

Policy Implications**Economic Development**

There are no Economic Development considerations relating to this report.

Environmental Sustainability

There are no Environmental Sustainability considerations relating to this report.

Human Rights, Equity and Inclusion

Nil

Other

Nil

Future Actions

The audited financial statements for the year ending 30 June 2016 will be presented to Council following the completion of the audit by the Victorian Auditor-General.

Consultation and Advocacy

Managers and Coordinators

Related Documents

Financial Report – 9 Months ended 31 March 2016 (**Appendix A**)

Disclosure of Interest

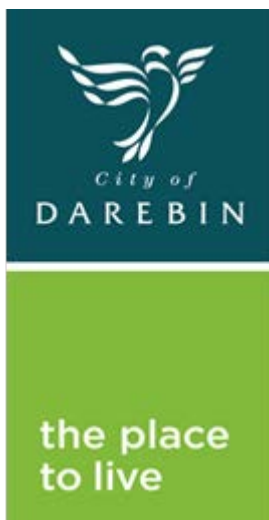
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

FINANCIAL REPORT

Nine months ended

31 March 2016



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Financial Report

9 months ended 31 March 2016

1 EXECUTIVE SUMMARY

1.1 Operating performance

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000	Forecast \$'000
Operating					
Revenue	146,294	147,194	900	159,494	159,038
Expenditure	(113,453)	(107,436)	6,017	(152,616)	(150,827)
Surplus (deficit)	32,841	39,758	6,917	6,878	8,211
Capital & other					
Revenue / grants	(606)	(668)	(62)	(989)	(1,160)
Developer contributions	(4,125)	(4,268)	(143)	(5,500)	(4,992)
Adjusted underlying surplus	28,110	34,822	6,712	389	2,059

For the 9 months ended 31 March 2016 Council has recorded an operating surplus of \$39.76 million, which is \$6.92 million ahead of the year to date budget. After eliminating capital and other items, the adjusted underlying surplus is \$34.82 million, which is \$6.71 million ahead of budget.

The main items contributing to this favourable variance are rates, other income, employee costs, materials and services, and depreciation and amortisation. The forecast operating result for the year ending 30 June 2016 is an operating surplus of \$8.21 million, which is \$1.33 million more than budget. The forecast adjusted underlying surplus is \$2.06 million, which is \$1.67 million more than budget.

1.2 Capital performance

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000	Adjusted Budget \$'000	Forecast \$'000
Property	4,502	3,485	1,018	6,835	8,191	8,254
Plant & equipment	4,484	3,293	1,191	5,290	6,369	6,122
Infrastructure	15,677	10,936	4,743	22,575	25,252	25,453
Total capital works	24,663	17,713	6,950	34,700	39,812	39,829

For the 9 months ended 31 March 2016, Council has expended \$17.71 million on the capital works program, which is \$6.95 million behind the year to date budget. The variance is due mainly to delays in buildings works, purchase of plant and equipment, roads and transport and road safety works and parks, open space and streetscapes. As at 31 March 2016 a further \$6.74 million has been committed by way of issued purchase orders. Commitments are not reflected in the reported capital expenditure and indicate that many projects are well advanced. The forecast total to be expended on capital works for the year ending 30 June 2016 is \$39.83 million, which is \$5.13 million more than the adopted budget. At this stage total of \$0.42 million of expenditure is forecast to be carried forward into the 2016/17 year.

1.3 Financial position

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000	Forecast \$'000
Cash and investments	34,079	60,336	26,257	39,155	46,037
Net current assets	52,637	65,930	13,293	22,672	21,454
Net assets and total equity	1,218,080	1,218,639	559	1,287,880	1,282,854

The Financial Position as at 31 March 2016 shows a cash and investment balance of \$60.34 million which is \$26.26 million ahead of budget. The variance is due mainly to timing differences

Financial Report

9 months ended 31 March 2016

in receipt of rates, other income, payments to employees and suppliers, delay in payments for capital works and a higher opening cash and investment position compared with budget. The cash and investment balance of \$60.34 million was sufficient to meet restricted cash and intended allocation obligations of \$27.10 million at the end of March. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds, statutory reserves and cash for intended allocations such as cash held to fund future capital works.

The net current asset position is \$65.93 million which is \$13.29 million more than budget. The net asset position of \$1.22 billion is \$0.56 million more than budget. The forecast Financial Position as at 30 June 2016 shows a cash position of \$46.04 million and net current assets of \$21.45 million.

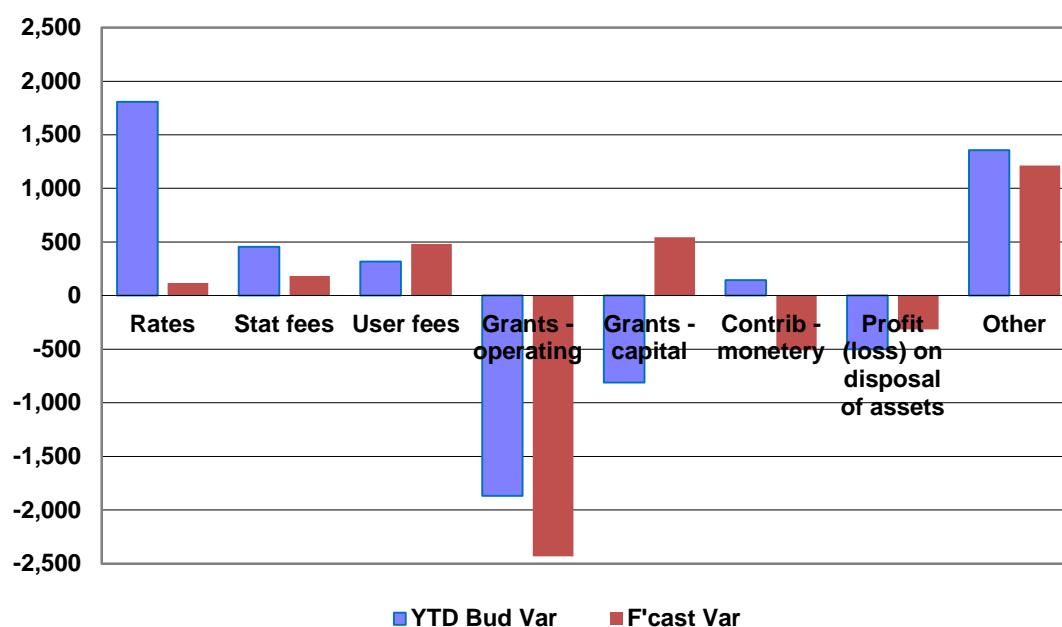
2. FINANCIAL ANALYSIS

2.1 Operating performance

2.1.1 Operating income

	YTD Budget \$'000	YTD Actual \$'000	YTD Bud Var \$'000	Adopted Budget \$'000	Forecast \$'000	Forecast Variance \$'000
Income						
Rates and charges	111,580	113,388	1,808	113,858	113,977	119
Statutory fees and fines	5,089	5,543	454	6,607	6,789	182
User fees	8,800	9,118	318	11,852	12,334	482
Grants - operating	11,971	10,103	(1,868)	15,632	13,201	(2,431)
Grants - capital	1,479	668	(811)	1,862	2,407	545
Contributions - monetary	4,125	4,268	143	5,500	4,992	(508)
Net gain (loss) on disposal of assets	448	(53)	(501)	(259)	(316)	(57)
Other income	2,802	4,159	1,357	4,442	5,654	1,212
Total income	146,294	147,194	900	159,494	159,038	(456)

Income YTD & Forecast variances



Financial Report

9 months ended 31 March 2016

Major Operating Income Variances

	Var	YTD Fav Budget \$'000	YTD Unfav Budget \$'000	F'cast Fav Budget \$'000	F'cast Unfav Budget \$'000
Rates and charges		1,808		119	
Green waste service charge	T	579			
Supplementary rates	P	934		762	
Rebates & other adjustments	P	282		262	
Special charge – Solar \$aver	P				971
Statutory fees & fines		454		183	
Building services	P	239		90	
Civic compliance	T	140			
Health & urban protection	P	68		58	
User fees		318		482	
Asset strategy	P	211		327	
Building services	P	76		66	
Civic compliance	P	251		135	
Darebin Arts & Entertainment Centre	P	227		357	
Leisure & public realm	T	100			
Valuation services	P	67		64	
Access & support	P		240		314
Children & community development	P		77		84
Environmental operations	P		52		50
Leisure contracts	P		83		63
Reservoir Leisure Centre	P		89		110
Grants - operating			1,868		2,431
Aged & disability services	P		337		187
Victorian Grants Commission	* P,CF		1,860		2,480
Children & community development	P		58		86
Civic compliance	T	78			
Family & community programs	P	215		223	
Grants - capital			811	545	
Bundoora Park – infrastructure contrib.	P		50		50
Roads to recovery	P		873	374	
Safe crossing – Merri Parade	P		230		230
Living rivers program	P	127		127	
Outdoor multipurpose courts	P	150		150	
Contributions - monetary		143			508
Public open space	P	1,642		1,492	
Developer contribution scheme	P		1,499		2,000
Net gain / (loss) on sale of pip&e			501	57	
Proceeds on sale of plant	P		319	99	
Plant write-off	P		36		36
Other		1,357		1,212	
Interest on investments, loans & rates	P	167		191	
Infrastructure maintenance	P	186		137	
Leisure contracts	T	99			
Parental leave scheme recoup	P	108		140	
Recycling waste education program	P	200		200	
Sustainable homes	P	55		55	
WorkCover salary recoup	P	245		218	

Note: Var T = Timing P = Permanent CF = Carried forward prior year

Fav – Favourable against budget, Unfav – Unfavourable against budget

* VGC – Council received 50% of the 2015/16 allocation (\$2.48M) in previous year.

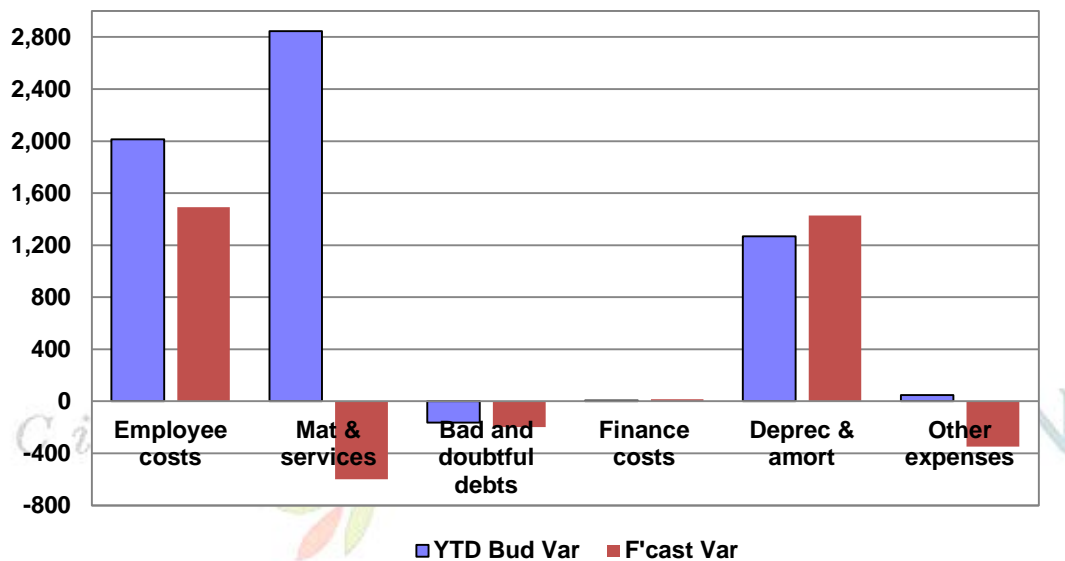
Financial Report

9 months ended 31 March 2016

2.1.2 Operating expenses

Expense type	YTD Budget \$'000	YTD Actual \$'000	YTD Bud Var \$'000	Adopted Budget \$'000	Forecast \$'000	Forecast Variance \$'000
Expenses						
Employee costs	58,806	56,793	2,013	78,530	77,039	1,491
Materials and services	31,088	28,243	2,845	42,692	43,291	(599)
Bad and doubtful debts	601	764	(163)	802	1,001	(199)
Depreciation and amortisation	16,682	15,414	1,268	22,243	20,816	1,427
Finance costs	13	8	5	23	7	16
Other expenses	6,263	6,214	49	8,326	8,673	(347)
Total expenses	113,453	107,436	6,017	152,616	150,827	1,789

Expenses YTD & Forecast variances



Financial Report
9 months ended 31 March 2016

Major Operating Expense Variances

	Var	YTD Fav Budget \$'000	YTD Unfav Budget \$'000	F'cast Fav Budget \$'000	F'cast Unfav Budget \$'000
Employee costs		2,013		1,491	
Access & support	P	180		116	
Accounting support	P	62		52	
Application systems	P	83		75	
Arboriculture	P	74		52	
Bundoora Park – golf operations	P	96		85	
Children & community development	P	139		99	
Civic compliance	P	127		89	
Communications & marketing	P	76		71	
Community facilities	P	119		82	
Community participation & development	P	104		101	
Customer service	P	185		175	
Darebin Libraries	P	139		114	
Environmental operations	P	136		145	
Equity & diversity	T	77			
Health & urban protection	P	64		81	
Human resources	P	227		196	
Park & vegetation	P	180		162	
Performance support	P	97		84	
Risk services	P	60		51	
Transport	P	194		300	
Bundoora Park – heritage village	P		56		67
Community development	P		77		104
Corporate initiatives	T		58		
Darebin Arts & Entertainment Centre	P		116		163
Economic development & employment	P				69
Facility maintenance	T		61		
Family & community programs	P		75		145
Infrastructure maint. & support	P		111		169
Major projects & activity centres	P		130		87
Materials and services		2,845			599
Arboriculture	T	187			
Arts & culture	T	116			
Communications & marketing	T	79			
Community facilities	P	176		90	
Community participation	T	65			
Community wellbeing	T	93			
Creative culture	P	83		114	
Economic development & employment	P	157		62	
Environmental operations	P	639		316	
Equity & diversity	P	84		65	
Family & community programs	P	86			105
Utilities	P	392		531	
Darebin Libraries	T	89			
Human resources	P	167		65	
Major maintenance	CF,P	1,450			389
Special charge – Solar \$aver	P	90		848	
Strategic planning	T	168			
Accounting support	P		59		58
Civic compliance	P		104		175
Darebin Arts & Entertainment Centre	P		233		364
Facilities maintenance	P	112			267
IT infrastructure	P		94		93

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9 months ended 31 March 2016

	Var	YTD Fav Budget \$'000	YTD Unfav Budget \$'000	F'cast Fav Budget \$'000	F'cast Unfav Budget \$'000
Leisure contracts	P		69		182
Parks & vegetation	P		114		242
People & resources	P		109		112
Rate capping review	P		112		112
Recycling waste education program	P				174
Service review	P		112		112
Transport	P		318		341
Youth services	P		95		48
Bad & doubtful debts			163		199
Civic compliance	P		85		124
Depreciation and amortisation		1,268		1,427	
Infrastructure	P	161			75
Intangible assets	P	692		923	
Property	P	545		963	
Plant and equipment	P		130		385
Other		49			347
Corporate initiatives	P			200	
Darebin Arts & Entertainment Centre	P	63		73	
Insurance	P	160		165	
Asset strategy	P		60		66
Community participation & development	T		102		
Environmental operations	P		61		53
Operations, projects and fleet	T		58		
Creative culture	P				55
General rates and charges	P		59		107
Special rates and charges	P		258		120

Note: Var T = Timing P = Permanent CF = Carried forward prior year,
Fav – Favourable against budget, Unfav – Unfavourable against budget

Financial Report

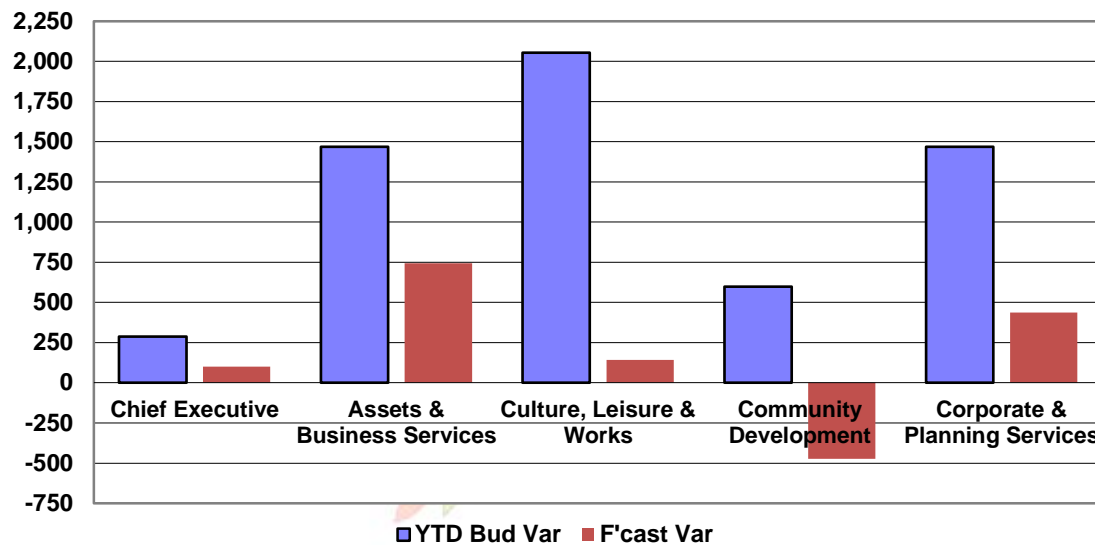
9 months ended 31 March 2016

2.1.3 Department analysis

Department	YTD Budget Net cost \$'000	YTD Actual Net cost \$'000	YTD Bud Var Net cost \$'000	Adopted Budget Net cost \$'000	Forecast Net cost \$'000
Chief Executive	3,310	3,023	287	4,328	4,227
Assets & Business Services	11,853	10,385	1,468	15,758	15,015
Culture, Leisure & Works	24,733	22,679	2,054	33,218	33,076
Community Development	17,173	16,574	599	23,134	23,608
Corporate Services	10,943	9,475	1,468	14,361	13,924
	68,012	62,136	5,876	90,799	89,850
Other non-attributable ¹	(100,853)	(101,894)	1,041	(97,677)	(98,062)
Net (surplus) deficit	(32,841)	(39,758)	6,917	(6,878)	(8,211)

1. Other non-attributable includes rate revenue, grants commission, capital revenue, major maintenance, depreciation, insurance and other significant items.

Department net cost YTD & Forecast variances



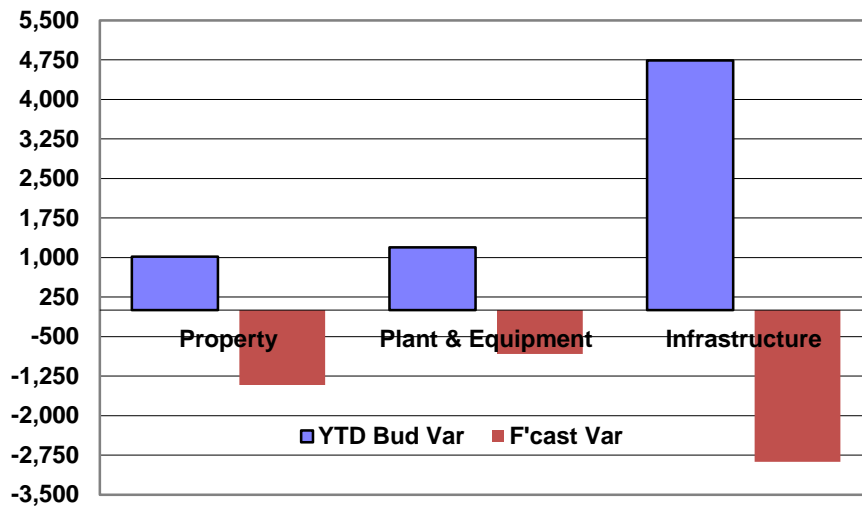
Financial Report

9 months ended 31 March 2016

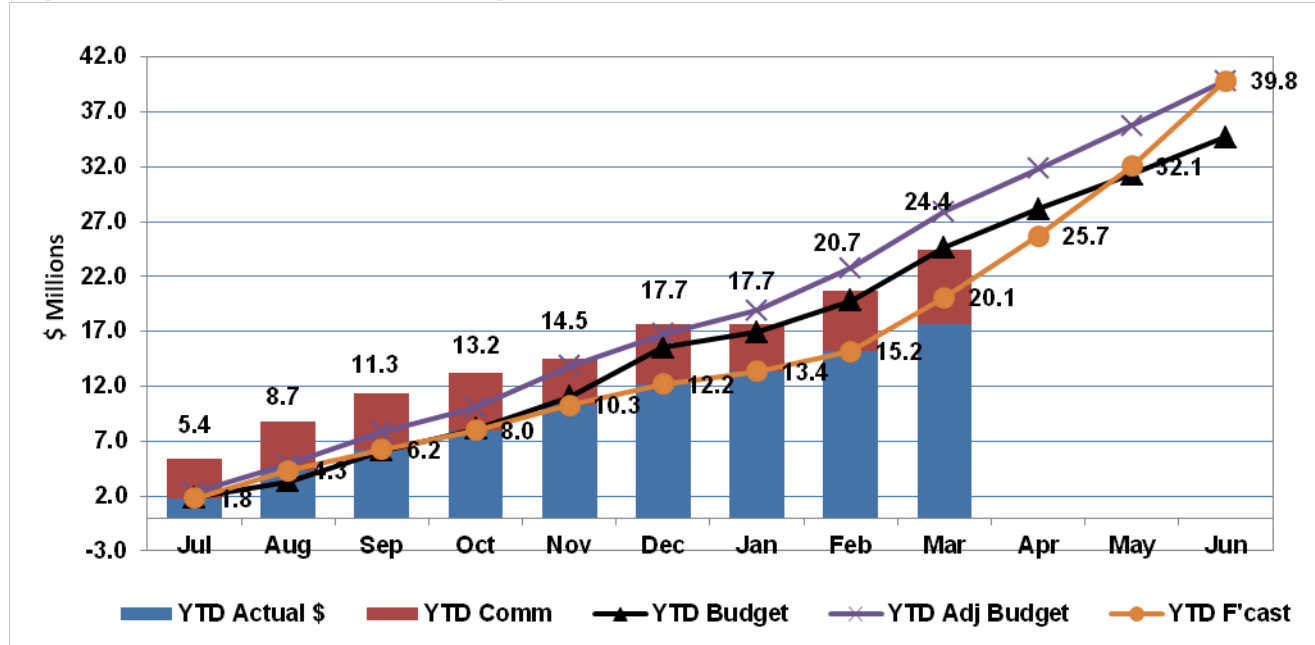
2.2 Capital performance

	YTD Budget \$'000	YTD Actual \$'000	YTD Bud Var \$'000	Adopted Budget \$'000	Adjusted Budget \$'000	Forecast \$'000
Property						
Land Improvements	90	56	34	135	135	135
Buildings	4,412	3,428	984	6,700	8,056	8,119
Total Property	4,502	3,484	1,018	6,835	8,191	8,254
Plant & Equip.						
Plant, machinery & eq.	2,488	1,632	856	2,708	3,070	3,031
Fixtures, fit & furn.	100	270	(170)	130	332	332
Computers & telecom.	1,275	813	462	1,720	2,235	2,009
Library books	621	578	43	732	732	750
Total Plant & Equip.	4,484	3,293	1,191	5,290	6,369	6,122
Infrastructure						
Roads	3,880	3,146	734	5,009	6,420	6,738
Transport / road safety	3,151	1,540	1,611	4,277	3,811	3,610
Bridges	193	104	89	454	454	479
Footpaths & cycleways	1,764	1,427	337	2,252	2,396	2,331
Drains	719	339	380	1,144	1,381	1,178
Recreation, leis facil.	456	388	68	569	623	623
Parks, open space & str.	5,397	3,853	1,544	8,743	10,040	10,367
Off street car parks	32	50	(18)	42	42	42
Other infrastructure	85	89	(4)	85	85	85
Total Infrastructure	15,677	10,936	4,741	22,575	25,252	25,453
Total capital works	24,663	17,713	6,950	34,700	39,812	39,829
Represented by:						
Asset renewal	9,558	6,791	2,767	13,855	16,148	16,295
New assets	3,047	2,165	882	4,417	5,148	5,196
Asset expansion	1,542	1,096	446	2,236	2,605	2,630
Asset upgrade	4,850	3,446	1,404	7,031	8,194	8,269
Capital expenditure	18,998	13,499	5,499	27,539	32,097	32,389
Major maintenance	5,665	4,214	1,451	7,161	7,715	7,439
Total capital works	24,663	17,713	6,950	34,700	39,812	39,829

