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MINUTES OF THE ORDINARY COUNCIL MEETING

Held on Monday 27 March 2023.

This meeting was held in person at PRACE Merrilands Community Centre, 35 Sturdee Street, Reservoir.

RELEASED TO THE PUBLIC ON 31 MARCH 2023

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 xiriiir 8470 8888.

Spanish

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

Urdu

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

Vietnamese

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

Table of Contents

Item Number	Page Number
1. OPENING OF MEETING AND MEMBERSHIP	1
2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	1
3. APOLOGIES.....	1
4. DISCLOSURES OF CONFLICTS OF INTEREST	2
5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	2
6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES	2
7. QUESTION AND SUBMISSION TIME	2
8. PETITIONS	11
TABLING OF PETITION.....	11
SUBMISSIONS	11
9. CONSIDERATION OF REPORTS	13
9.1 QUARTER 2 FINANCIAL REPORT ENDING 31 JANUARY 2023 - FINANCIAL PERFORMANCE AND MID-YEAR FORECAST UPDATE	13
9.8 CT202283 CONTRACT AWARD SUPPLY AND HAULAGE OF BULK BINS FOR DRRC	15
9.9 CT202257 STORMWATER DRAINAGE MAINTENANCE.....	16
9.2 ITEM WITHDRAWN BEFORE THE MEETING - DELIBERATIVE ENGAGEMENT - REVIEW OF THE 10YR FINANCIAL PLAN AND COUNCIL PLAN	18
9.3 PARKING PERMIT POLICY - SUMMARY OF CONSULTATION (STAGE 1) AND DRAFT POLICY FOR CONSULTATION (STAGE 2)	19
9.4 PARKING MANAGEMENT OPERATING PROCEDURES.....	25
9.5 REVIEW OF ELECTRONIC GAMING MACHINE POLICY.....	30
9.6 NORTHCOTE PUBLIC GOLF COURSE	33
9.7 MERRI MERRI WAYI.....	38
9.10 GOVERNANCE REPORT (MARCH 2023).....	41
9.11 COUNCILLOR GIFT POLICY.....	49
9.12 COMMUNITY COMPLAINTS ABOUT A COUNCILLOR POLICY.....	50
9.13 TOWARDS ZERO - HOMELESSNESS IN DAREBIN	51
9.14 PROMOTING WOMEN AND GIRLS IN SPORT PARTNERSHIP AGREEMENT - YEAR FOUR OUTCOMES REPORT.....	52
9.15 CEO EMPLOYMENT MATTERS COMMITTEE CHARTER, CEO EMPLOYMENT AND REMUNERATION POLICY AND RECRUITMENT OF THE INDEPENDENT CHAIR OF THE CEO EMPLOYMENT MATTERS COMMITTEE	54

Table of Contents

Item Number		Page Number
10.	ITEMS TO BE TABLED	56
11.	NOTICES OF MOTION	56
12.	URGENT BUSINESS	56
	12.1 PRESENTATION OF COUNCIL'S PRESTON MARKET PETITION TO THE HON. SONIA KILKENNY MP, MINISTER FOR PLANNING	57
13.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	59
14.	CLOSE OF MEETING.....	60

MINUTES OF THE ORDINARY MEETING OF THE DAREBIN CITY COUNCIL HELD ON MONDAY 27 MARCH 2023

THE MEETING OPENED AT 6.01PM

The Mayor advised that the meeting was being streamed live and that the recording would be made available on Council's website.

1. OPENING OF MEETING AND MEMBERSHIP

Councillors

Cr. Julie Williams (Mayor) (Chairperson)
Cr. Susanne Newton (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Trent McCarthy
Cr. Susan Rennie

Council Officers

Peter Smith - Chief Executive Officer
Jodie Watson - General Manager Governance and Engagement
Sam Hewett - General Manager Operations and Capital
Kylie Bennetts - General Manager Community
Rachel Ollivier - General Manager City Sustainability and Strategy
Vanessa Petrie - Acting General Manager City Sustainability and Strategy
Jacinta Stevens - Manager Corporate Governance

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson, Mayor Williams, 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.

3. APOLOGIES

Cr. Lina Messina

4. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. McCarthy foreshadowed a conflict of interest in a possible confidential Urgent Business Item, and stated that he would make his declaration at that item if it was admitted onto the agenda.

Cr. Laurence declared a general interest in Item 9.6 Northcote Public Golf Course in relation to a family residential amenity located in close proximity to the Northcote Golf Course.

Peter Smith, CEO, declared an interest in relation to Item 9.15 "CEO Employment Matters Committee Charter, CEO Employment and Remuneration Policy and recruitment of the Independent Chair of the CEO Employment Matters Committee" and a conflict of interest in the Confidential Item 13.1 "CEO Performance Agreement".

Item 9.4, Vanessa Petrie, Acting General Manager City Sustainability and Strategy, indicated she previously had declared a conflict of interest, however has since sought further advice and confirmed that this was not a conflict.

5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

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

That the Minutes of the Ordinary Meeting of Council held on 27 February 2023 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

The Chairperson, Mayor Williams, made the following statement:

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

As the Mayor and Chairperson of this meeting, I understand that everyone has their own personal style when it comes to debating issues.

I want to remind everyone that there is a professional and respectful way in doing so, therefore it's important to maintain a civil tone and avoid raising one's voice.

7. QUESTION AND SUBMISSION TIME

The Chairperson, Cr Williams, called for community members present in the gallery to read out their questions or sought officers read out questions where community members were not in attendance. Officer responded to the following questions submitted for Public Question Time.

QUESTION AND SUBMISSION TIME**• Evie Wallace**

My question is asked on behalf of the not for profit organisation Sex Work Law Reform Victoria. Some Councils require small businesses to obtain business permits to trade in public places, such as a footpath trading permit or a roadside trading permit. Will street-based sex workers be required to obtain any permits following the planning scheme changes to support the decriminalisation of sex work?

Response from Acting General Manager City Sustainability & Strategy

Thank you for your question, Evie.

The state government has introduced a suite of legislative changes to decriminalise sex work in Victoria.

This includes changes to planning legislation, and under this change street-based sex workers do not need to obtain planning permits and there are no other permits will be required from Council for street-based sex work.

• Mary Tawaf

Is the Council willing to oppose the erection of further 5G towers and demand that the existing 5G towers in Darebin be brought down before they cause 5G causal diseases and cancers in our families and Australians?

Councillors, I ask that you please provide:

1. The Health and Safety Risk Assessment for 5G.
2. The Environmental Impact Analysis for 5G.
3. The Insurance Indemnity Policy for the Equipment for 5G:
 - a) of the operation of that equipment, and
 - b) of the council.

Response from Acting General Manager City Sustainability & Strategy

Thank you for the further questions Mary.

As previously explained, the decision to allow 5G technology is within the Commonwealth's jurisdiction.

Council does not have decision making jurisdiction to oppose 5G technology, or to remove towers lawfully erected under Commonwealth and State laws.

Council is not familiar with the specific documents you refer to. Council is aware of the publicly available information published by the relevant Commonwealth authorities: the Australian Communications and Media Authority, and the Australian Radiation Protection and Nuclear Safety Agency.

If you still have concerns, I encourage you to contact the Federal Telecommunications Ombudsman.

- **Vasilios Tsalkos**

Officers acknowledged Vasilios submitted three questions however, they have been rejected in accordance with Council's Governance Rules 15.3. Jodie Watson, General Manager Governance & Engagement provided a general comment in response.

Response from General Manager Governance & Engagement

Where Council receives concerns or complaints related to the conduct of an individual Councillor or Councillors, those matters are dealt with either internally or referred externally confidentially and handled by an external agency.

Information pertaining to such matters is only released under particular circumstances, for example, if required by law or where a report or finding has been made publicly available.

Previously Council did not have a detailed policy outlining the way in which members of the community could make a complaint regarding Councillor's conduct.

Tonight, on the Council agenda is the draft Community Complaints about a Councillor policy, will be considered by Council, seeking endorsement to proceed to community consultation. I encourage you to provide any feedback through that consultation.

- **Leasa Cassai**

1. On behalf of the Small Business Owners of High St, we would like to know what the reasoning is on the change to the previous parking situation in Pender St, Wilcox St and Youngman St?
2. Why as rate payers, were the local businesses were not consulted or informed of the changes?
3. Can we allow business owners to apply for up to 2 permits for businesses without onsite parking the same as residents can?

Response from Acting General Manager City Sustainability & Strategy

Thank you for your questions Leasa.

The parking changes are being introduced to improve access for residents, their visitors, as well as people visiting the High Street activity centre.

Consultation letters were sent residents, and businesses on the east side of High Street.

This evening Council will consider a draft parking permit policy for community consultation. If endorsed, I would encourage you to participate in the consultation process.

The Manager will call you tomorrow to discuss further.

- **Carmen Muscat**

1. I understand a number of people have lodged statutory declarations with the Victorian Local Governance Association Inc giving notice of withdrawal of consent to be placed under surveillance by any device operated by any government bodies, including councils, including but not limited to facial recognition, number plate reading devices, audio recording devices and GPS - how does Council propose to accommodate these requests?
2. Is Council going to comply with the request of such people that all images and surveillance details relating to them be destroyed and what proof will you provide of this? I understand sworn affidavits testifying to the destruction have been requested.
3. Is Council aware that withdrawal of consent means that any further surveillance is a breach of the Surveillance Devices Act 1999 which can be penalised by fines or imprisonment?

Response from General Manager Operations & Capital

Thank you for your questions, Carmen.

Council will take your questions on notice to allow time for appropriate investigations.

Officers will respond directly to you once our investigations are complete.

- **Simon Templar**

1. Why is council enforcing the eviction of disabled pensioner from a commercial zoned property that has been rented as private housing since 2011?
2. Why is council enforcing the eviction of a resident from a commercial zoned 1 property that has been rented residentially since 2011?
3. Is there any way that a property in the municipality can be rezoned residential to prevent the eviction of a disabled pensioner?

Response from Acting General Manager City Sustainability & Strategy

Thank you for your questions, Simon

We can't share specific information about this case due to it being an ongoing investigation and because of Council's obligations under the Privacy and Data Protection Act 2014.

Regarding your questions 1 and 2, as the responsible authority under the Planning and Environment Act 1987, Council has an important duty to efficiently administer and enforce the planning scheme.

Council will always educate our community on planning controls and why it is important to comply with them. Council will, as a last resort, enforce compliance.

Regarding your third question, commercial 1 Zoning is the standard zoning for strip shopping centres such as this one and a planning permit is usually required. Council doesn't have a record for any permit application for this address.

- **Wendy Liddle**

1. For what projects or developments does the Darebin Council seek funding or intend to seek funding through the State Government-led 20-Minute Neighbourhood Initiative? Include projects or developments seeking partial or full funding. Include any current or intended projects, developments, initiatives, committees or advisory bodies. Include possible funding for any current or new projects, developments, Initiatives, committees or advisory bodies.
2. Given Australia is a parliamentary democracy, a growing number of people are concerned about the interference of foreign organisations such as the World Economic Forum, the W.H.O and the U.N. which are all unelected committees. In light of these concerns, can the council please confirm if the Urban Design Framework and The Streets for People project encompasses any of the 17 sustainable Development goals as outlined in Plan Melbourne, which were developed by the United Nations in 2015? I respectfully request that such a response be answered with a simple "Yes" or "No" Reply.

Response from Acting General Manager City Sustainability & Strategy

Thank you for the question Wendy.

The 20-minute neighbourhood program is about using land use and development planning principles to support the places we use and visit every day. It aims to give people the freedom and the choice to do more things locally. It also aims to make it easier for people to travel to different places across the city.

I understand there may be some community fear that the 20 minute city will stop people leaving their neighbourhood. I want to reassure that this is not the case.

