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# MINUTES OF THE SPECIAL COUNCIL MEETING

Held on Monday 17 June 2024

Released to the public on 19 June 2024

**LIVE STREAMING OF THE COUNCIL MEETING WAS MADE AVAILABLE ON  
COUNCIL'S WEBSITE.**




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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

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# Table of Contents

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Item Number	Page Number
1. PRESENT .....	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST .....	2
4. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES .....	2
5. CONSIDERATION OF REPORTS .....	3
PROCEDURAL MOTION - CHANGE ORDER OF BUSINESS.....	3
5.2 'DESTINATION: HIGH STREET - VIBRANT, SAFE, ACCESSIBLE'. COUNCIL'S ADVOCACY SUBMISSION TO THE ROUTE 86 TRAM PROJECT .....	4
5.3 THORNBURY HIGH SCHOOL KINDERGARTEN ON SCHOOL SITE LEASE ....	9
5.4 DRAFT ELECTORAL ADVERTISING SIGNAGE AND ELECTIONEERING POLICY 2024.....	14
5.5 OUTDOOR DINING AND TRADING POLICY: FEE IMPLEMENTATION.....	16
5.6 PROPERTY MATTERS - SALE OF MINOR ASSETS - 6 TASMAN STREET AND 5 BISCHOFF STREET, PRESTON.....	19
5.7 PROPERTY MATTERS - SALE OF MINOR ASSETS - 252 AND 254 TYLER STREET, PRESTON.....	21
5.8 PROPERTY MATTERS - SALE OF MINOR ASSETS - 182-184 HIGH STREET AND 1 BUTLER STREET, NORTHCOTE .....	22
6. URGENT BUSINESS.....	23
5.1 EXPRESSION OF INTERESTS SUBMISSIONS RECEIVED ON BUILDING 1D & HOTHOUSE AT 2 WINGROVE ST, ALPHINGTON .....	24
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL .....	29
CLOSE OF MEETING TO THE PUBLIC .....	29
RE-OPENING OF MEETING TO THE PUBLIC.....	29
8. CLOSE OF MEETING.....	29

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**DAREBIN CITY COUNCIL  
MINUTES OF THE SPECIAL COUNCIL MEETING  
DAREBIN COUNCIL CHAMBER  
350 HIGH STREET PRESTON, MONDAY 17 JUNE 2024**

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**THE MEETING OPENED AT 6.34PM**

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

*I would like to start by acknowledging the Wurundjeri Woi-wurrung people, the Traditional Owners of this land and pay my respects to Elders past and present, and recognise their continuing connection to land, water and culture.*

## **1. PRESENT**

### ***Councillors***

Cr. Susanne Newton (Mayor) (Chairperson)  
Cr. Tim Laurence (Deputy Mayor) (arrived at 6.41pm)  
Cr. Emily Dimitriadis (arrived at 6.35pm)  
Cr. Gaetano Greco  
Cr. Tom Hannan (online)  
Cr. Trent McCarthy  
Cr. Lina Messina (online)  
Cr. Susan Rennie  
Cr. Julie Williams (online)

### ***Council Officers***

Peter Smith – Chief Executive Officer  
Kylie Bennetts – General Manager Community  
Enna Giampiccolo – Acting General Manager Customer and Corporate  
Rachel Ollivier – General Manager Infrastructure, Operations and Finance  
Vanessa Petrie – General Manager City Sustainability and Strategy  
Felicity Walsh – Interim Manager Governance and Communications  
Anthony Smith – Governance Advisor  
June Anstee and Ross Millard - Municipal Monitors

## **2. APOLOGIES**

Nil.

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

*Cr. McCarthy declared a conflict of interest in relation to Item 5.1 Expression of Interests Submissions Received on Building 1d & Hothouse at 2 Wingrove St, Alphington.*

*Cr. Greco declared a conflict of interest in relation to Confidential Item 7.*

*Vanessa Petrie, General Manager City Strategy and Sustainability disclosed a general conflict of interest, which has previously been disclosed to the Chief Executive Officer, in relation to Item 5.1 Expression of Interests Submissions Received on Building 1d & Hothouse at 2 Wingrove St, Alphington and Item 5.3 Thornbury High School Kindergarten on School Site Lease.*

*Peter Smith, CEO, disclosed a general conflict of interest in relation to Confidential Item 7.1 CEO Performance review.*

### 4. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

The Chairperson, Mayor Newton, made the following statement:

*Council has an occupational health and safety responsibility to ensure anyone attending tonight's meeting, feels safe both physical and emotionally.*

*It's great to see everyone here this evening. I would like to remind everyone in attendance to be respectful of each other, and as outlined in our Governance Rules, please note the following:*

- A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.*
- Any member of the public physically attending a Meeting must not utter any offensive, indecent, insulting, or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.*
- Silence must be preserved by the gallery at all times during a Meeting (other than by a person in the gallery who is invited to address the Meeting).*
- If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.*

## 5. CONSIDERATION OF REPORTS

### ITEM - 5.1 EXPRESSION OF INTERESTS SUBMISSIONS RECEIVED ON BUILDING 1D & HOTHOUSE AT 2 WINGROVE ST, ALPHINGTON

6.39pm - Vanessa Petrie, General Manager City Sustainability and Strategy, left the meeting.

6.39pm - Cr. McCarthy declared a conflict of interest in relation to Item 5.1 Expression of Interests Submissions Received on Building 1d & Hothouse at 2 Wingrove St, Alphington, due to his employment with Melbourne Polytechnic, which is currently engaged in discussions regarding potential tenancy relationships with organisations engaged with the Wingrove Street site and left the meeting.

### PROCEDURAL MOTION TO CHANGE ORDER OF BUSINESS

<b>Council Resolution</b>
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**MINUTE NO. 24-093**

**MOVED:** Cr. T Hannan

**SECONDED:** Cr. S Rennie

**That** Council change the order of business on the agenda, so that Item 5.1 Expression of Interests Submissions Received on Building 1d & Hothouse at 2 Wingrove St, Alphington, is heard after Item 6 Urgent Business.

**CARRIED**

For: Cr's Rennie, Hannan, Williams, Messina and Newton (5)

Against: Cr. Greco (1)

Abstained: Cr. Dimitriadis (1)

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## 5.2 'DESTINATION: HIGH STREET - VIBRANT, SAFE, ACCESSIBLE'. COUNCIL'S ADVOCACY SUBMISSION TO THE ROUTE 86 TRAM PROJECT

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6.41pm – Cr. Laurence arrived at the meeting.