Capital works YTD & Forecast variances by asset class



Capital works YTD & Committed expenditure cumulative



Financial Report

9 months ended 31 March 2016

Major Capital Works Variances

	Var	YTD Ahead of Budget \$'000	YTD Behind Budget \$'000	F'cast Ahead of Budget \$'000	F'cast Behind Budget \$'000
Property			1,018	1,420	
Buildings			984	1,420	
Asbestos management	T		69		
CH Sullivan memorial park pavilion	P,CF		209	81	
City & Shire Hall review	T		156		
Disability access	P,CF		125	58	
East Preston Community Centre	T		327		
Energy efficiency works	T		72		
Multi-sports stadium	T		225		
Northcote Library – carpet replace.	T		90		
Re-locatable kinder building	E,CF		238		
Back-up power generator	P,CF	91		100	
DRRC noise wall	P,CF			80	
NARC masterplan	P	147		50	
Preston office accommodation	P,CF			64	
Public convenience works	P,CF			327	
Reservoir Learning & Community Centre	P,CF,E	241		273	
RLC - cogeneration	P,CF			56	
WR Ruthven community pavilion	P,CF	349		349	
Plant & Equipment			1,191	832	
Plant, machinery & equipment			856	323	
Plant replacement	P,CF,E		957	177	
Darebin – pop-up piazza	P,CF,IF	88		99	
Mobile garbage bin replacement	P	114		70	
Fixtures, fittings & furniture		170		202	
Reservoir Learning & Community Centre - furniture	P,CF	202		202	
Computers & telecomms			462	289	
Agenda & minutes automation	P,CF		70		
IT server, disk storage	P,CF		79	121	
Venue management system	T		95		
Website enhancements	P,CF		63		42
Wifi / broadband project	T		136		
Aged & disability system	P,CF	128		215	
Infrastructure			4,741	2,876	
Roads			734	1,729	
Roundabouts & roadside planting	T		60		
Road rehab – Chifley Dve	T		387		
Road rehab – Northernhay St	T		612		
Road rehab – Winter St	T		219		
Traffic signal upgrade	T		65		
Slope remediation	P,CF	316		456	
Special charge scheme	P,CF			66	
RL&CC laneway	P,CF	166		263	
Road rehab – Flinders St	P,CF,E	372		596	
R2R – High St	P,E			174	
R2R – May St	P,E			110	
R2R – Darling St	P,E			90	
Road resurfacing program	P		136		111
Transport / road safety			1,611		668
Energy efficient streetlights	P,CF,E		809		507
Traffic management	T		397		
Safe crossing – Merri Pde	T		230		230

Financial Report
9 months ended 31 March 2016

	Var	YTD Ahead of Budget \$'000	YTD Behind Budget \$'000	F'cast Ahead of Budget \$'000	F'cast Behind Budget \$'000
Bridges			89		
Footbridge renewal - Scott Grove	T		81		
Footpath & cycle ways			337	79	
Shared path – creek corridor	T		55		
Shared path – St Georges Rd	T		169		
Shared path – parks renewal	T		86		
Walking initiatives	T		154		
Footpath renewal	T	140			
Improving cycling facilities	P,CF			114	
Drains			380		
Minor upgrades	T		70		
Improvement works – Edwardes St	T		140		
Improvement works – Fulham Rd	T		150		
Strategic water outcomes	P		94		92
Drainage strategy review	P,CF			80	
Water sensitive urban design	P,CF,E	61		46	
Recreation, leisure & comm fac.			68	54	
Bundoora Park golf course infra.	T		50		
Bundoora Park master plan	P,CF	57		54	
Parks, open space & streetscape			1,544	1,624	
Active recreation in parks	T		90		
Batman Park – master plan	T		192		
City wide beautification **	P		1,125		1,790
Dog signage	P,CF		98	65	
Exercise equipment in parks	P,IF		177		58
Outdoor multi-purpose sports	P,CF			480	
Pocket parks renewal	T		177		
Shopping strip infrastructure	P,CF		382	220	
WH Robinson / AH Capp Reserve	T		100		
Access & amenity improvements **	P			110	
All Nation Park	P,CF			132	
Big parks master plan	P,CF			70	
Cheddar Rd median	P,CF	62		62	
Consultancy & surveys **	P			120	
Darebin Parklands entry **	P			100	
Gateway beautification **	P			150	
Junction urban master plan **	P	84		750	
Playground upgrades	P,CF			53	
Rail corridor land **	P			100	
Reservoir streetscape	P,CF	177		434	
Sports field lighting	T	207			
Street tree planting **	P	121		310	
Swain Reserve half court	P,CF	61		85	

Note: Var T = Timing P = Permanent CF = Carried forward prior/next year E = Externally funded

IF = Infrastructure Funded project

Note – * Energy efficient street lighting was approved by Council on 3 February 2014

** City wide beautification works (\$2.0M) have been split into 11 individual projects

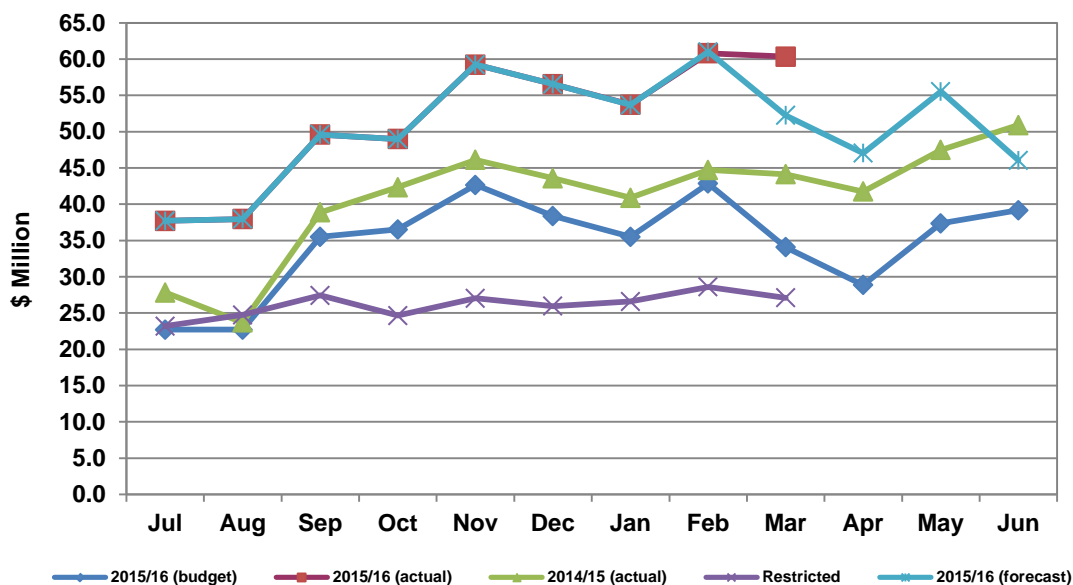
Financial Report

9 months ended 31 March 2016

2.3 Financial position

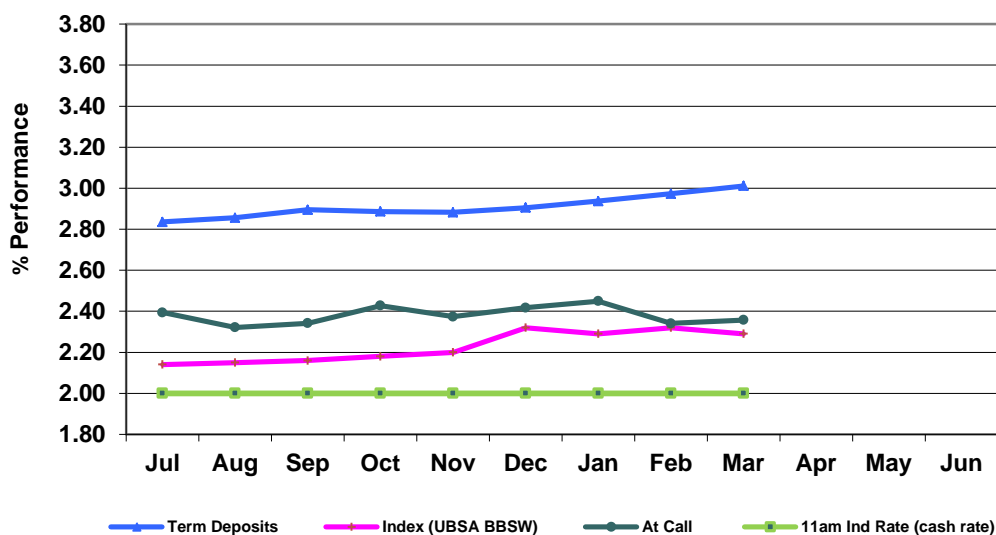
	YTD Budget \$'000	YTD Actual \$'000	YTD Bud Var \$'000	Adopted Budget \$'000	Forecast \$'000
Cash and investments	34,079	60,336	26,257	39,155	46,037
Net current assets	52,637	65,930	13,293	22,672	21,454
Net assets and total equity	1,218,080	1,218,639	559	1,287,880	1,282,854

Actual & Budget cash & investments balance by month

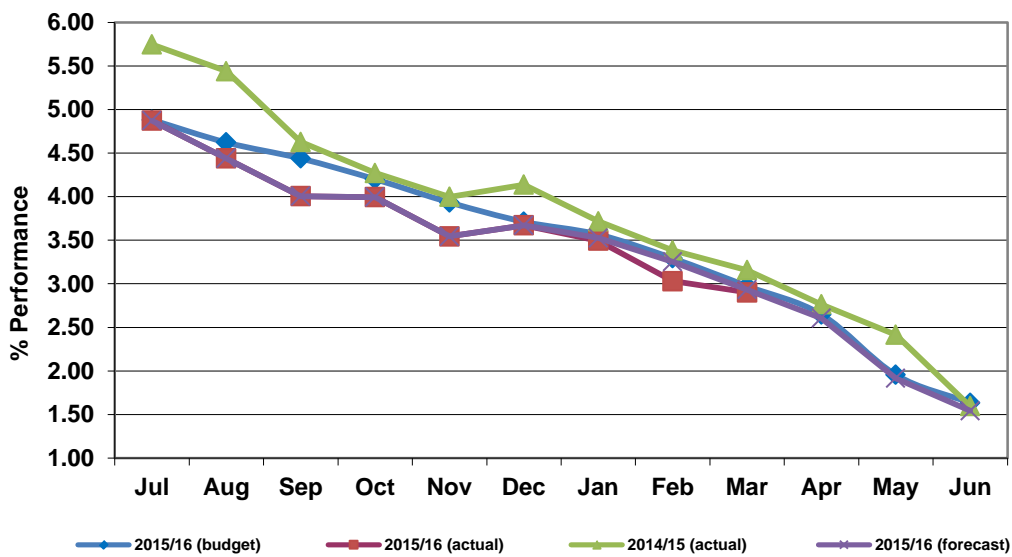


Note: Cash and investments include term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet (\$21.92M).

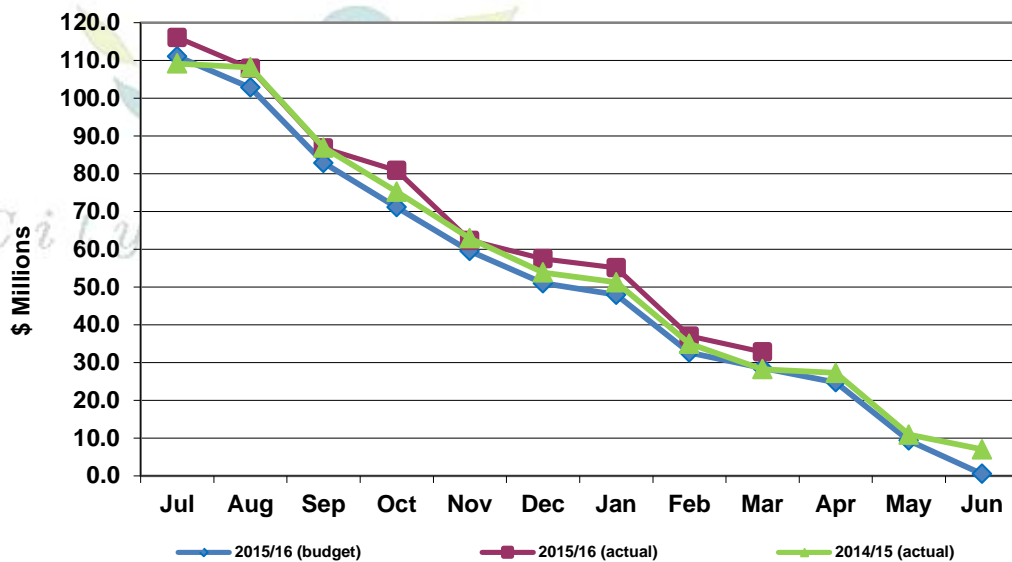
Cash & Investment Weighted Average Interest Rate v Benchmark



**Actual & Budget working capital ratio by month
(Current assets / Current liabilities)**



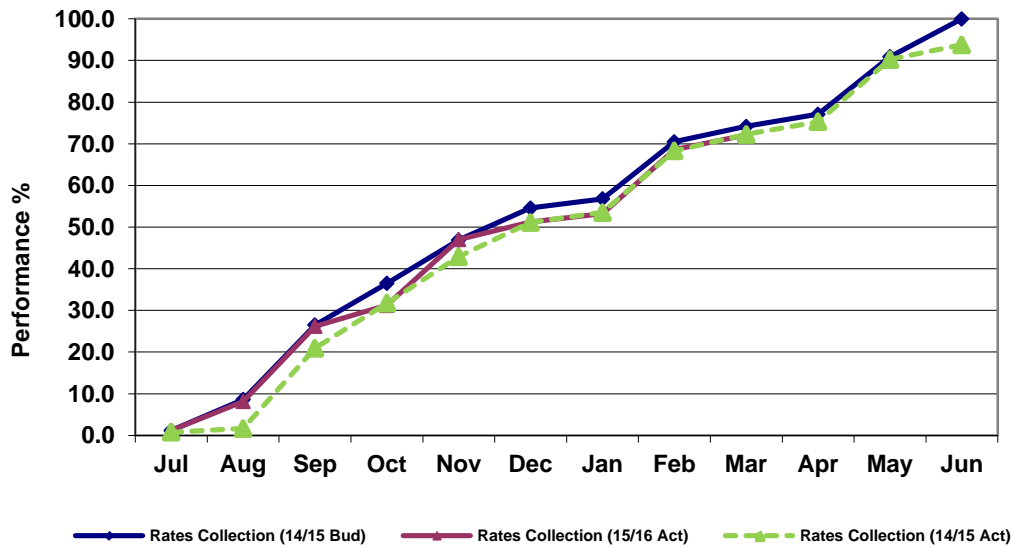
Actual & Budget rates outstanding balances by month



Financial Report

9 months ended 31 March 2016

Actual & Budget % of rates received by month



Major Balance Sheet YTD variances

	Var	YTD Fav Budget \$'000	YTD Unfav Budget \$'000	Forecast Fav Budget \$'000	Forecast Unfav Budget \$'000
Current assets		22,423		2,826	
Cash and investments	CF,P *	26,257		6,882	
Rate receivables	T		3,971		188
Other receivables	T		504		4,076
Other assets	T	634		201	
Current liabilities			9,130		4,044
Trade creditors	T		1,588	990	
Other payables	P		6,484		6,692
Trust funds and deposits	P		1,111		279
Interest bearing loans	P	69		192	
Employee provisions	P		16	1,745	
Non-current assets			13,690		4,552
Property, Infra. plant & equipment	P		12,749		2,481
Intangible assets	P	34			1,095
Investment property	P		975		976
Non-current liabilities		956		744	
Interest bearing loans	P	1,000		788	
Employee provisions	P		44		44
Equity		559			5,026
Accumulated surplus	P	4,100			977
Asset revaluation reserve	P		2,396		2,396
Other reserves	P		1,145		1,653

*Note: Cash and investments include term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet (\$2.0M).

Note: Var T = Timing P = Permanent CF = Carried forward prior year
Fav – Favourable against budget, Unfav – Unfavourable against budget

APPENDIX A

Comprehensive Income Statement
Balance Sheet
Statement of Cash Flows
Statement of Capital Works



Financial Report
9 months ended 31 March 2016

DAREBIN CITY COUNCIL
Comprehensive Income Statement

For the 9 months ended 31 March, 2016

	YTD Budget	YTD Actual	YTD Variance	Annual Budget	Q3 Forecast
	\$'000	\$'000	\$'000	\$'000	\$'000
Income					
Rates and charges	111,580	113,388	1,808	113,858	113,977
Statutory fees and fines	5,089	5,543	454	6,607	6,789
User fees	8,800	9,118	318	11,852	12,334
Grants - operating	11,971	10,103	(1,868)	15,632	13,201
Grants - capital	1,479	668	(811)	1,862	2,407
Contributions - monetary	4,125	4,268	143	5,500	4,992
Net gain (loss) on disposal of property, infrastructure, plant and equipment	448	(53)	(501)	(259)	(316)
Other income	2,802	4,159	1,357	4,442	5,654
Total income	146,294	147,194	900	159,494	159,038
Expenses					
Employee costs	58,806	56,793	2,013	78,530	77,039
Materials and services	31,088	28,243	2,845	42,692	43,291
Bad and doubtful debts	601	764	(163)	802	1,001
Depreciation and amortisation	16,682	15,414	1,268	22,243	20,816
Borrowing costs	13	8	5	23	7
Other expenses	6,263	6,214	49	8,326	8,673
Total expenses	113,453	107,436	6,017	152,616	150,827
Surplus for the year	32,841	39,758	6,917	6,878	8,211
Less					
Grants - capital (non-recurrent)	(606)	(668)	(62)	(989)	(1,160)
Contributions - monetary	(4,125)	(4,268)	(143)	(5,500)	(4,992)
Adjusted underlying surplus/ (deficit)	28,110	34,822	6,712	389	2,059

Financial Report
9 months ended 31 March 2016

DAREBIN CITY COUNCIL

Balance Sheet

As at 31 March 2016

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Q3 Forecast \$'000
Current assets					
Cash and cash equivalents	29,976	38,415	8,439	24,325	41,934
Trade and other receivables	43,021	38,546	(4,475)	17,541	13,277
Other financial assets	4,103	21,921	17,818	14,830	4,103
Inventories	87	94	7	87	94
Other assets	1,001	1,635	634	1,395	1,596
Total current assets	78,188	100,611	22,423	58,178	61,004
Non-current assets					
Trade and other receivables	114	114	0	114	114
Property, infrastructure, plant & equipment	1,163,162	1,150,413	(12,749)	1,261,652	1,259,171
Investment property	3,782	2,807	(975)	3,782	2,806
Intangible assets	511	545	34	1,574	479
Other financial assets	236	236	0	236	236
Total non-current assets	1,167,805	1,154,115	(13,690)	1,267,358	1,262,806
Total assets	1,245,993	1,254,726	8,733	1,325,536	1,323,810
Current liabilities					
Trade and other payables	3,923	11,995	(8,072)	12,449	18,151
Trust funds and deposits	3,557	4,668	(1,111)	4,299	4,578
Interest bearing loans and borrowings	69	0	69	192	0
Provisions	18,002	18,018	(16)	18,566	16,821
Total current liabilities	25,551	34,681	(9,130)	35,506	39,550
Non-current liabilities					
Interest bearing loans and borrowings	1,000	0	1,000	788	0
Provisions	1,362	1,406	(44)	1,362	1,406
Total non-current liabilities	2,362	1,406	956	2,150	1,406
Total liabilities	27,913	36,087	(8,174)	37,656	40,956
Net assets	1,218,080	1,218,639	559	1,287,880	1,282,854
Equity					
Accumulated surplus	531,103	535,203	4,100	502,416	501,439
Asset revaluation reserve	675,793	673,397	(2,396)	771,555	769,159
Other reserves	11,184	10,039	(1,145)	13,909	12,256
Total equity	1,218,080	1,218,639	559	1,287,880	1,282,854

Financial Report

9 months ended 31 March 2016

DAREBIN CITY COUNCIL

Statement of Cash Flow

For the 9 months ended 31 March, 2016

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Q3 Forecast \$'000
	Inflows (Outflows)	Inflows (Outflows)		Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities					
Rates	83,865	87,385	3,520	111,900	112,911
Statutory fees and fines	5,089	5,214	125	6,607	6,789
User fees & charges (inclusive of GST)	9,505	9,005	(500)	12,282	12,590
Government receipts	13,449	11,034	(2,415)	17,493	16,021
Contributions - Monetary	4,790	4,268	(522)	6,849	4,992
Other income	1,001	2,687	1,686	1,460	3,693
Employee costs	(60,742)	(56,769)	3,973	(77,966)	(77,603)
Materials and services (inclusive of GST)	(43,259)	(40,182)	3,077	(59,401)	(60,864)
Net FSPL refund / payment	(2)	(673)	(671)	0	(1)
	13,696	21,969	8,273	19,224	18,528
Interest	1,135	1,253	118	1,631	1,822
Trust funds and deposits	0	427	427	0	0
Net GST refund / payment	5,530	3,881	(1,649)	6,865	6,866
Net cash provided by operating activities	20,361	27,530	7,169	27,720	27,216
Cash flows from investing activities					
Proceeds from sale of property, plant & equipment	448	137	(311)	482	438
Payment for property, infrastr, plant & equipment	(25,328)	(18,100)	7,228	(27,541)	(32,347)
Repayment of loans and advances	41	41	(0)	41	0
Proceeds from sale of other financial assets	0	0	0	0	0
Net cash used in investing activities	(24,839)	(17,922)	6,917	(27,018)	(31,909)
Cash flows from financing activities					
Finance costs	(9)	(9)	0	(21)	(7)
Proceeds of interest bearing loans and borrowings	1,000	0	(1,000)	1,000	0
Repayment of interest bearing loans and borrowings	(101)	(172)	(71)	(192)	(172)
Net cash used in financing activities	890	(181)	(1,071)	786	(179)
Net increase / (decrease) in cash & cash equivalents					
	(3,588)	9,427	13,015	1,488	(4,872)
Cash & cash equivalents at the beginning of the year	37,667	50,909	13,242	37,667	50,909
Cash & cash equivalents at the end of the year	34,079	60,336	26,257	39,155	46,037

Note: Cash and cash equivalents at the beginning of the year includes term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet (\$4.1M).

DAREBIN CITY COUNCIL

Statement of Cash Flow

For the 9 months ended 31 March, 2016

Reconciliation of cash flows from operating activities to surplus

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Q3 Forecast \$'000
Surplus for the year	32,841	39,758	6,917	6,878	8,211
Items not involving cash or non operating in nature					
Depreciation and amortisation	16,682	15,414	(1,268)	22,243	20,816
Interest expense	13	8	(5)	23	7
Bad & doubtful debts	601	764	163	802	1,001
Net (gain) / loss on sale of assets	(448)	53	501	259	316
	<u>49,689</u>	<u>55,997</u>	<u>6,308</u>	<u>30,205</u>	<u>30,351</u>
Change in operating assets and liabilities					
Decrease / (Increase) in rate debtors	(29,992)	(26,003)	3,988	(1,076)	(1,066)
Decrease / (Increase) in other operating assets	2,453	(1,391)	(3,844)	(2,136)	(1,262)
(Decrease) / Increase in Trade creditors	(1,983)	(2,078)	(95)	244	(244)
(Decrease) / Increase in other operating liabilities	194	373	179	(81)	0
(Decrease) / Increase in provisions	0	632	632	564	(564)
	<u>(29,328)</u>	<u>(28,467)</u>	<u>860</u>	<u>(2,485)</u>	<u>(3,135)</u>
Net cash provided by operating activities	<u>20,361</u>	<u>27,530</u>	<u>7,169</u>	<u>27,720</u>	<u>27,216</u>



Financial Report

9 months ended 31 March 2016

DAREBIN CITY COUNCIL

Statement of Capital Works

For the 9 months ended 31 March, 2016

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Adjusted Budget \$'000	YTD Adj Budget \$'000	Q3 Forecast \$'000
Property							
Land Improvements	90	56	34	135	135	90	135
Buildings	4,412	3,428	984	6,700	8,056	5,378	8,119
Total property	4,502	3,484	1,018	6,835	8,191	5,468	8,254
Plant & equipment							
Plant, machinery & equipment	2,488	1,632	856	2,708	3,070	2,448	3,031
Fixtures, fittings & furniture	100	270	(170)	130	332	282	332
Computers & telecommunications	1,275	813	462	1,720	2,235	1,615	2,009
Library books	621	578	43	732	732	621	750
Total plant & equipment	4,484	3,293	1,191	5,290	6,369	4,966	6,122
Infrastructure							
Roads	3,880	3,146	734	5,009	6,420	4,755	6,738
Transport & road safety	3,151	1,540	1,611	4,277	3,811	2,641	3,610
Bridges	193	104	89	454	454	193	479
Footpaths & cycleways	1,764	1,427	337	2,252	2,396	1,909	2,331
Drains	719	339	380	1,144	1,381	916	1,178
Recreation, leisure & community facilities	456	388	68	569	623	505	623
Parks, open space & streetscapes	5,397	3,853	1,544	8,743	10,040	6,892	10,367
Off street car parks	32	50	(18)	42	42	32	42
Other infrastructure	85	89	(4)	85	85	85	85
Total infrastructure	15,677	10,936	4,741	22,575	25,252	17,928	25,453
Total capital works	24,663	17,713	6,950	34,700	39,812	28,362	39,829
Represented by:							
Asset renewal	9,558	6,791	2,767	13,855	16,148	11,160	16,295
New assets	3,047	2,165	882	4,417	5,148	3,558	5,196
Asset expansion	1,542	1,096	446	2,236	2,605	1,801	2,630
Asset upgrade	4,850	3,446	1,404	7,031	8,194	5,663	8,269
Capital expenditure	18,998	13,499	5,499	27,539	32,097	22,182	32,389
Major maintenance	5,665	4,214	1,451	7,161	7,715	6,180	7,439
Total capital works	24,663	17,713	6,950	34,700	39,812	28,363	39,829

6.2 PROPOSED DOG OFF LEAD AREA IN JOHNSON PARK NORTHCOTE

Author: Manager Economic Development and Civic Compliance

Reviewed By: Director Corporate Services

Report Background

A petition signed by 424 residents requesting the creation of an off lead area in Johnson Park, Northcote has been received by Council.

