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AGENDA OF THE SPECIAL COUNCIL MEETING

To be held on Monday 30 June 2025 at 5:45 PM

**This Council Meeting will be held at Council Chamber,
350 High Street, Preston.**

This meeting will be held in person.

**This meeting will also be livestreamed and may be
accessed from Councils website www.darebin.vic.gov.au.**

Persons wishing to observe the meeting in person, submit a Question or make a Submission, are required to register by 12pm on the day of the meeting.




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 ਟੈਲੀਫ਼ੋਨ ਕਰੋ।

Somali

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

Spanish

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

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے 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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Agenda

1. MEMBERSHIP

Cr. Kristine Olaris OAM (Mayor)
Cr. Emily Dimitriadis (Deputy Mayor)
Cr. Matt Arturi
Cr. Connie Boglis OAM
Cr. Ruth Jelley
Cr. Julie O'Brien
Cr. Alexandra Sangster
Cr. Vasilios Tsalkos

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

5. CONSIDERATION OF REPORTS

5.1 2 WINGROVE ST ALPHINGTON - DELEGATION OF AUTHORITY TO EXTEND CURRENT LICENSE FOR PART OF THE SITE TO C FULTON PTY LTD

Author: Head of Property

Reviewed By: General Manager Infrastructure, Operations & Finance

EXECUTIVE SUMMARY

This report proposes Council delegates to the CEO to make decisions about a current Licence - to enable make good works to be completed by an outgoing tenant and licence concluded.

C Fulton Pty Ltd is an outgoing licensee at 2 Wingrove St, Alphington and must 'make good' the site, including removing a concrete slab that installed as part of their business operations.

Council Officers are implementing Council's decision of 24 March 2025 to ensure the concrete slab is removed in accordance with Council policies and requirements. To achieve this, the current Licence must be extended to allow time for works planning and completion.

Extension of a licence at this site requires a Council decision (see previous Council decisions made on 27th May 2024 and 16th December 2024). A delegated approach has been working well for this type of decision at many Council sites where it is currently in place.

The recommendation is to delegate to the CEO to make decisions relating to the current Licence to enable make good works to be completed and the licence concluded. This would allow the current licence to be extended, and if needed to make decisions about any other extensions. Delegation is not proposed for any other purpose.

The other option is for Council to make the decision to extend the licence, but not to delegate authority to cover any future extensions. Any future decisions would be reported to Council.

The circumstances that require the extension have arisen recently to ensure on site risks are appropriately managed. The Licence is due to expire on 30 June and a decision to extend is required. More information is available in confidential **Appendix A**.

Officer Recommendation

That Council:

- (1) Notes that a concrete slab was installed and is owned by Fulton, an outgoing Licensee at 2 Wingrove St, Alphington to facilitate their business operations while they were using the site and that they are required to remove the slab to 'make good' of the site.
- (2) Notes that on 24 March 2025 Council considered a related matter and officers are now implementing this decision including to "ensure that the current owner of the concrete slab complies with all obligations of their licence including those concerning removal of the concrete slab and make good of the site".

- (3) Delegates to the CEO (or their delegate), authority to make decisions relating to this Licence to enable make good of the site to be completed and the lease to be concluded, including decisions to grant extensions of the licence if necessary.
-

Previous Council Resolution/s

At the **16 December 2024** Council meeting Council resolved the following:

That Council:

- (1) *Notes at the 27 May 2024 council meeting, council resolved to direct all future decisions relating to short, mid and long-term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision rather than being made under delegation as follows:*
- (a) Decisions relating to the future use of the site including establishment or conclusion of leases or licences.*
- (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.*
- (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged*
- (2) *Resolves that for avoidance of doubt, only operational matters relating to this site are to remain within the CEO's delegated authority. (3) Receives a report at the 24 February 2025 council meeting to include broader community consultation as part of stage one of master planning for the site at 2 Wingrove St Alphington.*

At the **24 March 2025** Council meeting Council resolved the following:

That Council:

- (1) *Notes that a concrete slab was installed and is owned by Fulton, an outgoing licensee at 2 Wingrove St to facilitate their business operations while they were using the site and that they are required remove the slab to 'make good' the site.*
- (2) *Notes that the slab is not in good condition and that it is costly and complex to remove the slab due to the history of the site as a landfill; costs estimate for removal are just under \$370K depending on ground conditions under the slab.*
- (3) *Recognises the community benefits that Melbourne Farmers Market ('MFM') provide in operating the Market at the 2 Wingrove site and confirms Council's support for the market.*
- (4) *Acknowledges MFM's request to use the slab for the purposes of relocating the market, noting that this request is on the basis that MFM would not be able to undertake the 'make good' obligations, and therefore the future costs of removing the slab would need to be borne by Council and would not be available to fund other community infrastructure.*
- (5) *Writes to MFM:*
- a) thanking them for their request and interest in improving their operations;*
- b) confirming Council's continued support of MFM at 2 Wingrove Street; and*