6.41pm – Cr. McCarthy returned to the meeting.

6.41pm – Vanessa Petrie, General Manager City Sustainability and Strategy, returned to the meeting.

### EXECUTIVE SUMMARY

The Department of Transport and Planning (DTP) recently released their *draft Tram 86 Corridor Plan* for the Northcote and Thornbury sections of Tram Route 86 and are seeking community feedback on the proposed improvements over a four-week period throughout June 2024.

The draft plan seeks to consolidate the number of tram stops along the 1.7km stretch of High Street, from Separation/Arthurton Rd, Northcote to Blythe Street in Thornbury. Community feedback is being sought on the two types of accessible tram stop designs suitable for the corridor, Kerb Extension Platforms or Centre Island Platforms tram stop designs.

The proposed improvements highlighted in DTP's *draft Tram Corridor Plan* are a welcome investment in our premier hospitality, entertainment, and retail destination. They will be a catalyst for broader positive change Council is seeking to leverage for streetscape renewal along the corridor.

*Destination: High Street – vibrant, safe and accessible*, has been prepared to guide Council's advocacy submission for the Route 86 project. It envisages a vibrant, safe and accessible High Street where its diverse community is welcomed.

Key features of Council's advocacy priorities outlined in *Destination: High Street* include:

- Seeking kerb extension tram stops which will integrate seamlessly into the streetscape, expanding the public open space for people to enjoy.
- Ensuring tram stops are positioned and designed to support safer, more accessible pedestrian and cycling connections, including new signalised pedestrian crossings and safer cycling access through the stops.
- Ensuring movement network improvements are included, such as changes to signals at key intersections or slip lane closures.
- Increased public open space, greening and civic realm improvement such as artwork and new custom street furniture.
- Shelters, lighting, real-time passenger display information are provided at each tram stop.
- Mitigation of disruption and design impacts on traders and the community.
- Ensuring this is prioritised for delivery in the next State budget, along with improving the accessibility of the Preston and Reservoir sections of the corridor.



**Officer Recommendation****That Council:**

- (1) Endorses Council's advocacy submission, '*Destination: High Street, vibrant, safe and accessible*' attached as **Appendix A**, which calls for the following commitments from State Government for Tram Route 86 corridor planning project:
  - a. Deliver kerb extension tram stops at all stops
  - b. Proposed location of tram stops must improve transport safety across the corridor.
  - c. State Government deliver works and accessibility improvements sooner.
  - d. Mitigate loss of on-street carparking and allocate parking to those who need it most along the corridor.
  - e. Ensuring bike users have safe access through new tram stops.
  - f. Ensuring Tram Stops are designed with safety and local identity outcomes.
  - g. Deliver a proactive approach to disruption management and business support for Darebin's premier destination.
- (2) Writes to the Minister for Transport to:
  - a. Thank the State Government for progressing this project and highlight the importance of the project for the Darebin community.
  - b. Share Council's advocacy priorities outlined in *Destination: High Street, vibrant, safe and accessible* and seek a commitment to realising Council's priorities through the functional design phase of the accessible tram stops.
- (3) Writes to the Members of Parliament for Preston and Northcote to share Council's priorities outlined in *Destination: High Street, vibrant, safe and accessible*.
- (4) Promotes *Destination: High Street, vibrant, safe and accessible* on Council's website and social media forums and encourages the community to participate in the State Government's consultation process.

**Amended Officer Recommendation****That Council:**

- (1) Endorses Council's advocacy submission, '*Destination: High Street, vibrant, safe and accessible*' attached as **Appendix A**, which calls for the following commitments, **in no particular order**, from State Government for Tram Route 86 corridor planning project:
  - a. Deliver kerb extension tram stops at all stops
  - b. Proposed location of tram stops must improve transport safety across the corridor.
  - c. State Government deliver works and accessibility improvements sooner.
  - d. Mitigate loss of on-street carparking and allocate parking to those who need it most along the corridor.
  - e. Ensuring bike users have safe access through new tram stops.
  - f. Ensuring Tram Stops are designed with safety and local identity outcomes.

- g. Deliver a proactive approach to disruption management and business support for Darebin's premier destination.
- (2) Writes to the Minister for Transport to:
  - a. Thank the State Government for progressing this project and highlight the importance of the project for the Darebin community.
  - b. Share Council's advocacy priorities outlined in *Destination: High Street, vibrant, safe and accessible* and seek a commitment to realising Council's priorities through the functional design phase of the accessible tram stops.
- (3) Writes to the Members of Parliament for Preston and Northcote to share Council's priorities outlined in *Destination: High Street, vibrant, safe and accessible*.
- (4) Promotes *Destination: High Street, vibrant, safe and accessible* on Council's website and social media forums and encourages the community to participate in the State Government's consultation process.

<b>Motion</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. T Hannan

**That Council:**

- (1) Endorses Council's advocacy submission, '*Destination: High Street, vibrant, safe and accessible*' attached as **Appendix A**, which calls for the following commitments, **in no particular order**, from State Government for Tram Route 86 corridor planning project:
  - a. Deliver kerb extension tram stops at all stops
  - b. Proposed location of tram stops must improve transport safety across the corridor.
  - c. State Government deliver works and accessibility improvements sooner.
  - d. Mitigate loss of on-street carparking and allocate parking to those who need it most along the corridor.
  - e. Ensuring bike users have safe access through new tram stops.
  - f. Ensuring Tram Stops are designed with safety and local identity outcomes.
  - g. Deliver a proactive approach to disruption management and business support for Darebin's premier destination.
- (2) Writes to the Minister for Transport to:
  - a. Thank the State Government for progressing this project and highlight the importance of the project for the Darebin community.
  - b. Share Council's advocacy priorities outlined in *Destination: High Street, vibrant, safe and accessible* and seek a commitment to realising Council's priorities through the functional design phase of the accessible tram stops.
- (3) Writes to the Members of Parliament for Preston and Northcote to share Council's priorities outlined in *Destination: High Street, vibrant, safe and accessible*.
- (4) Promotes *Destination: High Street, vibrant, safe and accessible* on Council's website and social media forums and encourages the community to participate in the State Government's consultation process.