Darebin Council is one of several municipalities that has received funding through the Victorian government's 20-minute neighbourhood Municipal Strategic Planning Project. Council received \$70,000 to help examine the features and facilities of Darebin's neighbourhood activity centres.

Regarding your question 2, Yes. Australia is a signatory to the United Nations 2030 Agenda for Sustainable Development.

The metropolitan strategy 'Plan Melbourne' forms part of all Victorian planning schemes, including Darebin, and consequently informs many strategies and plans.

- **Richard To**

1. What is the council's specific rules concerning dogs being leashed in public areas outside of dog parks?
2. Will the council consider sending out leaflets/flyers to enforce this? Unfortunately, residents in and around our area appear very entitled and when approached demand they have to see "paperwork" from the council to acknowledge it is not appropriate for dogs to be off-leash.

Response from Acting General Manager City Sustainability & Strategy

Thank you for your question, Richard.

Responsible ownership of dogs in public areas falls within the Domestic Animals Act 1994, where it states that a dog owner must have a dog on a lead or be in control when a dog is outside of a dog park.

Responsible pet ownership information is available on Council's website and there are multiple social media posts advocating for the safety of pets and people. This includes educating pet owners during regular park patrols by Council's Local Laws Officers.

Each year Council also sends animal registration renewals out to dog owners, which includes information about responsible pet ownership.

- **Voula Papathanasiou**

We would like to ask for some help with the ongoing problems regarding parking opposite my very frail and elderly parent's home at Dennis Street Northcote. The parking section on the side of the park seems to have now become a storage facility for caravans, boats, buses, trailers and unregistered vehicles. Many of which have been parked there for over 2 years. Can we please rectify and solve this problem by putting timed parking restrictions with a 2 or 3 hour time limit?

Response from Acting General Manager City Sustainability & Strategy

Thank you for your question, Voula.

I understand the Manager of the Sustainable Transport team called you this morning to describe the process for requesting a change for parking. Please don't hesitate to contact the transport team if you need more support.

I am aware of the parking on Dennis Street. Our Local Laws team have attended to check if any of the vehicles are unregistered so we could have them moved. No unregistered vehicles or trailers were found.

Parking management will be discussed tonight as an agenda item.

- **Peter Thomson**

The Manager Corporate Governance sought approval from the Mayor for the following statement to be responded to. Prior to a response being provided the CEO turned the following statement into a question.

Councillors and Senior staff of the City of Darebin.

Given the situation prevailing against the independent nation of Ukraine for now over a year, I call upon you to show visible support for this Democracy under siege by its superpower neighbour. We in this first world privileged nation take many things for granted but basic human rights, freedom of choice and association are fundamentals we should not allow to be eroded or denied in this the twenty first century.

I await your determination and formal response to this request at your earliest convenience.

Response from General Manager Community

Thank you for the statement, Peter.

In 2022, the Mayor made a public statement expressing deep concern about the conflict in Ukraine and extending Council's support and standing in solidarity with members of the Darebin Ukraine community, especially whose relatives and friends have been affected.

Council also reiterated its sustained and unwavering commitment to human rights and peace, be it locally and globally.

As a member of Welcoming Cities network and Refugee Welcome Zone, Darebin City Council continues to stand ready to welcome Ukraine refugees and work with our partners and local communities to provide support and assist with their settlement.

- **Geraldine Wood**

The federal government last week announced what the actual question will be, for the upcoming referendum in November.

"A proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal & Torres Strait Islander Voice.

Do you approve of this alteration?"

I would like to ask the Darebin Council, who represents rate payers, residents and business owners of Darebin, does the council support the proposed alternation to the constitution?

Response from General Manager Community

Council is seeking views and advice from the Darebin Aboriginal Advisory Committee and the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. We are also listening to ongoing community conversations following the critical principle of letting Aboriginal people and community voices lead on this matter. In due time, having followed cultural protocols, Council may take a more definitive position.

- **Marion Attwater**

1. In relation to Item 9.3 Parking Permit Policy for Consultation - Why should the public accept that the peer review at attachment C to report 9.3 is indeed written by an independent expert? There is nothing in the officers report or attachment C that describes the qualifications or expertise of the alleged peer reviewer, nor is there any description of potential competing interests that might interfere with the independence of the peer review recommendations.
2. In relation to Item 9.3 Parking Permit Policy for Consultation - Can the legal review of the Draft Parking Permit Policy please be made available for public inspection? It is surely a matter of public interest that we can see whether the legal firm chosen to review the draft policy has any potential bias or competing interests.

3. In relation to Item 9.13 Towards Zero – Homelessness in Darebin, regarding the third dot point of the officer recommendations - “That Council undertakes advocacy work through M9 and the Northern Council Alliance for government funding to support initiatives to address and respond to homelessness including additional crisis and affordable housing, housing first and functional zero Approaches” I have checked the Darebin Council Annual Report 2021/22 and the Freedom of Information Part II Statement of 2022, and neither the M9 Alliance nor the Northern Council Alliance are listed as committees that hold meetings open to the public or whose minutes are publicly available. Is it possible that the Memorandums of Understanding of the M9 Alliance and the Northern Council Alliance with Darebin Council (and other Councils) do not properly address the overarching governance principle for public transparency?

Response from Acting General Manager City Sustainability & Strategy

Thank you for your question, Marion.

1. The peer review in the report is included in the meeting agenda. Stantec Australia are a registered engineering consultancy that have expertise in parking policy and have no known conflicts of interest.
2. A legal review was undertaken to ensure alignment with Council’s statutory obligations, and as this review is legally privileged, it can’t be shared.

Response from General Manager Community

3. With respect to the third question, Council has a range of partnerships, alliances and committees it participates in. The M9 and the Northern Council Alliance are partnerships guided by MoUs rather than joint Committees of Council, which has a range of requirements as prescribed in the Local Government Act.

- **Ruth Liston, Annette Kalkbrenner and Charlotte Frew**

We’ve received a series of like questions that have been grouped together in relation to the Northcote Golf Course, from Ruth Liston, Annette Kalkbrenner and Charlotte Frew regarding:

- Capital works investment
- Usage data
- Environmental impacts
- The State Government Grant
- The Melbourne Water drain
- The relationship with the Traditional Owners

Response from General Manager Operations & Capital

Thanks for your questions Ruth, Annette and Charlotte.

Council will consider an item on the Northcote Golf Course tonight and we encourage you to follow the meeting discussion and debate where some of your questions will be answered.

In relation to capital investment at the site, Council is currently preparing its draft budgets for 2023/24 and will give consideration to capital investments at the site.

In relation to usage data, officers haven't collected any data for usage of the open space at Northcote Golf Course to this point.

In relation to environmental impacts of works at the site, all works that could potentially impact flora and fauna, have been supported by external assessments and qualified staff supervision on site. This has included detailed tree assessments and site flora audits.

In relation to Bracken Creek, this is owned and managed by, and is the responsibility of, Melbourne Water so it will be best placed to answer your question in the first instance.

And finally, the relationship with Wurundjeri Woi Wurrung Cultural Aboriginal Heritage Corporation is an important one to Council and good progress has been made to date. No specific timeframe has been identified for this important work but discussions have been positive and professional and we're hopeful that the outcome will be an enduring relationship based on mutual respect and trust.

The Mayor acknowledged the next speaker, Carolyn Lunt for recently being awarded the Life Time Achievement Award at Darebin's Community Awards night.

- **Carolyn Lunt**

1. How many years does it take for a red gum to make hollows for habitats?
2. How many black tailed wallabies live on all Darebin's waterways?
3. Which indigenous plant is the wallabies preferred food?

Response from General Manager Operations & Capital

Congratulations Carolyn, and thank you for your questions.

In relation to your first question, while it does depend on the tree's specific location, and overall health, Red Gums are known to take up to 100 years to form natural hollows. These are usually the result of wind breakage, lightning strikes, termite and fungal attack.

Regarding the black tail wallabies, we don't have exact numbers of wallabies in Darebin however we are aware of a small population of swamp wallabies in the north, and isolated siting's around Thornbury and Northcote area. We think there are fewer than a dozen in the municipality.

Wallabies tend to eat mostly grasses but have been recorded eating newer shoots of many indigenous trees and shrubs, particularly young wattle saplings and tree violets.

8. PETITIONS

TABLING OF PETITION

Cr. Dimitriadis sought leave of the Council to table a petition concerning Improving traffic safety in the streets surrounding Thornbury High School.

Petition

That the petition signed by approximately 140 people and complies with the Councils Governance Rules, is noted and referred to the CEO for consideration and response.

PETITION SUMMARY AND BACKGROUND

This area is currently unsafe due to dangerous driving and a lack of safe places for people to cross roads. We think the current level of physical impediments and signage to slow traffic and prioritise pedestrians is badly lacking. This petition started through local residents of Collins and Jones streets coming together with the school community, after consistently hearing and seeing cars driving the wrong way and often speeding dangerously down the one-way street of Jones Street.

We all fear there is an accident waiting to happen as local residents, including young children and high school kids cross, these roads frequently. The Principal of Thornbury High school let us know he has been trying to improve Traffic safety in the area for years with limited success, further, as Jones Street has a rise near the one-way entry, we fear when we are driving our bikes or cars the correct way down the street, that it is only a matter of time before we are hit coming over the rise by a driver blindly speeding the wrong way.

ACTION PETITIONED FOR:

We are concerned citizens who urge our leaders to act now to increase signage and install a mix of physical impediments to slow traffic, avoid cars entering one-way streets the wrong way, and install zebra crossings to support the safe crossing of streets.

Submission

Ab Badrinarayanan made a 2 minute submission in relation to Item 8.1 – Petition Improving traffic safety in the streets surrounding Thornbury High School.

Submissions

With leave of the chair, the following submissions were made prior to the commencement of Item 9 Consideration of Reports.

Julian Gardner made a submission in relation to Item 9.3 – Parking Permit Policy – Summary of Consultation (Stage 1) and Draft Policy for Consultation (Stage 2).

Carmel Harty made a submission in relation to Item 9.5 Review of Electronic Gaming Machine Policy.

Carolyn Lunt made a submission in relation to Item 9.6 Northcote Public Golf Course.

PROCEDURAL MOTION TO CHANGE THE ORDER OF BUSINESS**Council Resolution**

MOVED: Cr. S Rennie
SECONDED: Cr. T Laurence

That Council change the order of business so that Item 9.1 Quarter 2 Financial Report Ending 31 January 2023 - Financial Performance and Mid-Year Forecast Update, Item 9.8 CT202283 Contract Award Supply and Haulage of Bulk Bins for DRRC and Item 9.9 CT202257 Stormwater Drainage Maintenance, are the first items to be considered, followed by the remaining items on the Agenda.

CARRIED UNANIMOUSLY

Cr. Laurence declared a conflict of interest in relation to the Procedural Motion below regarding Item 9.6 Northcote Public Golf Course due to a family residential amenity located in close proximity to the Northcote Golf Course.

6.57pm – Cr. Laurence left the Meeting.

PROCEDURAL MOTION TO DEFER ITEM 9.6 NORTHCOTE PUBLIC GOLF COURSE TO THE NEXT COUNCIL MEETING.**Council Resolution**

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

That Council defer Item 9.6 Northcote Golf Course to the next Council Meeting 24 April 2023.

LOST

For: Cr's Dimitriadis, Greco and Williams (3)
Against: Cr's Hannan, Rennie, Newton and McCarthy (4)

6.59pm – Cr. Laurence returned to the Meeting.

