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# MINUTES OF THE COUNCIL MEETING

Held on Monday 15 February 2016

Released to the public on Thursday 18 February 2016



# **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 il verbale della riunione del Consiglio Comunale di Darebin tenutasi nella data riportata sulla prima pagina di questo documento. Se desiderate informazioni sul verbale in lingua italiana, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

**Greek**

Αυτά είναι τα πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου Darebin, που έγινε την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με αυτά τα πρακτικά, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

**Chinese**

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

**Arabic**

هذا هو المحضر الرسمي لوقائع اجتماع مجلس بلدية داربيبن الذي عقد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على معلومات في اللغة العربية حول هذا المحضر فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات 8470 8888.

**Macedonian**

Ова е записникот за состанокот на Општината на Градот Даребин, одржан на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации, на Македонски јазик, за записников, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

**Vietnamese**

Đây là biên bản buổi họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìà tài liệu này. Muốn có thông tin về biên bản buổi họp này 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 zapisnik sa sastanka Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o ovom zapisniku na bosanskom jeziku, molimo nazovite općinsku višejezičnu telefonsku službu na 8470 8888.

**Croatian**

Ovo je zapisnik sa sastanka održanog u Darebin City Council dana koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o ovom zapisniku na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višejezičnu telefonsku liniju) na 8470 8888.

**Portuguese**

Estas são as anotações sobre a reunião da Câmara Municipal de Darebin, realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre estas anotações, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

**Serbian**

Ово је записник са састанка Darebin City Council-а (Градско веће Darebin) који је одржан дана наведеног на насловној страни овог документа. Ако желите информације на српском о овом записнику, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

**Somali**

Kuwani waa qodabadii lagaga Hadley shirkii Degaanka Degmada Darebin oo la qabtay taariikhda ku xusan boga ugu sareeya ee qoraalkan. Haddii aad doonysid inaad heshid qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

# Table of Contents

Item Number	Page Number
<b>1. PRESENT .....</b>	<b>1</b>
<b>2. APOLOGIES .....</b>	<b>2</b>
<b>3. DISCLOSURES OF CONFLICTS OF INTEREST .....</b>	<b>2</b>
<b>4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS.....</b>	<b>2</b>
<b>5. PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>6. URGENT BUSINESS .....</b>	<b>4</b>
6.1 ST GEORGES ROAD TREES .....	4
6.2 CHANDLER BRIDGE QUADRUPLICATION.....	7
6.3 LEVEL CROSSING REMOVALS .....	9
<b>7. CONSIDERATION OF REPORTS.....</b>	<b>12</b>
7.1 INTERNATIONAL WOMEN'S DAY 2016 .....	12
7.2 SAFE PEDESTRIAN CROSSING MASSEY AVENUE RESERVOIR .....	14
7.3 PROPOSAL TO CHANGE THE NAME OF THE FEDERAL SEAT OF BATMAN .....	16
7.4 FINANCIAL REPORT – 6 MONTHS ENDED 31 DECEMBER 2015 .....	18
7.5 PROPOSAL RIGHT OF WAY (ROAD) DISCONTINUANCE ADJOINING 12 AND 14 INVERNESS STREET, RESERVOIR .....	19
<b>8. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS.....</b>	<b>22</b>
8.1 STATION STREET SAFETY BARRIERS .....	22
<b>9. NOTICES OF MOTION.....</b>	<b>24</b>
9.1 CONDUCT OF 2016 LOCAL GOVERNMENT ELECTIONS AND SCHOOL FUNDRAISING AND EMPLOYMENT OPPORTUNITIES .....	24
<b>10. GENERAL BUSINESS.....</b>	<b>26</b>
<b>11. RECORDS OF ASSEMBLIES OF COUNCILLORS.....</b>	<b>26</b>
11.1 ASSEMBLIES OF COUNCILLORS HELD .....	26
<b>12. REPORTS BY MAYOR AND COUNCILLORS.....</b>	<b>28</b>
12.1 REPORT OF CR. VINCE FONTANA, MAYOR .....	28
12.2 REPORT OF CR. BO LI.....	28
12.3 REPORT OF CR. TRENT McCARTHY.....	29
12.4 REPORT OF CR. JULIE WILLIAMS .....	29
12.5 REPORT OF CR. STEVEN TSITAS .....	30
12.6 REPORT OF CR. TIM LAURENCE .....	30
12.7 REPORT OF CR. OLIVER WALSH .....	31

# Table of Contents

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<b>Item Number</b>	<b>Page Number</b>
12.8 REPORT OF CR. GAETANO GRECO.....	31
12.9 REPORT OF CR. ANGELA VILLELLA.....	32
<b>13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL.....</b>	<b>33</b>
13.1 EAST PRESTON NEIGHBOURHOOD HOUSE CONSTRUCTION UPGRADE .....	34
13.2 ADVERSE POSSESSION CLAIM OVER LAND REAR 1 BOWER STREET AND 185 WESTGARTH STREET, NORTHCOTE.....	35
<b>14. CLOSE OF MEETING .....</b>	<b>37</b>

**MINUTES OF THE ORDINARY MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH ST, PRESTON ON MONDAY 15 FEBRUARY 2016**

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**THE MEETING OPENED AT 7.02 PM**

**1. PRESENT**

***Councillors***

Cr Vince Fontana (Mayor) (Chairperson)  
Cr Gaetano Greco  
Cr Tim Laurence  
Cr Bo Li  
Cr Trent McCarthy  
Cr Steven Tsitas  
Cr Oliver Walsh (Deputy Mayor) (7.03 pm)  
Cr Julie Williams

***Council Officers***

Rasiah Dev – Chief Executive  
Katrina Knox – Director Community Development  
Gavin Cator – Director Corporate and Planning Services  
Jacinta Stevens – Executive Manager Corporate Governance and Performance  
Darren Rudd – Manager City Development  
Dave Bell – Senior Media Advisor  
Jody Brodribb – Acting Coordinator Council Business  
Michelle Martin – Acting Council Business and Governance Officer

**2. APOLOGIES**

An apology was lodged for Cr. Villella.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil

**4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS**

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** Cr. J. Williams

**SECONDED:** Cr. G. Greco

**THAT** the Minutes of the Ordinary Meeting of Council held on 1 February 2016 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. PUBLIC QUESTION TIME