Cr. Greco proposed an amendment to include point (2) c. as follows:

(2) Writes to the Minister for Transport to:

- c. Request the State Government provide Council with a timeline on implementation of the new Route 86 High Street tram stops.**

THE AMENDMENT WAS ACCEPTED BY THE MOVER AND SECONDER AND BECAME THE SUBSTANTIVE MOTION AS FOLLOWS:

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

**MOVED:** Cr. S Rennie

**SECONDED:** Cr. T Hannan

**That Council:**

- (1) Endorses Council's advocacy submission, '*Destination: High Street, vibrant, safe and accessible*' attached as Appendix A, which calls for the following commitments, in no particular order, from State Government for Tram Route 86 corridor planning project:
  - a. Deliver kerb extension tram stops at all stops
  - b. Proposed location of tram stops must improve transport safety across the corridor.
  - c. State Government deliver works and accessibility improvements sooner.
  - d. Mitigate loss of on-street carparking and allocate parking to those who need it most along the corridor.
  - e. Ensuring bike users have safe access through new tram stops.
  - f. Ensuring Tram Stops are designed with safety and local identity outcomes.
  - g. Deliver a proactive approach to disruption management and business support for Darebin's premier destination.
- (2) Writes to the Minister for Transport to:
  - a. Thank the State Government for progressing this project and highlight the importance of the project for the Darebin community.
  - b. Share Council's advocacy priorities outlined in *Destination: High Street, vibrant, safe and accessible* and seek a commitment to realising Council's priorities through the functional design phase of the accessible tram stops.
  - c. Request the State Government provide Council with a timeline on implementation of the new Route 86 High Street tram stops.
- (3) Writes to the Members of Parliament for Preston and Northcote to share Council's priorities outlined in *Destination: High Street, vibrant, safe and accessible*.
- (4) Promotes *Destination: High Street, vibrant, safe and accessible* on Council's website and social media forums and encourages the community to participate in the State Government's consultation process.

THE MOTION WAS PUT TO VOTE AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

**Council Resolution****MINUTE NO. 24-094**

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

**That Council:**

- (1) Endorses Council's advocacy submission, 'Destination: High Street, vibrant, safe and accessible' attached as Appendix A, which calls for the following commitments, in no particular order, from State Government for Tram Route 86 corridor planning project:
  - a. Deliver kerb extension tram stops at all stops.
  - b. Proposed location of tram stops must improve transport safety across the corridor.
  - c. State Government deliver works and accessibility improvements sooner.
  - d. Mitigate loss of on-street carparking and allocate parking to those who need it most along the corridor.
  - e. Ensuring bike users have safe access through new tram stops.
  - f. Ensuring Tram Stops are designed with safety and local identity outcomes.
  - g. Deliver a proactive approach to disruption management and business support for Darebin's premier destination.
- (2) Writes to the Minister for Transport to:
  - a. Thank the State Government for progressing this project and highlight the importance of the project for the Darebin community.
  - b. Share Council's advocacy priorities outlined in *Destination: High Street, vibrant, safe and accessible* and seek a commitment to realising Council's priorities through the functional design phase of the accessible tram stops.
  - c. Request the State Government provide Council with a timeline on implementation of the new Route 86 High Street tram stops.
- (3) Writes to the Members of Parliament for Preston and Northcote to share Council's priorities outlined in *Destination: High Street, vibrant, safe and accessible*.
- (4) Promotes *Destination: High Street, vibrant, safe and accessible* on Council's website and social media forums and encourages the community to participate in the State Government's consultation process.

**CARRIED UNANIMOUSLY**

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### 5.3 THORBURY HIGH SCHOOL KINDERGARTEN ON SCHOOL SITE LEASE

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6.57pm – Vanessa Petrie, General Manager City Sustainability and Strategy left the meeting.

#### EXECUTIVE SUMMARY

The Department of Education (DE) is building a new kindergarten on the site of Thornbury High School as part of the Kindergartens on School Sites (KOSS) program. The new facility will be a three-room, 99-place kindergarten, which is scheduled to commence operating in January 2025. As per DE's standard approach, Council has been offered first refusal on a lease of this facility. If Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years' service provider.

The proposed lease would be for 20 years with the option of 2 further terms of 10 years. The rent would be \$1.00 per annum if and when demanded. Council would be required to ensure the property is used to deliver three and four-year-old kindergarten programs for the duration of the tenancy. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature). A Life Cycle Operational cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.

As Council is not a kindergarten service provider, if Council takes on the lease it would need to sublease the kindergarten to a kindergarten provider. Council would be able to pass on some of the costs associated with the management of the property to the sub-tenant in line with Council's Lease and Licensing Policy (once adopted), but many of the costs would remain with Council. If Council does not take on the lease, a provider would lease directly from DE.

Unlike the previous KOSS project in Darebin (Reservoir East Family Centre), this new facility will not include any additional community facilities (e.g. consulting rooms or a group room) for use by Council. However, DE have made provision within the site plan for the later addition of two maternal and child health rooms, if Council chooses to fund and deliver these additional facilities. This would require an estimated future capital investment of approximately \$1M (2023 price), which is not currently within Council's budget, capital works program or long-term financial plan.

As requested by Council at its meeting 27 May 2024, officers have met with (29 May), and subsequently written to DE (30 May) asking whether they are willing to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs. Officers are yet to receive an answer from DE and are therefore recommending that Council decline the opportunity to lease this facility.

The reason for this is the current terms on offer from DE would commit Council to significant liabilities over the 20-year term of the lease without delivering significant, clear added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with a not for profit early years service provider. It is not recommended that Council takes more time to consider the matter as this will delay the completion of an EoI and make it extremely tight to have a provider on board for the first day of term one in 2025.

At this stage officers are also not recommending that Council take up the opportunity to construct two maternal and child health (MCH) rooms as Additional Community Facilities to the site given this is not factored into Council's budget, four-year capital works program or long-term financial plan and the significant competing community needs and priorities for Council's available capital works program. While subject to change, at this stage based on available information, officers understand that saying no now, would not preclude Council reconsidering this option in the future following Council's consideration of its Community Infrastructure Plan, and availability of future capital funding. This could alter at some point in the future for instance if Council elects not to take up the lease for the facility.