9. CONSIDERATION OF REPORTS

9.1 QUARTER 2 FINANCIAL REPORT ENDING 31 JANUARY 2023 - FINANCIAL PERFORMANCE AND MID-YEAR FORECAST UPDATE

- *Cr Dimitriadis questioned the requirements of section 97(3) of the Local Government Act*
- *The CEO took the question on notice*
- *The item was moved by Cr Hannan and seconded by Cr McCarthy*
- *The meeting was adjourned at 7.08pm due to technical livestreaming difficulties*
- *The meeting resumed at 7.13pm, at which time the CEO confirmed the requirements of section 97(3) were not contained within the report and withdrew the item until the April meeting.*

The Mayor moved onto Item 9.8 (as per change of order of business) at 7.13pm.

EXECUTIVE SUMMARY

Council is required by the *Local Government Act 2020* to prepare a Council Plan Action Plan containing the strategic objectives of Council, strategies for achieving those objectives, and indicators to monitor the achievements of those objectives.

The 2022-23 Quarter Two Financial Report provides an update of the Financial Report ending 31 January 2023 and mid-year annual forecast results.

For the seven months ended 31 January 2023, Council has recorded an operating surplus of \$61.65 million, which is \$1.49 million behind the year-to-date (YTD) budget. After eliminating capital and other items, the adjusted underlying surplus is \$60.98 million, which is \$1.71 million less than the full-year adopted budget. The forecast operating result for the year ending 30 June 2023 is an operating surplus of \$1.02 million, which is \$7.25 million less than budget. The forecast adjusted underlying deficit is \$0.10 million, which is \$7.62 million less than the budget surplus of \$7.52 million.

For the seven months ended 31 January 2023 Council's capital expenditures of \$31.3m is behind the YTD adopted budget of \$38.5m. Main drivers behind the YTD variance represents timing differences attributed to building, plant, machinery and equipment and roads. Q2 annual forecast capital expenditure of \$62.6m is \$3.6m less than the budgeted capital expenditure of \$66.2m.

For the seven months ended 31 January 2023 Council's cash (\$21.0M) and investment (\$14.2M) balance of \$35.2m is ahead of the YTD adopted budget of \$29.3m. YTD net current assets of \$79.0m is ahead of the YTD adopted budget of \$63.7m. Q2 annual forecast financial position shows a cash and investment position of \$48.9m and net current assets of \$22.5m.

After a thorough review by Finance, the mid-year budget (Q2 forecast) has been finalised. Results indicate a \$7.25 million net unfavourable outcome to Councils operating performance and \$3.51 million less than Council's adopted capital works budget.

Significant variances between forecast and the adopted budget include;

Revenue Items

- \$3.5M Financial Assistance Grant – 75% received previous FY – no indication from the State Government, thus far, same will occur this year.
- \$825k reduction in Right of Way proceeds relating to the sale of minor Council assets
- \$719k reduction in Bundoora Park Administration fees (transposition error causing budgeting error)
- \$300k reduced income in building permits due to a slow-down in the construction industry
- \$200k reduced legal fee recoveries relating to outstanding rate collections
- \$1.3m unbudgeted capital grant funding received (improvement)

Expenditure Items

- \$1.6m additional depreciation (non-cash) expense resulting from FY 2021-22 building revaluation
- \$480k increased IT license expenses attributed to increased license cost, Microsoft True Up and Oracle
- \$340k net additional expenses relating to Preston Market Standing Advisory Committee representation (planning panel) and advocacy project

Capital Works Program: Overall \$3.5m less than budget. Main drivers:

- \$3.7m improvement to Bill Lawry Oval Pavilion project due to a reduction in scope
- \$500k net budget carry forwards from previous FY (unfavourable)

Officer Recommendation

That Council notes the Financial Report for the seven months ended 31 January 2023, incorporating Mid-year annual forecast performance at **Appendix A**.

9.8 CT202283 CONTRACT AWARD SUPPLY AND HAULAGE OF BULK BINS FOR DRRC

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to award Contract CT202283 – Provision of Supply and Haulage of Bulk Bins to an appropriately qualified contractor.

Council sought to appoint a suitably qualified and experienced contractor to supply bulk bins and transport waste from the Darebin Resource Recovery Centre (DRRC) and the Operations Centre to a lawful place for disposal or resource recovery of such waste. The scope of the service includes:

- Provision of a hook truck and driver
- Supply of bins ranging from 12m³ to 31m³
- Removal of filled bins from the site and replace with clean empty bins of the same capacity in bin bay area

The appointment of a suitably qualified contractor for the supply and haulage of bulk bins was sought via a competitive open tender process. The tender evaluation panel has evaluated the tenders and recommended awarding the contract to the preferred tenderer.

The contract period of five (5) years fixed, with two (2) x (1 + 1) year extensions by mutual understanding. This report is a summary of the tender process, inclusive of submissions, evaluation and recommendations.

Council Resolution

MINUTE NO. 23-030

MOVED: Cr. S Rennie
SECONDED: Cr. S Newton

That Council:

- (1) Awards Contract CT202283 for the Supply and Haulage of Bulk Bins to **Citywide Service Solutions Pty Ltd** for an upper contract value of **\$\$5,750,307.15** (GST inclusive) over 7 years.
- (2) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.
- (3) Authorises the Chief Executive Officer to review and approve options for two x (1 + 1) year extensions, subject to satisfactory performance and operational requirements.

CARRIED UNANIMOUSLY

9.9

CT202257 STORMWATER DRAINAGE MAINTENANCE

EXECUTIVE SUMMARY

Maintenance of drainage assets across the City of Darebin is an essential service of Council. To optimise the maintenance of these assets, Council seeks to partner with suitable contractors to deliver these core services.

The City of Darebin sought tenders from suitably experienced, responsive and reliable contractors through a public tender process to provide drainage maintenance services via a panel arrangement.

The stormwater drainage maintenance panel tender proposes that contractors be appointed to four categories, with contractors being appointed to one or more of the categories, subject to the evaluation panel's recommendation. The categories are:

- Category 1 – Repair works relating to drainage maintenance, including emergency works
- Category 2 - Works relating to Closed Circuit Television (CCTV) of drainage assets
- Category 3 - Works relating to cleaning gross pollutant traps
- Category 4 - Works relating to pit and pipe relining

The panel contract will be in place for 5 years, with options to extend for a further two years. Exercising of the optional extension periods shall be at the sole discretion of Council and subject to the contractor's satisfactory performance during the term of the contract. The successful contractors will work closely with Council to ensure that Darebin's drainage assets are well maintained and function reliably and efficiently.

The tender evaluation panel has arrived at recommended lists of qualified and experienced contractors to partner with Council to deliver services across the four categories.

Council Resolution**MINUTE NO. 23-031****MOVED: Cr. T Hannan****SECONDED: Cr. S Rennie****That Council:**

- (1) Awards Contract CT202257 for Category 1, Works relating to drainage maintenance works, including emergency works, for an initial term of five years commencing on 1 June 2023 (fixed costs with annual adjusted CPI) to the following tenderers:
 1. **Broadford Excavation**
 2. **New Horizon Construction Pty Ltd**
 3. **Rezcon Concreting Australia**
- (2) Awards Contract CT202257 for Category 2, Works relating to Closed Circuit Television (CCTV) works, for an initial term of five years commencing on 1 June 2023 (fixed costs with annual adjusted CPI) to the following tenderers:

1. **Aussie Vac Trucks**
 2. **Environmental Services Group /TDG**
 3. **Plumbtrax Pty Ltd**
- (3) Awards Contract CT202257 for Category 3, Works relating to cleaning gross pollutant traps, for an initial term of five years commencing on 1 June 2023 (fixed costs with annual adjusted CPI) to the following tenderers:
1. **RA Bell & Co Pty Ltd**
 2. **Plumbtrax Pty Ltd**
- (4) Awards Contract CT202257 for Category 4, Works relating to pit and pipe relining, for an initial term of five years commencing on 1 June 2023 (fixed costs with annual adjusted CPI) to the following tenderer:
1. **Insituform Pacific**
- (5) Authorises the Chief Executive Officer to finalise and execute the contract documents on behalf of Council.
- (6) Authorises the Chief Executive Officer to review and approve options for two by one-year extensions subject to satisfactory performance reviews.

CARRIED UNANIMOUSLY

9.2 DELIBERATIVE ENGAGEMENT - REVIEW OF THE 10YR FINANCIAL PLAN AND COUNCIL PLAN

This item was withdrawn prior to the meeting by the General Manager Governance and Engagement.

EXECUTIVE SUMMARY

The purpose of this report is to establish the approach to deliberative engagement on the review of the 10 year Financial Plan and Council Plan adopted in June 2021. This report outlines the approach to establish a Deliberative Advisory Group and the dilemmas that will be provided to the Deliberative Advisory Group to deliberate on in relation to the 10yr Financial Plan and Council Plan (incorporating the Municipal Health and Wellbeing Plan).

The past 24 months has been a challenging time for all levels of government to manage financial priorities in the context of global events, rates capping, increasing interest rates and significantly high inflation rates. As a result of the changed economic landscape, Council's Long Term Financial Outlook has worsened significantly since its adoption in 2021, requiring review of the 10yr Financial Plan and the adopted Council Plan.

Recommendation

That Council:

- (1) Endorses the establishment of a Deliberative Advisory Group comprising volunteer members (via an expression of interest process) from across Council's Advisory Committees with a cross representation of the Darebin community, in addition to members of Council's Deliberative Panel established in 2021 to establish Council's 2041 Community Vision and to inform the establishment of the 10yr Financial Plan and 2021-25 Council Plan (incorporating the Municipal Health and Wellbeing Plan).
- (2) Endorses the following dilemmas for the Deliberative Advisory Group to deliberate on the review of the Council Plan (incorporating the Municipal Health and Wellbeing Plan) and the 10 year Financial Plan:
 - Should Council consider new revenue streams (i.e. paid marketing signage, paid parking in off street parking properties, cost recovery model for use of Council owned properties) to cover the costs that Council are currently absorbing or to subsidise other community priorities?
 - For Council to reduce expenditure, it may need to consider reducing or stopping services that it is not legally obliged to provide. How should Council identify and prioritise the "discretionary" services that should continue, stop, reduce or start?
- (3) Notes a further report will be brought back to Council with the outcome of deliberative engagement.

9.3 **PARKING PERMIT POLICY - SUMMARY OF CONSULTATION (STAGE 1) AND DRAFT POLICY FOR CONSULTATION (STAGE 2)**

EXECUTIVE SUMMARY

This report presents:

- The results of the October – November Parking Permit Policy community engagement, and
- A recommended draft Parking Permit Policy for further community engagement.

Between October and November 2022 Council consulted with the community on [four options](#) around how our existing Parking Permit Policy could be improved, along with a number of questions. Over 700 people participated through a variety of methods, and over 630 people completed the engagement survey.

Engagement showed diverse community views, which reflects diverse resident needs for parking.

Officers have developed a draft policy and are recommending it is released for further community engagement. To develop the draft, officers considered community feedback, completed a technical analysis and commissioned a peer review by an independent transport expert.

Of the four options presented to the community in October – November 2022, a draft policy similar to option 1 has been prepared.

The draft Policy recommends:

- Retaining the ‘2004 Rule’ but allowing single dwellings on a lot built after 2004 to access permits
- Introducing new parking permit types, including Visitor, Service and Carer
- Allowing consideration of exceptional circumstances within the Policy
- A new ‘User Pays’ Permit
- Updating the definition of ‘off-street’ parking
- Discontinuing Temporary and Transferable Parking Permits

In December 2004 Council introduced requirements in the planning scheme to ensure new developments include enough parking spaces on-site to meet the parking needs of its residents, to manage the impact new developments have on on-street parking. Since December 2004, residents of new developments have not been eligible for resident and temporary parking permits as their parking needs should be met within their property or development boundary.

Officers are recommending retaining the ‘2004 rule’ and consider this is the most appropriate way of managing a limited resource that, when demand exceeds supply, gives rise to safety and access risks. This approach aligns with national transport standards and the policies of other Councils in seeking to allocate parking.