MINUTE NO. 92

The Mayor, Cr. Fontana, responded to the following questions submitted for Public Question Time:

- Peter and Angela Catalano of Thornbury asked a question in relation to the proposed Traffic Management along Mansfield Street in Thornbury. The Chairperson, Cr Fontana, responded to the question.
- Nalliah Suriyakumaran of Preston asked a question about the Sanctuary for Asylum Seekers. The Chairperson, Cr Fontana, responded to the question.
- Marion Gray of Alphington asked a question about the Banyule Council truck ban. The Chairperson, Cr Fontana advised that a written response will be provided.
- Andrew Schudmak of Northcote asked a question regarding an adverse possession claim. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Donna Gawen of Northcote asked a question about parking permits on Bent Street Northcote. The Chairperson, Cr Fontana, advised that a written response will be provided
- Donna Gawen of Northcote asked a question about Public Works to storm water and sewage infrastructure. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Geoffrey Richards of Northcote asked a question regarding Golf Course Fairway. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Jennifer Dane of Alphington asked a question about the Chandler Highway. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Leon Zembekis of Reservoir asked a question about Council Elections. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Terry Comodromos of Reservoir asked a question about Reservoir Community Garden. The Chairperson, Cr Fontana, advised that a written response will be provided.
- A resident of Alphington asked a question in relation to the Chandler Highway. The Chairperson, Cr Fontana, responded to the question.
- Luigi Pomella of Reservoir asked a question about Reservoir Community Garden. The Chairperson, Cr Fontana, advised that a written response will be provided.
- Mark Tregonning of Preston asked a question about Preston Market. The Chairperson, Cr Fontana, responded to the question and advised that a written response will also be provided.

**SUSPENSION OF STANDING ORDERS****Council Resolution**

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

That Standing Orders be suspended to allow Urgent Business items to be heard.

**CARRIED**

**6. URGENT BUSINESS****Council Resolution**

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

That the following Urgent Business item be admitted to the meeting.

**CARRIED**

**6.1 ST GEORGES ROAD TREES**

**MINUTE NO. 93**

**Motion**

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

That the Mayor:

- (1) Writes to the Minister for Water thanking her for positively responding to Council's resolution of 23 November requesting that she intervene on behalf of Council and Darebin residents and issue a Ministerial directive that Melbourne Water reinstate a treed avenue along the St Georges Road median as part of the M40 Project.
- (2) Requests that the Minister ensure that Melbourne Water allocates a sufficient amount in its M40 Project budget to ensure a genuine 'like-for-like' reinstatement of the trees, recognising the high amenity value they currently provide to the City of Darebin and its residents and traders.
- (3) Further, requests that the Minister consider Council's proposed safety improvements to the St Georges shared path and ensure that Melbourne Water and VicRoads work with Council to improve the safety of all St Georges Road users as part of the M40 project. This could include the removal of non-signalised vehicle crossover points along St Georges Road, as identified in the St Georges Road Safety Audit.

*Cr. Laurence proposed to the mover that point (3) of the motion be amended as follows. This was not accepted by Cr. McCarthy.*

- (3) Further, requests that the Minister consider Council's proposed safety improvements to the St Georges shared path and ensure that Melbourne Water and VicRoads work with Council to improve the safety of all St Georges Road users as part of the M40 project. This could include the removal of **high priority** non-signalised vehicle crossover points along St Georges Road **and future designs options of the new path to have regard for achieving clear sight distance at all crossing locations and areas of likely pedestrian activity. This may involve the removal/relocation of palm trees and/or other infrastructure**, as identified in the St Georges Road Safety Audit.

With leave of the Chairperson, Cr. Fontana, Cr. Laurence withdrew his seconding of the motion. Cr. Walsh subsequently seconded Cr. McCarthy's motion.

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

**MOVED: Cr. T. Laurence**  
**SECONDED: Cr. S. Tsitas**

**That** the Mayor:

- (1) Writes to the Minister for Water thanking her for positively responding to Council's resolution of 23 November requesting that she intervene on behalf of Council and Darebin residents and issue a Ministerial directive that Melbourne Water reinstate a treed avenue along the St Georges Road median as part of the M40 Project.
- (2) Requests that the Minister ensure that Melbourne Water allocates a sufficient amount in its M40 Project budget to ensure a genuine 'like-for-like' reinstatement of the trees, recognising the high amenity value they currently provide to the City of Darebin and its residents and traders.
- (3) Further, requests that the Minister consider Council's proposed safety improvements to the St Georges shared path and ensure that Melbourne Water and VicRoads work with Council to improve the safety of all St Georges Road users as part of the M40 project. This could include the removal of high priority non-signalised vehicle crossover points along St Georges Road and future designs options of the new path to have regard for achieving clear sight distance at all crossing locations and areas of likely pedestrian activity. This may involve the removal/relocation of palm trees and/or other infrastructure, as identified in the St Georges Road Safety Audit.

THE ALTERNATE MOTION WAS PUT AND LOST.

Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>
Cr. Steven Tsitas	Cr. Gaetano Greco
Cr. Tim Laurence	Cr. Oliver Walsh
	Cr. Vince Fontana
	Cr. Julie Williams
	Cr. Trent McCarthy
	Cr. Bo Li

The Chairperson, Cr. Fontana declared the Alternate Motion to be Lost.

THE MOTION BEFORE THE CHAIRPERSON IS AS FOLLOWS:

**Motion**

**MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. O. Walsh**

**That** the Mayor:

- (1) Writes to the Minister for Water thanking her for positively responding to Council's resolution of 23 November requesting that she intervene on behalf of Council and Darebin residents and issue a Ministerial directive that Melbourne Water reinstate a treed avenue along the St Georges Road median as part of the M40 Project.
- (2) Requests that the Minister ensure that Melbourne Water allocates a sufficient amount in its M40 Project budget to ensure a genuine 'like-for-like' reinstatement of the trees, recognising the high amenity value they currently provide to the City of Darebin and its residents and traders.
- (3) Further, requests that the Minister consider Council's proposed safety improvements to the St Georges shared path and ensure that Melbourne Water and VicRoads work with Council to improve the safety of all St Georges Road users as part of the M40 project. This could include the removal of non-signalised vehicle crossover points along St Georges Road, as identified in the St Georges Road Safety Audit.