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

- (1) Notes that, as per DE's standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Notes that, irrespective of who holds the lease, the early years service provider will be able to access Council services and support currently available to the early years sector including, but not limited to, the Kindergarten Registration System, professional development, networking opportunities, resource van and the CALD Early Years Outreach and Preschool Field Officer programs.
- (6) Notes that officers contacted DE asking whether they were willing to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs.
- (7) Notes that no response has received to this request to date.
- (8) Requests the CEO advise DE that Council is not in a position to take on the lease of the new kindergarten to be built on the Thornbury High School site due to:
  - a. the financial liability associated with the standard lease terms; and
  - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with a not for profit early years' service provider.

*With leave of the chairperson, Mayor Newton, Cr. Greco moved an alternate motion as follows:*

**Alternate Motion**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. E Dimitriadis

**That Council:**

- (1) Agrees in principle to accept DE's offer to take on the lease, pending DE's response to Council's request to vary the standard terms of the lease, in favour of Council so it can achieve an outcome closer to cost position and minimise as much as possible maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs.
- (2) Requests a further report be brought back to Council providing an outcome of the discussion with DE for Council to resolve its final position.

**LOST**

For: Cr's Dimitriadis, and Greco (2)

Against: Cr's Rennie, McCarthy, Newton, Messina, Williams, and Hannan (6)

Abstained: Cr's Laurence (1)

*The alternate motion was put and lost.*

*Cr. McCarthy moved the officer recommendation as foreshadowed:*

**Motion**

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

**That Council:**

- (1) Notes that, as per DE's standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Notes that, irrespective of who holds the lease, the early years service provider will be able to access Council services and support currently available to the early years sector including, but not limited to, the Kindergarten Registration System, professional

development, networking opportunities, resource van and the CALD Early Years Outreach and Preschool Field Officer programs.

- (6) Notes that officers contacted DE asking whether they were willing to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs.
- (7) Notes that no response has received to this request to date.
- (8) Requests the CEO advise DE that Council is not in a position to take on the lease of the new kindergarten to be built on the Thornbury High School site due to:
  - a. the financial liability associated with the standard lease terms; and
  - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with a not for profit early years' service provider.

*THE MOTION WAS PUT TO VOTE AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:*

<b>Council Resolution</b>
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**MINUTE NO. 24-095**

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

**That Council:**

- (1) Notes that, as per DE's standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Notes that, irrespective of who holds the lease, the early years service provider will be able to access Council services and support currently available to the early years sector including, but not limited to, the Kindergarten Registration System, professional development, networking opportunities, resource van and the CALD Early Years Outreach and Preschool Field Officer programs.
- (6) Notes that officers contacted DE asking whether they were willing to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs.
- (7) Notes that no response has received to this request to date.



- (8) Requests the CEO advise DE that Council is not in a position to take on the lease of the new kindergarten to be built on the Thornbury High School site due to:
- a. The financial liability associated with the standard lease terms; and
  - b. There being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with a not for profit early years' service provider.

**CARRIED**

For: Cr's Rennie, McCarthy, Newton, Laurence, Messina, Williams, and Hannan (7)  
Against: Cr's Dimitriadis, and Greco (2)

## 5.4

**DRAFT ELECTORAL ADVERTISING SIGNAGE AND  
ELECTIONEERING POLICY 2024**

7.35pm - Vanessa Petrie, General Manager City Sustainability and Strategy, returned to the meeting.

**EXECUTIVE SUMMARY**

With the local government election to be held on 26 October 2024, it is important that clear, consistent requirements regarding the placement of electoral advertising and electioneering in public places is made publicly available to ensure fair, lawful election processes and appropriate use of City resources.

To this end, Council regularly reviews and adopts the Darebin '*Electoral Advertising Signage and Electioneering Policy*'. The current policy was adopted by Council in June 2020.

Following a review, a new Draft Electoral Advertising Signage and Electioneering Policy 2024 (**Appendix A**) has been prepared to provide clarity and direction on:

- (a) The placement of electoral advertising signs on any Council land, municipal building or road,
- (b) The requirements for candidates or their supporters electioneering in public places.

The new draft 2024 policy propose a series of minor administrative changes, but also includes a new provision related to election materials that are graffitied or defaced with offensive or indecent material.

It is recommended that Council adopt the revised policy ahead of the forthcoming election period.

**Officer Recommendation**

**That** Council adopts the Election Advertising Signage and Electioneering Policy 2024 at **Appendix A**.

**Amended Officer  
Recommendation**

**That** Council adopts the Election Advertising Signage and Electioneering Policy 2024 at **Appendix A with the following amendment: Immediately following the text "Signs not compliant with these requirements are subject to a Council Planning Permit application" replace the existing paragraph with the following:**

**'Where Council identifies or becomes aware that election signage on private land has been defaced or graffitied with indecent or offensive material, Council will contact the property owner and request that the graffiti be removed from the sign, or, that the sign be removed within a specified timeframe. Offensive material may include symbols, words or images that are likely to be upsetting, insulting, or objectionable to some or most people, e.g. is sexually explicit, racist, or defamatory.'**

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

**SECONDED:** Cr. T Hannan

**That** Council adopts the Election Advertising Signage and Electioneering Policy 2024 at **Appendix A** with the following amendment: Immediately following the text "Signs not compliant with these requirements are subject to a Council Planning Permit application" replace the existing paragraph with the following:

‘Where Council identifies or becomes aware that election signage on private land has been defaced or graffitied with indecent or offensive material, Council will contact the property owner and request that the graffiti be removed from the sign, or, that the sign be removed within a specified timeframe. Offensive material may include symbols, words or images that are likely to be upsetting, insulting, or objectionable to some or most people, e.g. is sexually explicit, racist, or defamatory.’

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

<b>Council Resolution</b>
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**MINUTE NO. 24-096**

**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. T Hannan

**That** Council adopts the Election Advertising Signage and Electioneering Policy 2024 at **Appendix A** with the following amendment: Immediately following the text "Signs not compliant with these requirements are subject to a Council Planning Permit application" replace the existing paragraph with the following:

‘Where Council identifies or becomes aware that election signage on private land has been defaced or graffitied with indecent or offensive material, Council will contact the property owner and request that the graffiti be removed from the sign, or, that the sign be removed within a specified timeframe. Offensive material may include symbols, words or images that are likely to be upsetting, insulting, or objectionable to some or most people, e.g. is sexually explicit, racist, or defamatory.’