- c) *advising that Council would be able to consider licencing the slab to MFM but only on the basis that it would take on slab ownership and make good obligations including providing a security in the form of a bank guarantee to the estimated value of removal of the slab; the location of the licence within the 2 Wingrove St site would be varied.*
- (6) *If MFM confirms they would like to proceed with licencing the slab on the basis outlined in 5c, authorises the Manager Buildings, Property & Capital to:*
- a) *negotiate a variation to MFM's licence at 2 Wingrove St to give effect to the change, including to allow for an orderly transition of Market operations from one location to another.*
- b) *negotiate any variations to the licence Fulton have to enable an orderly transition from one licensee to another.*
- (7) *If MFM advise they do not wish to proceed with licensing the slab on the basis outlined in 5c:*
- a) *Ensures that the current owner of the concrete slab complies with all obligations of their licence including those concerning removal of the concrete slab and make good of the site.*
- b) *Authorises the release of the current owner's bank guarantee upon completion of their obligations*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.9 We will focus on our economic assets and recovery to ensure Darebin is a great place to do business

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

4.2 We will ensure our assets are optimised for the benefit of our community

BACKGROUND / KEY INFORMATION

The previous uses of the site have resulted in there being many site-specific considerations which must be taken into account when undertaking works. These considerations include

- Building conditions
- Soil and groundwater contamination
- Continual subsidence
- Planning controls

While not affected by the decision in this report, Council is currently working towards a masterplan at this site. It is currently:

- Finalising a preliminary Feasibility Study (being stage one of work towards a future masterplan). Council officers are currently in the process of working with various consultants to finalise the individual technical reports and this will be reported Council in the near future.
- Preparing for community engagement about the future of the site
- Developing options for establishment of a community reference group for Council consideration

DISCUSSION

The recommendation is to delegate to the CEO to make decisions relating to the current Licence to enable make good works to be completed by an outgoing tenant and licence concluded.

- This would allow the current licence to be extended, and if it becomes necessary to consider a further extension in future to also make those decisions in a timely and efficient way.
- This report does not propose delegating any decisions beyond the current licence, nor for any purpose other than enabling make good works and conclusion of the licence.

The other option would be for Council to make the decision about extending the licence, but not to delegate authority that would cover any future extensions.

- If any other extensions are needed in future, these would be reported to Council for decision in future.
- If Council wished to proceed with this option, it could do so by amending clause 1.c in the officers recommendation to instead read:
 - c) Delegates to the CEO (or their delegate) authority to extend the Licence with C Fulton Pty Ltd for a period of 1 month to enable make good of the site to be completed and the Licence to be concluded.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

There is no current financial impact resulting from a proposed licence extension. The existing licence was previously extended at Council's request to allow adequate time for consideration of the future use of the site. At present, there are no prospective tenants seeking to occupy the space, and therefore, no rental income is being lost due to the extension. As the licence extension was initiated by Council to facilitate planning and site assessment, no rental fees are applicable during this period.

Community Engagement

All relevant stakeholders and existing licensees are being kept informed of the ongoing works through regular updates. Council officers have maintained consistent communication with interested parties via written correspondence and scheduled face-to-face stakeholder meetings, ensuring transparency and continued engagement throughout the process.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (d) the municipal community is to be engaged in strategic planning and strategic decision making;
- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

Strategic Planning Principles

- (c) Strategic planning must take into account the resources needed for effective implementation;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

A strong emphasis has been placed on both occupational health and safety (OHS) and environmental compliance throughout the planning and execution of these works. All activities will be carried out in accordance with the *Environment Protection Act 2017*, the *Environment Protection Regulations 2021*, and relevant OHS legislation.

Given the historical significance of the site and the existing physical and environmental constraints, strict adherence to regulatory requirements is essential. Council officers are working closely with contractors and stakeholders to ensure that all works meet the highest standards of safety and environmental stewardship

Operational Impacts

Efforts are being made to minimise disruption to site operations throughout the duration of the works. Measures will be in place to manage on-site traffic, control dust and noise, and ensure that environmental and safety standards are upheld. Importantly, the proposed activities will not prevent regular operations from continuing on the site.

Legal and Risk Implications

A key purpose of this report and the decision is to minimise and managed risk as this site has complex environmental conditions due to its former use as a landfill.

The existing licence agreement includes conditions that outline the obligations of both Council and the licensee and aim to minimise risk. These conditions cover responsibilities such as site access, adherence to safety compliance, and communication protocols. All activities will be conducted in accordance with these terms, as well as broader legal and environmental obligations, to uphold Council's responsibilities and safeguard the community.

IMPLEMENTATION ACTIONS

June – Seek license extension

July/August – Support C Fulton to safely remove existing slab as per licence obligations

RELATED DOCUMENTS

Nil

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

Attachments

- Appendix A - Confidential Attachment (**Appendix A**) Confidential - enclosed under separate cover

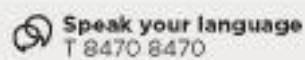
6. CLOSE OF MEETING

CITY OF DAREBIN

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