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

**Council Resolution**

**MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. O. Walsh**

**That** the Mayor:

- (1) Writes to the Minister for Water thanking her for positively responding to Council's resolution of 23 November requesting that she intervene on behalf of Council and Darebin residents and issue a Ministerial directive that Melbourne Water reinstate a treed avenue along the St Georges Road median as part of the M40 Project.
- (2) Requests that the Minister ensure that Melbourne Water allocates a sufficient amount in its M40 Project budget to ensure a genuine 'like-for-like' reinstatement of the trees, recognising the high amenity value they currently provide to the City of Darebin and its residents and traders.
- (3) Further, requests that the Minister consider Council's proposed safety improvements to the St Georges shared path and ensure that Melbourne Water and VicRoads work with Council to improve the safety of all St Georges Road users as part of the M40 project. This could include the removal of non-signalised vehicle crossover points along St Georges Road, as identified in the St Georges Road Safety Audit.

**CARRIED UNANIMOUSLY**

**Council Resolution**

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

**That** the following Urgent Business item be admitted to the meeting.

**6.2 CHANDLER BRIDGE QUADRUPLICATION****MINUTE NO. 94****Council Resolution**

**MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. O. Walsh**

**That** Council:

- (1) Notes the VicRoads recommendation to the State Government on 13 January 2016, of its preferred option for widening the Chandler Highway, including a new six lane wide bridge on the west side of the current bridge and the subsequent State Government announcement on 28 January that it will adopt this option;
- (2) Notes the significant and ongoing opposition to this option, from residents directly affected in West Alphington and on the Darebin and Yarra sides of Heidelberg Road; and
- (3) Notes Council's unanimous position from its 23 November 2015 resolution:  
.....
  - I) Council:
    - a) Supports a road and bridge design that:
      - (i) primarily provides practical options for integrated public transport for local residents requiring transport across the Yarra River and
      - (ii) builds-in future proofing design options for the construction of the Doncaster Rail.
  - II) Council calls on VicRoads and the State Government to:
    - a) Respond to the concerns of residents on the west side of the existing bridge who would bear the brunt of the current "preferred option".
    - b) Produce a new design which protects amenity of existing residents to the west, protects the Yarra Corridor habitat and environs, moves people rather than just vehicles across the Yarra River and provides for future options for commuters, in particular, the construction of the Doncaster Rail.
  - III) Council calls on the Ministers for Roads, Public Transport and Planning, and the Member for Northcote to immediately meet with the Mayor and Rucker ward councillors and residents who are directly affected by the project, and to respond to issues raised through the development of a better project design, integrated with the future development of the Amcor site  
.....

- (4) Notes that the traffic modelling on which this decision is based reflects a "Business as Usual" scenario of continued priority on roads to motor vehicles which is contrary to one of VicRoads' stated aims to "develop a more integrated and sustainable road transport system";
- (5) Notes that the decision appears to fail to adhere to the stated aims of the *Transport Integration Act (2009)*;
- (6) Calls on the Minister for Roads to release the business case for the project in the interests of transparency; and
- (7) Once more, call on the State Government to:
  - (i) Respond to the concerns of residents on the west side of the proposal and along Grange Road who would bear the brunt of the current "preferred option"; and
  - (ii) Produce a new design which protects amenity of existing residents to the west, protects the Yarra Corridor habitat and environs, moves people rather than just vehicles across the Yarra River and provides genuine options for local commuters, in particular, the construction of the Doncaster Rail.
- (8) The Mayor arranges an urgent meeting with the Mayor of Yarra, the Minister for Roads and the Member for Northcote to convey Council's continued opposition to the current design of this project, to request the release of the business case and to urge the State Government to review its decision in line with Council's position.
- (9) Council receives a report at the next Council meeting on the merits of applying to the Governor in Council for a dispute resolution process as provided for in s9 of the *Local Government Act*.
- (10) The Mayor writes to all councillors in Yarra, Banyule and Boroondara Councils and informs them of this resolution.
- (11) Council officers report back as soon as possible as to the viability of a legal review of the Minister's decision. Possible grounds to be investigated include his failure to take the following relevant information into account: residential impacts, environmental impacts, reasonable alternative options, and considerations under the *Transport Integration Act*.

**CARRIED UNANIMOUSLY**

**Council Resolution**

**MOVED:** Cr. O. Walsh  
**SECONDED:** Cr. B. Li

**That** the following Urgent Business item be admitted to the meeting.

**CARRIED**

**6.3 LEVEL CROSSING REMOVALS**

**MINUTE NO. 95**

**Motion**

**MOVED:** Cr. O. Walsh  
**SECONDED:** Cr. B. Li

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council express its strong concern over the potential for overhead (Sky) rail on the South Morang and Hurstbridge lines.

*Cr. Li proposed to the mover that the motion be amended as follows. This was not accepted by Cr. Walsh.*

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council **seeks specific information on** the potential for overhead (Sky) rail on the South Morang and Hurstbridge lines.

With leave of the Chairperson, Cr. Fontana, Cr. Li withdrew his seconding of the motion. Cr. McCarthy subsequently seconded Cr. Walsh's motion.

**Alternate Motion**

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. T. Laurence

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council seeks specific information on the potential for overhead (Sky) rail on the South Morang and Hurstbridge lines.

*Cr. Greco proposed to the mover, Cr. Li, that the motion be amended as follows.*

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council seeks specific information on the potential for overhead (Sky) rail **and underground rail** on the South Morang and Hurstbridge lines.

*With leave of the Chairperson, Cr. Fontana, Cr. Li withdrew his Alternate Motion. Cr. Greco then proposed to the mover of the substantive motion, Cr. Walsh, that the substantive motion be amended as follows.*

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council **seeks specific information** on the potential for overhead (Sky) rail **and underground rail** on the South Morang and Hurstbridge lines.

*This was not accepted by Cr. Walsh.*

#### Alternate Motion

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. B. Li**

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council seeks specific information on the potential for overhead (Sky) rail and underground rail on the South Morang and Hurstbridge lines.

**CARRIED**

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

#### Council Resolution

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. B. Li**

**That** Council note the state governments' commitments to level crossing removal at Reservoir, Grange Road and Bell.

That in upcoming discussions with state government representatives', council seeks specific information on the potential for overhead (Sky) rail and underground rail on the South Morang and Hurstbridge lines.