**CARRIED UNANIMOUSLY**

5.5 OUTDOOR DINING AND TRADING POLICY: FEE IMPLEMENTATION

EXECUTIVE SUMMARY

Council adopted the *Outdoor dining and trading policy and design guidelines 2024* on 25 March 2024, and resolved that the draft 2024-25 budget include the new fee structure for community consultation.

An administrative oversight has been identified, and the draft consultation budget did not include the new fee structure, and instead included the current fee structure.

Officers have assessed options for how to remedy this administrative oversight. It is open to Council to adopt the new fee structure when it adopts its final budget, making transparent the administrative oversight.

Officers are recommending an alternative option, where the new fee structure is deferred until the 2025-26 financial year, and instead in 2024-25 the existing fee structure continues to be used for footpath trading, the parklet permit fee is waived, and a detailed communications plan is delivered to support traders through the transition to the new fee structure.

Officer Recommendation

That Council:

- (1) Defers implementing the new fee structure set out in the *Outdoor dining and trading policy and design guidelines 2024* for footpaths and for nature strips and road spaces (parklets) until the financial year 2025-26, where the new fee structure is based on calculating a square metre rate at specified percentages for different business precincts (Attachment A).
- (2) Maintains fees and charges for individual items for footpaths in 2024-25, in accordance with the fees and charges included in the Draft Budget 2024-25 (Attachment B).
- (3) Waives fees for nature strip and road spaces (parklets) for 2024-25.
- (4) Implements the *Outdoor dining and trading policy and design guidelines 2024* fee structure in its entirety in 2025-26.
- (5) Delivers a communications plan throughout 2024-25 to communicate the new fee structure and provide information for traders to support them to understand how the *Outdoor dining and trading policy 2024* fee structure will apply to them and to support them to prepare for the new fee structure.
- (6) Notes that all other provisions of the *Outdoor dining and trading policy and design guidelines 2024*, adopted by Council on 25 March 2024, will continue to be implemented.

Amended Officer Recommendation

That Council:

- (1) Defers implementing the new fee structure set out in the *Outdoor dining and trading policy and design guidelines 2024* for footpaths and for nature strips and road spaces (parklets) until the financial year 2025-26, where the new fee structure is based on calculating a square metre rate at specified percentages for different business precincts (Attachment A).

- (2) Maintains fees and charges for individual items for footpaths in 2024-25, in accordance with the fees and charges included in the Draft Budget 2024-25 (Attachment B).
- (3) ~~Waives fees for nature strip and road spaces (parklets) for 2024-25.~~ **Implements an interim fee structure for 2024-25 for parklet permits as defined within the policy of \$2.50 per day, per car park space calculated from permit invoice issue date until 30 June 2025.**
- (4) Implements the *Outdoor dining and trading policy and design guidelines 2024* fee structure in its entirety in 2025-26.
- (5) Delivers a communications plan throughout 2024-25 to communicate the new fee structure and provide information for traders to support them to understand how the *Outdoor dining and trading policy 2024* fee structure will apply to them and to support them to prepare for the new fee structure.
- (6) Notes that all other provisions of the *Outdoor dining and trading policy and design guidelines 2024*, adopted by Council on 25 March 2024, will continue to be implemented.

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

**That Council:**

- (1) Defers implementing the new fee structure set out in the *Outdoor dining and trading policy and design guidelines 2024* for footpaths and for nature strips and road spaces (parklets) until the financial year 2025-26, where the new fee structure is based on calculating a square metre rate at specified percentages for different business precincts (Attachment A).
- (2) Maintains fees and charges for individual items for footpaths in 2024-25, in accordance with the fees and charges included in the Draft Budget 2024-25 (Attachment B).
- (3) Implements an interim fee structure for 2024-25 for parklet permits as defined within the policy of \$2.50 per day, per car park space calculated from permit invoice issue date until 30 June 2025.
- (4) Implements the *Outdoor dining and trading policy and design guidelines 2024* fee structure in its entirety in 2025-26.
- (5) Delivers a communications plan throughout 2024-25 to communicate the new fee structure and provide information for traders to support them to understand how the *Outdoor dining and trading policy 2024* fee structure will apply to them and to support them to prepare for the new fee structure.
- (6) Notes that all other provisions of the *Outdoor dining and trading policy and design guidelines 2024*, adopted by Council on 25 March 2024, will continue to be implemented.

**THE MOTION WAS PUT TO VOTE AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:**

**Council Resolution****MINUTE NO. 24-097**

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

**That Council:**

- (1) Defers implementing the new fee structure set out in the *Outdoor dining and trading policy and design guidelines 2024* for footpaths and for nature strips and road spaces (parklets) until the financial year 2025-26, where the new fee structure is based on calculating a square metre rate at specified percentages for different business precincts (Attachment A).
- (2) Maintains fees and charges for individual items for footpaths in 2024-25, in accordance with the fees and charges included in the Draft Budget 2024-25 (Attachment B).
- (3) Waives fees for nature strip and road spaces (parklets) for 2024-25.
- (4) Implements the *Outdoor dining and trading policy and design guidelines 2024* fee structure in its entirety in 2025-26.
- (5) Delivers a communications plan throughout 2024-25 to communicate the new fee structure and provide information for traders to support them to understand how the *Outdoor dining and trading policy 2024* fee structure will apply to them and to support them to prepare for the new fee structure.
- (6) Notes that all other provisions of the *Outdoor dining and trading policy and design guidelines 2024*, adopted by Council on 25 March 2024, will continue to be implemented.

**CARRIED**

For: Cr's Dimitriadis, Rennie, Greco, McCarthy, Williams, Messina, Hannan, and Newton (8)  
Against: Cr. Laurence (1)

## 5.6

**PROPERTY MATTERS - SALE OF MINOR ASSETS - 6  
TASMAN STREET AND 5 BISCHOFF STREET, PRESTON**

8.10pm – Vanessa Petrie, General Manager City Sustainability and Strategy, left the meeting.