In response it was recommended that the northern area of the park, which has no formal recreational usage, be considered for designation as an off lead area and that Council invite submissions in accordance with section 223 of the *Local Government Act 1989* from the community regarding the proposed changes.

This report is in response to the Council resolution dated 4 April 2016.

Previous Council Resolution

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

That Council:

- (1) *Designate the northern area of Johnson Park as an off-lead area.*
- (2) *Write to surrounding residents and publish a public notice in local newspapers inviting submissions from the community regarding the proposed change to the off-lead designation at Johnson Park, Northcote.*
- (3) *Note submissions will be in accordance with section 223 of the Local Government Act 1989 and are to be submitted by a date which is not less than 28 days after the date on which the notice is published.*
- (4) *Capital works and safety works be referred to this year's capital works budget: e.g. fencing and other safety treatments/child safety.'*

Further, at its meeting held on 4 April 2016 the Council resolved:

That Council defer the matter to receive options, as soon as possible regarding designated times for off-lead access periods'.

Previous Briefing(s)

- 24 August 2015 - Council Briefing Session
- 15 March 2016 - Hearing of Submissions

Council Plan Goal/Endorsed Strategy

There are a number of shared goals in the Council Plan which support the strategic direction of the Order under the *Domestic Animal Act 1994*.

Sustainable and Resilient Neighbourhoods

- Protect and enhance biodiversity, natural and cultural heritage assets, wildlife corridors, local forests, waterways and the built and natural heritage areas.

- Develop policies to encourage the ethical treatment of all animals and to support responsible pet ownership.

Excellent Service

- Create a business culture that focuses on customer service and the provision of timely and meaningful responses to community needs and requests; and analyse all customer feedback, using it as an opportunity to improve the quality of our services.

Summary

Letters were sent out to residents within 1 km radius of the park surrounding Johnson Park on 14 January 2016, as well as advertisements in the Preston and Northcote Leader on 12 and 13 January 2016 respectively, inviting residents to make a submission to Council's proposal to designate the northern area of Johnson Park as a dog off-lead area. Residents had until 12 February 2016 to lodge their written submissions.

Sixteen submissions were received which included ten against the proposal and five in support, with one submitter providing general comment regarding enforcement (neither supports or objects) for the proposal to designate the northern area of Johnson Park as off lead.

The main concerns expressed by the submitters related to the safety of children, pedestrians and cyclists using the paths through the Park. The common recommendation from the submitters was that the area would need to be fenced in order to address the identified issues. Also, seven submitters questioned whether there would be sufficient enforcement if the park were to be made off-lead. Those that were in support of the proposal suggested that an off lead park would provide for greater friendships amongst people using the park, avoid having to drive dogs to nearby off lead parks and would lead to positive health benefits.

Recommendation

That Council:

- (1) Designate the northern area of Johnson Park as a fenced dog off-lead area with no time restrictions in order to address the concerns of residents in relation to public safety.
- (2) Designate the remainder of Johnsons Park (unfenced) a dog on-lead area at all times.
- (3) Receive an organisational submission to the 2016/17 Budget for an allocation of \$15,000 for the construction of the fence at Johnson Park to be considered by Council as part of the budget submission process.

Introduction

The *Domestic Animals Act 1994* provides Council with the power to enforce provisions specific to dog or cat confinement requirements under section 26 of the Act. Section 26 of the Act stipulates:

A Council may by resolution make an order under this section which may do all or any of the following:

- a) *Prohibit the presence of dogs and cats in any public of the municipal district of the Council;*

- b) *Impose all or any of the following conditions on the presence of dogs or cats in any public place of the municipal district of the Council:*
- i. *conditions as to the means of restraint of dogs or cats;*
 - ii. *conditions as to the times at which the presence of dogs or cats is or is not permitted;*
 - iii. *any other conditions that are specified in the order.*

Council passed an order in 2013 which designated 39 parks within the municipality as off lead (see **Appendix A**). Council may, by order of resolution, and after giving public notice invite submissions on the proposal to:

- Remove a reserve or part of a reserve; and /or
- Add a reserve or part of a reserve to the list of Designated Reserves.

The letters were sent out to residents on 14 January 2016 within 1 km radius of the park, and advertisements placed in the Preston and Northcote Leader papers on 12 and 13 January 2016 respectively inviting people to make a submission to Council's proposal to designate the northern area of Johnson Park as a dog off-lead area. Residents had until 12 February 2016 to lodge their written submissions.

The following picture identifies the proposed off lead area which would be designated by appropriate signage.



Issues and Discussion

Sixteen submissions were received. These included ten against and five for the proposal and one general comment regarding enforcement (neither support/objects to proposal) to designate the northern area of Johnson Park as off lead.

Consideration of Submissions

In accordance with section 223 of the *Local Government Act 1989*, Council is required to take into consideration all submissions received in relation to the proposal and after it has made its decision, to notify all persons who made a submission of the decision and the reasons for the decision.

A Hearing of Submissions Committee meeting was subsequently held on 15 March 2016 with three submitters being heard in relation to their written submissions.

The submitter's main concerns relate to:

- Park being used by the community, families and local school and need to protect them.
- The proposed dog off lead area is not an equitable use of park.
- The area cannot be enforced all the time and therefore fencing would need to be installed to ensure public are protected.
- There are a number of dog of lead parks within the vicinity of Johnsons Park.
- The park is where kids ride their bikes and scooters, people relax under trees, and people socialise.
- There has been a drop in the number of kids using the park due to dogs being off lead. There have been instances where kids have fallen off their bikes.
- The dogs that are off lead are not being monitored by their owners and the dogs have left their droppings in the park.
- Proposed dog of lead area is close to children's playground.
- Many children are bitten by dogs and this is well publicised.
- 20% people are less likely to use the park if part of the park were to be made dog off lead.
- Unable to guarantee protection of children.
- Not in line with Animal Management Strategy and the Council Order.

Those that were in support of the proposal listed suggested that an off lead park would provide for greater friendships amongst people using the park, avoid having to drive dogs to nearby off lead parks and would lead to positive health benefits.

Addressing concerns raised by residents

The following four options are available for Council to consider for off-lead access periods in the proposed designated northern area of Johnsons Park.

Option	Proposed off-lead Northern area		Evaluation
1	No fence	No time restrictions	<ul style="list-style-type: none"> • Low cost. • Difficult to enforce all the time due to limited resources and south area needing enforcement. • Increased safety risk to public.

Option	Proposed off-lead Northern area		Evaluation
2	No fence	Time restrictions: Suggested off-lead times e.g. Mon-Fri 7am-9am and 5pm-7pm; Sat and Sun 7am-7pm	<ul style="list-style-type: none"> • Low cost. • Difficult to enforce all the time due to limited resources. • Increased safety risk to public. • Time restrictions are problematic as it is difficult to satisfy the competing needs of the park (i.e. commuter's, cyclists, children playing etc.) and difficult for park users to understand the requirements.
3	Fence	No time restrictions	<ul style="list-style-type: none"> • More cost than the no fence option. • Easy to enforce. • People will self-regulate. • Safer for all users. • Segregates the park.
4	Fence	Time restrictions	<ul style="list-style-type: none"> • This option is not viable because introducing time restrictions in fenced area defeats the purpose and restricts access times for dog owners as well as having a fenced area which will not be the optimum use during non-dog off lead hours. • Cause conflict between dog owners and park users as to when or when not the fenced off area is available. • More cost than the no fence option as well as the need to introduce greater patrols to ensure compliance with the times allocated. • Difficult to enforce all the time due to limited resources. • Increased safety risk to public by people not adhering to time limits – dog owner allowing dog to be off lead when it is on lead and there is an attack.

Financial and Resource Implications

If an area of the park is changed to off lead, Council would need to provide appropriate fencing to address the safety concerns of people using the three pathways adjacent to Bastings Street. The cost is estimated to be \$15,000, which is based on the cost of providing fencing at Crispe and Bundoora Parks.

New signage has already been approved and included into this year's budget for installation of new signs at all off lead parks within the Municipality.

Risk Management

Providing off-lead areas in parks that are required to co-exist with children's playgrounds without adequate fencing poses an increased risk to the safety of children.

Policy Implications

Economic Development

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

Environmental Sustainability

The environment and the protection of wildlife is a strong consideration in the development of any off-lead area.

Human Rights, Equity and Inclusion

Darebin's Equity and Inclusion Planning Tool (EIPAT) was used to assist the consultation process followed for the Order through the development of the Domestic Animal Management Plan 2013-2017.

Other

There are no other factors which impact on this report.

Future Actions

Should Council resolve to create a dog off lead area in the northern part of Johnson Park the following would occur:

- Provide fencing around dog off lead area.
- Install signage.

Consultation and Advocacy

Information was provided via public notice in local newspapers and letters were sent to residents within a 1km radius of the park.

- Coordinator Health and Urban Protection
- Coordinator Civic Compliance
- Coordinator Leisure and Public Realm

Related Documents

- *Domestic Animals Act 1994*
- Animal Management Strategy 2013-2017
- List of designated off-lead parks within the municipality (**Appendix A**)
- Council Minutes – 25 November 2015 and 4 April 2016
- Hearing of Submissions Committee Minutes – 15 March 2016

Disclosure of Interest

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

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

APPENDIX A

Order of Darebin City Council

Section 26(2) Domestic Animals Act 1994

1. Dog must be under effective control

The owner of any dog must keep the dog in effective control by means of a chain, cord or leash held by the owner and attached to the dog while the dog is in:

- a reserve; or
- a public place.

2. Owner obligations

A dog may be exercised off a chain, cord or leash in a Designated Reserve, if the owner;

- carries a chain, cord or leash sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
 - remains in effective voice or hand control of the dog so as to be able to promptly bring the dog under effective control by placing the dog on a chain, cord or leash if that becomes necessary; and
 - does not allow the dog to worry or threaten any person or animal.
3. If a dog is off a chain, cord or leash in an off leash Designated Reserve, the dog must be brought under the effective control of the owner by means of a cord, chain or leash if the dog is within 30 metres of:
- the principal location of an organised sporting event;
 - the principal location of an organised public meeting; or
 - a permanent barbecue or picnic area when in use.
4. Dogs are prohibited within the immediate perimeter of any playground at all times, and must be on a cord, chain or leash if within ten (10) metres of the perimeter of a playground in an off leash Designated Reserve at all times.
5. All dogs must be on lead within 5 meters of all shared pathways, even if the pathway is within an off leash Designated Reserve.
6. Dogs and cats are not permitted whether restrained or otherwise in the Prohibited Areas of Dogs and Cats

Off Leash Designated Reserves

B.T Connor Reserve	H.P Zwar Park
Beenak/McMahon Reserve	Judith Scott Memorial Park
C. T Barling Reserve	K.P Hardiman Reserve
Crispe Park	Margaret Walker Reserve
D.R Atkinson Reserve	Edwardes Lake Park
Clements Reserve	T.A Cochrane Reserve
G.E Robinson Park	T.W Blake Park
I.W Dole Reserve	W.H Robinson Reserve
J.C Donath Reserve	W.K Larkins Reserve
L.E Cotchin Reserve	W.R Ruthven V.C Reserve
Shand Reserve	All Nations Park
A.G Davis Park	Darebin Parklands
Adams Reserve	H.L.T Oulton Reserve
A.H Capp Reserve	Hayes Park
Arch Gibson Reserve	Henderson Reserve
Bundoora Park	Mayer Park
C.H Sullivan Memorial Park	Merri Park
CW Kirkwood Reserve	McDonnell Park
G.H Mott Reserve	Penders Park
Pitcher Park	

Prohibited Areas of Dogs and Cats

- Cresswell Grange
- Leamington Wetland
- Bundoora Park Grassland
- Strettle Wetland
- Dundas Wetland

Review

Council may, by order of resolution, and after giving public notice inviting submissions on the proposal:

- Remove a reserve or part of a reserve; and /or
- Add a reserve or part of a reserve to the list of Designated Reserves.

Definitions

- “chain, cord or leash” means a chain, cord or leash which effectively restrains the dog
- “at large” in relation to a dog, means not under the effective control of the owner by means of a chain, cord or leash
- “designated Reserve” means a reserve or other place which has been designated by an order of Council under Section 26 of the Domestic Animals Act 1994
- “owner” has the same meaning as in the Domestic Animal Act 1994
- “prohibited area” means no dogs or cats allow

6.3 APPOINTMENT OF BUNDOORA HOMESTEAD BOARD OF MANAGEMENT MEMBERS AND COMMITTEE

Author: Manager Creative Culture

Reviewed By: Director Community Development

Report Background

At its Special (Statutory) meeting held on 9 November 2015, Council resolved to establish the Bundoora Homestead Board of Management in accordance with section 86 of the *Local Government Act 1989*.

Previous Council Resolution

That:

(1) *Council, pursuant to section 86 of the Local Government Act 1989 establish the following Special Committees for the 2015/2016 Council year:*

- *Planning Committee*
- *Hearing of Submissions Committee*
- *Bundoora Homestead Board of Management*

with the purpose, membership, scope of activity and delegated authority as detailed in the respective Committee Charters included in this report.

Previous Briefing(s)

This matter has not previously been the subject of a Council briefing.

Council Plan Goal/Endorsed Strategy

Charter of Good Governance: Equity and Inclusion, Community Engagement and Ethical Decision Making

Council Plan: Open and Accountable Democracy, Thriving Creative Culture, Healthy and Connected Community

Darebin Arts Strategy

Summary

This report summarises the 22 applications received for community membership of the Bundoora Homestead Board of Management and recommends 8 community members to be appointed to the Board.

Recommendation

That Council Resolves to:

- (1) Adopt the revised Bundoora Homestead Board of Management Charter attached (**Appendix A**).
- (2) Appoint Giacomina Pradolini, Valentina Maxwell-Tansley, Alice Park, Lyndal Wischer, Michael Brennan, Christina Lew and Angela Bailey as community representatives to the Bundoora Homestead Board of Management for a 24 month period in alignment with the Charter.
- (3) Appoint JD Mittman, Kade McDonald or Janette Lewis to the Bundoora Homestead Board of Management if one of the selected 8 members listed above decline the invitation.

Introduction

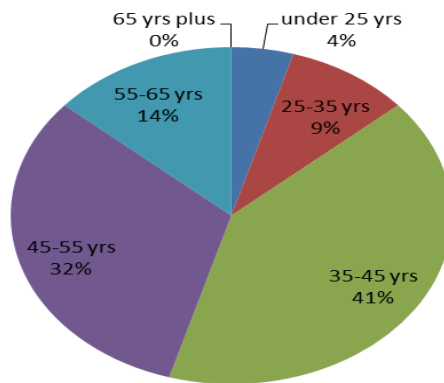
- Bundoora Homestead Board of Management is required to have between 5 and 8 community representatives.
- The Board is appointed to address the governance of Bundoora Homestead Board of Management as outlined in the Bundoora Homestead Board of Management Charter.
- Previous community representatives were appointed for a period of 12 months and this period expired in November 2015.
- An expression of interest process for the Bundoora Homestead Board of Management membership was advertised from 17 March 2016 – 7 April 2016.
- 25 applications were received, 3 were ineligible (late applications).
- Applications were assessed against key selection criteria outlined in the application papers (**Appendix B**).
- This report seeks Council's endorsement of the officer recommendation to appoint 8 community members for Board memberships and a further 3 back-up members should one of the 8 decline the opportunity.

Issues and Discussion

At the time of closing, 22 eligible applications were received for Board memberships.

Three late applications were received and were deemed ineligible and not assessed.

- 73% of applicants live, work or study in Darebin.
- 82% of applicants are female, 18% male
- 3 applicants speak a language other than English at home
- 1 applicant identifies as LGBTIQ
- No applicants identify as living with a disability
- No applicants identify as Aboriginal or Torres Strait Islander



Applicants were required to complete the ‘Bundoora Homestead Board of Management of Management Application Form’ (**Appendix B**) and then assessed against the following weighted Board skills:

SKILL	WEIGHTING
Arts participation and community engagement	5
Philanthropic development and fundraising	5
Marketing and brand positioning	5
Audience development	5
Governance, organizational structure	35
Education and public programs	5
Strategic and business planning	15
Darebin local area and people	5
Visual artist or industry skills and connections	20

Upon completion of the assessment process, the following eight (8) applicants are recommended for appointment to the Board.

1	Valentina Maxwell-Tansley
2	Giacomina Pradolin
3	Angela Bailey
4	Alice Park
5	Lyndal Wischer
6	Michael Brennan
7	Kirsten Mathews
8	Kade McDonald

Three further applicants were identified to be reserve members.

1 st Reserve	Christina Lew
2 nd Reserve	Janette Lewis
3 rd Reserve	JD Mittman

This would result in the following membership of the Bundoora Homestead Board of Management in 2016/2017:

- Cr. Gaetano Greco (current member)
- Cr. Angela Villella (current member)
- Cr. Tim Lawrence (current member)
- Director Culture Leisure and Works
- Valentina Maxwell-Tansley
- Giacomina Pradolin
- Angela Bailey
- Alice Park
- Lyndal Wischer
- Michael Brennan
- Kirsten Mathews
- Kade McDonald

An Induction workshop for new Board members will be held on Thursday 2 June 2016.

It is anticipated that the Board will meet a minimum of 4 times in 2016. The first meeting will be held on Tuesday 7 June 2016.

The current charter appoints members for a 12 month term however the revised charter seeks to appoint new Board members for a 24 month term with the opportunity to extend for a further two year term. As new members are being appointed in the middle of the year it is recommended they are appointed for a 24 month term in alignment with the new charter.

The Bundoora Homestead Board of Management Charter has been updated to allow for more than four meetings a year as may be required.

Options for Consideration

- Endorse the appointment of 8 community members to the Bundoora Homestead Board of Management to ensure it is always possible for the Board to reach quorum at Board meetings.
- In addition endorse the appointment of 3 stand-by community members to the Bundoora Homestead Board of Management in the event that one of the 8 selected candidates declines the position.

Financial and Resource Implications

- There are no financial implications of appointing the new Board members as listed above.

Risk Management

There are limited risks related to the appointment of Board members.

Policy Implications

Economic Development

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

Environmental Sustainability

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

Human Rights, Equity and Inclusion

Efforts were made in advertising this Board opportunity to ensure that diverse community members would feel welcome to apply. This included advertising on the Women On Boards website, using mass advertising opportunities like the Local Leader and Arts Hub and being available to address any questions applicants may have prior to applying.

Other

There are no other factors which impact on this report.

Future Actions

- Once appointed to the Board all new Board members will receive a welcome letter and welcome pack.
- An initial Board induction workshop will be held with all members to introduce them to their role, Council policies and processes and the Homestead.
- The first Board meeting will be held with new members on 7 June 2016.

Consultation and Advocacy

- Director Community Development
- Manager Creative Culture
- Executive Manager Corporate Governance and Performance

Related Documents

- Revised Bundoora Homestead Board of Management of Management Charter (**Appendix A**)
- Bundoora Homestead Board of Management of Management Application Form (**Appendix B**)

Disclosure of Interest

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

Disclosure of interest: Indirect - One of the applicants, Janette Lewis, is a friend of the Gallery Manager Ella Hinkley who was on the selection panel for Board appointees. This was disclosed upon knowledge of the application being received and a Conflict of Interest declaration completed.



BUNDOORA HOMESTEAD BOARD OF MANAGEMENT CHARTER

1 Purpose

- (1) A Special Committee appointed, pursuant to section 86 of the Local Government Act 1989, to manage the operation of Bundoora Homestead Board of Management.

2 Membership

- (1) Three Councillors, one Council Officer and a minimum of five and maximum of eight external members.
- (2) The external members appointed by Council are to be natural persons with relevant skills, experience or expertise.
- (3) The external members are to be appointed for a two-year term with an option for a further two-year term at Council's discretion, the further term to expire at the conclusion of the Council term of office.
- (4) The members will nominate a Chairperson at the first meeting of each calendar year for a term of 12 months.
- (5) All Standing Committees of the Council are reviewed at a special meeting of the Council in November or December each year.

3 Quorum

- (1) Five Committee members.

4 Meeting Frequency

- (1) Quarterly, however additional meetings can be called if required.

5 Scope of Activity:

- (1) The objectives of the Committee are to:
 - (a) Ensure effective management of Bundoora Homestead Board of Management buildings and grounds as a heritage, cultural and recreation facility for the community.
 - (b) Provide an exhibition facility where high quality contemporary, fine and decorative art works can be displayed and studied.
 - (c) Enable accessibility and foster an appreciation of the arts by all sections of the community.
 - (d) Celebrate through the Board's programs, the diverse cultures of the municipality of the City of Darebin.
 - (e) Enhance the position of the City of Darebin as a place proud to foster and assist with the appreciation and development of arts and cultural activities
 - (f) Facilitate and support community involvement in the program and operations of the Homestead.

(g) Seek to maximise funding from external sources and minimise recurrent expenditure contributions from the City of Darebin.

(2) The responsibilities of the Committee are to:

(a) Ensure the Centre operates within the Committee objectives and the Bundoora Homestead Art Centre Business Plan.

(b) Adopt policies and strategies for Bundoora Homestead Art Centre.

(c) Overview financial operations of the Centre.

(d) Explore and obtain external funding contributions to Bundoora Homestead Board of Management through grants, sponsorships, gifts and donations.

6 Reporting

(1) The Committee will provide an annual report to Council on its activities for the year. Specific proposals for consideration will be separately reported to Council.

(2) A report on the meetings and activities of Bundoora Homestead Board of Management is to be prepared for inclusion in Council's Annual Report.

7 Delegated Authority

(1) Council's powers, duties and functions under the Local Government Act 1989 to manage the Bundoora Homestead Board of Management are delegated to the Committee.

(2) The Committee is empowered to develop strategies and policies to meet its objects in accordance with the Council adopted business plan and budget.

(3) The Committee shall not:

(a) Delegate any of the powers, duties of functions delegated to it.

(b) Borrow money.

(c) Enter into any contract for an amount not approved in a Budget endorsed by the Council.

BUNDOORA HOMESTEAD ART CENTRE BOARD OF MANAGEMENT APPLICATION PROCESS

Bundoora Homestead Art Centre is the City of Darebin's free public art gallery.

The Homestead is an exceptional heritage building housing art galleries, a café, artists in residence, workshops, school holiday programs and much more.

We're looking for community members to join our Board and ensure effective management of the buildings and grounds as a cultural and heritage facility for the community. The Homestead aims to: foster innovation and artistic excellence; achieve business sustainability; and create an engaging and inclusive space for program delivery.

The Bundoora Homestead Art Centre Board is a Special Committee pursuant to Section 86 of the Local Government Act 1989 and meets 4 times a year in the evening. Board memberships are voluntary positions for a period of 2 years with the option to renew.

This is a rare opportunity to support Council's delivery of arts, culture and heritage and to contribute to your community.

While it is not necessary for Board members to live or work in Darebin local community members are encouraged to apply. Applications are also encouraged from Aboriginal or Torres Strait Islander applicants, people living with a disability, community members from culturally and linguistically diverse backgrounds and people who identify as LGBTIQ. This diversity of applicants is encouraged to ensure that all community members are represented at a decision making level.

To apply:

1. Read the application process document
2. Review the Bundoora Homestead Art Centre Board of Management Charter
3. Fill in the application form and complete statements addressing the Key Selection Criteria
4. Include a current Curriculum Vitae with your application
5. Email, post or deliver your application and CV by **5PM SUNDAY 3 APRIL 2016**

If you have any questions about the role or the application process please don't hesitate to contact Ella Hinkley, Gallery Manager, on 8470 8062 or by emailing ella.hinkley@darebin.vic.gov.au

Please send your application to

Ella Hinkley, Gallery Manager
Bundoora Homestead Art Centre
7-27 Snake Gully Drive, Bundoora, 3083
Ph: 9496 1060
Email: ella.hinkley@darebin.vic.gov.au



**Bundoora
Homestead
Art Centre**

BUNDOORA HOMESTEAD ART CENTRE BOARD OF MANAGEMENT CHARTER

1 PURPOSE

- (1) A Special Committee appointed, pursuant to section 86 of the Local Government Act 1989, to manage the operation of Bundoora Homestead Art Centre.

2 MEMBERSHIP

- (1) Three Councillors, one Council Officer and a minimum of five and maximum of eight external members.
- (2) The external members appointed by Council are to be natural persons with relevant skills, experience or expertise.
- (3) The external members are to be appointed for a two-year term with an option for a further two-year term at Council's discretion, the further term to expire at the conclusion of the Council term of office.
- (4) The members will nominate a Chairperson at the first meeting of each calendar year for a term of 12 months.
- (5) All Standing Committees of the Council are reviewed at a special meeting of the Council in November or December each year.