Allowing newer developments to access parking permits may contribute to poorer safety outcomes through increased parking pressure, traffic congestion, and access problems.

While these impacts may not be felt in the short-term, officers consider that they will eventuate in future as the population increases, and dwelling types change.

Officer Recommendation

That Council:

- (1) Endorses community consultation on the draft Parking Permit Policy at **Appendix A**.
- (2) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement.

Motion

MOVED: Cr. E Dimitriadis

SECONDED: Cr. G Greco

That Council:

- (1) Endorses community consultation on the draft Parking Permit Policy at **Appendix A**, with the following amendments:
 - a) On page 6, under the sub-heading 'Eligible dwellings' add the following dot point:
 - i. "Dwellings built between 20 December 2004 and adoption of this policy in 2023 as part of a new development or subdivision resulting in 2 dwellings on the original lot AND did not have a planning permit granted for a parking waiver or reduction in the minimum car parking requirements"
 - b) On page 6, under the sub-heading 'Ineligible dwellings' replace "Dwellings built on or after 21 December 2004 as part of a development of 2 or more dwellings on a lot" with:
 - i. "Dwellings built after 21st December 2004 as part of a development of 3 or more dwellings on a lot."
 - c) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Dwellings that are eligible for a residential permit, and have two or more cars registered to an address, and the number of cars registered at that address exceeds the number of off-street parking spaces. Only one permit of this type is allowed, with a maximum of two Resident Permits per dwelling. The following dwellings are excluded: medium and high density developments with 3 or more dwellings on a lot, and, 2 dwellings on a lot built after adoption of this policy in 2023."
 - d) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Where a resident is required to store a commercial vehicle at their residential property, this is will be considered where:
 - The resident can demonstrate they have insufficient space to store their commercial vehicle within their property
 - Provide evidence that the vehicle is a work vehicle and not for

personal use.”

- (2) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement

Cr. Rennie proposed the following amendment, to replace the number “2” with “3” in point (1) c) i.

The mover and seconder of the motion did not consent to the amendment.

Amendment

MOVED: Cr. S Rennie
SECONDED: Cr. S Newton

That Council:

- (1) Endorses community consultation on the draft Parking Permit Policy at **Appendix A, with the following amendments:**
- b) On page 6, under the sub-heading ‘Eligible dwellings’ add the following dot point:
 - i. “Dwellings built between 20 December 2004 and adoption of this policy in 2023 as part of a new development or subdivision resulting in 2 dwellings on the original lot AND did not have a planning permit granted for a parking waiver or reduction in the minimum car parking requirements”
 - c) On page 6, under the sub-heading ‘Ineligible dwellings’ replace “Dwellings built on or after 21 December 2004 as part of a development of 2 or more dwellings on a lot” with:
 - i. “Dwellings built after 21st December 2004 as part of a development of 3 or more dwellings on a lot.”
 - d) On page 15, Appendix B: Extenuating Circumstances, under the heading “Circumstances where an extenuating permit would be granted with supporting documentation” add the following dot point:
 - i. “Dwellings that are eligible for a residential permit, and have two or more cars registered to an address, and the number of cars registered at that address exceeds the number of off-street parking spaces. Only one permit of this type is allowed, with a maximum of two Resident Permits per dwelling. The following dwellings are excluded: medium and high density developments with 3 or more dwellings on a lot, and, **3** dwellings on a lot built after adoption of this policy in 2023.”
 - e) On page 15, Appendix B: Extenuating Circumstances, under the heading “Circumstances where an extenuating permit would be granted with supporting documentation” add the following dot point:
 - i. “Where a resident is required to store a commercial vehicle at their residential property, this is will be considered where:
 - The resident can demonstrate they have insufficient space to store their commercial vehicle within their property
 - Provide evidence that the vehicle is a work vehicle and not for personal use.”
- (2) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement.

LOST

For: Cr's Hannan, Rennie, Newton and McCarthy (4)

Against: Cr's Dimitriadis, Laurence, Greco and Williams (4)

The motion was lost on the casting vote of the Mayor.

Cr. Hannan proposed the following amendment, to remove point d) from the motion.

The mover and seconder of the motion did not consent to the amendment.

Amendment

MOVED: Cr. T Hannan

SECONDED: Cr. S Newton

That Council:

- (1) Endorses community consultation on the draft Parking Permit Policy at Appendix A, with the following amendments:
 - a) On page 6, under the sub-heading 'Eligible dwellings' add the following dot point:
 - i. "Dwellings built between 20 December 2004 and adoption of this policy in 2023 as part of a new development or subdivision resulting in 2 dwellings on the original lot AND did not have a planning permit granted for a parking waiver or reduction in the minimum car parking requirements"
 - b) On page 6, under the sub-heading 'Ineligible dwellings' replace "Dwellings built on or after 21 December 2004 as part of a development of 2 or more dwellings on a lot" with:
 - i. "Dwellings built after 21st December 2004 as part of a development of 3 or more dwellings on a lot."
 - c) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Dwellings that are eligible for a residential permit, and have two or more cars registered to an address, and the number of cars registered at that address exceeds the number of off-street parking spaces. Only one permit of this type is allowed, with a maximum of two Resident Permits per dwelling. The following dwellings are excluded: medium and high density developments with 3 or more dwellings on a lot, and, **3** dwellings on a lot built after adoption of this policy in 2023."
 - ~~d) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Where a resident is required to store a commercial vehicle at their residential property, this is will be considered where:
 - The resident can demonstrate they have insufficient space to store their commercial vehicle within their property
 - Provide evidence that the vehicle is a work vehicle and not for personal use."~~

- (2) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement.

LOST

For: Cr's Hannan, Rennie, Newton and McCarthy (4)

Against: Cr's Dimitriadis, Laurence, Greco and Williams (4)

The motion was lost on the casting vote of the Mayor.

The substantive motion as moved by Cr. Dimitriadis then became the Council Resolution as follows:

Council Resolution

MINUTE NO. 23-032

MOVED: Cr. E Dimitriadis

SECONDED: Cr. G Greco

That Council:

- (1) Endorses community consultation on the draft Parking Permit Policy at Appendix A, with the following amendments:
- a) On page 6, under the sub-heading 'Eligible dwellings' add the following dot point:
 - i. "Dwellings built between 20 December 2004 and adoption of this policy in 2023 as part of a new development or subdivision resulting in 2 dwellings on the original lot AND did not have a planning permit granted for a parking waiver or reduction in the minimum car parking requirements"
 - b) On page 6, under the sub-heading 'Ineligible dwellings' replace "Dwellings built on or after 21 December 2004 as part of a development of 2 or more dwellings on a lot" with:
 - i. "Dwellings built after 21st December 2004 as part of a development of 3 or more dwellings on a lot."
 - c) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Dwellings that are eligible for a residential permit, and have two or more cars registered to an address, and the number of cars registered at that address exceeds the number of off-street parking spaces. Only one permit of this type is allowed, with a maximum of two Resident Permits per dwelling. The following dwellings are excluded: medium and high density developments with 3 or more dwellings on a lot, and, 2 dwellings on a lot built after adoption of this policy in 2023."
 - d) On page 15, Appendix B: Extenuating Circumstances, under the heading "Circumstances where an extenuating permit would be granted with supporting documentation" add the following dot point:
 - i. "Where a resident is required to store a commercial vehicle at their residential property, this is will be considered where:
 - The resident can demonstrate they have insufficient space to store their commercial vehicle within their property
 - Provide evidence that the vehicle is a work vehicle and not for

personal use.”

- (2) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement

CARRIED

For: Cr's Dimitriadis, Laurence, Greco and Williams (4)

Against: Cr's Hannan, Rennie and Newton (3)

Abstained: Cr. McCarthy (1)

The motion was carried on the casting vote of the Mayor.

9.4 PARKING MANAGEMENT OPERATING PROCEDURES

EXECUTIVE SUMMARY

This Council report responds to the:

- 24 October 2022 Council resolution on car parking management, and describes how on-street parking requests for change are currently managed, and what alternatives there might be to consider parking changes
- 28 November 2022 Council resolution on engagement on parking matters and the establishment of a community advisory group.

Managing on-street parking effectively improves safety, access and the performance of Darebin's transport network.

Parking change management is administered by Council's transport engineers. Officers manage parking changes by using statutory powers and functions delegated to them. In almost all cases, the affected community is asked for their input. Decisions are guided by what legislation requires Council to consider and do, by nationally accepted road management standards and codes, and by relevant Council policies and strategies (for example, the *Darebin Transport Strategy* and *Community Engagement Policy*).

Parking restrictions are reviewed, and changes are considered when:

- A safety or access problem caused by high parking demand or unsafe parking is identified
- A resident and/or business asks for a change to be made in their street, and the street is experiencing high parking demand
- It is a planning permit requirement
- A major development or project changes parking demand and supply (for example, the Level Crossing Removal Project)

In all circumstances, for Council to discharge its obligations under the *Road Management Act*, it is required that the Coordinator Transport Engineering retains delegation to make and implement parking changes *at their discretion* when a safety or access problem needs immediate action.

This report describes the management process that officers follow, and provides advice on alternative management and engagement options such as:

- 'Calling in' some parking management decisions to Council
- Convening community workshops to support the existing parking change process
- Establishing an advisory committee.

Officer Recommendation

That Council notes this report and Council's current process for managing parking.

Motion

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

That Council

- (1) Notes this report and Council's current process for managing parking.
- (2) Endorse the following amendments to Council's current process as follows:
 - a) Transport engineers will have discretion to make a safety or access assessments, and if needed implement a parking change, using their professional judgement and expertise, informed by many codes, standards, guides, statutory rules, as well as Council strategies and policies. In these instances, residents in the street and affected area will receive clear communication that transparently describes why such proactive safety or access parking changes are needed.
 - b) Where the residents seek a request for an investigation to install parking restrictions in their street, 25% of owners and residents of the affected street and area need to apply to Council to request an investigation to install parking restrictions in that street.
 - c) Council Transport Engineers assess the application and if the average parking demand in that street is more than 85% for a period of 5 hours (as per the Austroads Guide to Traffic Management, as well as best practice approach), then Council is to investigate whether parking restrictions are appropriate for that street. Where the '85% occupancy' rule fails, Council will not proceed with investigating the street and applicants be advised accordingly.
 - d) If Council is to investigate the street, Council must survey the owners and residents in the impacted street and nearby area to determine the level of support.
 - e) Council will only install the restrictions if:
 - i. at least 25 per cent of the affected area responds, and
 - ii. at least 60 per cent of the responses are in support of the proposal.
 - f) Council then advises all owners and residents (included the surveyed owners) of the street and area, of the outcome of the survey.
 - g) If supported, the parking restriction signage will be installed in four to six weeks.
- (3) Updates the 'Request for Parking Change' form and the council website to advise applicants that if their street does not meet the '85% occupancy' rule, Council will not proceed with investigating the street.
- (4) Authorises the CEO to update the parking change operating procedure to implement the processes at points 2 a., b., c., d., e (i) (ii), f., and g. above.

Cr. Rennie proposed the following amendment to point e) of the motion;

- e) Council will only install the restrictions if:
 - i. at least 25 per cent of the affected area responds, and
 - ii. at least 60 per cent of the responses are in support of the proposal **from people eligible to receive parking permits.**

The mover and seconder of the motion did not consent to the amendment.