**EXECUTIVE SUMMARY**

This report relates to the commencement of the statutory procedures for the sale of a discontinued road adjoining 6 Tasman Street and 5 Bischoff Street, Preston, shown in **Figure 1** in **Appendix A**. This report recommends that Council endorse the proposed sale of the discontinued road to the owners of 6 Tasman Street and 5 Bischoff Street noting that a further community engagement process will be undertaken by officers and that any objection or submission received by council will be dealt with at a scheduled Hearing of Submissions Committee meeting.

If community submissions are received, a Hearing of Submissions meeting would take place and then a further report would be put to a Council meeting for final decision. If no community submissions are received, the matter would be referred to the CEO who will formalise the sale of the discontinued road under delegation.

**Council Resolution****MINUTE NO. 24-098**

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

**That Council:**

- (1) Commences the statutory procedures under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining 6 Tasman Street and 5 Bischoff Street, Preston, shown hatched on the site plan in Figure 1, Appendix A and shown as Lot 14 on Title Plan TP17772, to the owners of 6 Tasman Street and 5 Bischoff Street, Preston, by private treaty in accordance with Council's Sale of Minor Assets Policy May 2022.
- (2) Gives notice of its intention to sell the land on Council's website and in such notice, states, that Council proposes to sell the land from the former road to the owners of 6 Tasman Street and 5 Bischoff Street, Preston, by private treaty, in accordance with Council policy.
- (3) Invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
- (4) Notes that any submissions received be considered by Council's Hearing of Submissions Committee on 9 September 2024 at 7.30pm.
- (5) Notes that where any submissions are heard by the Hearing of Submissions Committee, a further report will be presented to Council to consider the findings from that Hearing and advise its decision on the sale of the discontinued road to the adjoining landowner.
- (6) Notes that if no submissions are received, a further report will be presented to the Chief Executive Officer, to confirm acceptance to the delegated responsibilities and to complete the statutory procedures for the sale of the land to the owners of 6 Tasman Street and 5 Bischoff Street, Preston, and sign all necessary documents for the sale of the land under delegation.

- (7) Notes that in the event that submissions are received from other adjoining property owners or interested parties, Council reserves the right to reallocate the manner in which the land is to be sold in accordance with Council's Sale of Minor Assets Policy May 2022.

**CARRIED UNANIMOUSLY**



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**5.7 PROPERTY MATTERS - SALE OF MINOR ASSETS - 252  
AND 254 TYLER STREET, PRESTON**

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*8.14pm - Vanessa Petrie, General Manager City Sustainability and Strategy, returned to the meeting.*

**EXECUTIVE SUMMARY**

This report recommends completion of the statutory procedures for the proposed discontinued road and sale of road between 252 and 254 Tyler Street, Preston, shown highlighted in green in Figure 1 in **Appendix A**, together with the discontinuance of the section of the road abutting 2 Lochnorries Street, Preston which has not been offered for sale and is outlined in orange in Figure 3 in **Appendix A**.

This report recommends Council endorse the discontinuance and sale, having given public notice of a proposal to discontinue the road and sell the land to the owners of 254 Tyler Street, Preston, by private treaty and transfer to itself any land from the road not sold in accordance with Council's Sale of Minor Assets Policy May 2022.

<b>Council Resolution</b>
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**MINUTE NO. 24-099**

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

Sale of discontinued road between 252 and 254 Tyler Street, Preston

**That Council:**

Having given public notice of a proposal to discontinue and sell the road between 252 and 254 Tyler Street, Preston, and having received no written and verbal submissions regarding the proposal:

- (1) Discontinues the road between 252 and 254 Tyler Street, Preston, outlined in green in Figure 1 in **Appendix A**, together with the section of road abutting 2 Lochnorries Street, outlined in orange in Figure 3 in **Appendix A**, acting under section 206 and clause 3(a) of Schedule 10 to the Local Government Act 1989
- (2) Directs that notice of the discontinuance be published in the Victoria Government Gazette.
- (3) Directs that the land from the road (shown in green) be sold by private treaty to the owners of the adjoining properties in accordance with section 206 and clause 3(b) of Schedule 10 of the Local Government Act 1989 and section 114 of the Local Government Act 2020 and Council's Sale of Minor Assets Policy May 2022.
- (4) Directs that the title for the discontinued road (shown in orange outline) be transferred to Council.
- (5) Authorises the Chief Executive Officer to sign all documents relating to the sale of any land from the discontinued roads to the owners of the adjoining property by private treaty in accordance with Council's Sale of Minor Assets Policy May 2022.
- (6) Directs that the discontinuance and sale will not affect any right, power or interest held by Melbourne Water and Darebin City Council, in the roads in connection with any pipes under the control of Melbourne Water and Darebin City Council in or near the roads.

**CARRIED UNANIMOUSLY**

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**5.8 PROPERTY MATTERS - SALE OF MINOR ASSETS - 182-184  
HIGH STREET AND 1 BUTLER STREET, NORTHCOTE**

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**EXECUTIVE SUMMARY**

This report seeks to commence the statutory procedures under section 114 of the Local Government Act 2020, to sell the land from the discontinued road adjoining 182 & 184 High Street and 1 Butler Street, Northcote, shown cross-hatched on the site plan in **Appendix A** and shown as Lots 2 and 3 on Title Plan TP969622V in **Appendix A** to the owner of 1 Butler Street, Northcote, by private treaty in accordance with Council's Sale of Minor Assets Policy May 2022 ("Council's Policy").

<b>Council Resolution</b>
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**MINUTE NO. 24-100**

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

**That Council:**

- (1) Commences the statutory procedures under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining 182 & 184 High Street and 1 Butler Street, Northcote, shown cross-hatched on the site plan in **Appendix A** and shown as Lots 2 and 3 on Title Plan TP969622V in **Appendix A** to the owner of 1 Butler Street, Northcote, by private treaty in accordance with Council's Sale of Minor Assets Policy May 2022 ("Council's Policy").
- (2) Gives notice of its intention to sell the land on Council's website and in such notice states that Council proposes to sell the land from the former road to the owner of 1 Butler Street, Northcote, by private treaty.
- (3) Invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
- (4) Note that any submissions received be considered by Council's Hearing of Submissions Committee on 9 September 2024 at 7:30pm.
- (5) If no submissions are received, a further report be presented to the Chief Executive Officer for a decision under delegation to consider completion of the statutory procedures for the sale of the land to the owner of 1 Butler Street, Northcote and sign all necessary documents to facilitate the sale of the land in accordance with Council's Policy.
- (6) Note that in the event that submissions are received from other adjoining property owners or interested parties, Council reserves the right to reallocate the manner in which the land is to be sold in accordance with Council's Policy.