3 QUORUM

- (1) Five Committee members.

4 MEETING FREQUENCY

- (1) Quarterly, however additional meetings can be called if required.

5 SCOPE OF ACTIVITY

- (1) The objectives of the Committee are to:
 - (a) Ensure effective management of Bundoora Homestead Art Centre buildings and grounds as a heritage, cultural and recreation facility for the community.
 - (b) Provide an exhibition facility where high quality contemporary, fine and decorative art works can be displayed and studied.
 - (c) Enable accessibility and foster an appreciation of the arts by all sections of the community.



- (d) Celebrate through the Board's programs, the diverse cultures of the municipality of the City of Darebin.
- (e) Enhance the position of the City of Darebin as a place proud to foster and assist with the appreciation and development of arts and cultural activities.
- (f) Facilitate and support community involvement in the program and operations of the Homestead.
- (g) Seek to maximise funding from external sources and minimise recurrent expenditure contributions from the City of Darebin.

(2) The responsibilities of the Committee are to:

- (a) Ensure the Centre operates within the Committee objectives and the Bundoora Homestead Art Centre Business Plan.
- (b) Adopt policies and strategies for Bundoora Homestead Art Centre.
- (c) Overview financial operations of the Centre.
- (d) Explore and obtain external funding contributions to Bundoora Homestead Art Centre through grants, sponsorships, gifts and donations.

6 REPORTING

- (1) The Committee will provide an annual report to Council on its activities for the year. Specific proposals for consideration will be separately reported to Council.
- (2) A report on the meetings and activities of Bundoora Homestead Board of Management is to be prepared for inclusion in Council's Annual Report.

7 DELEGATED AUTHORITY

- (1) Council's powers, duties and functions under the Local Government Act 1989 to manage the Bundoora Homestead Art Centre are delegated to the Committee.
- (2) The Committee is empowered to develop strategies and policies to meet its objects in accordance with the Council adopted business plan and budget.
- (3) The Committee shall not:
 - (a) Delegate any of the powers, duties of functions delegated to it.
 - (b) Borrow money.
 - (c) Enter into any contract for an amount not approved in a Budget endorsed by the Council.



BUNDOORA HOMESTEAD ART CENTRE BOARD OF MANAGEMENT APPLICATION FORM

NAME			
ADDRESS			
SUBURB		POSTCODE	
EMAIL			
PHONE		MOBILE	

DATE OF BIRTH		GENDER	FEMALE	MALE	OTHER
DO YOU SPEAK A LANGUAGE OTHER THAN ENGLISH AT HOME?			YES	NO	
IF YES PLEASE TELL US WHICH LANGUAGE?					

DO YOU IDENTIFY AS:	ABORIGINAL OR TORRES STRAIT ISLANDER	YES	NO
	LGBTIQ	YES	NO
	LIVING WITH A DISABILITY	YES	NO

EMPLOYMENT			
FULL TIME	PART TIME	CASUAL	SELF EMPLOYED
NAME OF MAIN EMPLOYER:			
RETIRED	DISABILITY PENSION	UNEMPLOYED	HOME DUTIES
FULL TIME STUDY	PART TIME STUDY	VOLUNTEER	CARER
NAME OF EDUCATIONAL INSTITUTION:			





WHICH OF THE FOLLOWING KEY BOARD COMPETENCIES DO YOU HAVE EXPERIENCE IN?

Arts participation and community engagement	YES	NO
Philanthropic development and fundraising	YES	NO
Marketing and brand positioning	YES	NO
Audience development	YES	NO
Governance / organizational structure	YES	NO
Education and public programs	YES	NO
Strategic and business planning	YES	NO
Darebin local area and people	YES	NO
Visual artist or visual arts industry skills	YES	NO

PLEASE TELL US WHY YOU WISH TO BE A MEMBER OF THE BUNDOORA HOMESTEAD ART CENTRE BOARD AND WHAT UNIQUE SKILLS, EXPERIENCE OR KNOWLEDGE YOU BRING TO THE ROLE?





PLEASE PROVIDE A SHORT STATEMENT TO ADDRESS EACH OF THE FOLLOWING KEY SELECTION CRITERIA.

DEMONSTRATED EXPERIENCE OF AND COMMITMENT TO ARTS AND HERITAGE ISSUES, THE SECTOR AND WHOLE OF COMMUNITY PARTICIPATION IN ARTS AND CULTURE.

DEMONSTRATED KNOWLEDGE OF THE ROLE OF A PUBLIC ART GALLERY IN THE COMMUNITY.

PREVIOUS EXPERIENCE OF CONTRIBUTING TO THE DEVELOPMENT OF AN ARTISTIC AND STRATEGIC VISION IN AN ARTS CONTEXT.

KNOWLEDGE OF THE LOCAL GOVERNMENT SECTOR AND/OR ARTS AND CULTURE WITHIN A LOCAL GOVERNMENT CONTEXT.



**Bundoora
Homestead
Art Centre**

6.4 OUTCOME OF STATUTORY PROCESS FOR LEASING OF SULLIVAN STADIUM

Author: Manager Leisure and Public Realm

Reviewed By: Director Community Development

Report Background

Report on the outcome of the statutory process for the leasing of Sullivan Stadium.

Previous Council Resolution

At its meeting on 7 December 2015, Council resolved:

That Council:

- (1) *Commence the statutory process, under Section 190 and Section 223 of the Local Government Act 1989, to give effect of its intention to enter into a lease with the Australian Skate Company (ASC) Pty Ltd.*
- (2) *Give public notice under Section 190 and Section 223 of the Local Government Act 1989 seeking public submissions in relation to Council's intention to enter into a lease with the Australian Skate Company (ASC) Pty Ltd in the appropriate newspaper.*
- (3) *Note any public submission that requests to be heard in relation to their submission will be presented at a Hearing of Submissions Committee meeting prior to a further report being presented to Council for a final decision.'*

Previous Briefing(s)

Councillor Briefing – 24 August 2015

Council Plan Goal/Endorsed Strategy

Goal: 1. Vibrant and Innovative Economy

Strategy: 1.5 Existing and new physical assets and infrastructure
1.8 Business Diversity

Goal: 2. Healthy and Connected Community

Strategy: 2.6 Community health and fitness and access to opportunities

Summary

The Australian Skate Company has proposed to undertake a conversion of Sullivan Stadium from a skate rink to an indoor ice rink. At the meeting of 7 December 2015 Council resolved to commence negotiations with the Australian Skate Company for a ten (10) year lease of Sullivan Stadium with a minimum rental return of \$150,000 per annum.

In accordance with *Local Government Act 1989*, Council notified the community of its intention to enter into a lease by placing a public notice in the Preston Leader and Northcote Leader in the week commencing 18 January 2016. No public submissions were received in response to the notification.

Recommendation

That Council:

- (1) Resolves to enter into a 10 year lease agreement with the Australian Skate Company at Sullivan Stadium.
- (2) Authorises the Director Community Development to finalise and execute all lease documentation with the Australian Skate Company.

Introduction

In 2012 a proposal was received from Australian Skate Company to undertake a conversion of Sullivan Stadium to an indoor ice rink. Currently, Australian Skate Company are leasing and operating Sullivan Stadium as an in-line hockey venue and have done so since the late 1990's. The lease for the stadium is currently in over holding, Council has the option to negotiate the terms of the lease with a view of renewal or terminate the lease agreement under the provisions of the *Retail Leases Act 2003*.

At their meeting of 7 December 2015 Council resolved to commence negotiations with the Australian Skate Company for a ten (10) year lease of Sullivan Stadium with a minimum rental return of \$150,000 per annum.

A review of the proposal indicates that Australian Skate Company will be investing in the order of \$1.85 million for the conversion works. It will be a condition of the lease that Council has the choice of the infrastructure reverting to its ownership or requesting its removal and reinstatement. A bank guarantee will also be required to be lodged with Council prior to the commencement of the conversion works.

Following consultation with the Australian Skate Company regarding the proposal and development of the draft lease documentation which will be in the form of an agreement for lease with the lease appended, it is now appropriate for Council to conclude the statutory process to enter into lease arrangements with the Australian Skate Company prior to them commencing conversion works at Sullivan Stadium.

Issues and Discussion

Lease

The current lease expired on 31 July 2009 and is currently in 'over holding' pending renewal. The provision of 'over holding' ensures that all the terms and conditions of the lease continue until the lease is renewed or terminated.

In order to maintain the existing relationship with Australian Skate Company, Council officers are required to go through a renewal of lease process. The process for developing a new lease agreement with the Australian Skate Company to operate from Sullivan Stadium is provided in **Appendix A**.

The new lease agreement will include the following documentation which will formalise the development and provide for the conversion works of Sullivan Stadium, as well as its ongoing use and occupation by Australian Skate Company:

- *An Agreement for Lease*

This document is much like a construction contract that will provide for Australian Skate Company to undertake the proposed \$1.85 million conversion works that will see Sullivan Stadium transform into an indoor ice rink in accordance with agreed specifications and permits. It will also include the requirement of Australian Skate Company to provide a bank guarantee prior to commencing the conversion works.

- *The Lease*

This document will be appended to the agreement for lease and will provide all the agreed terms and conditions relating to the ongoing occupation and use of Sullivan Stadium by the Australian Skate Company. Following completion of the agreed conversion works specified in the agreement for lease, Council will formalise the lease with Australian Skate Company.

Before Council could progress the new lease agreement with the Australian Skate Company it had to undertake the statutory process advising the public of its intentions.

Statutory Process

At its Ordinary Meeting of 7 December 2015, Council resolved to commence the statutory process under Section 190 and Section 223 of the Local Government Act 1989 ("the Act"), to give effect of its intention to enter into a lease agreement with the Australian Skate Company.

Public notice of Council's intention was given in the Preston and Northcote Leader newspapers in the week commencing 18 January 2016 (**Appendix B**). Notification was also given on Council's website. The notification advised the community that submissions received in writing would be considered by Council pursuant to the provisions of section 223 of *the Local Government Act 1989*. The terms and conditions detailed in the statutory advertisement are attached as Appendix B to this report.

Having complied with Section 190 and Section 223 of the *Local Government Act 1989*, no submissions in relation to the public notice were received.

Retail Leases Act 2003

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

In this instance, it would appear the Act does apply to Australian Skate Company's agreement due to the retail activity that will be generated by the business.

Options for Consideration

Option 1 (Recommended)

Council to enter into an agreement for lease with the lease agreement appended, with Australian Skate Company. This will formalise Council's approval of the conversion works proposed by Australian Skate Company; and it will also provide Council with the surety that the capital development and occupancy will be bound by the terms and conditions of the agreement for lease/lease whilst ensuring compliance with current legislation, policy and service delivery requirements.

It will also ensure that the conversion works are delivered to the agreed standards and specifications and according to the approved permits prior to the lease being finalised. It reduces the risk of Council parting with possession of the premises, and being bound by the terms and conditions of the lease, prior to the completion of its conversion.

Additionally it provides private funding for the revitalisation of a Council asset that has the potential of attracting additional visitation to Darebin, which may not have been forthcoming.

Option 2

Do not enter into an agreement for lease/lease with Australian Skate Company and continue to operate under the status quo.

This option provides the most risk, as it has the potential to result in liabilities for Council as the terms and conditions of their occupancy have not been formalised and service delivery requirements will not have been defined. It will also mean Sullivan Stadium's conversion from a skate rink to an indoor ice rink will not proceed as there will be no protection for Council of its asset and there will be nothing in place to ensure the Australian Skate Company comply or deliver on the proposal.

Furthermore the Australian Skate Company is unlikely to proceed with the proposed development without the security of tenure that the lease will provide. This may result in a lost opportunity to have significant funds injected into the redevelopment of a Council asset and the loss of the commitment to 20 years of rent revenue.

Financial and Resource Implications

Annual leasing fee of \$150,000 (with an option to apply CPI annually) will apply to the lease to Australian Skate Company. A profit sharing arrangement will also be explored as part of the lease agreement negotiations.

The annual maintenance of Sullivan Stadium will be in accordance with the *Retail Leases Act 2003 (Vic)*.

Australian Skate Company is responsible for funding the capital development of Sullivan Stadium. A Bank Guarantee to the value of \$500,000 or another amount as determined by Council's legal advisor will be provided as security by Australian Skate Company during the construction phase.

Risk Management

Should Council not further progress the matter and enter into an agreement for lease/lease with the Australian Skate Company, then it may present a number of risks as the terms and conditions of the tenant's capital development (conversion works) and occupancy of Council's property have yet to be defined.

The requirement for the tenant to provide appropriate permits and insurances including public liability, be responsible for the conversion works, certain outgoings and maintenance provisions, and most importantly to provide its service to the Darebin community that is consistent with Council policy, would be unclear. In most instances those obligations and requirements may shift to Council.

A tenant in occupation of a Council property without an agreement may result in Council retaining all associated risk with the occupancy and service provision despite it not being the actual service provider.

Policy Implications

Economic Development

The proposal has the potential to bring further economic activity to an area of significant social disadvantage that sits adjacent to the Northland Development Precinct. The project has the potential to provide on-going local economic benefit with 6 full time operational positions.

Environmental Sustainability

There are no factors in this report which would impact upon environmental sustainability. Council should consider the environmental impact of the intended future of the property as an ice skating house. The lease may wish to consider environmental offset options.

Human Rights, Equity and Inclusion

The proposed lease to Australian Skate Company is an opportunity for revitalisation of Sullivan Stadium and provides a new recreational activity for the enjoyment of children, young people and families living in and beyond Darebin.

Other

This report has been prepared having regard to Council's lease renewal practice and relevant legislative requirements.

Future Actions

- Enter into an agreement for lease/lease with the Australian Skate Company for Sullivan Stadium.

Consultation and Advocacy

- Assets and Properties
- Australian Skate Company
- Statutory Planning
- Maddocks Lawyers
- Public Notice of Council's intention to enter into a new lease agreement was advertised in the Local Leader Newspapers which extends consultation to the wider community.

Related Documents

- Original lease to Australian Skate Company
- Council's Standard Lease
- *Local Government Act 1989*
- *Retail Leases Act 2003*
- Lease development between Council and Australian Skate Company (**Appendix A**)
- Public Notice as advertised in the Preston and Northcote Leaders (**Appendix B**)

Disclosure of Interest

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

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

APPENDIX A

Lease development between Council and Australian Skate Company

A. Process for developing a new lease with Australian Skate Company

1. The review of the existing agreement and development of a new lease agreement, using Council's standard lease documentation, to capture the conversion of Sullivan Stadium to an indoor ice rink and agreed terms and conditions.
2. Consultation with Leisure Services and Australian Skate Company, providing them with the opportunity to review and comment on the draft lease agreement.
3. Initial report to Council to commence the statutory process detailing the proposed terms and conditions of the draft lease agreement.
4. Statutory process – Under the *Local Government Act 1989*, advertise intention to enter into a lease (Section 190), and provide for submissions (Section 223).
5. Report to Council with Outcome of Section 223 process and seek approval to enter into new lease agreement.
6. Finalise new lease agreement with Australian Skate Company.

B. New lease – specific to conversion of Sullivan Stadium to an indoor ice rink

Council has standard lease and licence agreements that apply to the various use types of its properties. Council's standard lease has been developed by Council's legal advisors in conjunction with Leisure Services, Facilities Maintenance and Properties units. The lease to Australian Skate Company has been developed using the standard lease and has been modified to incorporate the conditions relating to the conversion of Sullivan Stadium to an indoor ice rink with all costs to be borne by Australian Skate Company.

C. Australian Skate Company lease terms and conditions

The following 'in principle' terms and conditions have been agreed to by all parties:

- **Term of Lease**

Ten years with a right to renew the lease for two further terms of five years (up to 20 years total).

The lease provides a date for which the tenant is required to notify Council of their intention to exercise (take up) the option (being not earlier than 6 months or later than 3 months, before the end of the Term).

If Australian Skate Company is in breach of their lease at the time of the option date, they may not be given the option to renew the lease for a further term.

APPENDIX A

- **Rent**

Rent charges will apply. The rent fee has been set at \$150,000 per annum (excluding GST) with options for CPI increases and profit sharing arrangements on an annual basis.

- **Bank Guarantee**

It is proposed that the lease include a requirement for Australian Skate Company to deliver to Council, and prior to the commencement of the conversion works, a bank guarantee to the value of \$500,000.00 (which is approximately 25% of the project). This bank guarantee will guard against the risk of non-completion of the works. Officers will seek legal advice on whether this security of tenure is appropriate in this instance.

- **Permitted Use**

The provision of an indoor ice rink and hockey centre is the future intended use of the property.



**DAREBIN
CITY COUNCIL**

**NOTICE OF
INTENTION TO LEASE**

Darebin City Council (Council) gives notice under section 190 of the Local Government Act 1989 (Act) of its intention to enter into a lease with Australian Skate Company (ASC) Pty Ltd for the redevelopment of Council's stadium located at Sullivan Reserve, Blake Street, Reservoir from a skate rink to an indoor ice rink and for the stadium, on completion of the redevelopment, to be used for the provision of an indoor ice rink (Reference Number TAT46546);

The principal terms of the lease will be:

1. ASC to undertake all works and pay all costs associated with the redevelopment and conversion of Sullivan Stadium to an indoor ice rink.
2. Prior to the commencement of the redevelopment and conversion works, ASC deliver to Council a bank guarantee to the value of \$500,000 or another value as determined by Council's legal advisor.
3. A term of 10 years, with the option of 2 further terms of 5 years.
4. A commencement rent of \$150,000.00 (excluding GST) per annum with options for CPI increases and profit sharing arrangements on an annual basis.
5. To occupy and use the premises as an indoor ice rink and hockey centre.

Any person may make a submission on the proposal.

In accordance with section 223 of the Act, any person wishing to make a submission in relation to Council's proposal must do so in writing by no later than Thursday, 18 February 2016.

Submissions quoting any of the above reference numbers should be addressed to:

**Chief Executive
Darebin City Council
PO Box 91
PRESTON VIC 3072**

A person making a submission is entitled to request in the submission that they wish to appear in person, or to be represented by a person specified in the submission, in support of the submission at a meeting of the Council or its Committee on a date, time and place to be determined by the Council. All submissions will be considered in accordance with section 223 of the Act.

**Rasiah Dev
Chief Executive**

6.5 PROPOSED DISCONTINUANCE AND SALE OF RIGHT-OF-WAY (ROAD) LOCATED REAR OF 92-94 MILLER STREET ADJOINING 2 MITCHELL STREET, PRESTON

Author: Manager Assets and Property

Reviewed By: Director Assets and Business Services

Report Background

Officer update: Report to Council on the outcome of the statutory procedures relating to the proposed discontinuance of the road at the rear of 92 and 94 Miller Street and adjacent to 2 Mitchell Street, Preston.

Previous Council Resolution

At its meeting on 7 December 2015, Council resolved:

“That Council

- (a) Commence the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 (“the Act”) to discontinue the road at the rear of 92 and 94 Miller Street and adjacent 2 Mitchell Street, Preston shown hatched on Appendix A.*
- (b) Give public notice under Sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council’s website and such notice state that if discontinued, Council proposes to sell the land from the road to the adjoining property owners by private treaty and transfer to itself any land from the road not sold to the adjoining property owners.”*

Previous Briefing(s)

26 April 2016

Council Plan Goal/Endorsed Strategy

Goal: Excellent Service – Strategy 5.4 Long term responsible financial planning
Strategy: Property Asset Management Strategy - May 2015

Goal: Vibrant City and Innovative Economy – Strategy 1.4
Strategy: Strategic Land Use and Sustainable Transport Planning Policies.

Summary

Council had received an application from the owner of 94 Miller Street, Preston, for the discontinuance and sale of the road located at the rear of 92 and 94 Miller Street and adjacent to 2 Mitchell Street, Preston (the Road) which is shown hatched on the site plan **Appendix A**) and the aerial photo (**Appendix B**). Macquarie Lawyers were commissioned to undertake the process to facilitate the possible discontinuance and sale of the 3.05m wide section of Road.

The Road is not listed on Council's Road Register, is not constructed nor used for access. The section of Road at the rear of 92 Miller Street appears to have been enclosed within that property for several years whereas the section of Road behind 94 Miller Street is not occupied and is currently landlocked.

All of the immediate adjoining property owners have been consulted as part of the initial investigations regarding the proposal; no objections were received. The owner of 94 Miller Street has confirmed their interest in acquiring the land from the Road at current market value as well as meeting all of the reasonable costs associated with Council discontinuing the Road, by signing an 'in-principle' agreement for Council to progress the matter.

Public notice of the proposal was given in Preston Leader and Northcote Leader newspapers on Wednesday, 3 February 2016. Notification was also given on Council's website and further correspondence provided to all adjoining property owners and occupiers. The notice period ended on 4 March 2016 with no submissions received.

This report provides the outcome of the statutory procedures for the proposed discontinuance and sale of a 3.05m wide road at the rear of 92 and 94 Miller Street and adjacent to 2 Mitchell Street, Preston and now, upon their completion, recommends that the Road be discontinued and sold by private treaty in accordance with Council policy and transfer any land not sold to itself.

Recommendation

That Council, having given public notice of a proposal to discontinue the section of road at the rear of 92 and 94 Miller Street and adjacent to 2 Mitchell Street, Preston, shown hatched on the plan enclosed as Appendix A to this report, and having received not submissions in respect of this proposal under section 223 of the *Local Government Act 1989*:

- (1) Discontinues the section of road in accordance with section 206 and schedule 10, Clause 3 of the Local Government Act 1989.
- (2) Directs that a notice be published in the Victoria Government Gazette.
- (3) Directs that the land from the road be sold by private treaty to the owners of the adjoining properties in accordance with Council policy and signed 'in-principle' agreements.
- (4) Signs and seals all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties.
- (5) Delegates power to the Chief Executive to do all other acts to enable any land from the road not sold to the adjoining property owners to be transferred to Council.

Introduction

Council had received an application from the owner of 94 Miller Street, Preston, for the discontinuance and sale of the Road shown hatched on the site plan (**Appendix C**) and the aerial photo (**Appendix B**).

The Road is not listed on Council's Register of Public Roads, is not constructed nor used for access. Whilst the section of Road at the rear of 92 Miller Street appears to have been enclosed within that property for several years, the section of Road behind 94 Miller Street is not occupied and is currently landlocked.

Council officers commenced investigations and commissioned Macquarie Lawyers to undertake the statutory procedures involved with the possible discontinuance and sale of the 3.05m wide section of Road.

Issues and Discussion

At its Ordinary Meeting of 7 December 2015, Council directed that the statutory procedures for the proposed discontinuance and sale of the 3.05m wide Road at the rear of 92 and 94 Miller Street and adjacent to 2 Mitchell Street, Preston, be commenced.

Public notice of the proposal was given in Preston Leader and Northcote Leader newspapers on Wednesday, 3 February 2016. Notification was also given on Council's website.

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

No submissions were received.

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

Yarra Valley Water has assets within the land and would require an easement to be saved over the land if the Road is discontinued.

Options for Consideration

Option 1 (Recommended)

That Council proceeds with the discontinuance and sell the land from the Road, in accordance with the signed 'in-principle' agreement and consistent with the statutory procedures which have been completed with no submissions or objections received.

This option could also remove the landlocked characteristics of the Road whilst protecting Council's interest in any unsold parcels of land from the Road. On that basis it would be reasonable for Council to finalise the statutory procedures to discontinue and seek to sell the land from the Road to the adjoining property owners.

Option 2

Abandon the proposal which would enable the status quo to remain. This option may be perceived as Council knowingly encouraging and enabling property owners to continue to occupy other roads or rights-of-way within Darebin to the detriment of the community whether financially or as a benefiting right.

Additionally Council may lose any future rights to the Road if adjoining properties make and are successful with claims of adverse possession.

Financial and Resource Implications

The owners of 94 Miller Street, Preston have agreed to purchase the land from the Road that is located at the rear of their property at current market value and also to meet all of Council's reasonable costs associated with undertaking the discontinuance.

The proposed allocation/division of the land from the Road is shown on the title plan in **Appendix D**.

Any costs associated with Council transferring any unsold land to itself would be managed within annual budget allocations.

Risk Management

Should Council resolve to not further progress the discontinuance and sale of the Road, then it would present a financial risk to Council in that income from the potential sale of the Road would not be achieved.

It may also result in Council having to take action to remove any obstructions to prevent the potential accrual of possessory rights over the Road.

Policy Implications

Economic Development

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

Environmental Sustainability

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

Human Rights, Equity and Inclusion

Consultation with the immediate adjoining owners has been undertaken.

The statutory procedures have extended this to the whole of the community by giving public notice of the proposal and providing the opportunity to make formal submissions to Council regarding the proposal.

Other

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

Future Actions

- Arrange for a notice to be published in the Victoria Government Gazette.
- Arrange for the land to be sold and transferred to the owners of the adjoining properties by private treaty in accordance with Council policy.
- Arrange for the balance of any land not sold, to be transferred into Council's ownership.