Amendment

MOVED: Cr. S Rennie

SECONDED: Cr. S Newton

That Council

- (1) Notes this report and Council's current process for managing parking.
- (2) Endorse the following amendments to Council's current process as follows:
 - a) Transport engineers will have discretion to make a safety or access assessments, and if needed implement a parking change, using their professional judgement and expertise, informed by many codes, standards, guides, statutory rules, as well as Council strategies and policies. In these instances, residents in the street and affected area will receive clear communication that transparently describes why such proactive safety or access parking changes are needed.
 - b) Where the residents seek a request for an investigation to install parking restrictions in their street, 25% of owners and residents of the affected street and area need to apply to Council to request an investigation to install parking restrictions in that street.
 - c) Council Transport Engineers assess the application and if the average parking demand in that street is more than 85% for a period of 5 hours (as per the Austroads Guide to Traffic Management, as well as best practice approach), then Council is to investigate whether parking restrictions are appropriate for that street. Where the '85% occupancy' rule fails, Council will not proceed with investigating the street and applicants be advised accordingly.
 - d) If Council is to investigate the street, Council must survey the owners and residents in the impacted street and nearby area to determine the level of support.
 - e) Council will only install the restrictions if:
 - i. at least 25 per cent of the affected area responds, and
 - ii. at least 60 per cent of the responses are in support of the proposal **from people eligible to receive parking permits.**
 - f) Council then advises all owners and residents (included the surveyed owners) of the street and area, of the outcome of the survey.
 - g) If supported, the parking restriction signage will be installed in four to six weeks.
- (3) Updates the 'Request for Parking Change' form and the council website to advise applicants that if their street does not meet the '85% occupancy' rule, Council will not proceed with investigating the street.
- (4) Authorises the CEO to update the parking change operating procedure to implement the processes at points 2 a., b., c., d., e (i) (ii), f., and g. above.

LOST

For: Cr's Hannan, Rennie, Newton and McCarthy (4)

Against: Cr's Dimitriadis, Laurence and Greco (3)

Abstained: Cr. Williams (1)

The motion was lost on the casting vote of the Mayor.

Cr. Dimitriadis proposed the following amendment to point e) of the motion;

- e) Council will only install the restrictions if:
 - i. at least 25 per cent of the affected area responds (**excluding medium and high density dwellings**), and
 - ii. at least 60 per cent of the responses **received from people (excluding medium and high density dwellings)**

The mover and seconder of the motion did not consent to the amendment.

8.13pm – The meeting adjourned for a brief break.

8.26pm – The meeting resumed.

Cr. Dimitriadis withdrew her proposed amendment to the motion.

Procedural Motion

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

That Council defer Item 9.4 Parking Management Operating Procedures, with the substantive motion as moved by Cr. Greco and seconded by Cr. Laurence below, to be tabled as is at the next Council Meeting, 24 April 2023:

That Council

- (1) *Notes this report and Council's current process for managing parking.*
- (2) *Endorse the following amendments to Council's current process as follows:*
 - a. *Transport engineers will have discretion to make a safety or access assessments, and if needed implement a parking change, using their professional judgement and expertise, informed by many codes, standards, guides, statutory rules, as well as Council strategies and policies. In these instances, residents in the street and affected area will receive clear communication that transparently describes why such proactive safety or access parking changes are needed.*
 - b. *Where the residents seek a request for an investigation to install parking restrictions in their street, 25% of owners and residents of the affected street and area need to apply to Council to request an investigation to install parking restrictions in that street.*
 - c. *Council Transport Engineers assess the application and if the average parking demand in that street is more than 85% for a period of 5 hours (as per the Austroads Guide to Traffic Management, as well as best practice approach), then Council is to investigate whether parking restrictions are appropriate for that street. Where the '85% occupancy' rule fails, Council will not proceed with investigating the street and applicants be advised accordingly.*
 - d. *If Council is to investigate the street, Council must survey the owners and residents in the impacted street and nearby area to determine the level of support.*
 - e. *Council will only install the restrictions if:*
 - i. *at least 25 per cent of the affected area responds, and*
 - ii. *at least 60 per cent of the responses are in support of the proposal.*

- f. Council then advises all owners and residents (included the surveyed owners) of the street and area, of the outcome of the survey.*
- g. If supported, the parking restriction signage will be installed in four to six weeks.*
- (3) Updates the 'Request for Parking Change' form and the council website to advise applicants that if their street does not meet the '85% occupancy' rule, Council will not proceed with investigating the street.*
- (4) Authorises the CEO to update the parking change operating procedure to implement the processes at points 2 a., b., c., d., e (i) (ii), f., and g. above.*

CARRIED

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

Against: Cr's Dimitriadis, Laurence and Greco (3)

9.5 REVIEW OF ELECTRONIC GAMING MACHINE POLICY

EXECUTIVE SUMMARY

The draft 2023-2027 Darebin Electronic Gaming Machine Policy reflects Council's commitment to reducing harm associated with Electronic Gaming Machine (EGM) gambling within the Darebin community. It is proposed that this policy is supported by a draft Action Plan.

This report to Council presents literature review on gambling (**Appendix A**) and initial community engagement undertaken in 2022 on the 2018-2022 Policy (**Appendix B**) which have informed the development of the Minimising Harm from Pokies: Draft Darebin Electronic Gaming Machine Policy 2023-2027 (**Appendix C**). A draft Action Plan (**Appendix D**) has also been prepared to implement the Draft Darebin Electronic Gaming Machine Policy over the life of the Policy.

The draft Policy proposes a move from the current graduated Policy to a Policy that seeks compliance and outlines a process for Council to make decisions when a breach of the Policy occurs.

The purpose of this paper is to seek Council endorsement of the draft Policy and draft Action Plan for the purposes of community engagement to inform Council decision making on the final Policy and Action Plan later in 2023.

Officer Recommendation

That Council:

- (1) Endorses the 2023-2027 draft Minimising Harm from Pokies: Draft Darebin Electronic Gaming Machine Policy and draft Action Plan 2023-2027 for the purposes of public exhibition to receive community feedback from 03 April to 23 April 2023.
- (2) Notes the community feedback received through the exhibition process will be provided to Council to inform decision making on a final Policy and Action Plan later in 2023.

Motion

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

That Council:

- (1) Endorses the 2023-2027 draft Minimising Harm from Pokies: Draft Darebin Electronic Gaming Machine Policy and draft Action Plan 2023-2027 for the purposes of public exhibition to receive community feedback from 03 April to 23 April 2023 **with the following changes:**
 - a) Under the section 'Policy Statements':
 - i. 1.1.1.1 Amends the following statement to – 'Councillors and Council staff **will not attend** gambling venues when representing Council in an official capacity subject to policy exceptions identified'.
 - ii. 1.1.1.2 Adds an additional dot point that reads – 'Within the first 6 months of implementation of this policy, Council commits to **using its best**

endeavours within business-as-usual resources to supporting all community groups, clubs, organisations, associations and businesses, especially those that are multilingual, to educate and inform them of the new changes included in this policy as well as assist them to fulfil their future obligations, in appropriate languages, **through the implementation of the Action Plan.”**

- b) Under the section ‘Breach of Policy’ amend as follows:
- i. *The previous policy 2018 - 2022 outlined a four-year developmental approach to supporting groups to become compliant with the Policy. With the review, the draft Policy proposes a move from a graduated policy to one that seeks compliance.*
 - ii. *If there has been a breach, the draft Policy proposes that officers will **consider** ~~explore~~ the reason behind the breach and **immediately implement with the club or group** ~~provide this information and a recommendation to Council for a decision. Recommendations may include a diversion plan to support and encourage compliance in a capacity building way.~~*
 - iii. *Where a club or group continues to intentionally breach the Policy, **despite the best efforts of officers to support and encourage compliance in a capacity building way through a diversion plan**, this may ultimately result in Council resolving to withdraw funds or hiring of venues, however this will ultimately be a decision for Council.*
- (2) Notes the community feedback received through the exhibition process will be provided to Council to inform decision making on a final Policy and Action Plan later in 2023.

The motion was put and carried and became the council resolution as follows:

Council Resolution

MINUTE NO. 23-033

MOVED: Cr. S Rennie

SECONDED: Cr. G Greco

That Council:

- (1) Endorses the 2023-2027 draft Minimising Harm from Pokies: Draft Darebin Electronic Gaming Machine Policy and draft Action Plan 2023-2027 for the purposes of public exhibition to receive community feedback from 03 April to 23 April 2023 with the following changes:
- a) Under the section ‘Policy Statements’:
 - i. 1.1.1.1 Amends the following statement to – ‘Councillors and Council staff will not attend gambling venues when representing Council in an official capacity subject to policy exceptions identified’.
 - ii. 1.1.1.2 Adds an additional dot point that reads – ‘Within the first 6 months of implementation of this policy, Council commits to using its best endeavours within business-as-usual resources to supporting all community groups, clubs, organisations, associations and businesses, especially those that are multilingual, to educate and inform them of the new changes included in this policy as well as assist them to fulfil their future obligations, in appropriate languages, through the implementation of the Action Plan.”
 - b) Under the section ‘Breach of Policy’ amend as follows:

- i. *The previous policy 2018 - 2022 outlined a four-year developmental approach to supporting groups to become compliant with the Policy. With the review, the draft Policy proposes a move from a graduated policy to one that seeks compliance.*
 - ii. *If there has been a breach, the draft Policy proposes that officers will consider the reason behind the breach and implement with the club or group a diversion plan to support and encourage compliance in a capacity building way.*
 - iii. *Where a club or group continues to intentionally breach the Policy, despite the best efforts of officers to support and encourage compliance in a capacity building way through a diversion plan, this may ultimately result in Council resolving to withdraw funds or hiring of venues, however this will ultimately be a decision for Council.*
- (2) Notes the community feedback received through the exhibition process will be provided to Council to inform decision making on a final Policy and Action Plan later in 2023.

CARRIED UNANIMOUSLY

9.6

NORTHCOTE PUBLIC GOLF COURSE

Cr. Laurence declared a conflict of interest in relation to Item 9.6 Northcote Public Golf Course due to a family residential amenity located in close proximity to the Northcote Golf Course.

8.36pm – Cr. Laurence left the Meeting.

EXECUTIVE SUMMARY

Following Council's meeting on 23 May 2022, Council resolved to implement 'option A' shared-use of the Northcote Golf Course site, including decommissioning the southernmost hole. This option allowed for the retention of a 9-hole golf course, whilst setting aside 5.72 hectares of open space for broader community use.

When considering a Notice of Motion raised at the meeting held on 27 February 2023, Council resolved to call for a report at the March 2023 Ordinary Meeting of Council to consider how a \$200,000 State Government grant could be spent to further Council's objectives at the golf course.

Officer Recommendation**That Council:**

- (1) Notes the State Government's \$200,000 grant criteria and conditions for the Northcote Golf Course as confirmed by representatives at Sport & Recreation Victoria (SRV):
 - a) Designs for golf course/construction of new fairway, green and tees/decommission southern fairway (\$30,000);
 - b) Designs and due diligence of new eastern pedestrian and cycling pathway (from Warrk-Warrk Bridge to Normanby Avenue) (\$70,000);
 - c) Designs and due diligence of new northern park adjacent to Mayer Park (\$90,000); and
 - d) Designs and due diligence of improvements to the golf clubrooms to support community use (\$10,000).
- (2) Accepts the \$200,000 grant funding offered by the State Government and delegates to the Chief Executive Officer to finalise the negotiations with SRV and to execute the funding agreement.
- (3) Allocates the \$30,000 of the \$200,000 grant described in 1a above for a golf course masterplan/concept plan undertaken by a golf course architect to help inform any future investment in golf and non-golf improvements to the site
- (4) Receives a report from officers when the masterplan/optimal layout plan is complete later in 2023 or in early 2024.
- (5) Notes that the grant is for design and due diligence work only and that completion of work following design is subject to funding being allocated by Council in future capital works budgets.

- (6) Notes that whilst the completion of a masterplan/concept plan for the 9 hole layout will be useful to inform future investment in golf and non-golf improvements to the site, further expenditure would be required to progress a revised 9 hole layout to “shovel ready status”. This would include consideration of staging, detailed design, documentation, procurement costs and a feasibility study to consider how to maximise private investment in the future redevelopment of the golf course.