**CARRIED UNANIMOUSLY**

**6. URGENT BUSINESS**

Nil.

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## 5.1 EXPRESSION OF INTERESTS SUBMISSIONS RECEIVED ON BUILDING 1D & HOTHOUSE AT 2 WINGROVE ST, ALPHINGTON

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8.19pm - Vanessa Petrie, General Manager City Sustainability and Strategy, left the meeting.

8.19pm - Cr. McCarthy declared a conflict of interest in relation to Item 5.1 Expression of Interests Submissions Received on Building 1d & Hothouse at 2 Wingrove St, Alphington, due to his employment with Melbourne Polytechnic, which is currently engaged in discussions regarding potential tenancy relationships with organisations engaged with the Wingrove Street site and left the meeting.

### EXECUTIVE SUMMARY

Council manages a valued Public Use site at 2 Wingrove St, Alphington. The site has great potential and Council is working on a long-term plan for the site so it can fulfil its potential as a community asset.

While this long-term planning occurs, Council aims to put the site to the best use possible for community. To achieve this, Council has called for Expressions of Interest for the use of two areas on the site that are currently suitable for use: Building 1D and the 'hothouse' (**Appendix A - Site Plans - Licensed Areas**).

This report recommends that Council offer new licences for each of these areas to several recommended applicant/s, as detailed in the confidential appendices to the Report. This information is confidential due to its commercial in confidence nature. It is recommended that successful applicants remain confidential until the point in time that a Licence has been agreed, at which time this information on the successful applicants will be made public, but other information about applications will remain confidential.

The basis of the advertised Expression of Interest and the term of the licences recommended in this report are for a maximum period of 4 years which mirrors the remaining terms agreed with other licences Council currently has in place for other areas of the site. The recommended term also aligns with the timing of Master planning and would allow Council the flexibility to implement any plans for improvements at the site.

The Expression of Interest was advertised for a period of 4 weeks (closing 22 May 2024) (**Appendix B - EOI Document**). The EOI was advertised through Council's website, business news publications and to existing lease/licence holders, and stakeholders via contact lists. The targeted outreach of the communications was approximately 13,000 recipients. Eight applications were received.

Each applicant (8) was thanked for its submission. Further clarification was required to assess 6 applications and 6 applicants were sent a further letter (24 May 2024) requesting information to clarify their application. Each applicant was asked to provide this information by no later than 3 June 2024. One applicant withdrew at this stage, the other 5 applicants provided further information. For all of these officers then conducted meetings with the applicants to provide additional clarification. The information was considered as part of an evaluation process and the recommendations of the evaluation panel are provided in this report.

**Officer Recommendation****That Council:**

- (1) Notes that an Expression of Interest campaign to licence the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, was advertised on 24 April 2024.
- (2) Notes that the Expression of Interest campaign was advertised for a period of 4 weeks (closing 22 May 2024). The EOI has been broadly advertised through Council's website, business news publications, existing lease/licence holders, direct internal/external stakeholders, staff newsletters and Councillor bulletins.
- (3) Notes that Council received eight submissions in response to the EOI with one submission being withdrawn by the applicant during the evaluation process.
- (4) Notes that the seven submissions and evaluation has been included within this report.
- (5) Notes each applicant was thanked for their submission and in cases where further clarification was needed in order to assess submissions, an additional letter was sent seeking further information to support their application.
- (6) Notes that only one applicant was deemed compliant with the PUZ6 planning ordinance as an as of right use and that all other applicants will be required to apply and obtain a Planning Permit for their advised use and that any licence agreement will be subject to the applicant obtaining a Planning Permit.
- (7) Endorses that Council will waive any planning permit fee that is chargeable by Council to each of the applicants.
- (8) Endorses the recommended applicants in accordance with **Appendix H – EOI Recommended Endorsement**, and that:
  - a. each applicant be offered a licence for use of the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, in line with the recommendations in Appendix H;
  - b. the licence term does not exceed 4 years.
- (9) Delegates to the CEO (or their delegate) the authority to negotiate and execute licences with each of the endorsed applicants as required to implement Council's decision.
- (10) Endorses that the names of any Licencees would be shared publicly after any Licence has been agreed and is in place.
- (11) Requests a report be presented to an ordinary Council meeting within 6 months on the outcome of negotiations including which licences offered have been established.

**Amended Officer Recommendation****That Council:**

- (1) Notes that an Expression of Interest campaign to licence the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, was advertised on 24 April 2024.
- (2) Notes that the Expression of Interest campaign was advertised for a period of 4 weeks (closing 22 May 2024). The EOI has been broadly advertised through Council's website, business news publications, existing lease/licence holders, direct internal/external stakeholders, staff newsletters and Councillor bulletins.

- (3) Notes that Council received eight submissions in response to the EOI with one submission being withdrawn by the applicant during the evaluation process.
- (4) Notes that the seven submissions and evaluation has been included within this report.
- (5) Notes each applicant was thanked for their submission and in cases where further clarification was needed in order to assess submissions, an additional letter was sent seeking further information to support their application.
- (6) Notes that only one applicant was deemed compliant with the PUZ6 planning ordinance as an as of right use and that all other applicants will be required to apply and obtain a Planning Permit for their advised use and that any licence agreement will be subject to the applicant obtaining a Planning Permit.
- (7) Endorses that Council will waive any planning permit fee that is chargeable by Council to each of the applicants.
- (8) Endorses the recommended applicants in accordance with Appendix H – EOI Recommended Endorsement, and that: a. each applicant be offered a licence for use of the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, in line with the recommendations in Appendix H; b. the licence term does not exceed 4 years.
- (9) Delegates to the CEO (or their delegate) the authority to negotiate and execute licences with each of the endorsed applicants as required to implement Council's decision.
- (10) **Notes that all applicants will be advised of this decision on the first working day after the decision, such as it relates to the outcome of their application.**
- (11) Endorses that the names of any ~~Licencees~~ **Applicants and the outcome of their respective EOI** be shared publicly **as soon as possible, if or when any of the following occurs:**
  - a. **The Applicant agrees that their information can be shared publicly, or**
  - b. **The Applicant publicly shares information about the outcome of their EOI application, or**
  - c. **During a related planning permit application by the Applicant, and at the point in time when information about the Applicant is required to be made public, or**
  - d. **When the Licence has been agreed and is in place.**
- (12) Requests a report be presented to an ordinary Council meeting within 6 months on the outcome of negotiations including which licences offered have been established.