Consultation and Advocacy

- All of the immediate adjoining owners had been consulted regarding the proposal and no objections were received.
- The owner of 94 Miller Street has confirmed their interest in acquiring the land at current market value as well as meeting all of the reasonable costs associated with Council discontinuing the Road, by signing 'in-principle' agreements for Council to progress the matter.
- Council Departments
- Macquarie Local Government Lawyers
- Statutory Authorities

- Wider community was notified following a notice of Council's intention to discontinue and sell the land from the road being advertised in the Local Leader Newspapers.

Related Documents

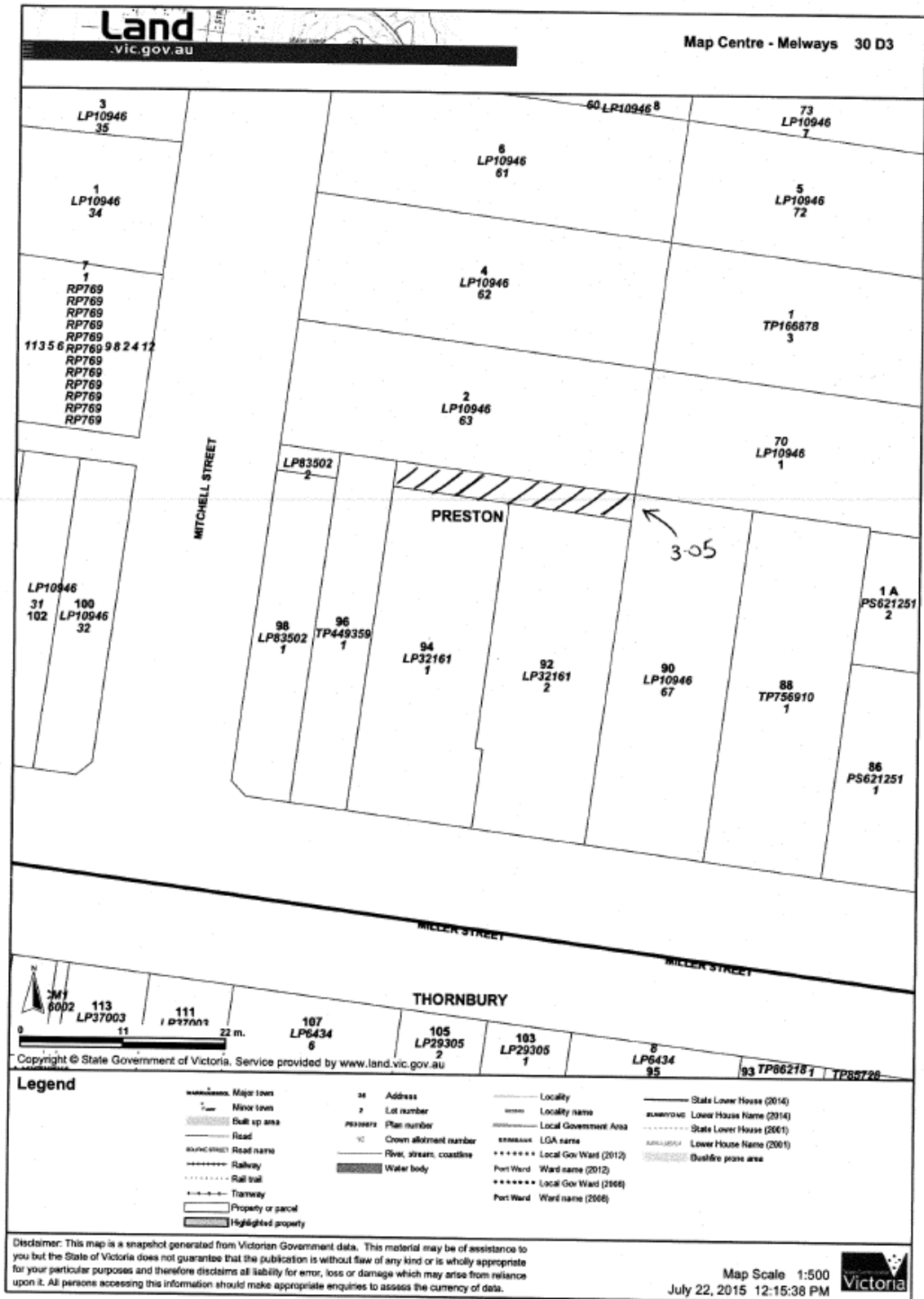
- Section of road proposed to be discontinued and sold (**Appendix A**)
- Aerial photograph (**Appendix B**)
- Overall plan (**Appendix C**)
- Proposed allocation (Title Plan) (**Appendix D**)
- *Local Government Act 1989*
- *Road Management Act 2004*
- Council's Sale of Minor Council Property Assets Policy – May 2015
- Council Minutes – 7 December 2015

Disclosure of Interest

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

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

Appendix A

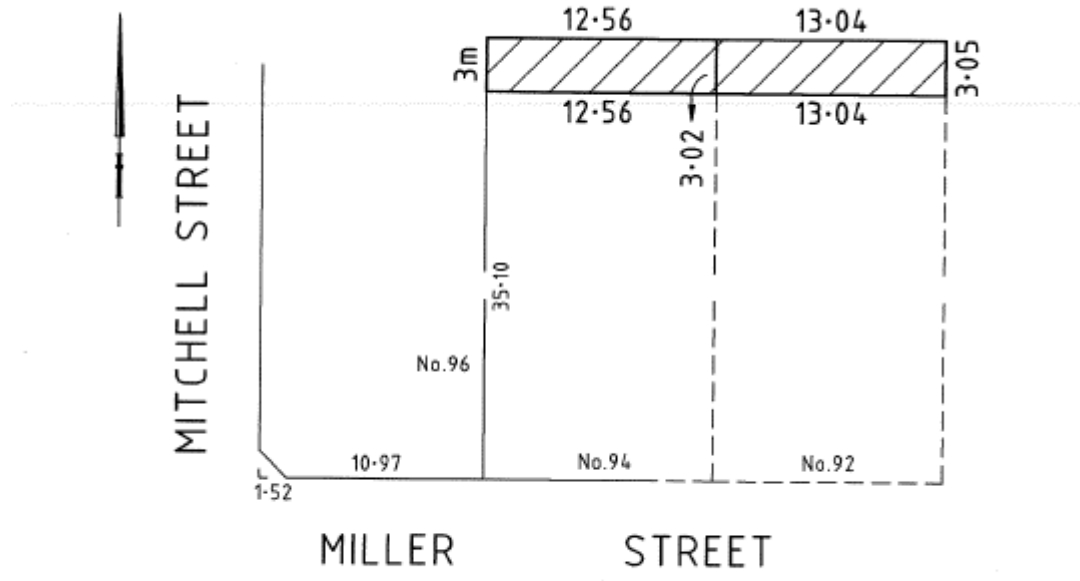


Appendix B



Rear 92 & 94 Miller
Street, Preston
Disused and landlocked

Appendix C



Appendix D

TITLE PLAN		EDITION 1	TP955715R	
LOCATION OF LAND PARISH JKA JKA TOWNSHIP - SECTION - CROWN ALLOTMENT - CROWN PORTION 139 (PART) LAST PLAN REFERENCE TP911873U DEPTH LIMITATION DOES NOT APPLY TITLE REFERENCE VOL 5678 FOL 571 MGA CO-ORDINATES E 322 870 ZONE 55 (APPROX. CENTRE OF LAND IN PLAN) N 5 819 910		WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION. NOTATIONS THIS PLAN IS NOT BASED ON SURVEY.		
EASEMENT INFORMATION				
LEGEND E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBERANCE A- APPURTENANT EASEMENT R- ENCUMBERING EASEMENT (ROAD)				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
ALL THE LAND IN THIS PLAN	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	YARRA VALLEY WATER LTD
<p style="text-align: center;">MILLER STREET</p>				
SCALE 1:250	LENGTHS ARE IN METRES		LICENSED SURVEYOR DAVID JOHN MONAHAN SIGNATURE DATE / /	
SHEET 1 OF 1 SHEET ORIGINAL SHEET SIZE: A3 BARKER MONAHAN A.C.M. 065 394 885 SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 501 GILBERT ROAD, PRESTON 3072 P.O. BOX 2544 REGENT WEST 3072 TELEPHONE 9478 6183 FAX 9470 5185 EMAIL: survey@barkermonahan.com.au		REF. 13518 VERSION 01 COMPUTER FILE: 3518TP.DWG DATE: 28/07/2015		FILE NO : LGD DEALING CODE : LGA

6.6 SOLAR \$AVER PROGRESS AND SPECIAL CHARGE SCHEME

Author: Manager Environment and Natural Resources

Reviewed By: Director Assets and Business Services

Report Background

At the Council meeting held 23 November 2015, Council resolved to allocate \$1 million in the 2015/2016 budget for a second round of the Solar Saver program and adopted providers for the Solar Saver and solar bulk buy. The project has had a slower take up this year likely due to slightly higher systems prices and lower feed in tariffs, as well as the complexity in involving low income housing rentals. 127 participants have signed up to date and to ensure that those who signed up early are not delayed unnecessarily and to manage workloads and funds, it is recommended to undertake two special charge scheme processes for the project, with the proposal of a special charge scheme in May and a further scheme proposed in 2 to 3 months when the remainder of participants are finalised.

Previous Council Resolution

At its meeting held on 23 November 2015 which considered the award of tenders for the Solar Saver program the Council resolved:

“That:

.....

(6) Council consider a further report regarding the proposed Special Charge Scheme”

Previous Briefing(s)

Councillor Briefing – 13 July 2015

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 3 – Sustainable and resilient neighbourhoods
- Community Climate Change Action Plan

Summary

This report provides a progress report on the Solar Saver program and recommends Council initiate the declaration 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 residential properties participating in the Solar Saver scheme.

Take up of the Solar Saver scheme had been slower than expected with 126 contracts signed to date to a value of \$398,551.00. Further promotion and work with organisations such as housing cooperatives is anticipated to increase participation to the full budgeted amount over the next 2 to 3 months and this will be covered in a further proposed Special Charge Scheme declaration.

The Solar Saver scheme provider is a partnership with Positive Charge providing the information and quotation to the residents with SunEdison Australia supplying and installing the solar systems. A separate company, Solargain, has been selected to provide the general solar bulk buy scheme available for all residents and businesses.

Recommendation

That:

- (1) Council give notice of its intention to declare a special charge in accordance with section 163 of the *Local Government Act 1989 (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 be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which project:
 - c. Council considers there 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
 - i. 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.
 - d. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$398,551.00; and
 - ii. amount for the special charge to be levied be recorded as \$398,551.00, or such other amount as is lawfully levied as a consequence of this resolution.
 - e. The special charge be declared in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
 - f. The following be specified as the criteria which form the basis of the special charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - g. The following be 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 a Householder Agreement has been executed, totalling \$398,551.00, being the total cost of the scheme to Council;
 - ii. to be levied each year for a period of 10 years.
 - h. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.

- (2) Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons 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) Council, 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 \$aver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.
 - (4) Public notice be given in "The Northcote Leader" and "The Preston Leader" newspapers of Council's intention to declare, at its ordinary meeting to be held on 18 July 2016, the special charge in the form set out above.
 - (5) Separate letters, enclosing a copy of this resolution, Appendix B to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
 - (6) The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
 - (7) Council's Manager Environment and Natural Resources be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.
-

Introduction

The 2015/2016 Solar \$aver program has been offered to the following categories of people and organisations:

- pensioners who receive the rate rebate and other pensioners;
- people in retirement villages or supported accommodation
- renters who have a level of disadvantage (in receipt of Centrelink benefit or in housing poverty) with authorisation from property owner; and
- child care, kindergarten and community centres (Council and Yappera owned).

Non-pensioner property owners and commercial businesses are able to access the competitive prices negotiated by Council through the Bulk buy program.

Issues and Discussion

Progress of Solar \$aver Scheme

Positive Charge has provided quotes to 325 homes since December 2015 and to date 127 have signed contracts. Since the initial Solar \$aver program, the cost of solar has increased and the feed in tariff has reduced, therefore reducing the expected savings and has likely resulted in reduced sign ups. Additionally negotiations between housing cooperatives and the State Government/Common Equity Housing Ltd, who own the sites, to enable low income renters to participate in the solar \$aver Program has taken longer due to the complexity of arrangements and approval processes.

To increase Solar \$aver participation a further mail out to over 7000 pensioners will be undertaken, and all senior citizen groups will receive information (translated into the major community languages). Further information sessions will also be held. It is expected to take 2 to 3 months to sign up the remainder of participants.

Proposed special charge declaration

Under Section 163 of the *Local Government Act 1989* (Act), Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the performance of a function or the exercise of a power of Council, if Council considers that the performance of the function or the exercise of the power is, or will be, of special benefit to the persons required to pay the special rate or special charge.

In this case, the installation of solar energy systems on properties as part of the Solar \$aver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community. Each participating property has signed a Householder Agreement with Council to participate in the scheme, which includes the overall cost and repayments which would be paid by the property should the scheme be approved (see **Appendix A**).

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

A. Purpose of the Works

The purpose of the works is to supply and install solar energy systems on properties to reduce energy costs and encourage and increase the use of renewable energy in Darebin.

B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries, as the properties proposed to be included in the scheme are receiving solar energy systems to the value of their participation.

C. Calculate the Total Cost

The proposed solar system installation includes the following items:

- Assessment and administration costs
- Supply and installation of solar energy systems

For the purposes of section 163(1) of the Act, the total cost of the works is calculated at \$398,551.00 based on signed quotations.

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

D. Identify the Special Beneficiaries

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners participating in the Solar Saver scheme are considered to receive special benefit from the proposed supply and installation of solar PV systems by means of:

- Reduced energy costs over the life of the solar PV system
- Ownership of the solar PV system after the special rate repayments are paid in full
- Increased property value

The proposed properties taking part in the scheme, the owners of which have signed a Householder Agreement with Council to participate in the scheme, are listed in **Appendix B**.

E. Determine Properties to Include

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is accepted that only those properties at which the solar energy systems are installed will receive a special benefit from the scheme. Accordingly, it is proposed to include only those residential properties whose owners have signed Householder Agreements in the scheme. Council will not, then, be required to pay a share of costs related to special benefits for any property that is not included in the scheme.

F. Estimate Total Special Benefits

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$\mathbf{TSB} = \mathbf{TSB}_{(in)} + \mathbf{TSB}_{(out)}$$

- **TSB** is the estimated total special benefit for all properties that have been identified to receive a special benefit
- **TSB_(in)** is the estimated total special benefit for those properties that are included in the scheme
- **TSB_(out)** is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- **TSB_(in)** – The estimated total special benefit is based on the quoted cost of the solar PV system to be installed (which has been included in the Householder Agreement signed by the property owner). It is expected that the benefit in reduced energy costs will exceed this special benefit.
- **TSB_(out)** – This is not applicable as all participating properties are included.

G. Estimate Community Benefits

Whilst the reduction of energy use, greenhouse emissions and increase of renewable energy is considered a community benefit there are no direct quantifiable costs.

- **TCB** – Total Community Benefit is assessed to be 0 benefit units

H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

$$\mathbf{R} = \frac{\mathbf{TSB}_{(in)}}{\mathbf{TSB}_{(in)} + \mathbf{TSB}_{(out)} + \mathbf{TCB}}$$

Where:

$$\begin{aligned} \mathbf{TSB}_{(in)} &= \$398,551.00 \\ \mathbf{TSB}_{(out)} &= 0 \\ \mathbf{TCB} &= 0 \end{aligned}$$

$$\mathbf{R} = 1$$

I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy **S**, the following formula is used:

$$\mathbf{S} = \mathbf{R} \times \mathbf{C}$$

Where **R** is the benefit ratio and **C** is the cost of all works

$$\text{Therefore } \mathbf{S} = 1 * \$398,551.00 = \$398,551.00$$

Note there is no community benefit amount payable by Council.

Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the householders have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

It is proposed to distribute the costs as shown in **Appendix B**.

Statutory Process

The Act requires Council to give public notice of its proposed declaration of the special charge and write to all people who will be liable to contribute. The proposed declaration of the special charge has been prepared in accordance with the Act.

Owners (or occupiers who would pay the charge as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of persons liable, Council will be prevented from making the declaration and the scheme cannot proceed.

Options for Consideration

As full participation of the Solar Saver scheme has not been yet reached the option to split the process into 2 special charge scheme processes was preferred over a single scheme proposal as it reduces waiting times for those who signed up some months ago and enables the costs and installation process to be more effectively spread.

Financial and Resource Implications

- Council has allocated \$1 million from the 2015/2016 Council budget for the delivery of the Solar Saver program in 2015/2016. \$30,000 is allocated to administrative and promotions cost with \$970,000 to be paid in solar installations with funds returned through special rates scheme. It is proposed that due to the length of time sign-ups are taking, that 2 special rates schemes be undertaken.
- Should the proposed special charge scheme proceed, Council will pay **\$398,551.00** for the supply and installation of the solar PV systems on the properties listed in **Appendix B**. In accordance with their respective Householder Agreements, property owners will pay for the cost of the solar energy system by equal installments apportioned over a 10-year period, commencing from October 2016. Council is expected to receive \$39,855.10 in special charge repayments annually for this scheme over the 10 year period. It should be noted that the special charge scheme is effectively an interest free loan to the households.
- Payments to Council by property owners for works via special charge schemes are GST exempt.
- Should the property be sold during the 10 year period in which the special charge scheme applies, the amount outstanding on the special charge scheme at the time of sale will be fully paid.

- After the final special charge scheme is approved the total project, including legal/technical advice, printing and postage is expected to cost \$1,000,000 in accordance with the capital budget allocation.

Risk Management

At the time of writing this report the American parent company of SunEdison has filed for bankruptcy. Council officers have met with the Managing Director of SunEdison Australia (formerly EnergyMatters), who has assured officers of the ongoing viability of the Australian operations, given the company remains largely independent of the American organisation and has significant sales volumes. Officers will monitor this situation and report to Council if there are any issues of concern. The 2 months' timeline for the special rates scheme timeline provides an extra time buffer as Council does not enter into installation phase now.

The 10 year warranties are independent of SunEdison and with large companies.

Policy Implications

Economic Development

It is estimated that the average participating household could save \$20 to 90 per year after the special scheme payment. After 10 years households can save \$300 - \$400 per year. This represents potential funds that can be spent within the Darebin community rather than on utility bills.

Environmental Sustainability

This project is consistent with Darebin's Community Climate Change Action Plans and the Darebin Climate Change and Peak Oil Adaptation Plan.

Human Rights, Equity and Inclusion

Council has committed through its Community Climate Action Plan not only to reduce emissions, but to support those most vulnerable to climate change impacts and increasing energy costs. This project was specifically aimed at low income households, who are more vulnerable to increasing energy costs. Many participating pensioners are also from culturally and linguistically diverse (CALD) communities.

Other

This is consistent with the Council Plan and 2015/2016 Council Budget.

Future Actions

- Copies of the proposed declaration to property owners – 23 May 2016
- Copy of proposed declaration available for public inspection – 23 May 2016
- Public notice of proposed declaration – 24 May 2016
- Receipt of written submissions – 23 June 2016
- Hearing of submissions (if required) – 4 July 2016
- Report to Council for special scheme approval – 18 July 2016
- Future report in September 2016 for final scheme declaration

Consultation and Advocacy

- The program was advertised on the Council website, in the local paper and through direct mail to 2,840 pensioner households.
- Over 325 homes have received home visits from Positive Charge to provide quotations for the Solar \$aver program and receive energy advice. Participating households have all signed agreements to participate in the program based on quoted prices.
- Council has consulted with Aged and Disability - Community Development Officer and Marketing and Community Engagement Officer, Equity and Diversity – Community Planner, Interfaith Development Officer and Aboriginal Policy Officer.
- Council has consulted with the following external organisations: Baptcare – Sanctuary Bellhaven Hostel, Northcote Rental Housing Co-operative, Community Equity Housing Ltd, Lions Village, Veronica Gardens Retirement Village
- Chief Financial Officer

Related Documents

- *Local Government Act 1989*
- Community Climate Change Action Plan
- The Macquarie Special Rates and Charges Manual 2012
- 2013 - 2014 Budget
- Householder Agreement – (**Appendix A**)
- Notice of Intention to Declare a Special Levy for Solar \$aver Project (**Appendix B**)
- Council Minutes – 23 November 2015

Disclosure of Interest

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

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

Date / /2016

APPENDIX A



City of Darebin Solar \$aver Program

Householder Agreement

DAREBIN CITY COUNCIL

and

THE HOUSEHOLDER IN THE AGREEMENT

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City of Darebin Solar \$aver Program Householder Agreement

DATE / /2016

BETWEEN

Darebin City Council ACN 75 815 980 522
of 274 Gower St, Preston, Victoria 3072, Australia

(Council)

and

.....[insert name/s]

Of

(Householder)

BACKGROUND

- A. Council has developed the "Solar \$aver Program" (**Program**), whereby certain residents of the City of Darebin may elect to have a solar energy system installed at their residential property by a contractor engaged by Council.
- B. Council intends to pay for the solar energy system to be installed and recover this cost through a special rate scheme yet to be declared by Council. The delivery of the Program is conditional upon the special rate scheme going ahead and will not proceed if the special rate scheme is not declared, or is rendered by a court or tribunal to be legally invalid.
- C. A separate agreement will be entered into between Council and the contractor engaged to supply and install the solar energy systems under the Program.
- D. This agreement records the agreed terms between Council and the Householder regarding the supply and installation of a solar energy system under the Program.

IT IS AGREED AS FOLLOWS

1. Term of Agreement

This Agreement shall commence on the Commencement Date and, unless terminated in accordance with this Agreement, shall continue until 30 June 2026.

2. Pre-Conditions

- 2.1 The provision of a Solar Energy System to the Householder under this Agreement is conditional upon and subject to:
 - 2.1.1 Council entering into a contract with a person or body to supply and install the Solar Energy System to the Householder as part of the Program; and
 - 2.1.2 Council declaring the Scheme to recover the costs of the Program.
- 2.2 No Solar Energy System will be provided under this Agreement until the pre-conditions in clause 2.1.1 - 2.1.2 have been satisfied.
- 2.3 If the conditions in clause 2.1.1 - 2.1.2 have not been satisfied by 28 November 2015, in the absence of agreement to the contrary between the parties, this Agreement immediately ends

and each Party is released from their obligations under this Agreement and no party will have any further liability, responsibility or obligation to the other.

3. Declaration of Invalidity of Scheme

In the event that, during the term of this Agreement, a court or tribunal of Victoria declares the Scheme to be invalid, or determines that the Householder is not bound by the Scheme, the following will apply:

- 3.1 if the Solar Energy System has not yet been supplied and installed at the Householder's property, this Agreement will terminate immediately, each Party is released from their obligations under this Agreement and no party will have any further liability, responsibility or obligation to the other; or
- 3.2 if the Solar Energy System has already been supplied and installed at the Householder's property, the Householder may elect to:
 - 3.2.1 allow the Solar Energy System to be removed from the Householder's premises and returned to Council; or
 - 3.2.2 keep the Solar Energy System provided and pay to Council, in a lump sum or otherwise as agreed between the Parties, the outstanding amount for the Cost of the Solar Energy System, within 60 days of receiving written notice from Council that the Scheme will no longer apply to the Householder.

4. Payment for Solar Energy System

- 4.1 The Cost of the Solar Energy System is the total amount set out in Item 3 of the Summary Schedule and itemised in Schedule 1. This amount purchases the supply and installation of the Solar Energy System and any required repair or replacement covered by the warranty during the warranty period, as set out in Schedule 2, but does not cover general maintenance, service calls or repair or replacement outside the warranty.
- 4.2 The Cost of the Solar Energy System under clause 4.1 may be adjusted by Council during the term of this Agreement if, for a reason beyond the control of Council or the Contractor, further costs are required to be incurred in supplying or installing the Solar Energy System.
- 4.3 Council envisages that any adjustment to the Cost of the Solar Energy System under clause 4.2 will only arise where:
 - 4.3.1 there is a change to legislation applicable to, or regulation of, the installation of the Solar Energy System (eg changes to Small-scale Technology Certificates); or
 - 4.3.2 the installation of the Solar Energy System originally quoted for changes as a result of building works undertaken at the Householder's property or a request to change the location of the Solar Energy System.
- 4.4 Any adjustment under clause 4.2 will be made by way of a variation to the Scheme, in accordance with section 166 of the *Local Government Act 1989*. Where a variation would result in a change to the Householder's liability under the Scheme of 10% or more, the Householder will have an opportunity to make submissions to Council in respect of it and withdraw from the Scheme.

- 4.5 Payment for the Cost of the Solar Energy System is to be by equal instalments apportioned over a 10-year period, commencing from July 2016. The amount payable by the Householder for each quarterly payment is set out at Item 4 of the Summary Schedule.
- 4.6 Commencing July 2016, the Householder will receive a rates notice each quarter setting out their liability under the Scheme for the property at which the Solar Energy System is installed, until their liability under the Scheme is discharged in full.
- 4.7 Unless otherwise agreed between the Parties, all payments are due at the date set out in each rates notice. In the event that payment has not been made by the due date, Penalty Interest is payable upon any outstanding amounts, in accordance with the *Local Government Act 1989* and this Agreement.
- 4.8 Any delay or adjustment to the delivery date for the Solar Energy System or adjustment to the Cost of the Solar Energy System under clause 4.2 does not entitle the Householder to delay or withhold payment under this Agreement.
- 4.9 The Cost of the Solar Energy System will not be adjusted after installation has occurred.