Motion

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

That Council:

- (1) Notes the State Government’s \$200,000 grant criteria and conditions for the Northcote Golf Course as confirmed by representatives at Sport & Recreation Victoria (SRV):
- a) Designs for golf course/construction of new fairway, green and tees/decommission southern fairway (\$30,000);
 - b) Designs and due diligence of new eastern pedestrian and cycling pathway (from Warrk-Warrk Bridge to Normanby Avenue) (\$70,000);
 - c) Designs and due diligence of new northern park adjacent to Mayer Park (\$90,000); and
 - d) Designs and due diligence of improvements to the golf clubrooms to support community use (\$10,000)
- (2) Accepts the \$200,000 grant funding offered by the State Government and delegates to the Chief Executive Officer to finalise the negotiations with SRV and to execute the funding agreement.
- (3) Allocates the \$30,000 of the \$200,000 grant described in 1a above for a golf course masterplan/concept plan undertaken by a golf course architect to help inform any future investment in golf and non-golf improvements to the site
- (4) Receives a report from officers when the masterplan/optimal layout plan is complete later in 2023 or in early 2024.
- (5) Notes that the grant is for design and due diligence work only and that completion of work following design is subject to funding being allocated by Council in future capital works budgets.
- (6) Notes that whilst the completion of a masterplan/concept plan for the 9 hole layout will be useful to inform future investment in golf and non-golf improvements to the site, further expenditure would be required to progress a revised 9 hole layout to “shovel ready status”. This would include consideration of staging, detailed design, documentation, procurement costs and a feasibility study to consider how to maximise private investment in the future redevelopment of the golf course.
- (7) **Works with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Darebin Aboriginal Advisory Committee, local residents and other interested stakeholders to seek Council endorsement to begin a process to name the areas of open space at the Northcote Golf Course in Woi-wurrung language or after Woi-wurrung People, as per Council’s Place and Road Naming Policy and identified naming opportunities for 2023/24, as for consultation after endorsement on 28 November 2022.**

Procedural Motion

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

That Council defer this item to the next Council Meeting, 24 April 2023.

LOST

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

Against: Cr's Hannan, Rennie, Newton, and McCarthy (4)

Cr. Dimitriadis proposed the following amendment, to add point (8), to the motion:

- (8) Receives all the design and due diligence reports together (as described in points 1(a), (b), (c), (d) and point 3 above, as well as the report from officers in point 4), at the November 2023 Ordinary Council meeting. No spending, community consultation or works are to be undertaken at the Northcote Golf Course precinct until council receives all these reports.

The mover and seconder of the motion did not consent to the amendment.

Amendment

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

That Council:

- (1) Notes the State Government's \$200,000 grant criteria and conditions for the Northcote Golf Course as confirmed by representatives at Sport & Recreation Victoria (SRV):
 - a) Designs for golf course/construction of new fairway, green and tees/decommission southern fairway (\$30,000);
 - b) Designs and due diligence of new eastern pedestrian and cycling pathway (from Warrk-Warrk Bridge to Normanby Avenue) (\$70,000);
 - c) Designs and due diligence of new northern park adjacent to Mayer Park (\$90,000); and
 - d) Designs and due diligence of improvements to the golf clubrooms to support community use (\$10,000).
- (2) Accepts the \$200,000 grant funding offered by the State Government and delegates to the Chief Executive Officer to finalise the negotiations with SRV and to execute the funding agreement.
- (3) Allocates the \$30,000 of the \$200,000 grant described in 1a above for a golf course masterplan/concept plan undertaken by a golf course architect to help inform any future investment in golf and non-golf improvements to the site.
- (4) Receives a report from officers when the masterplan/optimal layout plan is complete later in 2023 or in early 2024.
- (5) Notes that the grant is for design and due diligence work only and that completion of work following design is subject to funding being allocated by Council in future capital works budgets.

- (6) Notes that whilst the completion of a masterplan/concept plan for the 9 hole layout will be useful to inform future investment in golf and non-golf improvements to the site, further expenditure would be required to progress a revised 9 hole layout to “shovel ready status”. This would include consideration of staging, detailed design, documentation, procurement costs and a feasibility study to consider how to maximise private investment in the future redevelopment of the golf course.
- (7) Works with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Darebin Aboriginal Advisory Committee, local residents and other interested stakeholders to seek Council endorsement to begin a process to name the areas of open space at the Northcote Golf Course in Woi-wurrung language or after Woi-wurrung People, as per Council’s Place and Road Naming Policy and identified naming opportunities for 2023/24, as for consultation after endorsement on 28 November 2022.
- (8) **Receives all the design and due diligence reports together (as described in points 1(a), (b), (c), (d) and point 3 above, as well as the report from officers in point 4), at the November 2023 Ordinary Council meeting. No spending, community consultation or works are to be undertaken at the Northcote Golf Course precinct until council receives all these reports.**

LOST

For: Cr’s Dimitriadis, Greco and Williams (3)

Against: Cr’s Hannan, Rennie, Newton, and McCarthy (4)

The substantive motion was then put and carried and became the council resolution as follows:

Council Resolution

MINUTE NO. 23-034

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That Council:

- (1) Notes the State Government’s \$200,000 grant criteria and conditions for the Northcote Golf Course as confirmed by representatives at Sport & Recreation Victoria (SRV):
 - a) Designs for golf course/construction of new fairway, green and tees/decommission southern fairway (\$30,000);
 - b) Designs and due diligence of new eastern pedestrian and cycling pathway (from Warrk-Warrk Bridge to Normanby Avenue) (\$70,000);
 - c) Designs and due diligence of new northern park adjacent to Mayer Park (\$90,000); and
 - d) Designs and due diligence of improvements to the golf clubrooms to support community use (\$10,000).
- (2) Accepts the \$200,000 grant funding offered by the State Government and delegates to the Chief Executive Officer to finalise the negotiations with SRV and to execute the funding agreement.
- (3) Allocates the \$30,000 of the \$200,000 grant described in 1a above for a golf course masterplan/concept plan undertaken by a golf course architect to help inform any future investment in golf and non-golf improvements to the site.
- (4) Receives a report from officers when the masterplan/optimal layout plan is complete later in 2023 or in early 2024.

- (5) Notes that the grant is for design and due diligence work only and that completion of work following design is subject to funding being allocated by Council in future capital works budgets.
- (6) Notes that whilst the completion of a masterplan/concept plan for the 9 hole layout will be useful to inform future investment in golf and non-golf improvements to the site, further expenditure would be required to progress a revised 9 hole layout to “shovel ready status”. This would include consideration of staging, detailed design, documentation, procurement costs and a feasibility study to consider how to maximise private investment in the future redevelopment of the golf course.
- (7) Works with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Darebin Aboriginal Advisory Committee, local residents and other interested stakeholders to seek Council endorsement to begin a process to name the areas of open space at the Northcote Golf Course in Woi-wurrung language or after Woi-wurrung People, as per Council’s Place and Road Naming Policy and identified naming opportunities for 2023/24, as endorsed for consultation on 28 November 2022.

CARRIED

For: Cr’s Hannan, Rennie, Newton, and McCarthy (4)

Abstained: Cr’s Dimitriadis, Greco and Williams (3)

8.58pm – Cr. Laurence returned to the meeting.

PROCEDURAL MOTION TO EXTEND THE MEETING

Council Resolution

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That the meeting be extended by 30 minutes from 9.01pm.

CARRIED UNANIMOUSLY

9.7

MERRI MERRI WAYI

EXECUTIVE SUMMARY

Initiated by the City of Merri-bek, the 2020 Merri Creek Coburg Safety Report, has identified opportunities within the Merri Creek corridor to improve safety for women (largely) and other users of this precinct. The report strongly recommends that Merri-bek City Council institute a committee or some other organisational structure to oversee the implementation of the multiple strands required to improve safety.

As a first step, the Merri Merri Wayi was formed as a community-led collaboration (supported by CERES Community Environmental Park) to enable our natural and urban worlds to thrive along the Merri Creek. The following Vision and objectives were identified by the community:

A living place for all to come together to nurture, learn, share and grow:

- Community education and involvement
- Indigenous ecological and cultural knowledge
- Connecting to and caring for nature
- Peaceful and safe space
- Recreational use
- Shared pedestrian and cycle use

Darebin City Council has been invited to join the collaboration by establishing a Memorandum of Understanding (MoU) between all the partners (Merri-bek, CERES, Darebin and other potential stakeholders). After examining Council's existing collaborative initiatives, it was found that Darebin City Council is already collaborating on a number of projects that seek to achieve similar outcomes as the Merri Merri Wayi initiative.

Having assessed the proposed partnerships and goals of the program, it is evident that Council is already working on very similar programs with a number of stakeholders such as Merri Creek Management Committee, Cities of Whittlesea and Merri-bek, Melbourne Water and Yarra Integrated Water Management Forum in the area. Considering the positive work already being undertaken in this space, there appears to be limited need to take part in another collaboration.

It is therefore recommended as a first option that Council endorses the Merri Merri Wayi framework in-principle but does not progress as a part of the governance framework and MoU process. As the collaboration becomes more established there could be opportunity for Council to engage the Merri Merri Wayi as a part of the community consultation process for enhancing service provision in the area.

Officer Recommendation

That Council:

- (1) Supports the Merri Merri Wayi collaboration, in principle, committing Council officer time to participate at relevant meetings and keeping Council staff informed but does not commit to becoming a partner in the collaboration or contributing \$25,000 annually to the initiative.
- (2) Supports the Merri Merri Wayi Community Event at CERES to be held later in 2023 with officer support and promotion to “help the community learn from and celebrate Indigenous ecological and cultural knowledge and recognise the need for all of us to help care for the Merri Creek and for Country.”
- (3) Works with the Merri Merri Wayi organisers, locals and other interested stakeholders to seek Council endorsement to begin a process to name the areas of open space at the Northcote Golf Course.

Motion

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That Council:

- (1) **Agrees to join the Merri Merri Wayi collaboration with the City of Merri-bek, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, CERES and other partners at an annual cost to Darebin of \$25,000 for 3 years and refers this priority to Council’s 2023/24 budget deliberations to identify a suitable funding source for this investment. Council’s investment should be focussed on improving community safety and supporting Wurundjeri Woi-wurrung cultural engagement with community.**
- (2) Supports the Merri Merri Wayi Community Event at CERES to be held later in 2023 with officer support and promotion to “help the community learn from and celebrate Indigenous ecological and cultural knowledge and recognise the need for all of us to help care for the Merri Creek and for Country.”
- ~~(3) Works with the Merri Merri Wayi organisers, locals and other interested stakeholders to seek Council endorsement to begin a process to name the areas of open space at the Northcote Golf Course, in line with Council’s Place and Road Naming Policy and identified priorities.~~

Cr. Greco proposed the amendment below to point (1):

- (1) ~~Agrees to join~~ Considers joining the Merri Merri Wayi collaboration with the City of Merri-bek, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, CERES and other partners at an annual cost to Darebin of \$25,000 for 3 years and refers this priority to Council’s 2023/24 budget deliberations. ~~to identify a suitable funding source for this investment. Council’s investment should be focussed on improving community safety and supporting Wurundjeri Woi-wurrung cultural engagement with community.~~

The mover and seconder of the motion did not consent to the amendment.

Amendment

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

That Council:

- (1) ~~Agrees to join~~ Considers joining the Merri Merri Wayi collaboration with the City of Merri-bek, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, CERES and other partners at an annual cost to Darebin of \$25,000 for 3 years and refers this priority to Council's 2023/24 budget deliberations. ~~to identify a suitable funding source for this investment. Council's investment should be focussed on improving community safety and supporting Wurundjeri Woi-wurrung cultural engagement with community.~~
- (2) Supports the Merri Merri Wayi Community Event at CERES to be held later in 2023 with officer support and promotion to "help the community learn from and celebrate Indigenous ecological and cultural knowledge and recognise the need for all of us to help care for the Merri Creek and for Country."