**CARRIED**

Cr. Walsh called for a Division:

For

Cr. Gaetano Greco  
Cr. Tim Laurence  
Cr. Vince Fontana  
Cr. Steven Tsitas  
Cr. Julie Williams  
Cr. Trent McCarthy  
Cr. Bo Li

Against

Cr. Oliver Walsh

The Chairperson, Cr. Fontana, declared the motion to be carried.

Cr. Greco proposed to submit two items of Urgent Business relating to:

- (1) Asylum Seekers
- (2) Polaris Building

Pursuant to section 21 of the City of Darebin Governance Local Law, the Chief Executive determined that the items did not meet the definition of Urgent Business and thus were not admitted into the agenda.

## 7. CONSIDERATION OF REPORTS

### 7.1 INTERNATIONAL WOMEN'S DAY 2016

MINUTE NO. 96

**Author:** Manger Children, Families and Community

**Reviewed By:** Director Community Development

#### Report Background

This report provides details of the program of events across Darebin celebrating International Women's Day 2016 and seeks the appointment of a Council representative to deliver the welcome speech at the Molly Hadfield Social Justice Oration to be held on 10 March 2016.

#### Previous Council Resolution

At its meeting held on 20 May 2013 Council resolved to:

- (1) *Endorse an annual Molly Hadfield Social Justice Oration to be scheduled as part of the International Women's Day celebrations.*
- (2) *Supports the oration as an ongoing opportunity and platform for exploring and understanding key social justice issues impacting on older persons and on women in our community.*
- (3) *Following consultation with the Darebin Women's Advisory Committee and the Active and Healthy Ageing Community Advisory Board, shall determine the guest speaker.*

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

#### Council Plan Goal/Endorsed Strategy

Goal 2: Healthy and Connected Community.

*Strategy 2.16: promote gender equity, prevent violence against women and support the right of women to engage and participate fully and equally in all aspects of community life.*

Endorsed Strategies:

- Darebin's Health and Wellbeing Plan 2013-2017
- Darebin's Gender Equity Action Plan 2016

#### Summary

The City of Darebin has a long standing commitment to equity and inclusion and has actively embraced the mission to advance women's equal participation, address gender inequity and prevent violence against women.

In support of this commitment Darebin annually celebrates the United Nations International Women's Day with a range of events and activities across the month of March, including the annual Molly Hadfield Social Justice Oration. The oration is supported as an ongoing opportunity and platform for exploring and understanding key social justice issues impacting on older persons and on women in our community.

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

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

**That** Council:

- (1) Notes the program of events in Darebin for International Women's Day 2016.
- (2) Appoint Cr. Williams and Cr. Villella as Council representatives to deliver the welcome speech at the 2016 Molly Hadfield Social Justice Oration.

**CARRIED**

*Cr. Tsitas temporarily left the meeting during discussion of the above item at 8.22 pm.*

**7.2 SAFE PEDESTRIAN CROSSING MASSEY AVENUE  
RESERVOIR**

MINUTE NO. 97

**Author:** Senior Coordinator Transport Management**Reviewed By:** Director Assets and Business Services**Report Background**

This report originates from Notice of Motion No. 183 at the Special meeting of 29 April 2015 which called for an investigation of a safe pedestrian crossing at the intersection of Glasgow Avenue and Massey Avenue

A report was submitted to the Council Meeting of 17 August 2015, where Council resolved to defer the report and investigate possible changes to the *Road Management Act 2004*.

**Previous Council Resolution**

At its Special meeting on 29 April 2015, Council resolved:

*That:*

- (1) *Council receive a report on the creation of a safe pedestrian crossing controlled by lights near the corner of Glasgow Avenue and Massey Avenue, Reservoir to enable school children from St Joseph the worker primary school and elderly residents.*
- (2) *Council consider the feasibility of preparing a submission to the relevant state government agency and Ministers to secure the relevant approval for a pedestrian crossing at this site and refer to the council budget process costing estimates in relation to this potential pedestrian safety project.*
- (3) *Consult with relevant residents and stakeholders in relation to this issue.'*

At its ordinary council meeting on 17 August 2015, Council resolved:

*That Council:*

- (1) *Defer the report.*
- (2) *The report come back to Council with information about the changes required to the Road Management Act and associated regulations to enable consideration of a safe pedestrian crossing at the location.'*

**Previous Briefing(s)**

This matter has not been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

This report relates to the Council Plan goal 2 of a healthy and connected community, the Darebin Transport Strategy 2007 – 2027 and the Darebin Safe Travel Strategy 2011-2015.

## Summary

Pedestrian operated traffic signals have been requested by the community to assist pedestrians, particularly the elderly and school children, to cross Massey Avenue near Glasgow Avenue in Reservoir.

The previous report to Council dated 17 August 2015 noted that there is no history of collisions to support the applications for external funding and that the VicRoads warrant criteria to support the approval of this type of treatment were not met.

VicRoads Traffic Engineering Manual warrants were reviewed in October 2015 and have been downgraded from criteria to guidelines. On this basis, alterations to the regulatory frameworks are not considered necessary as, even though the previous warrants would not be met, discussions with VicRoads indicate that, given the treatment is proposed on a local road, they would not necessarily prohibit the installation of a pedestrian treatment if it is supported by Council, meets design guidelines and is supported by a safety assessment.

If this project were to progress through consultation and approvals were granted, the full cost of design, installation and maintenance of a pedestrian treatment would need to be funded by Council.

An alternative, lower cost, solution may be to remove the existing children's crossing and install a pedestrian zebra crossing at the same time as planned roundabout maintenance/upgrade works are undertaken at the Massey Avenue / Glasgow Avenue roundabout. Relocation of the existing school crossing supervisor to a proposed pedestrian zebra crossing may be possible through negotiations with VicRoads.

In order to avoid the need to meet VicRoads requirements and gain their approval for a pedestrian crossing, the removal of these treatments as major traffic control items or a change to the delegated powers of authority for the approval of major traffic control devices would be required in the *Road Safety (Traffic Management) Regulations 2009*. Such change is unlikely to eventuate as it may result in inconsistent and unpredictable application of pedestrian crossing treatments across municipalities and cause safety concerns around Victoria's road network.

### Council Resolution

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. G. Greco

**That Council:**

- (1) Support the consultation with St Joseph the Worker Primary School, VicRoads and other relevant stakeholders to remove the existing school crossing and replace it with a zebra crossing at the roundabout of Massey Avenue at Glasgow Avenue as part of future upgrade works.
- (2) Acknowledge the requirements of obtaining approvals under the *Road Safety (Traffic Management) Regulations 2009* to implement major traffic control items.