5. Council's Obligations

Council's obligations under this Agreement include the obligation to make all reasonable efforts to:

- 5.1 enter into contractual arrangements with a licensed electrical contractor, who has experience and expertise in the Solar Energy industry and who is of good repute, to supply and install the Solar Energy System;
- 5.2 declare the Scheme and collect payments from the Householder in accordance with clause 4;
- 5.3 ensure that any Contractor engaged under clause 5.1 provides the supply and installation of a Solar Energy System to the Householder within a reasonable time of this Agreement being entered into; and
- 5.4 assign all warranties attaching to the Solar Energy System to the Householder in accordance with clause 7.

6. The Householder's Obligations

- 6.1 The Householder must pay to Council the Cost of the Solar Energy System in accordance with clause 4.
- 6.2 The Householder must allow the Contractor and its agents access to their property for the purposes of conducting site inspections, installing the Solar Energy System and to carry out any required repairs or replacements in accordance with Schedule 2.
- 6.3 The Householder must ensure that those parts of their property in which works are being undertaken by the Contractor are safe to access, and free from asbestos or other toxic substances, prior to the Contractor or its agents accessing the Householder's property.
- 6.4 The Householder authorises the Contractor to submit an application to their electricity provider to connect a renewable energy system to the electricity

provider's electrical distribution network and the Householder must take all reasonable action required by the Contractor, including signing any relevant documents, in order for that connection to take place.

- 6.5 The Householder is responsible for any metering or other fees charged by their electricity provider and such charges do not form part of this Agreement.
- 6.6 The Householder must not intentionally damage, sell, trade or otherwise dispose of any part of the Solar Energy System during the term of this Agreement.
- 6.7 The Householder must comply with any warranties, manufacturer's instructions and user manuals relating to the Solar Energy System and acknowledges that any failure to do so may void those warranties.
- 6.8 The Householder does not have any entitlement to claim, create or assign any Small-scale Technology Certificates in relation to the Solar Energy System provided under this Agreement.

7. Assignment of Warranties

- 7.1 The Contractor has agreed that all warranties relevant to the Solar Energy Systems will be issued in respect of, and remain with, the relevant properties at which the Solar Energy Systems are installed, meaning that it should not be necessary to assign the warranties.
- 7.2 If the Householder has any concerns, queries or requests for a service call, repair or replacement of the Solar Energy System, the Householder must contact the Contractor who supplied and installed the Solar Energy System. Contact details for the Contractor will be supplied to the Householder prior to the installation of the Solar Energy System.

8. No Guarantee of Savings

- 8.1 While it is reasonably expected that the operation of the Solar Energy System will result in reduced electricity costs for the Householder, no guarantee is made by Council that the Householder will save money on their electricity bills as a result of the provision of the Solar Energy System under this Agreement.
- 8.2 Neither Council, nor the Contractor, is responsible for any inaccuracies or losses caused to the Householder by changes to feed in tariffs, electricity prices or government schemes.

9. No Liability

- 9.1 To the fullest extent permitted by law, while Council will take all commercially reasonable care in arranging for the provision of the Solar Energy System under the Agreement, Council shall not be liable in respect of any loss or damage (including consequential loss or damage), however caused, which may be suffered or incurred or which may arise directly or indirectly in respect of the installation or operation of the Solar Energy System.
- 9.2 To the fullest extent permitted by law, Council is not liable for the ongoing maintenance, repair or replacement of the Solar Energy System, including but not limited to:
 - 9.2.1 the replacement of the goods or the supply of equivalent goods;
 - 9.2.2 the repair of such goods;

- 9.2.3 the payment of the cost of replacing the goods or of acquiring equivalent goods; or
- 9.2.4 the payment of the cost of having the goods repaired.

10. Ownership of Solar Energy System

- 10.1 Ownership of the Solar Energy System remains fully vested in Council during the term of the Agreement, unless the Solar Energy System is otherwise paid for in full in accordance with clause 3.2.2, at which time the ownership of the Solar Energy System vests in the Householder.
- 10.2 Once all payments payable under this Agreement have been made by the Householder in accordance with clause 4, the full ownership of the Solar Energy System will pass from Council to the Householder.

11. Release and Indemnity

- 11.1 The Householder agrees to the installation and use of the Solar Energy System under this Agreement at their own risk and releases Council from all claims resulting from any damage, loss, death or injury in connection with the installation and use of the Solar Energy System except to the extent that Council is negligent.
- 11.2 The Householder must indemnify and hold harmless Council against all claims resulting from any damage, loss, death or injury in connection with the installation and use of the Solar Energy System except to the extent that Council is negligent.

12. Termination

- 12.1 Without limiting the generality of any other clause, Council may terminate this Agreement by notice in writing if the Householder breaches any essential terms of this Agreement and such breach is not remedied within 60 days of written notice by Council.
- 12.2 If notice of termination is given to the Householder pursuant to clause 12.1, Council may, in addition to terminating this Agreement:
 - 12.2.1 repossess the Solar Energy System;
 - 12.2.2 retain any moneys already paid;
 - 12.2.3 charge a reasonable sum for any work performed in disconnecting and removing the Solar Energy System;
 - 12.2.4 be regarded as discharged from any further obligations under this Agreement; and
 - 12.2.5 pursue any additional or alternative remedies provided by law.

13. No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict Council's powers or discretions in relation to any powers or obligations it has under any Act, regulation or local law that may apply to the Scheme or any other aspect of this Agreement.

14. Entire Agreement

This Agreement constitutes the entire agreement between the parties. Any prior arrangements, agreements, representations or undertakings are superseded.

15. Joint and Several Liability

If the Householder consists of more than one person, this Agreement binds them jointly and each of them severally.

16. Survival of Indemnities

Each indemnity in this Agreement is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Agreement.

17. Severability

If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement shall remain otherwise in full force apart from such provision which shall be deemed deleted.

18. Governing Law

This Agreement will be governed by and construed according to the law of Victoria.

19. Disputes

19.1 Householder to contact Contractor regarding Solar Energy System

Any grievances or concerns relating to the Solar Energy System must be conveyed to the Contractor, in accordance with clause 7.2.

19.2 Other disputes arising under this Agreement

If any dispute arises between the Householder and Council regarding this Agreement, the Parties must at first instance endeavour to resolve it by discussion and agreement.

20. Definitions

In this Agreement, unless the contrary intention appears:

Agreement means this agreement and includes the Schedules and any Annexures.

Commencement Date means the date on which this Agreement commences as specified in the Summary Schedule.

Contractor means the licensed electrical contractor, whether being a person or entity, engaged by Council to supply and install Solar Energy Systems under the Program.

Cost means the amounts payable under this Agreement as outlined in Schedule 1, which may be amended from time to time in the manner described in this Agreement.

Council means the Darebin City Council.

Householder means the person or persons named in the Agreement as being the resident or residents of the property at which a Solar Energy System will be installed.

Party means either Council or the Householder as the context dictates.

Payment Schedule means the arrangements for payment by the Householder to Council, as set out in clause 4.

Penalty Interest means interest at the rate of 10 per cent per annum, or such other rate as may be fixed by section 2 of the *Penalty Interest Rates Act 1983* from time to time.

Program means the "Solar \$aver Program" of Council.

Scheme means the Special Rate Scheme to be declared by Council, under the *Local Government Act 1989*, to recoup the costs of the Solar Energy Systems provided as part of the Program.

Solar Energy System means the system described at **Schedule 1** and includes the solar panels and any associated infrastructure and materials provided by the Contractor for the proper functioning of the solar panels to produce electricity from solar power, but does not include any infrastructure or services provided by third parties (such as electricity distributors or electricity retailers).

Small-scale Technology Certificate, has the same meaning as in the *Renewable Energy (Electricity) Act 2000* (Cth) and includes any other certificate, right or entitlement of a similar nature which arises under Victorian or Commonwealth legislation;

Term means the term of this Agreement as set out in clause 1.

SIGNED as an agreement

SIGNED for and on behalf of **Darebin City**))
Council ACN 75 815 980 522 in the presence of:))
))
) Name:
Title: ~~Gavin~~ Mountjoy
Officer Title: Environmental Strategy
Coordinator

.....
Witness

SIGNED by the **Householder/s** named in ()
this agreement in the presence of: ()
.....
Householder/s - signature

.....
Witness – full name Householder/s - full name

()
()
.....
Witness – signature Householder/s - signature

.....
Householder/s - full name

Summary Schedule

1.	Commencement Date	1 July 2016
2.	Expiry date	30 June 2026
3.	Cost of the Solar Energy System	\$ See breakdown provided at Schedule 1
4.	Amount payable by the Householder in each quarterly rates notice from July 2017	An amount equal to 1/40 th of the total cost, being: \$

Schedule 1 Solar Energy System Details and Cost

Customer Contact

Reference #
Name
Phone
Email

Site Details

Visit Date	//2016
Site Address	XXX Street, XXXXSuburb
Roof Pitch	Pitched
Klip Lock req	No
Roof Type	Tile
Height	1
Orientation	North (345 - 15 Degrees)
Shading	
Shading Comments (if applicable)	

System Specification

System Size	Solar 1.5kW
Panels	: 6 x 255W JA Solar - JAP255 Poly MC4
Inverter	: Sungrow SG2KTL-S
Mounting	: SunLock Mounting
Small-scale technology certificates (STC)	1.5kW system = 26 certificates 2kW system = 35 certificates
Estimate	These discounts have been incorporated into the pricing below.

Item Cost

Item	Description	Cost
System	: Solar 1.5kW	\$0.00
Tilt Frame	: Tilt frames as required	\$0.00
Klip Lock	: Secure frames to roof as required	\$0.00
Tile Mounting	: Additional cost for tiled roof	\$0.00
Height	: Additional cost for 2 nd storey	\$0.00
Access	: Equipment for rooftop access	\$0.00
Switchboard	: Upgrade	\$0.00
Other	: Other costs	\$0.36
TOTAL		\$0.00
GST is not applicable		

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Conditions

The Household is provided a 10 day cooling off period from signing the agreement.

The Contractor reserves the right to contact the Householder to re-issue this Schedule, within 7 business days receipt of your signed Household Agreement to adjust pricing or details where quality assurance matters have been identified.

Schedule 2 Warranty and Supplier Terms and Conditions

See attached

SunEdison Terms and Conditions

System Component Warranties

APPENDIX B

Table of properties intended to be subject to the Solar \$aver special charge scheme

Each listed property has been assessed as to the size of solar panel and installation costs and has been provided and agreed to the following quotation to have a solar energy system installed at their property for the following costs.

Property Address		Cost
16 Ross Street	ALPHINGTON	\$3,172.00
2A Rowe Street	ALPHINGTON	\$3,636.00
35 Keith Street	ALPHINGTON	\$3,172.00
4/50 Austin Street	ALPHINGTON	\$2,867.00
95 Yarralea Street	ALPHINGTON	\$3,489.00
11 Sanctuary Drive	BUNDOORA	\$2,867.00
2 Timberglades Drive	BUNDOORA	\$2,803.00
42 Elizabeth Street	COBURG	\$3,172.00
194 Elizabeth Street	COBURG NORTH	\$3,479.00
150 Gillies Street	FAIRFIELD	\$3,076.00
32 Langridge Street	FAIRFIELD	\$3,078.00
117 The Fairway	KINGSBURY	\$2,867.00
13 Club Avenue	KINGSBURY	\$3,172.00
33 Flag Street	KINGSBURY	\$3,172.00
1 Evan Smith Close	MACLEOD	\$2,867.00
10 Evan Smith Close	MACLEOD	\$2,867.00
64 Ernest Jones Drive	MACLEOD	\$3,400.00
8 Linaker Drive	MACLEOD	\$2,867.00
10 Hunter Street	NORTHCOTE	\$2,803.00
10 Stott Street	NORTHCOTE	\$3,381.00
105 Christmas Street	NORTHCOTE	\$3,017.00
12 Helen Street	NORTHCOTE	\$4,136.00
15 Campbell Grove	NORTHCOTE	\$2,980.00
16 Derby Street	NORTHCOTE	\$3,076.00
17/25 Veronica Street	NORTHCOTE	\$2,867.00
21 Main Street	NORTHCOTE	\$3,122.00
23 Auburn Avenue	NORTHCOTE	\$3,076.00
32 Langston Street	NORTHCOTE	\$2,867.00
41 Gladstone Avenue	NORTHCOTE	\$3,078.00
5 Eunson Avenue	NORTHCOTE	\$3,383.00
5 Gray Street	NORTHCOTE	\$2,803.00
50 Auburn Avenue	NORTHCOTE	\$3,172.00
50/25 Veronica St	NORTHCOTE	\$3,427.00
54/25 Veronica Street	NORTHCOTE	\$3,231.00
55/25 Veronica Street	NORTHCOTE	\$3,350.00
6 Maivary Lane	NORTHCOTE	\$3,788.00

Property Address		Cost
62 Helen Street	NORTHCOTE	\$3,108.00
67 Hawthorn Road	NORTHCOTE	\$3,381.00
95 Bastings Street	NORTHCOTE	\$3,381.00
10 Kenneth Street	PRESTON	\$3,232.00
10 Rita Street	PRESTON	\$2,867.00
11 Willow Street	PRESTON	\$3,744.00
125 Dundas Street	PRESTON	\$3,142.00
147 Tyler Street	PRESTON	\$2,867.00
15 Emerald Street	PRESTON	\$2,407.00
16 Goldsmith Avenue	PRESTON	\$3,636.00
168 Gower Street	PRESTON	\$3,172.00
18 Hardy Street	PRESTON	\$2,867.00
18 Maynard Street	PRESTON	\$2,803.00
18A Mary Street	PRESTON	\$2,867.00
2/19 Sylvester Grove	PRESTON	\$2,867.00
24 Ruby Street	PRESTON	\$2,867.00
25 Kitchener Grove	PRESTON	\$3,462.00
3 Davies Street	PRESTON	\$2,867.00
3 Mutimer Street	PRESTON	\$2,867.00
3/1 Asling Street	PRESTON	\$2,867.00
319 Murray Road	PRESTON	\$3,172.00
32 Benambra Street	PRESTON	\$3,172.00
32 Murphy Grove	PRESTON	\$2,867.00
34 Belgrove Street	PRESTON	\$3,172.00
4 Brynor Court	PRESTON	\$3,172.00
40 Eton Street	PRESTON	\$3,126.00
42 Carlisle Street	PRESTON	\$3,432.00
6 Walsh Street	PRESTON	\$3,734.00
64 Erin Street	PRESTON	\$3,149.00
68 McNamara Street	PRESTON	\$2,867.00
69 Kendall Street	PRESTON	\$2,867.00
7 Calbourne Street	PRESTON	\$3,363.00
78 Malpas Street	PRESTON	\$3,172.00
8 Belmont Street	PRESTON	\$3,172.00
8 Hotham Street	PRESTON	\$3,381.00
1 Clough Parade	RESERVOIR	\$3,427.00
1/4 Ayr Street	RESERVOIR	\$3,095.00
1/64 Purinuan Road	RESERVOIR	\$2,867.00
1/79A Rathcown Road	RESERVOIR	\$3,202.00
100 Winter Crescent	RESERVOIR	\$3,172.00
103 Cheddar Road	RESERVOIR	\$2,867.00
11 Titus Court	RESERVOIR	\$2,867.00
12 Howard Street	RESERVOIR	\$3,308.00

Property Address		Cost
12 Wattle Grove	RESERVOIR	\$3,399.00
14 Elinda Place	RESERVOIR	\$2,867.00
140 Leamington Street	RESERVOIR	\$3,172.00
15A Haig Street	RESERVOIR	\$2,867.00
16 Borrie Street	RESERVOIR	\$2,977.00
16/47-49 Rathcown Road	RESERVOIR	\$2,867.00
17 Jeffrey Street	RESERVOIR	\$3,489.00
18 Mclvor Street	RESERVOIR	\$3,172.00
2 Frier Avenue	RESERVOIR	\$3,400.00
2/12 McComas Street	RESERVOIR	\$2,867.00
233 Spring Street	RESERVOIR	\$3,108.00
26 Wilson Boulevard	RESERVOIR	\$3,172.00
3/14 Ludeman Court	RESERVOIR	\$3,095.00
33 Lockton Avenue	RESERVOIR	\$3,172.00
33 Orchid Avenue	RESERVOIR	\$3,172.00
35 Willoughby Street	RESERVOIR	\$3,122.00
38 Cameron Street	RESERVOIR	\$3,490.00
38 Thackeray Road	RESERVOIR	\$3,108.00
39 Thackeray Road	RESERVOIR	\$3,282.00
4/12 Merino Street	RESERVOIR	\$2,867.00
44 Shand Road	RESERVOIR	\$3,172.00
46 Southernhay Street	RESERVOIR	\$3,172.00
6 Leonor Court	RESERVOIR	\$2,867.00
62 Steane Street	RESERVOIR	\$3,172.00
75 Mahoneys Road	RESERVOIR	\$3,447.00
779 Plenty Road	RESERVOIR	\$2,867.00
8 Cameron Street	RESERVOIR	\$3,108.00
8 Monza Court	RESERVOIR	\$3,947.00
8 Seston Street	RESERVOIR	\$3,172.00
8 Village Drive	RESERVOIR	\$3,400.00
8/132A Leamington Street	RESERVOIR	\$3,172.00
85 North Road	RESERVOIR	\$3,172.00
10 Newman Street	THORNBURY	\$2,867.00
128 Flinders Street	THORNBURY	\$2,867.00
13/30-34 Strettle Street	THORNBURY	\$3,331.00
134A Flinders Street	THORNBURY	\$3,363.00
148 Smith Street	THORNBURY	\$3,196.00
2 Keon Street	THORNBURY	\$2,803.00
2/298 Raleigh Street	THORNBURY	\$3,122.00
2/48A Clyde Street	THORNBURY	\$3,412.00
263 Mansfield Street	THORNBURY	\$3,172.00
44 Leinster Grove	THORNBURY	\$3,344.00
455 St Georges Road	THORNBURY	\$3,108.00

Property Address		Cost
5 Miller Street	THORNBURY	\$2,644.00
5/109 Fyffe Street	THORNBURY	\$3,172.00
51 Fyffe Street	THORNBURY	\$3,157.00
83 Miller Street	THORNBURY	\$2,803.00
93 Ballantyne Street	THORNBURY	\$3,383.00
		\$398,551.00

6.7 ADVOCACY ACTIVITY UPDATE

Author: Manager Communication and Marketing

Reviewed By: Director Corporate Services and Chief Executive

Report Background

Officer report – annual update. Previous report presented 16 February 2015.

Previous Council Resolution

At its meeting held on 16 February 2015, Council resolved:

‘That Council:

(1) Notes the advocacy plans and outcomes outlined in this report.’

Previous Briefing(s)

This matter has not previously been to a Councillor briefing in 2015/2016.

Council Plan Goal/Endorsed Strategy

Goal: Open and Accountable Democracy

Strategy: City of Darebin Advocacy Framework (endorsed 4 June 2012)

Summary

This report provides an overview of Darebin Council's advocacy activity between February 2015 and April 2016.

The most prominent advocacy success in the past year has been the State Government's commitment to undertake rail grade separation at three key intersections in Darebin: Bell Street Preston, High Street Reservoir and Grange Road Alphington. Darebin Council's sustained advocacy on the issue of grade separation, both through public campaigning and targeted discussions with political representatives, has had a significant influence on this outcome.

Community survey results for 2014/2015 show that residents are satisfied with Council's advocacy efforts on their behalf. In 2014/15 satisfaction with advocacy slightly increased and has moved from being categorised as 'Solid' to 'Good'. This result continues the trend of exceeding Council's KPI for this measure. Mayors, the Chief Executive, Council and officers have sustained a high level of advocacy, bringing about policy change and action at the State Government level.

Council maintains an advocacy page on its website to keep the community informed about projects and progress. It can be found here: <http://www.darebin.vic.gov.au/en/Your-Say/Hot-Topics/Advocacy-in-Darebin>

Recommendation

That Council notes the overview of advocacy activity and outcomes between February 2015 and April 2016 as outlined in this report.

Introduction

The City of Darebin Advocacy Framework clearly states that advocacy should be coordinated at the most senior level of the organisation, delivering on the direction set by Council.

Accordingly, the Chief Executive and Council's Executive Management Team (EMT) play a lead role in assessing and setting the advocacy agenda for Council. EMT draws on the Council Plan, Council resolutions, annual Councillor Planning Workshops, Council strategies, community surveys and the metropolitan and regional context to determine priority issues for action.

Issues and Discussion**1. Advocacy priorities**

Current ongoing priorities for Darebin Council include, but are not limited to:

- Women's sports – Darebin Multi Sports Stadium (MSS)
- Railway Crossing Grade Separation
- New Residential Planning Zones
- Darebin Precinct Planning
- Darebin Arts and Entertainment Centre (DAEC) Precinct
- Northland Urban Renewal Precinct
- St George's Road Corridor development
- Children's Hub in the South
- Northcote Aquatic and Recreation Centre (NARC) redevelopment
- Junction Urban Master Plan (JUMP)
- Cheddar Road Median Upgrade
- Bundoora Park
- Social and Affordable Housing
- Inclusive zoning for Affordable Housing
- Social Justice priorities

2. Advocacy activity and outcomes

Since February 2015, Council has delivered, commenced or continued a range of specific projects that require determined advocacy to succeed, and has used advocacy to influence stakeholders and contribute to positive community outcomes.

Rail crossing grade separation

Over the past year, and following the success of the 2014 Darebin Transport Advocacy Committee's 'Transport that works' campaign, Council's Chief Executive and Mayor continued to meet with MPs and Ministers to put forward the urgent case for grade separation at key Darebin intersections. The CEO took the issue up directly with department heads and Parliamentarians including the Treasurer and Minister for Finance.

The Chief Executive ensured that grade separation was a priority for the North through the 'Northern Horizons' project and advocacy with eight northern councils.

In 2015 the new State Government made public commitments to remove 50 level crossings across Victoria, including crossings in Darebin. Darebin Council continued to advocate for Darebin crossings to be undertaken in the first round of removals. Early in 2016, the Government announced that three key Darebin intersections were on the priority list: Bell Street Preston, High Street Reservoir, and Grange Road Alphington. All three intersection works are due to be commenced by 2018.

Council will continue to work with the Government and the Level Crossing Removal Authority (LXRA) to ensure the best outcomes for our community, including looking at what additional amenity Council can bring to the areas immediately surrounding the grade separation sites.

Reservoir Community and Learning Centre

Council advocated to both the State and Federal governments to obtain \$3.8M towards the \$5M centre, which was opened by Finance Minister Robin Scott in August 2015. The Reservoir Community and Learning Centre is a state-of-the-art community hub that combines the library, customer service, maternal and child health, the toy library, youth services and community meeting spaces. It has been embraced by residents and has contributed to greater foot traffic and activation for surrounding businesses.

Multi-sports stadium

On 21 September 2015 Council endorsed the construction of a regional Multi-Sport Stadium (MSS) specifically targeting grass roots women's sports in Darebin. This key piece of sporting infrastructure will provide much needed facilities for a range of court-sports including netball, basketball, volleyball and badminton. One of the key outcomes expected from this project is to increase participation in sport and physical activity, in particular for women who experience a lack of access to quality sports facilities in Darebin.

Council is currently working with a number of stakeholders to make this facility a reality. This includes State and Federal government and a range of state sporting associations such as Basketball Victoria, Netball Victoria, and Football Federation Victoria. Engagement with local sporting associations has also been important, such as Darebin Basketball Association and Darebin Netball Association.

The project has been supported by Council's advocacy with the State Government and the Football Federation of Victoria to ensure better use of John Cain Park, the chosen location for the MSS, for local residents.

Council also successfully applied to the State Government for approval to use the balance of the obligation related to developer contribution funds collected over ten years to build the MSS. The funds will contribute over \$6M to the total project cost of \$13M. This will be the first time developer contribution funds have been used for a single, whole-of-municipality project and it is an excellent outcome for Darebin residents. Council will continue to advocate to government for the remaining funds and has already made an application for federal funding.

Melbourne Water M40 Pipeline Upgrade – tree plantings

In 2015 Council supported the community's call for Melbourne Water to retain significant tree plantings along the St George's Road bike path as part of pipeline upgrade works. There was considerable community concern that the trees would be removed and not re-planted due to Melbourne Water's position regarding the impact of tree roots on the pipeline itself. In early 2016 a positive outcome was achieved when Melbourne Water announced that it would retain tree plantings as part of the works and would conduct community consultation on this aspect of the project, in line with Council's advocacy efforts and resolutions. The Chief Executive has taken up the project with the State Government and agencies, including the CEO of Melbourne Water.

Merri Railway Lot 34 (Cnr St Georges and Merri Parade)

Council and public interest groups successfully advocated to VicTrack to generate support for retention of this substation parcel of land as community open space.