CARRIED

For: Cr's Dimitriadis, Laurence, Greco and Williams (4)
Against: Cr's Hannan, Rennie, Newton, and McCarthy (4)

The amendment was carried on the casting vote of the Mayor and became the substantive motion.

Procedural Motion

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

That the motion be put to vote.

CARRIED UNANIMOUSLY

Council Resolution

MINUTE NO. 23-035

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

That Council:

- (1) Considers joining the Merri Merri Wayi collaboration with the City of Merri-bek, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, CERES and other partners at an annual cost to Darebin of \$25,000 for 3 years and refers this priority to Council's 2023/24 budget deliberations.
- (2) Supports the Merri Merri Wayi Community Event at CERES to be held later in 2023 with officer support and promotion to "help the community learn from and celebrate Indigenous ecological and cultural knowledge and recognise the need for all of us to help care for the Merri Creek and for Country."

CARRIED UNANIMOUSLY

9.10

GOVERNANCE REPORT (MARCH 2023)

EXECUTIVE SUMMARY

The matters covered under the Governance Report for the month of March 2023 are:

- Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors;
- Reports by Mayor and Councillors;
- Art & Heritage Advisory Panel – endorsement for proposed membership;
- Municipal Monitor cost incurred by Council
- Motions to the Australian Local Government Association (ALGA) National General Assembly and Municipal Association of Victoria (MAV) State Council meeting
- Support for mandatory cashless gambling.

9.14pm Cr. Dimitriadis left the meeting.

Council Resolution**MINUTE NO. 23-036**

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

That Council:

- (1) Notes the Governance Report – March 2023
- (2) Notes the Summary of Advisory Committees, Councillor Briefings and other Informal Meetings of Councillors at **Appendix A** to this report, for incorporation in the minutes of this meeting.
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
- (4) Endorses the appointment of ten (10) community members to the Darebin Art and Heritage Advisory Panel as recommended in confidential **Appendix B**.
- (5) Notes the cost to Council for the appointment of the Municipal Monitor, Mr John Watson for the period 22 April 2022 to 31 January 2023 was \$100,958 incl. GST.
- (6) Endorses the motions outlined in **Appendix D** to be submitted to the Australian Local Government Association (ALGA) National General Assembly (NGA) to be held in June 2023 and the Municipal Association of Victoria State Council meeting to be held on 19 May 2023.
- (7) Endorses the following motion to the ALGA NGA to be jointly moved with partner Councils of the Local Government Mayoral Taskforce Supporting People Seeking Asylum of which Darebin is an Executive Member:
 - a. That the Australian Local Government Association (ALGA) and this National General Assembly:
 - i. acknowledges and welcomes the Federal Government's pathway to permanency for over 19,000 Temporary Protection Visas and Safe Haven Enterprise Visas holders;

- ii. acknowledges the contrasting Federal Government policy towards the remaining 12,000 people who have been failed by, or are still subjected to the 'Fast Track' Refugee Status Determination (RSD) process;
- iii. acknowledges as secretariat of the Local Government Mayoral Taskforce Supporting People Seeking Asylum, the Greater Dandenong City Council will be submitting this motion on behalf of member councils of which Darebin is one;
- iv. calls on the Federal Government for a consistent approach and to:
 - replace the existing 'Fast Track' system with a single Refugee Status Determination RSD process and an independent, timely and fair merits review; and
 - continue to invest resources to urgently clear the backlog of asylum applications/appeals in order to create an efficient system.

(8) As an Alliance for Gambling Reform Leadership Council:

- a. Notes the letter to the Premier co-signed by the Mayor together with the councils of Casey, Greater Dandenong, Hume, Monash, Whittlesea, Wyndham on 24 February 2023, describing their concern at the harms being experienced throughout the community from gambling, and calling on the Premier to support mandatory cashless gambling (**Appendix E**).
- b. Notes that the Tasmanian Government has committed to rolling out mandatory cashless gambling by December 2024.
- c. Supports the Alliance for Gambling Reform policy on mandatory cashless gambling and how it can be used to reduce harm from gambling.
- d. Co-signs letters from the Alliance for Gambling Reform to the Victorian Minister for Casino, Gaming and Liquor Regulation and the Victorian Leader of the Opposition, drawing their attention to the escalating losses from EGMs in Victoria and asking them to give their support for mandatory cashless gambling with binding and default limits here in Victoria in the current term of government.
- e. Writes to local MPs requesting support for mandatory cashless gambling to help protect our local community from gambling harm.

CARRIED UNANIMOUSLY

REPORTS BY MAYOR AND COUNCILLORS – 27 MARCH 2023

REPORT OF CR. JULIE WILLIAMS, MAYOR

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

- 4 x Councillor briefings
- 4 x Councillor only meetings
- 2 x Monthly Council meeting
- Deputy Mayor catchup
- 6 weekly meeting with MP Kat Theophanous
- Darebin Aboriginal Advisory Committee – Mayoral Briefing

- Darebin Aboriginal Advisory Committee meeting
- MTF March General meeting
- EA weekly catchup
- Regular meetings with CEO
- Regular meetings with CE Office Staff
- Northern Business Achievement Awards breakfast
- Reservoir Suburban Revitalisation Board Meeting
- Save the Preston Market Group meeting
- Clean Up Australia Day event
- VFLW Falcons Indigenous Jumper presentation
- Disability Advisory Committee meeting
- Hume City Council's 2023 International Women's Day event
- Darebin Domestic Animal Management Reference Group meeting
- Citizenship Ceremonies meeting
- Leadership Course for Multi-Faith women
- Capital Works – Councillor meeting
- MP Kat Theophanous – Morning Tea & Panel discussion
- “Cracking the Code – Innovation for a gender equal future”
- Out of the Park – FUSE Autumn event
- Meeting #8 to discuss Safe Access Over Bell Street Bridge for Everyone (SABBE)
- SECCA Melbourne visit – Level crossing tour
- Special Audit & Risk Committee meeting x 2
- Molly Hadfield Social Justice Oration
- 2 x John Nugent (local resident) meeting
- MP Nathan Lambert/CEO – monthly meeting
- Merri-Bek Citizenship Ceremony
- Darebin Interfaith Committee High Tea – Deakin Downtown
- A1 Darebin Art Salon Opening & Prize Announcement
- Budget Workshop – Sunday (Full day)
- Intercultural Centre launch
- Meet the Makers event – FUSE Autumn
- Sustainability Matters event

- Save Preston Market – Media event run through
- Kumon teacher (Marina Mironova) meeting
- Protect Preston Market Media event – Parliament steps
- Darebin Community Awards Presentation night
- “The Last Dance” – FUSE Autumn Closing Event
- Council meeting & Council Briefing Agendas meeting
- Planning committee
- Running Sheet briefing meeting
- Hellenic Women’s Federation of Australia event

REPORT OF CR. EMILY DIMITRIADIS

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

- Council briefings
- Councillor-only meetings
- Official Council meeting
- Planning meeting
- CEO Employment Matters Committee meeting
- Hearing of Submissions for Budget
- Weekend budget meeting
- St Anthony’s Primary School Twilight Fair
- Clean Up Australia Day at Merri Creek
- Northcote Junior Football Club open day
- International Women’s Day event about women’s health
- 2023 Victorian Multicultural Gala Dinner
- Darebin Awards Night at Narrandjeri Stadium

REPORT OF CR. TOM HANNAN

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

- Contact (phone / online) with residents about their concerns, e.g. Bill Lawry Oval and Darebin Falcons, parking, street trees, building and planning, birds and amenity in shopping areas, litter and waste collection
- Molly Hadfield Social Justice Oration
- Darebin Community Awards Presentation
- Meet the Makers event
- Opening of Intercultural Centre
- Darebin Welcoming Cities Reference Group
- Darebin Nature Trust meeting
- Merri Creek Management Committee AGM (27 February 2022, not included in previous report)
- Hearing of submissions for budget
- Councillors budget workshop
- Councillor briefings
- Councillor only meetings
- Planning Committee meeting
- Council ordinary meeting

REPORT OF CR. GAETANO GRECO

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

- Welcoming Cities Advisory Committee
- Weekly Councillor meetings
- Weekly Councillor Briefing sessions
- CEO Employment Matters Committee
- Mayoral Taskforce for People Seeking Asylum meeting
- Mayoral Taskforce for People Seeking Asylum workshop
- Darebin Libraries Discover Showcase
- Leadership Course for Multifaith women
- Out of the Park Picnic, Autumn FUSE
- Budget workshop
- Molly Hadfield Social Justice Oration
- Planning Committee meeting

- Hearing of Submissions Committee meeting
- Meeting about Capital Works
- Meeting with General Manager Kylie Bennets
- Darebin Aboriginal Advisory Committee meeting

REPORT OF CR. LINA MESSINA

Cr. Messina did not submit a report.

REPORT OF CR. TIM LAURENCE

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

- Welcoming Cities Advisory Committee
- Weekly Councillor meetings
- Weekly Councillor Briefing sessions
- DECC women's day event Multifaith women
- Out of the Park Picnic, Autumn FUSE
- Budget workshop
- Molly Hadfield Social Justice Oration
- Planning Committee meeting
- Hearing of Submissions Committee meeting
- Meeting about Capital Works
- Council meeting
- Consultation with temporary and emergency housing tenants
- Consultation with sports clubs in East Reservoir and Kingsbury

REPORT OF CR. SUSANNE NEWTON

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

- Weekly Councillor meetings
- CEO, Mayor and Deputy Mayor fortnightly meetings
- Mayor and Deputy Mayor meeting
- Williamson Leadership Program training
- Darebin Community Awards
- Oakhill Food Justice Farm tour and presentation with Nick Rose and Sustain
- Weekly Councillor Briefing sessions

- CEO Employment Matters Committee
- Mayoral Taskforce for People Seeking Asylum meeting
- Budget workshop
- Launch of Intercultural Centre
- Molly Hadfield Social Justice Oration
- Planning Committee meeting
- Hearing of Submissions Committee meeting
- Meeting about Capital Works
- Darebin Art & Heritage Advisory Panel meeting - chairing
- Launch of Public Galleries Association of Victoria 'Public Galleries: Our Creative Heart' at Parliament House
- Meeting with General Manager Kylie Bennetts
- VFLW Darebin Falcons Jumper Presentation
- Darebin Aboriginal Advisory Committee meeting
- Clean up Australia Day with Friends of Edwardes Lake

REPORT OF CR. SUSAN RENNIE

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

- Council meeting
- Weekly Councillor meetings
- Darebin Community Awards
- Weekly Councillor Briefing sessions
- Budget workshop
- Launch of Intercultural Centre
- Molly Hadfield Social Justice Oration
- Planning Committee meeting
- Hearing of Submissions Committee meeting
- Meeting about Capital Works
- Darebin Aboriginal Advisory Committee meeting
- Climate emergency advisory committee
- Education Network Advisory Meeting
- Gender Equity Advisory Committee
- WHIN international women's day event
- Out of the Park FUSE event

- Forum on Voice
- Ba’Hai New Year event
- Northcote Arts A Certain Mumble

REPORT OF CR. TRENT MCCARTHY

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

- Darebin Aboriginal Advisory Committee
- Climate Emergency Darebin Advisory Committee
- Northern Business Achievement Awards
- Councillor Briefing
- Weekly Councillor Meetings
- Northern Alliance for Greenhouse Action Executive
- Climate Emergency Australia Executive
- Planning Committee
- Hearing of Submissions Committee
- Safe Access Over Bell Street Bridge for Everyone (SABBE) Meeting
- FUSE Artist Keynote with Matt Watson
- A1 Art Salon Awards Presentation at Bundoora Homestead
- Lewis Street, Thornbury Street Party and Doggie Dress-Up Competition
- Council Budget Workshop
- Darebin Intercultural Centre Launch
- Sustainability Matters – Stories of Renewables and Regeneration Event
- Oakhill Food Justice Farm Event
- Coburg High School Council Meeting

9.11

COUNCILLOR GIFT POLICY

EXECUTIVE SUMMARY

The purpose of this report is to present the draft Councillor Gift Policy (draft Policy) as **Appendix A** in accordance with section 138(3) of the *Local Government Act 2020* (Act).