**CARRIED UNANIMOUSLY**

*Cr. Tsitas returned to the meeting during discussion if the above item at 8.27 pm.*

**7.3 PROPOSAL TO CHANGE THE NAME OF THE FEDERAL SEAT OF BATMAN****MINUTE NO. 98****Author:** Manager Children Families and Community**Reviewed By:** Director Community Development**Report Background**

This report is in response to two Council resolutions from meetings held on 16 December 2013 and 19 May 2014. The actions and timelines outlined in these reports have not been achieved and this report provides an updated plan to progress the proposal.

**Previous Council Resolutions**

At its meeting on 16 December 2013, Council resolved:

*That Council:*

- (1) *Council notes and supports recent calls by Wurundjeri elders and other local Aboriginal leaders to change the name of the Federal seat of Batman, in the spirit of reconciliation.*
- (2) *Council commits to working with the Wurundjeri Tribe Land and Compensation Council and the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission to develop and advocate for options for consideration by the Australian Electoral Commission.*
- (3) *Council receives a report on the results of consultation with the Wurundjeri Tribe Land and Compensation Council and the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission, along with the process and timeframe for making a submission.*
- (4) *Consultation also occur around other relevant locations such as Batman Park.'*

At its meeting on 19 May 2014, Council resolved:

*That Council:*

*Approves the recommended actions and timing outlined in this report relating to the renaming processes of the Batman Electorate and Batman Park.'*

**Previous Briefing**

This matter has been to a Briefing on 12 May 2014 in relation to the Council report from the Council meeting held on 19 May 2014.

**Council Plan Goal/Endorsed Strategy**

Healthy and Connected Community

Darebin Aboriginal Action Plan 2012-2017

## Summary

This report provides an updated project plan detailing how the project will be managed; the process for advocating for a change to the Federal seat of Batman through the 2017 redistribution process; the approach to the potential renaming of Batman Park; and a range of consultation and advocacy processes that will be undertaken tailored to the needs of the various stakeholders.

Any financial implications from the report would be referred to the 2016/2017 budget process.

### Recommendation

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman.

### Motion

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. G. Greco

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman.

*Cr. Greco proposed to the mover that the motion be amended as follows. This was accepted by Cr. McCarthy.*

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman **and Batman Park.**

THE AMENDED MOTION THEN READ AS FOLLOWS:

### Amended Motion

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. G. Greco

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman and Batman Park.

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

### Council Resolution

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. G. Greco

**That** Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman and Batman Park.

**CARRIED**

**7.4 FINANCIAL REPORT – 6 MONTHS ENDED 31 DECEMBER 2015****MINUTE NO. 99****Author:** Financial Accountant**Reviewed By:** Director Corporate Services**Report Background**

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

**Previous Resolution**

Not applicable

**Briefing Date**

8 February 2016

**Council Plan Goal/Endorsed Strategy**

Open and Accountable Democracy

**Summary**

A comprehensive mid-year financial review has been undertaken for the six months ended 31 December 2015 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 \$63.15 million, which is \$4.90 million ahead of budget and capital works expenditure of \$12.20 million, which is \$3.31 million behind the budget.

The forecast actual result for the year ending 30 June 2016 is an operating surplus of \$6.51 million and capital works expenditure of \$40.22 million. The forecast underlying result for the year ending 30 June 2016 is a surplus of \$0.61 million. All material variations have been explained in the report.

All material variations have been explained in the report.

**Council Resolution****MOVED:** Cr. O. Walsh**SECONDED:** Cr. B. Li

**That** Council receives the contents of the “Financial Report for the six months ended 31 December 2015” included as **Appendix A** to this report and notes the year-to-date and full-year forecast actual and budget operating and capital results.

**CARRIED UNANIMOUSLY**

*Cr. McCarthy temporarily left the meeting during discussions at 8.43 pm.*

**7.5 PROPOSAL RIGHT OF WAY (ROAD) DISCONTINUANCE  
ADJOINING 12 AND 14 INVERNESS STREET, RESERVOIR****MINUTE NO. 100****Author:** Manager Assets and Property**Reviewed By:** Director Assets and Business Services**Report Background**

This is to report the outcome of the statutory procedures to discontinue the road adjoining 12 and 14 Inverness Street, Reservoir and sell the land.

**Previous Resolution**

Ordinary meeting date- 20 July 2015

*That Council:*

- (1) *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 (Road 1) adjoining 12 and 14 Inverness Street, Reservoir shown hatched on **Appendix A**, and*
- (2) *Give public notice under Sections 207A and 82A and 223 of the Local Government Act, 1989 of the proposed discontinuances (Road 1) adjoining 12 and 14 Inverness Street, Reservoir in the appropriate newspapers and on Council's website and such notice state that if discontinued, Council proposes to sell the land from the roads (Road 1) to the adjoining owners by private treaty.'*

**Briefing Date**

Councillor Briefing – 8 February 2016

**Council Plan Goal/Endorsed Strategy**

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

**Summary**

Council received an application from the owner of 12 Inverness Street, Reservoir for the discontinuance and sale of the right-of-way adjoining their property. Macquarie Lawyers were commissioned to undertake the process to facilitate the possible discontinuance and sale of the 3.05m wide section of right of way (Road).

All of the immediate adjoining owners have been consulted regarding the proposal; no objections were received at that time.

In November 2014, the owners of both 12 and 14 Inverness Street 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 'in-principle' agreements for Council to progress the matter.

Public notice of the proposal was given in Preston and Northcote Leader newspapers in the week commencing Monday 27 July 2015. Notification was also given on Council's website. The notice period ended on 27 August 2015 with no submissions received by Council.

Before Council was in a position to consider this matter further, and on 4 September 2015, Council received notification from the owners of 14 Inverness Street's legal representative advising of their intention to make an application to Land Victoria to acquire title to the Road via adverse possession and not to proceed with the 'in-principle' agreement Council had with them. A title search confirmed that application had been made and was lodged on 8 September 2015 over the land.

Whilst an application has been made to Land Victoria for adverse possession of the land by the owner of 14 Inverness Street, Reservoir, the application presently remains unregistered on title. Council is, accordingly, within its powers to progress the proposal and seek to finalise the matter in accordance with the signed 'in-principle' agreements, legislation and Council Policy. It is otherwise noted that the owner of 12 Inverness Street still wishes to proceed with a sale of the land in the discontinued road in accordance with the 'in-principle' agreement which Council has with that person.