At a meeting in February 2016, the VicTrack CEO advised the Chief Executive that VicTrack would not sell the land on the open market and that they would deal exclusively with Council to either sell the land at open space value or negotiate a peppercorn rental of the site for community purposes.

Joint Animal Pound Facility

In 2015 Council partnered with neighbouring councils Moreland and Whittlesea to investigate the feasibility of building and operating a joint animal pound facility to serve all three municipalities in an efficient shared service arrangement. Jointly owning and operating an animal pound presented an opportunity to further embed the policies and goals of Darebin's Domestic Animal Management Plan (DAMP) in day-to-day pound practice. This includes a commitment to working with local rescue groups to reduce the number of unclaimed animals who are euthanised. The project is now a reality and a sod-turning ceremony was held at the new pound site (in Whittlesea) on 2 February 2016. The pound facility is expected to be operational by mid-2017.

Preston Girls Secondary College

In 2014 Council was successful in advocating to the Department of Education that the decommissioned school site should be turned over to community use until it is required again for educational purposes. Council commenced negotiating a lease arrangement with the Department that would enable Council and community use of this well-located facility, however the lease did not come to fruition throughout 2015. Council continues to work with the Department of Education and local Members of Parliament to secure community use of this facility. The Chief Executive and Mayor have met with Parliamentarians and Ministers on a several occasions to advocate for a number of Darebin projects including the future of the Preston Girls Secondary College. It is expected that Council will have representation in the planning for future secondary school provision in Preston.

Preston Junction Urban Master Plan (JUMP)

Darebin's Chief Executive has led several meetings with the Minister for Planning; the Minister's Chief of Staff; the Member for Northern Metropolitan Melbourne; the CEO of the Metropolitan Planning Authority; and the Executive Director of Planning, Building and Heritage at the Department of Transport, Planning and Local Infrastructure to request support and funding for the Junction Urban Master Plan.

A JUMP funding proposal was submitted to the Metropolitan Planning Authority (MPA) on 14 July 2014, given the project's alignment with the strategic objectives of Plan Melbourne.

The funding request has since been declined on the basis that the State Government lacks funding for projects outside of Plan Melbourne's six identified Employment Clusters.

Council opted to continue to pursue this issue with the State Government and in 2016 the Chief Executive and Mayor made further representations to the MPA for funding. An arrangement has been made for Council to receive a briefing from the MPA with respect to future structure plans and actions of the State Government.

Bundoora Park – Regional Park

Bundoora Park is a park with regional status but is entirely funded by Council. Darebin residents make a contribution to regional parks' maintenance through their water bills and Council has taken up the issue of funding with the State Government, seeking a contribution towards Bundoora Park's operation and maintenance, similar to other regional parks around Melbourne. Council will present this as an advocacy issue when local Parliamentarians visit for their annual briefing on 27 May.

Ruthven Primary surplus school site

In 2013 Council sought feedback from residents on how they would like to see the former Ruthven Primary School site used once it was declared surplus by the Department of Education. The community consensus was that the site would be best used as green space in an area with a known open space deficit. The Mayor wrote to the Premier and the Minister requesting that the site be returned to Council.

Following negotiations with the previous State Government, the process for sale of surplus school land conducted by the Departments of Treasury and Education resulted in Council being offered the opportunity to purchase the site, or a portion of the site, at residential zoning full market value.

As market value presented a prohibitive cost to Council, during 2015 Council continued to lobby the Department of Education, relevant ministers and local Members of Parliament to acquire the land for community use at no cost to Council, however these efforts have not been successful. The Department of Education has advised that it will sell the land on the private market and has begun discussions with Council about rezoning the land from its current classification as Public Use Zone.

In 2015 Council also raised concerns with the Department of Education regarding maintenance of the empty site with a view to maintaining community safety and preventing the site from becoming a fire hazard.

Government/Local Member briefings

Council continued its program of annual Government briefings, hosting its 2015 briefing on Thursday 9 April 2015. The following members attended:

- Hon David Feeney
- Mr Robin Scott MP
- Ms Fiona Richardson MP
- Mr Nazih Elasmr MLC
- Mr James Lye – Advisor for Jenny Mikakos: attended in her place
- Craig Ondarchie and Chief of Staff Chris Jermyn
- Ms Fiona Patten MP and Advisor Jorian Gardner

The 2016 Government Briefing is scheduled for 27 May.

Targeted lobbying on key issues

In the past year, the Mayors of the day and Chief Executive directly lobbied government via correspondence and meetings on a wide range of issues affecting the municipality, including the following:

- Railway crossing grade separations
- LGBTIQ issues, including marriage equality
- St Georges Rd M40 Project (trees)
- Surplus Victrack land at Merri Parade Northcote
- Trans Pacific Partnership Agreement
- New Residential Zones
- Banyule truck curfew
- Government support for Darebin Intercultural Centre
- Amcor paper mill development – traffic concerns
- 1091 Plenty Rd Bundoora development
- Preston Market planning controls
- Overhead high voltage powerlines between Brunswick and Thomastown Terminal stations
- Supply of medical cannabis oil for the chronically and terminally ill
- Former Ruthven Primary School site – security and maintenance issues
- Victorian design standards for apartments – ‘Better Apartments’
- Inclusionary Zoning for affordable housing.

Public forums

In 2015 Council hosted public forums on transport – one in each ward - in response to the overwhelming feedback through community surveys that transport is a number one concern for residents.

Submissions

Council has made formal submissions on a number of issues, including the following topics:

- Essential Services Commission – submission on the proposed ‘Fair Go’ Rate Capping Framework
- Submission to the Victorian Parliamentary Committee on Local Government Rate Capping and its Effects
- Submission to the Senate Inquiry into Economic Security for Women in Retirement
- Submission to the 2015 Review of the Charter of Human Rights and Responsibilities Act 2006
- Plan Melbourne Refresh
- Amcor paper mill site development

Direct advocacy with government departments and authorities

Council officers regularly liaise and advocate directly with their counterparts in government departments and service authorities, such as PTV, Yarra Trams, Vic Roads and Melbourne Water. Officers work to ensure that wider plans for Darebin are in line with Council's approach and aim to ensure that Darebin projects and upgrades are prioritised.

Grant funding

Council has an officer role dedicated to grant seeking. In the past year (Feb 2015-Feb 2016) Council has been successful in gaining \$525,065 in grant funding for 18 projects. This is achieved by carefully scanning and targeting the right funding sources for projects, and putting forward a compelling case. This grant funding is not recurrent, it does not include funding for ongoing programs. Government funding sources are declining and this makes sustained and targeted advocacy even more important to help Council secure significant funding support for major projects.

3. Community satisfaction

Council measures the community's satisfaction with its advocacy efforts through quarterly surveys. Results are rolled into an aggregate annual figure. The question was asked for the first time in the Darebin Community Survey in 2012 where respondents were asked to 'please rate your satisfaction with Council's performance in lobbying and making representations on key issues that affect the local community'. The result for Darebin in 2014-15 was 6.74, which is slightly higher than the 2015 Greater Melbourne average of 6.57.

The reporting of community survey results is now based on the financial year rather than the calendar year. Despite the slight overlap when comparing the result of 2014 and 2014-15, community satisfaction with advocacy has slightly increased and has moved from being categorised as 'Solid' to 'Good'.

Looking at the average advocacy scores since 2012 shows that Council's performance dropped slightly in 2014 to 'Solid' but has been categorised as 'Good' for all the other years since 2012.

2012: 6.81

2013: 6.62

2014: 6.44

2014-15: 6.74

The figures below show the percentage of respondents who rated 'Lobbying and making representations' at 6 and above out of 10 since 2012. The annual percentages have exceeded Council's target of 75% for this key performance indicator.

2012: 87%

2013: 82.1%

2014: 78.9%

2014-15: 82.9%

In addition to the advocacy key performance indicator, a new question asking 'Can you please list any Council advocacy campaigns you are aware of?' was introduced in the 2015 March quarter of the community survey. This question was included to ascertain the community's knowledge and understanding of advocacy activity and to further understand what drives satisfaction levels.

The type of advocacy campaigns mentioned has varied in every quarter and some activities mentioned are not considered advocacy. However recurring campaign themes recognised by respondents have been around transport, environment and equity and diversity and this is reflective of some of Council's key advocacy campaigns.

Options for Consideration

Future options will be developed subject to Council decisions.

Financial and Resource Implications

There has been no budget allocated to specific advocacy campaigns in 2015.

Risk Management

There are no factors in this report which impact on risk management.

Policy Implications

There are no policy implications arising from this report.

Economic Development

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

Environmental Sustainability

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

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

There are no other factors which impact on this report.

Future Actions

- Continued advocacy on key priorities. In a rate capped environment Council needs to increase its advocacy effort to ensure our priority projects, such as the NARC redevelopment, are funded and supported externally.
- Host 2016 Government Briefing.
- The Chief Executive is considering upgrading the current part-time grant seeking officer role to a senior Advocacy and Grant Seeking position.

Consultation and Advocacy

The following staff were consulted to compile the information in this report:

- Manager City Development
- Manager Children, Families and Community
- Manager Assets and Properties
- Chief Financial Officer

- Senior Coordinator Transport
- Events and Marketing Projects Coordinator
- Coordinator Performance Support

Related Documents

- Council Minutes – 16 February 2015
- City of Darebin Advocacy Framework, endorsed 4 June 2012

Disclosure of Interest

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

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

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

7.1 DEVELOPMENT OF RAY BRAMHAM GARDENS MASTERPLAN

Author: Manager Leisure and Public Realm

Reviewed By: Director Community Development

Report Background

This report responds to the 7 December 2015 Council resolution and provides an update on the proposed master planning process for Ray Bramham Gardens, Preston.

Previous Council Resolution

At its meeting on 7 December 2015, Council resolved:

“To receive a report on the development of a master plan for Ray Bramham Gardens, including community consultation and indicative costs for both the master plan and any urgent repair and maintenance works; and to refer these to the 2016/2017 budget.”

Previous Briefing(s)

This matter has not previously been the subject of a Council briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 2: Healthy and Connected Community
- Council Plan Goal 3: Sustainable and Resilient Neighbourhoods
- Darebin Open Space Strategy 2007-2017
- Playspace Strategy 2010-2020

Summary

Ray Bramham Gardens is nominated in the Open Space Strategy as a formal neighbourhood parkland. Located prominently on St Georges Road and adjacent to Darebin Arts and Entertainment Centre in Preston West, its main features are a series of water falls and ponds to collect runoff from nearby suburban areas (currently not operational); garden beds; a rotunda; public art; and circuit path.

In its earliest form, the parkland was planted as a display garden showcasing the range of plants suitable for the growing conditions in Darebin. It was named in honour of Ray Bramham, former Preston City Engineer.

Over time competing pressures for maintenance in the area have led to the garden beds, water features and timber work falling into a state of disrepair.

At present, the Gardens do not have a current master plan to guide future maintenance, renewal or upgrade works. A capital bid of \$45,000 has been submitted for the 2016-2017 budget to develop a master plan and begin the replanting program of the high profile garden beds along St Georges Road.

Recommendation

That Council:

- (1) Endorse the proposal as set out in Option 2 of this report that would restore Garden beds and timber structures and increase regular maintenance.
- (2) Endorse scoping the viability of renewing an area of the gardens to include connectivity and integration with Darebin Arts and Entertainment Centre and improvement to transport and walking zones to the precinct in conjunction with Grade Separation.

Introduction

Ray Bramham Gardens, adjacent to the Darebin Arts and Entertainment Centre, is a formal horticultural parkland with clearly defined walking paths, formal garden beds, a series of timber viewing platforms, a rotunda, public art and small grassed areas.

In its original state, the gardens were a picturesque showpiece of native and exotic vegetation and promenade for the residents of the area. They were a popular spot for weddings and parties.

Today the park is primarily used for passive recreation including walking, reading, contemplation, dog walking and informal kick around games. Several wedding parties use the grounds and rotunda for photographs each year. The gardens provide the Darebin Arts and Entertainment Centre a natural extension of the outdoor zones of the venue, of which the venue and users benefit greatly from. The gardens provide an added benefit for venue users who are attracted to the outdoor eating zones and quiet spaces. Use of the gardens by venue presenters has also involved locating temporary structures that create additional meeting and presentation spaces for functions and events, such as the placement of an outdoor mobile venue called Nebula as part of the 2014 Arts Hub Conference.

A master plan was created in the 1980's with all works completed during that decade. At present there is no cohesive vision for the parklands or a list of projects to renew the parklands.

Issues and Discussion**Condition Assessment**

In the past, a series of pools and linking manmade creeks collected a portion of water runoff from the surrounding paved, suburban areas. Documentation suggests that the pools were intended to filter the stormwater (the efficacy of these systems is not clear). Sometime in the 1990's, a leak developed in the lining of the ponds. This leak was not repaired and as a consequence, the pools and creeks no longer carry water.

The series of timber viewing platforms, bridges and the rotunda that allowed visitors to view the gardens and water features have fallen into disrepair. Some of these have been closed for safety reasons - deemed not safe to carry the weight of pedestrians.

In 2014/2015 the heritage rose gardens and asphalt paths were renewed. The design and implementation of this project was managed in-house.

The Gardens have become an informal sculpture park with several pieces of public art installed over past years: a sundial in the 1980's; a Lebanese Migrant Statue in 2011; and Three Follies in 2014. A Genocide Memorial has been supported by Council for installation in 2016.

Current Works

In the 2015/2016 financial year several maintenance and upgrade projects have been undertaken including:

- Repairs to the rotunda
- Repairs to the drinking fountain
- Further replanting of the Rose Garden (continued from 2104/2015)
- Tree works and mulching southern end of the gardens.

Further works planned for 2015/2016 include:

- Removal of a single tree at the southern end of gardens
- Mulching under major trees in lawns particularly the Oaks
- Replanting northern beds near Darebin Arts and Entertainment Centre
- Minor replanting works in north western corner.

A Capital Bid for \$45,000 has been submitted as part of the 2016/2017 budget cycle. If successful, this bid will look at continuing maintenance and upgrade works in the Ray Bramham Gardens.

Strategic Support

Ray Bramham Gardens is not nominated in the *Darebin Open Space Strategy* as a priority for a master plan. Its classification as a neighbourhood park places it at 'low priority' for a master plan behind district, regional and state parklands.

In addition, Ray Bramham Gardens is not nominated in the *Playspace Strategy* as a priority location for one in the future. A recommendation is made in the Strategy for increased access, entry and amenity into the Gardens.

Ray Bramham Gardens is located within the Bell Station precinct. Bell Station is one of the key stations selected by the Level Crossing Removal Authority (LXRA) to receive a grade separation. At the time of writing, consultation with the community to determine the outcome for Bell Station (raised crossing or lowered crossing) is underway. Any master plan development will take cues from and reference the level crossing work at Bell Station.

Options for Consideration

1. Do Nothing:

This option would continue what is currently occurring at Ray Bramham Gardens which is: mowing of the lawn areas; spot repair/removal of timber structures that have become unsafe or broken; and removing weeds from the existing garden beds. This is the least cost option but does not improve the aesthetics or restore the gardens. This is not the recommended option as the current condition of the gardens and timber structures is below standard.

2. Restore Garden Beds and Timber Structures with Increased Regular Maintenance:

This option will increase the usability and aesthetics of the park for a moderate cost and would be an extension of the works planned for the in 2016/2017.

The option would see intense maintenance and repair works to the garden beds, timber viewing platforms and rotunda. All garden beds would be renewed and replanted and the rotting timber work restored. The water features, the original focal point for the gardens, would be assessed for potential restoration. Water harvesting and sustainability would be the main criteria for restoration.

This is a medium cost option estimated at \$180,000. This option also requires an increase to the maintenance of the gardens on a regular basis to support the increase in planted garden beds. This maintenance is essential for preventing the garden beds from falling into disrepair. Council's other heritage, formal parklands in the area (Johnson Park, Oldis Gardens) could be grouped with Ray Bramham Gardens.

3. Create a Master Plan – This option supports the creation of a Master Plan or Works Plan that looks at the park holistically and recommends a series of capital projects (new and renewal). Likely projects include replanting garden beds, renewing timber structures, repairing the water features and new features as nominated by the consultation process. A 2-3 part community consultation process will form part of these works. These works represent the high cost option as they include renovation of the water features and possibly new works. This option is not supported under the Open Space Strategy due to the low strategic priority of Ray Bramham Gardens for a master plan. Depending on the current state of the plumbing and water features, these works could cost up to \$1 million depending on the size of the masterplan.

Included in the scope of this option is to integrate the precinct in and around the Darebin Arts and Entertainment Centre to the master plan for the gardens. Within scope is the extension of works to all the outdoor zones of the venue precinct including the highly visible carpark and entrance zones. Extending the vision for a renewed and invigorated public space at Ray Bramham gardens is only enhanced by an equally considered and resourced program of works to the adjoining and highly visible 'arts precinct'. Consideration to improved walkability and wayfinding signage connecting the gardens and venue precinct to key public transport and cycling is critical to realising an enriched public realm within this zone.

Financial and Resource Implications

The three options outlined above nominate estimated costs for works to Ray Bramham Gardens. Each option requires an increase in the annual maintenance budget for the Gardens so that improvements can be maintained over time. Design for the options would be managed in house.

Option 1: Within current budget

Option 2: \$180,000 in 2017/2018 with referrals to the annual budget cycle in future years

Option 3: Minimum \$1 million with referrals to the annual budget cycle from 2017/2018

At present, Council does not receive any revenue for use of the parkland. It is recommended that park user fees be introduced for Ray Bramham Gardens once proposed works have been completed.

Risk Management

If works are not carried out there will be further deterioration of timber structures and facilities that pose a public safety risk.

Under all options a risk management plan will be undertaken and implemented as part of any capital works undertaken at Ray Bramham Gardens.

Policy Implications

Economic Development

Upgrade, maintenance and beautification work make parklands more appealing to residents and visitors and positively contribute to the appeal of an area. This, in turn, has a positive impact on economic growth and development in the area.

Environmental Sustainability

Proposed renewal plans for Ray Bramham Gardens include replanting the garden beds with native and exotic plantings aimed at educating the home gardener about aesthetic use of hardy, water wise plants. This will have a positive impact on water usage as an increase in plants with low water requirements will decrease the need to potable water while increasing the available habitat and plant cover in the municipality.

Restoring the water feature as a series of WSUD pools that filter the runoff from the surrounding suburban areas will have a positive impact on the water quality for the municipality.

Human Rights, Equity and Inclusion

If a master plan was developed it would be subject to an Equity, Inclusion and Participation Tool (EIPAT).

Other

There are no other policy implications from this report.

Future Actions

- Develop a final budget and plan to support the implementation of the selected option.
- Grade separation

Consultation and Advocacy

Council officers consulted include in developing this report:

- Manager Parks and Vegetation
- Coordinator Public Realm
- Coordinator Parks Maintenance
- Coordinator Arts and Culture

Depending on the option supported, the community will be consulted and informed on impending renewal works and or invited to participate in the creation of a master plan.

Related Documents

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

Disclosure of Interest

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

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

7.2 FUTURE USE OF FORMER RESERVOIR LIBRARY

Author: Manager Assets and Properties

Reviewed By: Director Assets and Business Services

Report Background

In August 2015, Council resolved that a report be prepared on the options for the future use of the Reservoir Library in Ralph Street following vacation of this facility upon transfer of the library service to the newly created Reservoir Community Learning Centre in Edwardes Street.

Previous Council Resolution

Council, at its Ordinary Meeting of 17 August 2015 considered an item of general business, entitled "Future Use of Former Reservoir Library" and resolved as follows:

'That Officers provide a report on options for future use of the former Reservoir Library. The report should cover the following:

1. *Needs of the community*
2. *Supply and demand of available room hire/-access for community groups (may need to look at impact of supply and demand in conjunction with impact of new library)*
3. *The possibility of a community consultation process that is accessible to diverse group of residents (may include promotion in the local paper and community news)*
4. *Financial impact of each recommended option.*
5. *The use and management of the site at present and until a decision is made (for safety and efficiency in utilisation consideration).'*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 1 - Vibrant City and Innovative Economy
- Council Plan Goal 2 – Healthy and Connected Community

Summary

The former Reservoir Library site was identified as a key redevelopment opportunity as part of the 2012 Reservoir Structure Plan which proposed that Council explore options to integrate a major community health facility within a mixed use development on the former library and Ralph Street carpark site. The plan also proposed that short term community use options be considered as an interim measure prior to redevelopment of the site.

An investigation of the physical conditions at the former library has revealed that the building's components are of 'average' condition (3/5) however the structural integrity of the building is compromised by ground movements. A refit of the existing building for interim community use would cost in the order of \$125,000. If the building is to be re-used, a structural engineering report would also be necessary to determine if any structural remediation works were required.

Recent construction of substantial new municipal community facilities at the Reservoir Community Learning Centre, Keon Park Community Facility and the Darebin North East Community Hub have generated sufficient capacity to address community meeting room space needs in Reservoir, so it is considered that refit of the former Library building for interim community use is not necessary at this time.

Given the proposed level crossing works at the Reservoir Junction, it is considered timely for Council to now commence investigation of options for the redevelopment of the former Reservoir Library and Ralph Street carpark site, in a manner that respects the intent of the Reservoir Structure Plan, maintains the current level of publicly available parking in centre, and addresses community needs and environmental considerations.

Recommendation

That Council:

- (1) Note the former Reservoir Library building at 11-33 Ralph Street, Reservoir is surplus to current municipal service requirements.
- (2) Note that a portion of the land within the Ralph Street carpark was purchased by a Separate Rate Scheme levied under the *Local Government Act 1958* upon the Reservoir Traders for the purposes of purchase of land, demolition of houses, construction of car parks, landscaping and other associated works.
- (3) Affirm that any future redevelopment of the former Reservoir Library and Ralph Street carpark will retain public carparking for 244 spaces in addition to the parking requirements of any new use on the site.
- (4) Receive an organisational submission to the 2016/2017 Budget for an allocation of \$60,000 for the preparation of a detailed assessment of options for the redevelopment of the former Reservoir Library and Ralph Street carpark at 11-33 Ralph Street, Reservoir to be considered by Council as part of the budget submission process. Investigation of redevelopment is to consider:
 - a) Retaining public carparking
 - b) Consistent with directions established in the Reservoir Structure Plan
 - c) Employment opportunities
 - d) Cost of works
 - e) Funding opportunities, including Public-Private Partnerships (PPPs) and investment by social capitalists
 - f) Community needs
 - g) Environmental outcomes
- (5) Receive a report upon the completion of a detailed assessment of options for the redevelopment of the former Reservoir Library and Ralph Street carpark at 11-33 Ralph Street, Reservoir.

Introduction

The former Reservoir Library is a 1,015m² brick building in Ralph Street, Reservoir. The library was built in 1979 (37 years ago) by the City of Preston and could be considered a brick homage to the Brutalist architectural style of the Preston Library in Gower Street, Preston.

The library service continued at the Ralph Street site until 2015 when the service moved to the newly refurbished and greatly expanded Reservoir Community Learning Centre opened. The former Reservoir Library building has been vacant since August 2015.

The former library building sits in the centre of a large rectangular site (approx. 8,500m²) that fronts Ralph Street and backs on to the right-of-way at the rear of the Edwardes Street shops. The carpark provides over 250 spaces for public use to support local businesses. The Ralph Street carpark had been progressively expanded in size by the former City of Preston through the acquisition residential properties to the east and west of the former Reservoir Library. Council acquired properties surrounding the Reservoir Library via Separate Rate Schemes under the *Local Government Act 1958*, whereby local traders were charged the costs associated with “the purchase of land, demolition of houses, construction of car parks, landscaping and other associated works”. The Ralph Street carpark is well used and considered essential to the ongoing functioning of the Edwardes Street side of the Reservoir Junction shopping centre.

The land is mostly zoned PUZ6 (a zoning set aside for municipal use) and a small portion of the site (previously 33 Ralph Street) remains zoned GRZ2. Works are underway to rezone the entire site as Commercial Zone 1, which would be undertaken as part of the upcoming C142 planning scheme amendment for zoning changes and planning scheme controls in the Reservoir activity centre. This amendment is scheduled for 2017.

Considered together, the former Reservoir Library and the Ralph Street carpark form a large parcel of Council owned land within one of the major business activity centres of Darebin. As noted in the 2012 Reservoir Structure Plan (see below), this site represents an opportunity for Council to contribute to the activation of the centre through appropriate development outcomes.

Issues and Discussion

Reservoir Structure Plan

Reservoir was identified under Victorian State Planning Policy as a major Activities Area (MAA). The Reservoir Structure Plan was developed in 2012 to guide future planning and development of the activities in the area up to 2030. The Structure Plan is intended to provide a framework for guidance of future growth in Reservoir in a logical and sustainable way and to provide a guide for public and private investment in the Reservoir MAA.

Under the theme of Community Connections, the vision for the centre “*describes Reservoir as a place that celebrates its diversity, connectedness and participation*”. This vision is supported by an objective to “*provide civic, cultural and community facilities that cater for the needs of the existing and future populations and are accessible by all*”, strategies to provide “*organisational meeting spaces and Non-Government Organisations office accommodation*” and to provide “*flexible community spaces and small offices, which can be used for start-up groups, non-government organisations, ‘green’ businesses and for events which create community cohesion*”.