<b>Motion</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. T Hannan

**That Council:**

- (1) Notes that an Expression of Interest campaign to licence the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, was advertised on 24 April 2024.
- (2) Notes that the Expression of Interest campaign was advertised for a period of 4 weeks (closing 22 May 2024). The EOI has been broadly advertised through Council's website, business news publications, existing lease/licence holders, direct internal/external stakeholders, staff newsletters and Councillor bulletins.

- (3) Notes that Council received eight submissions in response to the EOI with one submission being withdrawn by the applicant during the evaluation process.
- (4) Notes that the seven submissions and evaluation has been included within this report.
- (5) Notes each applicant was thanked for their submission and in cases where further clarification was needed in order to assess submissions, an additional letter was sent seeking further information to support their application.
- (6) Notes that only one applicant was deemed compliant with the PUZ6 planning ordinance as an as of right use and that all other applicants will be required to apply and obtain a Planning Permit for their advised use and that any licence agreement will be subject to the applicant obtaining a Planning Permit.
- (7) Endorses that Council will waive any planning permit fee that is chargeable by Council to each of the applicants.
- (8) Endorses the recommended applicants in accordance with Appendix H – EOI Recommended Endorsement, and that: a. each applicant be offered a licence for use of the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, in line with the recommendations in Appendix H; b. the licence term does not exceed 4 years.
- (9) Delegates to the CEO (or their delegate) the authority to negotiate and execute licences with each of the endorsed applicants as required to implement Council's decision.
- (10) Notes that all applicants will be advised of this decision on the first working day after the decision, such as it relates to the outcome of their application.
- (11) Endorses that the names of any Applicants and the outcome of their respective EOI be shared publicly as soon as possible, if or when any of the following occurs:
  - a. The Applicant agrees that their information can be shared publicly, or
  - b. The Applicant publicly shares information about the outcome of their EOI application, or
  - c. During a related planning permit application by the Applicant, and at the point in time when information about the Applicant is required to be made public, or
  - d. When the Licence has been agreed and is in place.
- (12) Requests a report be presented to an ordinary Council meeting within 6 months on the outcome of negotiations including which licences offered have been established.

*THE MOTION WAS PUT TO VOTE AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:*

<b>Council Resolution</b>
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**MINUTE NO. 24-101**

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

**That Council:**

- (1) Notes that an Expression of Interest campaign to licence the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, was advertised on 24 April 2024.

- (2) Notes that the Expression of Interest campaign was advertised for a period of 4 weeks (closing 22 May 2024). The EOI has been broadly advertised through Council's website, business news publications, existing lease/licence holders, direct internal/external stakeholders, staff newsletters and Councillor bulletins.
- (3) Notes that Council received eight submissions in response to the EOI with one submission being withdrawn by the applicant during the evaluation process.
- (4) Notes that the seven submissions and evaluation has been included within this report.
- (5) Notes each applicant was thanked for their submission and in cases where further clarification was needed in order to assess submissions, an additional letter was sent seeking further information to support their application.
- (6) Notes that only one applicant was deemed compliant with the PUZ6 planning ordinance as an as of right use and that all other applicants will be required to apply and obtain a Planning Permit for their advised use and that any licence agreement will be subject to the applicant obtaining a Planning Permit.
- (7) Endorses that Council will waive any planning permit fee that is chargeable by Council to each of the applicants.
- (8) Endorses the recommended applicants in accordance with Appendix H – EOI Recommended Endorsement, and that: a. each applicant be offered a licence for use of the whole (or part of) Building 1D and the 'hothouse', located at 2 Wingrove Street, Alphington, in line with the recommendations in Appendix H; b. the licence term does not exceed 4 years.
- (9) Delegates to the CEO (or their delegate) the authority to negotiate and execute licences with each of the endorsed applicants as required to implement Council's decision.
- (10) Notes that all applicants will be advised of this decision on the first working day after the decision, such as it relates to the outcome of their application.
- (11) Endorses that the names of any Applicants and the outcome of their respective EOI be shared publicly as soon as possible, if or when any of the following occurs:
  - a. The Applicant agrees that their information can be shared publicly, or
  - b. The Applicant publicly shares information about the outcome of their EOI application, or
  - c. During a related planning permit application by the Applicant, and at the point in time when information about the Applicant is required to be made public, or
  - d. When the Licence has been agreed and is in place.
- (12) Requests a report be presented to an ordinary Council meeting within 6 months on the outcome of negotiations including which licences offered have been established.

**CARRIED**

For: Cr's Rennie, Greco, Laurence, Newton, Williams, Messina, and Hannan (7)

Against: -

Abstained: Cr. Dimitriadis (1)



## 7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

### CLOSE OF MEETING TO THE PUBLIC

<b>Council Resolution</b>
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MINUTE NO. 24-102

MOVED: Cr. T McCarthy

SECONDED: Cr. G Greco

**That** in accordance with section 3(1) of the *Local Government Act 2020*, the meeting be closed to members of the public to consider the following item on the basis that this matter is confidential for the following reason:

#### 7.1 CEO Performance Review

This item is designated confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs, pursuant to Section 3(1) (f) of the Act.

**CARRIED UNANIMOUSLY**

*8.36pm - Peter Smith, CEO, declared a general conflict of interest in relation to Confidential Item 7.1 CEO Performance review and left the meeting and did not return to the meeting.*

The meeting was closed to the members of the public at 8.36pm.

***The Council considered and resolved on confidential report Item 7.1, which had been circulated to Councillors with the Council Agenda Paper.***

### RE-OPENING OF MEETING

<b>Council Resolution</b>
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MINUTE NO. 24-103

MOVED: Cr. S Rennie

SECONDED: Cr. T McCarthy

**That** the meeting be re-opened to the members of the public.

**CARRIED UNANIMOUSLY**

The meeting was re-opened to the members of the public at 8.56pm.

## 8. CLOSE OF MEETING

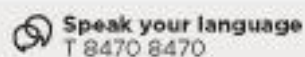
The meeting closed at 8.56pm.

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