This report provides Council with the outcome of the statutory procedures for the proposed discontinuance and sale of a 3.05m wide right-of-way (road) adjoining 12 and 14 Inverness street, Reservoir and, now having completed them, recommends that the Road be discontinued and sold by private treaty in accordance with Council policy.

### Recommendation

**That** Council, having given public notice of a proposal to discontinue the section of road adjoining 12 and 14 Inverness Street, Reservoir, shown hatched on the plan enclosed as **Appendix A** to this report, and having received no 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) Delegate power to the Chief Executive to do all other acts, matters and things as are determined to be necessary to protect Council's right, title and interest in the discontinued road, including the commencement of legal proceedings if required.

*With leave of the Chairperson, Cr. Fontana, the Chief Executive submitted a memorandum to the meeting advising that since the preparation of the agenda for this Council meeting, an adverse possession claim considered by the Land Registry for the land adjoining 14 Inverness Street was successful and that title had been issued to the property owners.*

*Given this occurrence, Council is unable to proceed with the recommendation as indicated in the agenda and an alternate recommendation was provided, which became the Council Resolution as follows:*

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

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

**THAT** Council, noting that the road adjoining 12 and 14 Inverness Street no longer possesses road status having regard to the recent issues of title for the land passing to the road adjoining 12 and 14 Inverness Street, Reservoir;

- (1) Resolves to abandon the proposed discontinuance and sale of the road adjoining 12 and 14 Inverness Street, Reservoir;
- (2) Advises the adjoining owners and any other affected persons of Council's decision.

**CARRIED**

*Cr. McCarthy returned to the meeting during discussion of the above item at 8.46 pm.*

*Cr. Walsh temporarily left the meeting during discussion of the above item at 8.46 pm and returned at 8.48 pm.*

## 8. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION AND GENERAL BUSINESS

### 8.1 STATION STREET SAFETY BARRIERS

MINUTE NO. 101

**Author:** Senior Coordinator Transport Management

**Reviewed By:** Director Assets and Business Services

#### Report Background

This report is in response to a Council resolution, meeting minute No. 303 from the Council meeting held on 1 June 2015.

#### Previous Council Resolution

At its meeting held on 1 June 2015, Council resolved:

*'That officers prepare a report on increasing safety barricades in Station Street, Fairfield'*

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

#### Council Plan Goal/Endorsed Strategy

This report relates to the Transport Strategy 2007 – 2027.

#### Summary

In 2015, two separate incidents occurred in Station Street, Fairfield where motorists exiting on street car parking spaces mounted the kerb and drove into shop fronts. These incidents resulted in a call to investigate the installation of safety barriers along the length of Station Street. This report provides the findings of this investigation.

Through this investigation it was found that installing a continuous safety barrier along Station Street, Fairfield is undesirable at this time because of the negative impacts it is likely to have on accessibility, aesthetics and pedestrian movement. Instead, pedestrian safety, vehicle movement and foot traffic should be considered when creating a master plan for Station Street, Fairfield.

#### Recommendation

**That Council:**

- (1) Notes this report.
- (2) Refer a master plan for Station Street, Fairfield for consideration as part of the 2016/2017 Capital Works Program.

**Council Resolution**

**MOVED: Cr. O. Walsh**  
**SECONDED: Cr. T. McCarthy**

**That Council:**

- (1) Notes this report.
- (2) Refers a master plan for Station Street, Fairfield for consideration as part of the 2016/2017 Capital Works Program.
- (3) Continues to engage with Station Street businesses.

**CARRIED UNANIMOUSLY**

## 9. NOTICES OF MOTION

*Cr. Walsh disclosed an "interest" in the following item as he is a director of 'IntoWork'.*

*Cr. Greco disclosed an "interest" in the following item as he is on the board of 'INLLEN'.*

### 9.1 CONDUCT OF 2016 LOCAL GOVERNMENT ELECTIONS AND SCHOOL FUNDRAISING AND EMPLOYMENT OPPORTUNITIES

MINUTE NO. 102

NOTICE OF MOTION NO.

262

CR. TRENT MCCARTHY

Take notice that at the Ordinary meeting to be held on 15 February 2016, it is my intention to move:

***That:***

- (1) In accordance with section 41A(2A) of the Local Government Act 1989, Council will conduct its 2016 General Election using the 'attendance' method, which includes a polling day of voters on the fourth Saturday in October.*
- (2) As a matter of urgency, Council writes to the Victorian Electoral Commission (VEC) advising them of Council's decision to use the 'attendance' method for the 2016 General Election. Furthermore, Council writes to relevant agencies (eg. IntoWork, INLLEN, Spectrum MRC, ADEC, etc.) asking them to explore with Council how to maximise employment opportunities for the Darebin community, including assisting local young people and other jobseekers to secure polling day jobs.*
- (3) Council writes to all 'occupier ratepayers' advising them of the application process and timeline to enrol to vote, as per the Local Government Act 1989 section 15.*
- (4) Council writes to all Darebin primary and secondary school councils and fundraising committees advising them of this change and outlining the advantages of conducting local fundraising activities in conjunction with Council's Election Day.*
- (5) Council receives a report in April on capacity building and in-kind support that can be provided to local schools to improve their fundraising opportunities on Council's Election Day.*

**Notice Received: 1 February 2016**

**Notice Given to Councillors: 8 February 2016**

**Date of Meeting: 15 February 2016**

WITH LEAVE OF THE CHAIRPERSON, CR. FONTANA, CR MCCARTHY AMENDED HIS NOTICE OF MOTION TO REMOVE REFERENCE TO THE EXAMPLES OF AGENCIES IDENTIFIED UNDER POINT (2) AS FOLLOWS:

<b>MOTION</b>
---------------

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

**That:**

- (1) In accordance with section 41A(2A) of the Local Government Act 1989, Council will conduct its 2016 General Election using the 'attendance' method, which includes a polling day of voters on the fourth Saturday in October.
- (2) As a matter of urgency, Council writes to the Victorian Electoral Commission (VEC) advising them of Council's decision to use the 'attendance' method for the 2016 General Election. Furthermore, Council writes to relevant agencies asking them to explore with Council how to maximise employment opportunities for the Darebin community, including assisting local young people and other jobseekers to secure polling day jobs.
- (3) Council writes to all 'occupier ratepayers' advising them of the application process and timeline to enrol to vote, as per the Local Government Act 1989 section 15.
- (4) Council writes to all Darebin primary and secondary school councils and fundraising committees advising them of this change and outlining the advantages of conducting local fundraising activities in conjunction with Council's Election Day.
- (5) Council receives a report in April on capacity building and in-kind support that can be provided to local schools to improve their fundraising opportunities on Council's Election Day.