Council Resolution

MINUTE NO. 23-037

MOVED: Cr. T Hannan
SECONDED: Cr. G Greco

That Council adopts the Councillor Gift Policy (**Appendix A**).

CARRIED UNANIMOUSLY

**9.12 COMMUNITY COMPLAINTS ABOUT A COUNCILLOR
POLICY**

EXECUTIVE SUMMARY

Council does not have a policy that deals specifically with complaints from our community about a Councillor(s). This report seeks Council endorsement of the Community Complaints about a Councillor Policy ('the Policy') and to commence community consultation.

Council Resolution

MINUTE NO. 23-038

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

That Council:

- (1) Endorses the draft 'Community Complaints about a Councillor Policy' to proceed to community consultation.
- (2) Notes the 'Community Complaints about a Councillor Draft Policy' will be reported to Council at a later meeting in 2023 for adoption, with consideration given to feedback received through community consultation.

CARRIED UNANIMOUSLY

9.13

TOWARDS ZERO - HOMELESSNESS IN DAREBIN

EXECUTIVE SUMMARY

This Council report responds to the 24 October 2022 Council resolution to present the resources required to implement a Function Zero approach to addressing the needs of people experiencing homelessness with support while working to find secure housing.

In cities across the world Functional Zero has been designed to measure whether services responding to people who are experiencing homelessness are keeping pace with the number of people experiencing homelessness. Functional Zero is achieved when the number of people sleeping rough and accessing homelessness services is less than the number of people no longer requiring these services by securing housing.

In Victoria, the approach to ending homelessness through Functional Zero is being led by Launch Housing. They are a community organisation that delivers housing and homelessness support services to people in housing crisis with a supported pathway out of homelessness. Other LGAs that have partnered with Launch Housing in some capacity to implement the Functional Zero program are Cities of Dandenong, Port Phillip, Stonnington, Frankston and Geelong.

A Functional Zero program at Darebin could:

- Build on Council's current Darebin Assertive Community Outreach (DACO) Program for people experiencing homelessness.
- Provide person-centred support while working to find secure housing.
- Bring together organisations from different sectors to direct financial resources and support services in a coordinated and efficient manner.
- Establish a new tool that would provide an evidence-based real time approach to track and improve the effectiveness of services offered with people at risk of homelessness and those who are already homeless.
- Provide the platform to implement collaborative community-based solutions.

9.23pm – Cr. Dimitriadis returned to the meeting.

Council Resolution**MINUTE NO. 23-039****MOVED: Cr. T Laurence****SECONDED: Cr. G Greco****That Council:**

- (1) Notes the report on what would be required to establish a Functional Zero Program in Darebin.
- (2) Refers consideration of funding for a Functional Zero Program to the 2023/24 budget process.
- (3) Undertakes advocacy work through M9 and the Northern Council Alliance for government funding to support initiatives to address and respond to homelessness including additional crisis and affordable housing, housing first and functional zero approaches.

CARRIED UNANIMOUSLY

**9.14 PROMOTING WOMEN AND GIRLS IN SPORT
PARTNERSHIP AGREEMENT - YEAR FOUR OUTCOMES
REPORT**

EXECUTIVE SUMMARY

This report details the outcomes and achievements of Year Four (2022) of the Promoting Women and Girls in Sport Partnership Agreement between Darebin City Council and the Darebin Women's Sports Club (Darebin Falcons).

As this is the final year of the extended agreement, key achievements across the life of the agreement and performance against the agreed objectives have also been included. Targets and expectations have been met, including:

- Increased participation with total numbers increasing to approximately 800 players across 44 teams
- Continued advocacy for change while working with sporting associations and other clubs to help transform the sector
- Encouraging social inclusion through a focus on gender inclusion, Pride Rounds and IDAHOBIT
- Participation in and support of Council programs, particularly This Girl Can and Get Active Darebin
- Establishment of partnership with Fitzroy Stars Football Netball Club including mentoring and development of Aboriginal players through to high performance levels
- The club reports a favourable financial position, combining fees, grants, donations, and sponsorships to return a profit in 2022.

The Darebin Falcons Women's Sports Club has highlighted that it is grateful for Council's investment in girls and women through the partnership agreement. This report showcases the variety, diversity and magnitude of community activity supported over the past four years, particularly with contributions to improving physical health and emotional and social wellbeing. With the help of Council, the club has become synonymous with excellence in approaches that support women, girls and gender diverse people to bring their whole selves to sport on and off the field, levelling the playing field and reducing barriers to participation.

Council Resolution

MINUTE NO. 23-040

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

That Council:

- (1) Notes the outcomes and achievements of the four-year Promoting Women and Girls in Sport Partnership Agreement Report.
- (2) Commends the Darebin Women's Sports Club for their contribution to gender equality and sport in Darebin.

CARRIED UNANIMOUSLY

PROCEDURAL MOTION TO EXTEND THE MEETING

Council Resolution

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

That the meeting be extended by 30 minutes from 9.31pm.

CARRIED UNANIMOUSLY

9.15 CEO EMPLOYMENT MATTERS COMMITTEE CHARTER, CEO EMPLOYMENT AND REMUNERATION POLICY AND RECRUITMENT OF THE INDEPENDENT CHAIR OF THE CEO EMPLOYMENT MATTERS COMMITTEE

Peter Smith, CEO declared an interest, in relation to Item 9.15 “CEO Employment Matters Committee Charter, CEO Employment and Remuneration Policy and recruitment of the Independent Chair of the CEO Employment Matters Committee”.

9.30pm – Peter Smith, CEO, left the Meeting.

EXECUTIVE SUMMARY

Council established the CEO Employment Matters Committee in April 2017 to oversee the employment of the Chief Executive Officer (CEO) as an advisory Committee to Council. The CEO Employment Matters Committee Charter has not been substantially reviewed since the Committee was established.

In December 2021 Council adopted the CEO Employment and Remuneration Policy, in accordance with the requirement of s45 of the *Local Government Act 2020*.

A review of both the Committee Charter (**Appendix A** – marked up changes and **Appendix C** – clean copy) and the CEO Employment and Remuneration Policy (**Appendix B** – marked up changes and **Appendix D** – clean copy) has been undertaken to address key opportunities for improvement, including:

- Removing duplication between the two documents
- Refining and providing greater clarity to the expectations and role of the Independent Chair
- Adjusting the lead support role from the General Manager Governance and Engagement to the Manager People and Culture
- Introducing the role of the Committee in oversight on the OHS obligations of Council to the CEO, aligning to the Councillor Occupational Health and Safety Policy adopted by Council on 19 December 2022.

Following adoption of the revised Committee Charter recruitment will commence for a new Independent Chair of the CEO Employment Matters Committee. A recommendation for appointment of the Independent Chair will be made to Council following the recruitment process.

Council Resolution

MINUTE NO. 23-041

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

That Council:

- (1) Notes that the CEO Employment Matters Committee have reviewed and recommend the CEO Employment and Remuneration Policy (**Appendix B & D**) and the CEO Employment Matters Committee Charter (**Appendix A & C**) to Council for adoption with changes incorporated in Appendices.
- (2) Adopts the CEO Employment Matters Committee Charter at **Appendix C**

- (3) Adopts the CEO Employment and Remuneration Policy at **Appendix D**
- (4) Delegates the Manager People and Culture to undertake recruitment for the position of Independent Chair of the CEO Employment Matters Committee and provide a recommendation to Council for appointment.

CARRIED

For: Cr's Dimitriadis, Laurence, Greco and Williams (4)

Against: Cr's Rennie and Newton (2)

Abstained: Cr's Hannan and McCarthy (2)

The motion was carried on the casting vote of the Mayor.

9.45pm – Peter Smith, CEO, returned to the meeting.

10. ITEMS TO BE TABLED

Nil

11. NOTICES OF MOTION

Nil

12. URGENT BUSINESS**PROCEDURAL MOTION TO CONSIDER AN URGENT BUSINESS ITEM**

Council Resolution

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

That Council consider an Urgent Business item in relation to the presentation of Council's Preston Market petition to the Hon. Sonia Kilkenny MP, Minister for Planning.

CARRIED

For: Cr's Greco, Laurence, Williams and Dimitriadis (4)
Against: Cr's Hannan, Rennie, Newton and McCarthy (4)

The motion was carried on the casting vote of the Mayor.

12.1 PRESENTATION OF COUNCIL'S PRESTON MARKET PETITION TO THE HON. SONIA KILKENNY MP, MINISTER FOR PLANNING**Council Resolution****MINUTE NO. 23-042****MOVED: Cr. G Greco**
SECONDED: Cr. S Rennie**That Council**

- (1) Notes the Mayor's attempt on Thursday 23rd March 2023 to lodge with the Hon Sonia Kilkenny MP, Minister for Planning Council's petition on Protecting Preston Market, signed by over 15,400 people.
- (2) Notes that the Minister or her representative was not able to receive the Mayor on the day to receive the petition as intended.
- (3) Notes that the separate petition organised by the Save the Preston Market Action Group and signed by over 12,200 people was also not received by the Minister on the same day.
- (4) Notes that a decision by the Minister on the future of Preston Market is immanent and highly likely to take place before the next Council meeting in April.
- (5) Request that the Mayor formally sends Council's petition to the Minister as soon as possible to ensure the Minister receives and carefully considers the petition that has been signed by over 15,400 community members demanding Preston Market not be demolished, before the Minister announces a decision on the future of Preston Market.
- (6) Writes to the Northern Metro Upper House and local state members of parliament advising them of Council's actions as per point 5 above and request they make strong representations in support of Council's community petition before the Minister announces her decision on the future of the market.

CARRIED**For:** Cr's Rennie, Newton, McCarthy, Laurence, Greco and Williams (6)**Abstained:** Cr's Dimitriadis and Hannan (2)

12.2 **URGENT BUSINESS - OUTCOME OF THE EXPRESSION OF INTEREST FOR LICENCES AT 2 WINGROVE STREET, ALPHINGTON**

After distribution of the agenda, the CEO determined that an item of urgent business relating to 'Outcome of the Expression of Interest for licences at 2 Wingrove Street, Alphington' was required to be dealt with in camera due to the confidential nature of the item.

Cr. McCarthy declared a material conflict of interest in item 12.2 Outcome of the Expression of Interest for licences at 2 Wingrove Street, Alphington in regards to a working relationship with potential individuals and organisations who may benefit from Council's decision on this matter.

9.59pm – Cr. McCarthy left the Meeting.

10.00pm - With leave of the chairperson and by agreement of all Councillors, the Meeting was extended by 15 minutes pursuant to Section 1.3.1(7).

13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

Council Resolution

MOVED: Cr. T Laurence

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 items on the basis that these matters are confidential for the following reasons:

12.2 Outcome of the Expression of Interest for licences at 2 Wingrove Street, Alphington

This item is confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released pursuant to Section 3(1)(a) of the Act.

13.1 CEO Performance Agreement

This item is 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

The meeting was closed to the members of the public at 10.00pm.

The Council considered and resolved on Urgent Business Item 12.2.

The Council did not resolve on the confidential report Item 13.1 due to the meeting time lapsing at 10.16pm.

14. CLOSE OF MEETING


The meeting closed at 10.16pm.

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