Actions arising from the Community Connections theme relating to the site of the former Reservoir Library include:

- “F.2 Consider short term community use options for the existing library site to be pursued once the library is redeveloped within the Reservoir Civic Centre site
- F.3 Work with Darebin Community Health in developing options to provide a new community health and wellbeing hub within the Ralph Street car park whilst ensuring the development provides for an efficient use of land”

The site of the former Reservoir Library lies within Precinct 2 (Reservoir Village – refer to **Appendix A**) of the Structure Plan. The vision for this area envisaged:

“Reservoir Village will strengthen its role as the major retail destination in Reservoir, with an improved supermarket offer and new land uses within the Ralph Street car park, which will catalyse the revitalisation of the precinct.

The Civic Centre and integrated redeveloped library will provide key community uses in the precinct with a strong connection into the new mixed use precinct in the Ralph Street car park.”

Strategies for the Reservoir Village precinct included:

“Provide for the activation of the Ralph Street car park with a new mixed use development that provides a major land use anchor including community health services.”

The Plan includes an action (P2.1) to *“investigate future development scenarios for the Ralph Street car park. The scenarios should seek to provide:*

- *Multi-level mixed use development with activated ground floor uses and residential / office / community uses above*
- *Support for the establishment of community health and wellbeing facility hub within the Ralph Street car park whilst ensuring the development provides for an efficient use of land*
- *A major land use within the site that anchors existing shops on Edwardes Street*
- *Activation of the existing laneway at the rear of the Edwardes Street shops with a new plaza space whilst maintaining access to existing properties for servicing*
- *Car parking located below or above buildings so that higher order land uses can be maximised*
- *A mid-block link into the car park site which aligns with the Civic Centre entrance and is activated at ground level and above*
- *A small public square or plaza space in the vicinity of the new mid-block link which is activated by adjoining ground level uses*
- *Exemplar quality built form throughout the site particularly buildings adjoining the new public spaces*
- *A scale of development along Ralph Street and Byfield Street that is compatible with existing housing*
- *Additional height within the central parts of the site which has minimal impact on existing residential properties and minimises shadowing of the proposed pedestrian plaza*
- *Clear access arrangements for vehicles, loading and pedestrians within the car park*
- *Options which consider the consolidation of the car park with adjoining properties*
- *Appropriate mechanisms for co-ordinating the funding and delivery of the re-development*
- *Enhance the pedestrian connection through the car park to Coles”*

Condition of the Facility

The former Reservoir Library building was inspected by Macutex as part of the general building condition and maintenance inspections undertaken in 2015/2016. The audit of the former Reservoir Library was undertaken in June 2015.

Inspections included compliance works (Building Code, Essential Safety Measures and Disability access), backlog maintenance and assessment of asset condition (renewal program).

Compliance	6 items were identified relating to accessibility and essential safety measures
Maintenance	11 items identified that would require works within the next 1-2 years
Renewal	The building's 51 components were generally of an 'average condition (being a rating of 3 on a 5 point scale – 1 = poor, 5 = Excellent), however of these 51 items, 7 were considered to be below average or poor and a further 7 items had remaining useful lives of five years or less. These works include replacement of the roof (due to leaks) and the heating/ventilation and cooling (HVAC) system.

The maintenance items included recommendations which, due to signs of structural movement in three brick walls (cracking), would require the engagement of a structural engineer assess the condition of the building structure. So whilst the overall building fit out is of an 'average' condition, the actual condition of the building structure may be in worse condition.

The value of the compliance, renewal and maintenance works is estimated in the order of \$125,000. Noting the section below in the lack of a need for new community facilities, at this stage, it is not considered viable nor is it considered necessary to refit the building for community use on an interim basis.

Need for Community Facilities

Over the past 3 years, the development of the Reservoir Community and Learning Centre, Keon Park Children's Hub, Intercultural Centre and Darebin North East Community Hub have provided a diverse selection of meeting and function space in the north of Darebin. These venues offer small and large meeting spaces, function spaces for training, performances, and small conferences.

This significant increase in the provision of Council venues within local neighbourhoods afforded the opportunities to co-locate service delivery, and provided hireable space for partner organisations wishing to deliver directly into community settings. Benefits are being realised through these "one-stop shop" facilities with the community able to interact with multiple Council services at the one location.

The request for spaces from local community groups, Council services, and partner organisations is being met with this suite of options. Further growth in revenue and the activation of spaces in these facilities is anticipated and can be accommodated. The need for additional spaces is not warranted through present interactions with the community, as demand is currently being met.

Options for Consideration

Option 1 – Do nothing

This option would see the building left as is for the time being whilst Council takes a wait and see approach to the future needs of the Reservoir activity centre. This would allow for works associated with the Reservoir level crossing removal to occur and further value creation opportunities realised within the Reservoir Junction prior to making a decision about the future of the former Reservoir Library and Ralph Street carpark.

The level crossing works are expected to free up thousands of square metres of new real-estate within the Reservoir activity centre. This may reduce the value of the Ralph Street carpark site through the increase in available land and as the Ralph Street carpark will be further from the new heart of the centre.

Conversely, waiting may also increase the value of the site as the level crossing removal may act as a catalyst for new development increasing the overall desirability of the area.

Leaving the building as is would incur minor levels of operational expenditure for security monitoring and periodic ESM inspections.

This option could be combined with demolition of the building and creation of temporary carparking (60 spaces) to make better use of the site whilst Council bides its time.

Option 2 – Sell the library site

This option would see Council recognise that the land and building which was the former Reservoir Library as surplus to current Council requirements and for the land to be disposed of through public sale.

The land that could be offered would be the library building and its immediate surrounds, including twelve carparking spaces at the rear of the site. For a land area of approximately 1,950m², the site would have a value in the order of \$1.65M (incl. GST).

Conditions could be placed upon the sale to limit the uses for which the land could be put. The introduction of such restrictions would reduce the value of the site and the financial return to Council but would be expected to increase services available to the citizens of Reservoir.

There would be minor operational expenditure associated with site preparation, legal fees and agent's commissions for the sale of the property.

Most future uses of the site would require the land to be rezoned from PUZ6 to a more appropriate zoning, e.g. Commercial Zone 1. This is currently planned to be undertaken as part of C146 during 2017.

This option is not supported by officers as it is contrary to the intent of the Reservoir Structure Plan and presents a loss of much greater opportunity for improvement in the local area.

Option 3 – More Carparking

This option would see the former library building demolished and the land released for additional car parking. Demolition costs for the building are estimated to be in the order of \$140,000. Construction of approximately 1,950m² of asphalt carpark would cost in the order of \$400,000.

This option could be combined with Option 1 as an interim use of the land whilst Council takes a wait and see approach to the future development and investment needs of the Reservoir activity centre following the rail level crossing removal. In which case, thought may be given to whether or not the surface is constructed with asphalt or a cheaper, less robust method of surfacing (e.g. gravel) is investigated.

Regardless of the material chosen to surface the land, it is estimated that an additional 60 spaces could be generated through demolition of the old building and construction of at grade carparking.

Option 4 – Redevelopment Options Assessment - Recommended

This option would see the engagement of specialist property development consultants to prepare a detailed assessment of options for the redevelopment of the former Reservoir Library and Ralph Street carpark at 11-33 Ralph Street, Reservoir.

Works would include production of concept plans, feasibility study and consultation with the community.

The options assessment would consider the following as base parameters/principles to be investigated:

- Retaining public carparking
- Consistent with directions established in the Reservoir Structure Plan
- Employment opportunities
- Cost of works
- Funding opportunities, including Public-Private Partnerships (PPPs) and investment by social capitalists
- Community needs
- Environmental outcomes

It is estimate that these works could be completed for \$60,000. This project could be referred to the 2016/2017 operating budget for funding consideration.

Financial and Resource Implications

The Reservoir Library and Ralph Street carpark has been valued at \$7.0M (incl. GST) in January 2016. Financial and resource implications for each of the options are discussed in the options section.

The recommended option, undertaking a detailed assessment of redevelopment options, is estimated to require approximately \$60,000 to complete and would include the production of concept plans, feasibility study and consultation with the community.

There is currently no available funding source available to undertake this work. Should Council in their consideration of this matter resolve to proceed with option 4 in 2016/17 then an allocation will need to be made in the 2016/17 Budget. As the proposed 2016/17 Budget is currently on public display, an organisational submission should be made for this funding to be considered by Council as part of the submission process.

Risk Management

Risks associated with the deteriorating condition of the building are generally under control through restricted access and periodic monitoring.

It is understood that the local traders association is uncertain in relation to Council's stance on the impact of any proposed redevelopment of the site on local parking availability. This uncertainty may damage Council's reputation and/or the positive working relationship with the traders. It is considered that a resolution clearly stating that Council intends to retain the public carparking spaces as part of any proposed redevelopment/re-use of the site would serve to address these concerns.

Uncertainty relating to the future of the site is proposed to be managed through the development of a detailed options analysis which will be presented to the future Council for consideration and action.

Policy Implications

Economic Development

The availability of spaces within the Ralph Street carpark is considered vital to the continued operation of the Edwardes Street half of the Reservoir activity centre.

Various options to redevelop the carpark and former library site with a mixed use commercial development would increase local jobs and provide a boost to this important local shopping centre.

The introduction of a full line supermarket or discount department store (such as Big W, Target or K-Mart) would increase employment opportunities for local youth.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability at this stage. Under the recommended option, the impact analysis would take environmental considerations into account.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion at this stage.

Other

There are no other factors which impact on this report.

Future Actions

- Referral of \$60,000 to future budget considerations for development of a redevelopment options assessment
- Conduct of study
- Report to Council on outcome of the options analysis.

Consultation and Advocacy

No community consultation was required or undertaken at this stage of project development.

Internal departments/units consulted regarding the future of the former library site and Ralph Street carpark included:

- Strategic Development
- Family and Children
- Economic Development
- Community Development Facilities
- Property Management
- Facility Management

Related Documents

- Council Minutes – 17 August 2015
- Reservoir 2030 – The Reservoir Structure Plan, Darebin City Council, August 2012

Disclosure of Interest

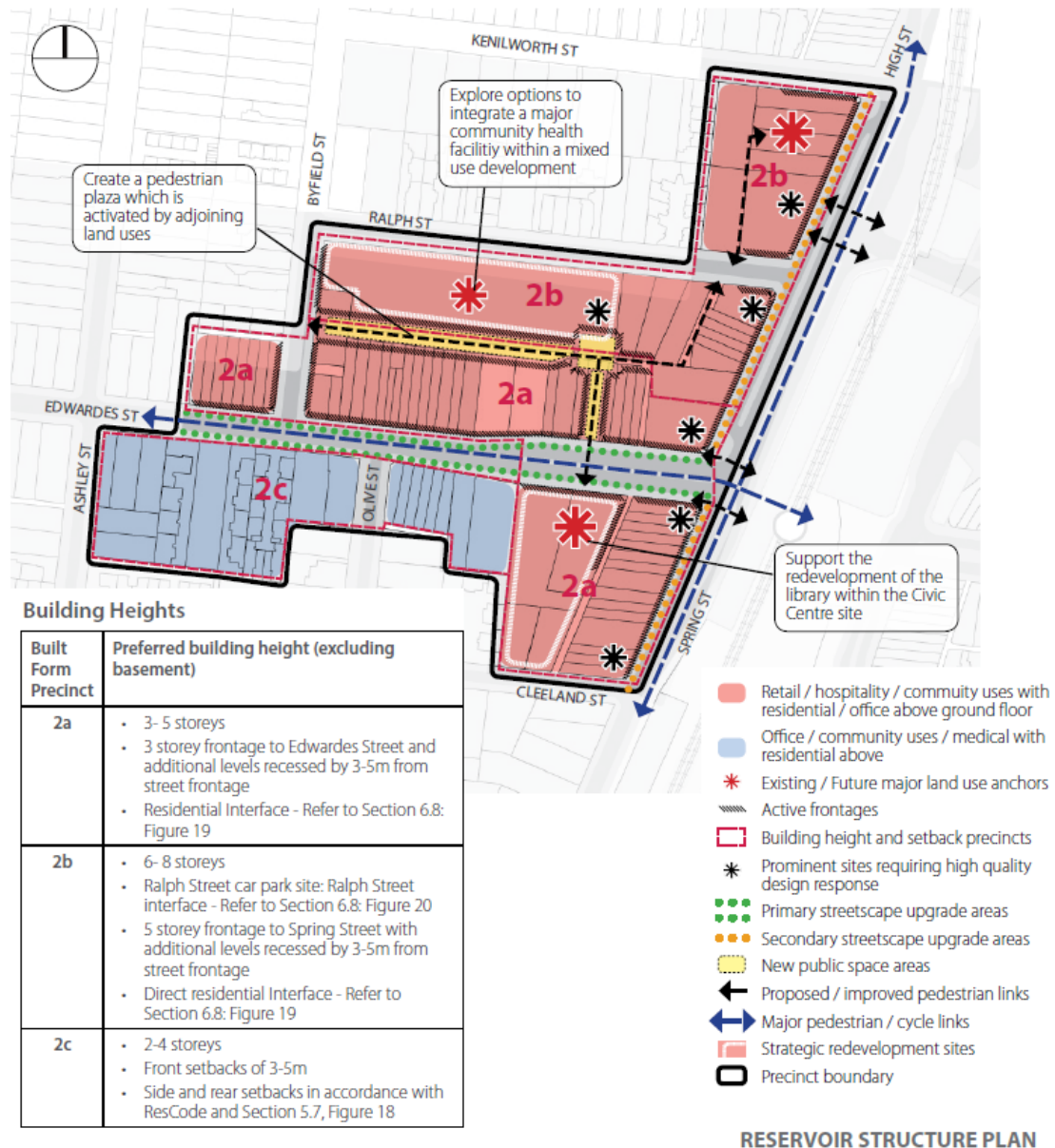
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

APPENDIX A

Excerpt from Reservoir Structure Plan (page 33)

Figure 13: Reservoir Village Precinct Plan



8. NOTICES OF MOTION

8.1 WORKING TOWARDS LONG TERM FINANCIAL SUSTAINABILITY OPTIONS FOR COUNCIL ASSET USE

NOTICE OF MOTION NO. 280 CR. ANGELA VILLELLA

Take notice that at the Ordinary meeting to be held on 16 May 2016, it is my intention to move:

That officers prepare a comprehensive, strategically driven report to assess asset use, and the financial and community satisfaction with their individual performance / service, and consider future options.

The process will involve the following stages:

Stage 1 - Asset Context review

Identifying the council's assets, and identify their service value / performance, context and direction using the following process:

- (1) a discussion at Councillor briefing to develop a framework to identify these assets, possible future options to enable each asset to align with council strategies, community needs and service requirements.
- (2) A Report to come to council that presents the assessment framework and proposes a list of the identified assets, possible future options to explore for each asset and timeline for a completion of a comprehensive final report with recommendations to be presented to council.
- (3) Stage 1 is to be actioned as soon as practicable (subject to budget) and completed in August 2016.

Stage 2 - Report on Options, Strategic and Financial Assessments

The scope of the final reports on each asset will be guided by the following:

- (1) Choice of potential option(s) for each asset based on council resolution as per stage one with the inclusion of strategic justification aligned to council plan
- (2) For each asset the proposed options are to include an analysis of utilisation, proposed savings or investment required together with a 5 year financial model which will include, upfront costs, timeline for completion, a risk assessment and communication strategy.
- (3) It is anticipated that the report for each asset will come to council at different times as they cover different departments, however all reports are to be completed in December 2016.
- (4) Regular updates are to be given at councillor briefings.

That Council allocate \$100,000 for specialist consultants to undertake this work in the 2016/2017 budget.

Notice Received: 28 April 2016

Notice Given to Councillors: 9 May 2016

Date of Meeting: 16 May 2016

8.2 INTRODUCTION OF 40 KM/HR ZONE ALONG QUEEN STREET, RESERVOIR**NOTICE OF MOTION NO.****281****CR. BO LI**

Take notice that at the Ordinary meeting to be held on 16 May 2016, it is my intention to move:

That Council:

1. Notes the significant community concerns of traffic safety along Queen St Reservoir, including a petition signed by residents in late 2015, and a list of suggested traffic safety management measures suggested by residents consistent with council's adopted policies.
2. Resolve to:
 - a) Apply to VicRoads for 40km/h speed limit on Queen Street.
 - b) Install time limited *No Right Turn* signs (e.g. between 7-9.30am and 3-6.30pm) at the corner of High and Queen Streets to reduce traffic turning right from High St to Queen St en-route to Plenty Rd.
3. If approved by VicRoads, refer the above works to the 2016/2017 draft budget.
4. Refer to 2017/18 draft budget for further consideration of possible traffic management measures along Queen St, including but not limited to
 - a) Road resurfacing
 - b) Chicane repair/remodeling
 - c) Raised speed cushions

Notice Received: 2 May 2016

Notice Given to Councillors: 9 May 2016

Date of Meeting: 16 May 2016

8.3 ASSET MANAGEMENT STRATEGY**NOTICE OF MOTION NO.****282****CR. TIM LAURENCE**

Take notice that at the Ordinary meeting to be held on 16 May 2016, it is my intention to move:

That Council receive an urgent report prior to adoption of the 2016/2017 budget on its Asset Management Strategy and Council's performance against the goals and objectives of that Strategy and any limitations of the current strategy due to Council's poor renewal performance over the last four years being 65.6% in 2012/2013, 65.8% in 2013/2014, 60.3% in 2014/2015 and 78.3% in 2015/2016.

Notice Received: 2 May 2016

Notice Given to Councillors: 9 May 2016

Date of Meeting: 16 May 2016

8.4 ST GEORGES ROAD SHARED PATH AND M40 PROJECT**NOTICE OF MOTION NO.****283****CR. BO LI**

Take notice that at the Ordinary meeting to be held on 16 May 2016, it is my intention to move:

That Council:

- (1) *Notes the significant disruption to the more than 500,000 bike trips and pedestrians along the St Georges road shared path as part of the M40 project.*
- (2) *Reaffirms the Council's long term vision for a duplicated pathway along the St Georges road median as part of the Great Northern Shared Path, as well as the closure of non-signalised crossing points and other key priorities identified in the St Georges road shared path safety audit.*
- (3) *Authorises the Mayor to write immediately to local members of parliament and relevant ministers including but not limited to finance, roads, public transport and water and environment outlining council's commitment to the path duplication as part of the councils budget to process and also seeks partnership from relevant departments and agencies to match council's commitment on a "dollar for dollar" basis over the next two financial years to duplicate the path, close off identified non signalised crossing points, and implement other key priorities in the safety audit report.*
- (4) *Be presented with a comprehensive vision and master plan for the shared path from Reservoir to Northcote that may contain , but not limited to the following features:*
 - a) *Preferred bike and pedestrian flow*
 - b) *Preferred crossing points for all shared paths and road users along the shared path.*
 - c) *Preferred amenities including but not limited to tree coverage/vegetation, drinking fountains, seating/shelter and bike repair stations*
 - d) *Key partners, agencies and possible sources for collaborations, including indicative timelines and resources required.*
 - e) *Indicative budget and timeline for these works.*

Notice Received: **3 May 2016**

Notice Given to Councillors: **9 May 2016**

Date of Meeting: **16 May 2016**

9. URGENT BUSINESS

10. GENERAL BUSINESS

11. PETITIONS

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

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

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

An Assembly of Councillors record was kept for:

- Councillor Briefing session – 26 April 2016
- Budget Briefing – 29 April 2016
- CEO/Councillor Briefing – 2 May 2016
- Strategic Workshop – 2 May 2016

Recommendation

That the record of the Assembly of Councillors held on 26 and 29 April 2016 and 2 May 2016 be noted and incorporated in the minutes of this meeting.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Briefing session
	Date:	Tuesday 26 April 2016
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Vince Fontana (Mayor), Cr. Bo Li, Cr. Angela Villella, Cr. Tim Laurence, Cr. Gaetano Greco, Cr. Steven Tsitas, Cr. Julie Williams (5.45 pm), Cr. Oliver Walsh (5.45 pm)
	Council Staff:	Rasiah Dev, Jacinta Stevens, Steve Hamilton, Gavin Cator Darren Rudd, Allan Cochrane, Nathan Moresi
	Other:	Nil
APOLOGIES:		Cr. Trent McCarthy

The Assembly commenced at 5.40 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	M40 Project Update	No Disclosures Nathan Moresi left the meeting at conclusion of this item at 5.55 pm
2	Urgent Business and Notice of Motions Timeframes	No Disclosures Discussion – Consider moving NOMs to 2 pm on the Tuesday
3	2016/2017 Budget Briefing	No Disclosures Cr. Tsitas left the meeting at 6.27 pm and returned at 6.44 pm Cr. Villella left the meeting at 6.30 pm and returned at 6.31 pm Cr. Walsh left the meeting at 6.44 pm and returned at 6.45 pm Cr. Villella left the meeting at 6.46 pm and did not return Cr. Walsh left the meeting at 6.50 pm and returned at 6.51 pm

The Assembly concluded at 6.52 pm

RECORD COMPLETED BY:	Officer Name:	Jacinta Stevens
	Officer Title:	Executive Manager Corporate Governance and Performance



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Budget Briefing
	Date:	Friday 29 April 2016
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Vince Fontana (Mayor), Cr. Angela Villella, Cr. Gaetano Greco, Cr. Trent McCarthy, Cr. Steven Tsitas, Cr. Julie Williams, Cr. Tim Laurence (5.39 pm) Cr. Oliver Walsh (6.30 pm)
	Council Staff:	Rasiah Dev, Jacinta Stevens, Steve Hamilton, Gavin Cator, Katrina Knox, Allan Cochrane, Alexis Young
	Other:	Nil
APOLOGIES:		Cr. Bo Li

The Assembly commenced at 5.38 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	2016/2017 Budget Briefing	No Disclosures Cr. Greco left the meeting at 6.16 pm and returned at 6.18 pm Cr. McCarthy left the meeting at 6.32 pm and did not return Cr. Walsh left the meeting at 6.33 pm and returned at 6.34 pm Cr. Villella left the meeting at 6.39 pm and returned at 6.41 pm

The Assembly concluded at 6.57 pm

RECORD COMPLETED BY:	Officer Name:	Alexis Young
	Officer Title:	Executive Coordinator and Councillor Liaison



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Briefing Session
	Date:	Monday, 2 May, 2016
	Location:	Function room
PRESENT:	Councillors:	Councillors Vince Fontana, (Mayor), Oliver Walsh, Gaetano Greco. Tim Laurence, Bo Li, Trent McCarthy, Steven Tsitas, Angela Villella, Julie Williams
	Council Staff:	Rasiah Dev
	Other:	Nil
APOLOGIES:		Nil

The Assembly commenced at 5.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	New Councillor Code of Conduct to be presented for adoption at a Special Council Meeting on 21 June 2016.	No disclosures were made
2	Notice of Motions and new time lines	No disclosures were made
3	Council is undertaking planning work on Grade Separation and "Darebin Connect" project and there will be an important briefing on this on 16 May 2016.	No disclosures were made
4	Officers have prepared a detailed project plan for Northcote Aquatic Centre redevelopment and Council will receive regular reporting on this.	No disclosures were made
5	Melbourne Planning Authority's briefing to Council about Latrobe Cluster Project on 9 May 2016.	No disclosures were made
6	Council with key Islamic community members is developing a Risk Management Plan for both the prevention and response to significant incidents and events within the Muslim Community	No disclosures were made
7	Status of renewal / replacement of damaged mural at Rubie Thompson Reserve.	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
8	NDIS update process	No disclosures were made
9	Status of John Cain Park and FFV	No disclosures were made
10	Education Department's School Provision Review for Preston	No disclosures were made

The Assembly concluded at 6.05 pm

RECORD COMPLETED BY:	Officer Name:	Rasiah Dev
	Officer Title:	Chief Executive Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Strategic Workshop
	Date:	Monday 2 May 2016
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Vince Fontana (Mayor), Cr Oliver Walsh (from 6.32 pm), Cr Steven Tsitas, Cr Trent McCarthy, Cr Julie Williams, Cr Tim Laurence, Cr Gaetano Greco, Cr Bo Li, Cr Angela Vilella (from 6.15 pm)
	Council Staff:	Rasiah Dev, Steve Hamilton, Gavin Cator, Katrina Knox, Jacinta Stevens, Dave Bell. Jim Barrett (6.05 pm to 6.12 pm), Eddy Boscariol, Wendy Dinning, Therese Ceniti (6.10 pm to 6.40 pm).
	Other:	
APOLOGIES:		

The Assembly commenced at 6.05 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Annual Council Plan 2013-2017 Review and Adoption	No disclosures were made.
2.	Draft Tourism Strategy	No disclosures were made. Cr Tsitas absent from 6.17 pm to 6.40 pm Cr Laurence absent from 6.34 pm to 6.42 pm Cr Walsh absent from 6.40 pm to 6.45 pm Cr Williams absent from 6.39 pm to 6.41 pm Cr Vilella left the meeting at 6.47 pm
3.	Update on Grade Separations (Verbal)	No disclosures were made.
4.	Melbourne Water M40 Project Update (Verbal) - Deferred	

The Assembly concluded at 6.48 pm

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

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

15. CLOSE OF MEETING