THE MOTION WAS PUT TO THE VOTE AND LOST

Cr. McCarthy called for a Division:

<u>For</u>	<u>Against</u>
Cr. Gaetano Greco	Cr. Bo Li
Cr. Trent McCarthy	Cr. Julie Williams
	Cr. Steven Tsitas
	Cr. Oliver Walsh
	Cr. Tim Laurence
	Cr. Vince Fontana

The Chairperson, Cr. Fontana declared the motion to be Lost.

*Jody Brodribb, Acting Coordinator Council Business temporarily left the meeting during discussion of the above item at 9.08 pm and returned 9.10 pm.*

## 10. GENERAL BUSINESS

Nil

## 11. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 11.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 103

An Assembly of Councillors is defined in section 76AA 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:

- Darebin Disability Advisory Committee – 1 February 2016

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** Cr. S. Tsitas

**SECONDED:** Cr. B. Li

**THAT** the record of the Assembly of Councillors held on 1 February 2016 be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Disability Advisory Committee
	<b>Date:</b>	Monday 1 February 2016
	<b>Location:</b>	Function Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Julie Williams
	<b>Council Staff:</b>	Bridget Monro-Hobbs, Christine Mulholland and Mitchell Bowden
	<b>Other:</b>	Representative of Encompass House, representative of Clickability, representatives of SARU and community representatives.
<b>APOLOGIES:</b>		Cr. Gaetano Greco and Cr. Oliver Walsh

The Assembly commenced at 11 am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Present and apologies	No disclosures were made
2	Matters arising from previous minutes	No disclosures were made
3	'Clickability'	No disclosures were made
4	SARU (Self Advocacy resource Unit) Voice at the Table project	No disclosures were made
5	NDIS update	No disclosures were made
6	Standard agenda items	No disclosures were made
7	General Business	No disclosures were made

The Assembly concluded at 1 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Christine Mulholland
	<b>Officer Title:</b>	MetroAccess Officer

*Cr. Tsitas temporarily left the meeting during the above item at 9.17 pm and returned at 9.18 pm.*

## 12. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 104

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

MOVED: Cr. G. Greco

SECONDED: Cr. O. Walsh

That Council note the Reports by Mayor and Councillors.

CARRIED

### 12.1 REPORT OF CR. VINCE FONTANA, MAYOR

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

- Opening of the Spirit of ANZAC centenary experience
- Ruthven Pavilion Community Open Day
- Damphu Saarijh 2852 year of the Monkey celebration
- Meeting with Craig Ondarchie MP
- Meeting with John Nugent
- Council Briefing session 8-02-16
- Planning Committee meeting 8-02-16
- Meeting with Sophie Amiridis- Reservoir Junction
- Meeting with Cav Frank Di Blasi
- Vietnamese New Year celebration at Intercultural centre
- Meeting with Robin Scott MP
- Anniversary of National apology to Indigenous people
- Confucius celebrations at Preston market
- High Street Chinese New Year's Celebration.

### 12.2 REPORT OF CR. BO LI

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

- Preston Business Advisory Committee Meeting
- Councillor Briefing session
- Planning Committee meeting
- Sex, Sexuality and Gender Diversity Advisory Committee Meeting
- Victorian Multicultural Commission North West Regional advisory Committee Meeting
- Attendance of Lunar New Year celebrations at Preston
- Ward matters Including parking, local laws and Planning

**12.3 REPORT OF CR. TRENT MCCARTHY**

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

- Turning of the sod for new Animal Shelter in Epping
- Council Briefing session
- Planning Committee meeting
- Meeting with Alphington residents and Councillors regarding Chandler Hwy announcement
- 'Come and Try' day with Darebin Women's Sports club
- Meeting with residents and Councillors regarding Merri Creek bridge
- Campaign various issues on behalf of residents and traders

**12.4 REPORT OF CR. JULIE WILLIAMS**

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

**1 February 2016**

- Council Meeting
- Council Briefing session
- Transforming Preston Grade Separation workshop
- Northland Youth Centre Open Day
- DECL Board Meeting
- East Reservoir End of Year Community Celebration
- Strategic Workshop
- Councillor Workshop
- Carols in All Nations
- 2015 Elders Christmas Luncheon
- Joint Advisory Committee End of Year Celebration
- Planning Committee Meeting
- Pre Planning Committee
- Special Councillor Briefing
- Meeting with new Directors Gavin Cator & Patti Wenn
- Women's Advisory Committee
- Reservoir Community and Learning Centre Open Day
- Staff Christmas Party
- Preston Business Advisory members
- Darebin Disability Committee
- Attended Residents issues on Damaged to community assets, dumped rubbish, Laneway access, and planning concerns, and parking issues.

**15 February 2016**

- Darebin Disability Committee
- Strategic Workshop
- Council Meeting
- Preston Business Advisory members
- Council Briefing session
- Pre Planning Committee
- Planning Committee Meeting
- Anniversary Of National Apology to Australia's Indigenous
- Preston Central Annual Lunar New Year Celebrations
- Attended to residents from incident that occurred on High Street, overgrown tree, gaining access to W Ruthven Reserve, parking concerns and M40 trees on St. Georges Road.

**12.5 REPORT OF CR. STEVEN TSITAS**

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

- Council Meeting
- Council Briefing session
- Planning Committee Meeting

**12.6 REPORT OF CR. TIM LAURENCE**

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

- Council Meeting
- Council Briefing session
- Planning Committee Meeting
- Speech at Intercultural Centre on United Nations World Interfaith
- Harmony Day
- Met with DECC members
- Met with Sporting Club members
- Thornbury High School
- Consultation with various Sports Clubs
- On site night visits to polaris site in Bundoora

**12.7 REPORT OF CR. OLIVER WALSH**

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

- Turning of the sod at Whittlesea
- Planning Committee Meeting
- Met with Craig Ondarchie MP
- Anniversary Of National Apology to Australia's Indigenous
- Metropolitan Transport Forum
- Council Briefing session
- Meeting with Alphington residents re: Chandler Bridge
- Anzac exhibition
- Mayor Park cinema
- Met with Banyule Cr Jenny Mulholland
- Merri Creek footbridge meeting
- Met with Inga Peulich MLC
- Various constituent matters
- Noting retirements of long time of former Reservoir resident Andrew Robb, Deputy PM Warren Truss, and Philip Ruddock who met with council last year.

**12.8 REPORT OF CR. GAETANO GRECO**

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

- Council Briefing
- Planning Meeting
- Strategic Briefing
- Friends of Baucau
- Attending to resident's concerns
  - N-Scribe
  - M40
  - Fence at Springthorpe Estate
  - Mendip Reserve
  - Asylum seeker support
  - Merri Creek Bridge
  - Attendance Voting

**12.9 REPORT OF CR. ANGELA VILLELLA**

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

- Council Briefing session
- Planning Committee Meeting
- Strategic Workshop
- Council Meeting

*Cr. Tsitas temporarily left the meeting during discussion of the above item at 9.17 pm and returned at 9.16 pm.*

### 13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

#### CLOSE OF MEETING

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

**THAT** in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following item which relates to a contractual matter:

13.1 East Preston Neighbourhood House Construction Upgrade

13.2 Adverse Possession Claim Over Land at Rear 1 Bower Street, Northcote

**CARRIED**

Cr. McCarthy voted against closing the meeting to the members of the public to allow the Confidential items to be heard.

The meeting was closed to members of the public at 9.18 pm.

*Darren Rudd – Manager City Development left the meeting 9.18 pm.*

*Dave Bell, Senior Media Advisor left the meeting at 9.18 pm.*

***The Council considered and resolved on Report Item 13.1 (East Preston Neighbourhood House Construction Upgrade) and Item 13.2 (Adverse Possession Claim Over Land at Rear 1 Bower Street, Northcote) which had been circulated to Councillors on 8 February 2016 with the Council Agenda Paper.***

#### RE-OPENING OF MEETING

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. O. Walsh

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

**CARRIED**

The meeting was re-opened to the members of the public at 9.41 pm

**CONFIDENTIAL****13.1 EAST PRESTON NEIGHBOURHOOD HOUSE  
CONSTRUCTION UPGRADE****MINUTE NO. 105****Author:** Manager Major Projects and Infrastructure**Reviewed By:** Director Assets and Business Services**Report Background**

Building works are to be commenced at the East Preston Neighbourhood House and a tender process has been undertaken to appoint a contractor to undertake the works.

**Previous Resolution**

This matter is not the subject of a previous Council resolution.

**Briefing Date**

This matter has not previously been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 2 – Healthy and Connected Community

**Summary**

This report summarises the tender process, including the tender responses, tender evaluation and assessment process and recommends the award of a contract to a suitable building contractor to upgrade a Department of Health and Human Services (DHHS) property as the East Preston Neighbourhood House (EPNH).

**Recommendation**

**That** the Council report and resolution remain confidential with the exception of the successful tender(s) name and contract period.

**Council Resolution**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. O. Walsh

**That** the report be deferred to the next Council meeting to allow for officers to further inform Councillors.

**CARRIED**

**CONFIDENTIAL****13.2 ADVERSE POSSESSION CLAIM OVER LAND REAR 1  
BOWER STREET AND 185 WESTGARTH STREET,  
NORTHCOTE****MINUTE NO. 106****Author:** Manager Assets and Properties**Reviewed By:** Director Assets and Business Services**Report Background**

This report is provided to Council on a confidential basis because it is to be considered by Council under section 89(2) of the *Local Government Act 1989* on the grounds that it contains legal advice on an adverse possession claim over what is now a discontinued road.

**Previous Resolution**

At its meeting held on 7 December 2015, Council resolved:

*That Council, having given public notice of the proposed discontinuance of the road and acquisition of title to the land adjoining 1 Bower Street and 185 Westgarth Street, Northcote, shown hatched on the plan enclosed as Appendix A to this report, and having considered a submission received in relation to the proposal in accordance with Section 223 of the Local Government Act 1989:*

- (1) *Discontinues the road in accordance with Section 206 and schedule 10, Clause 3 of the Local Government Act 1989;*
- (2) *Directs that a notice concerning the discontinuance of the road be published in the Victoria Government Gazette;*
- (3) *Resolves to acquire title to the land from the discontinued road;*
- (4) *Signs and seals all documents relating to the acquisition of land from the discontinued road;*
- (5) *Advises the person who lodged the submission in relation to the proposal of Council's decision and the reasons for the decision as follows:*
  - (a) *the road, in Council's opinion is not reasonably required for public use;*
  - (b) *as no agreement is attainable between both adjoining owners in accordance with Council's Right-of-Way and Road Closure Policy (1997)-*

*"5(a) - In offering the land for sale, due recognition be afforded to;*

    - (i) *The original applicant;*
    - (ii) *All other interested parties on the basis of an equitable distribution provided no section of any discontinued road is landlocked"*

*Council therefore intends to transfer title to itself in order to enable future negotiations with land owners regarding its distribution; and*

- (c) *that the discontinuance and acquisition of title from the road is within Council's delegated power, in accordance with Section 206 and schedule 10, Clause 3 of the Local Government Act 1989;*
- (6) *A further report be presented to Council to commence the statutory process for sale of the land under Section 189 of the Local Government Act 1989, should agreement be reached with adjoining owners.'*

**Briefing Date**

8 February 2016

**Council Plan Goal/Endorsed Strategy**

Goal: Excellent Service – Strategy 5.4 Long term responsible financial planning

Strategy: Property Asset Management Strategy – May 2015

**Summary**

This report seeks Council approval to initiate legal proceedings, in the Supreme Court of Victoria, to challenge a claim of adverse possession over a former right-of-way located at the rear of 185 Westgarth Street and adjoining 1 Bower Street, Northcote (Road).

**Recommendation**

**That** the Council report and resolution remain confidential.

**Council Resolution**

**MOVED: Cr. S. Tsitas**

**SECONDED: Cr. O. Walsh**

**That** the report be deferred to the next Council meeting to allow for officers to further inform Councillors.

**CARRIED**

**14. CLOSE OF MEETING**

The meeting closed at 9.41 pm.