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# MINUTES OF THE COUNCIL MEETING

Held on Monday 7 March 2016

Released to the public on Thursday 10 March 2016

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**MINUTES OF THE ORDINARY MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH ST, PRESTON ON MONDAY 7 MARCH 2016**

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**THE MEETING OPENED AT 7 PM**

**1. PRESENT**

***Councillors***

Cr Vince Fontana (Mayor) (Chairperson)

Cr Gaetano Greco

Cr Tim Laurence

Cr Bo Li

Cr Trent McCarthy

Cr Steven Tsitas

Cr Angela Villella

Cr Oliver Walsh (Deputy Mayor)

Cr Julie Williams

***Council Officers***

Rasiah Dev – Chief Executive

Katrina Knox – Director Community Development

Steve Hamilton – Director Assets and Business Services

Gavin Cator – Director Corporate and Planning Services

Patti Wenn – Director Culture, Leisure and Works

Jacinta Stevens – Executive Manager Corporate Governance and Performance

Jody Brodribb – Acting Coordinator Council Business

Michelle Martin – Acting Council Business and Governance Officer

**2. APOLOGIES**

Nil

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr. Villella disclosed a conflict of interest in Item 8.5 (Notice of Motion 267 – Preston Market).

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

**Council Resolution**

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

**THAT** the Minutes of the Ordinary Meeting of Council held on 15 February 2016 be confirmed as a correct record of business transacted.

**CARRIED**

**Council Resolution**

**MOVED: Cr. J. Williams**  
**SECONDED: Cr. O. Walsh**

**THAT** the Minutes of the adjourned Special Meeting of Council held on 22 February 2016 be confirmed as a correct record of business transacted.

**CARRIED**

## TABLING OF PETITION

MINUTE NO. 108

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

**MOVED:** Cr. G. Greco  
**SECONDED:** Cr. O. Walsh

**That** the petition:

*"We the undersigned users of the Merrilands Community Centre request that the existing 13 round tables that are heavy to lift and set up and (going to be removed from the Centre) be replaced with lightweight round tables.*

*We also request that the old chairs currently in use be replaced with new ones. The existing chairs are too old, damaged, torn and most participants feel uncomfortable to have to use them.*

*We therefore call on Council to favourably consider our modest request which will benefit the thousands of elderly citizens that frequent the Merrilands Community Centre on a regular basis."*

be tabled and a report presented to Council as soon as possible.

**CARRIED**

**5. PUBLIC QUESTION TIME****MINUTE NO. 109**

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

- Karen Large (Darebin Climate Action Now) of Northcote asked a question regarding Climate Change. The Chairperson, Cr Fontana replied to the question and advised that a written response will be provided.
- Alex Eleftheriou of Northcote asked a question in relation to Cooking on Private Land. The Chairperson, Cr Fontana replied to the question and advised that a written response will be provided
- Gerard Fennessy of Footscray asked several questions regarding the Discontinuation of Road between 58 Kendall and 9 Willow Street, Preston. The Chairperson, Cr. Fontana responded to the question and indicated that as the item was on the Agenda for consideration he did not wish to pre-empt Council debate on the matter.
- Clare Chambers of Thornbury asked a question regarding Rubbish Bins being installed at Tram Stops. The question was responded to by the Chairperson, Cr. Fontana.

**SUSPENSION OF STANDING ORDERS**

**Council Resolution**

**MOVED:** Cr. J. Williams  
**SECONDED:** Cr. B. Li

That Standing Orders be suspended to allow for the adoption of several reports 'En Bloc.'

**CARRIED**

**ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'**

**MINUTE NO. 110**

**Council Resolution**

**MOVED:** Cr. J. Williams  
**SECONDED:** Cr. S. Tsitas

**THAT** Council agree to consider the adoption of the 'Recommendations' contained in Report Item Nos. 6.4, 6.6 and 6.7 'en bloc'.

**CARRIED**

**Council Resolution**

**MOVED:** Cr. J. Williams  
**SECONDED:** Cr. S. Tsitas

**THAT** the 'Recommendations' contained in Report Item Nos. 6.4, 6.6 and 6.7 be adopted 'en bloc'.

**CARRIED**

**RESUMPTION OF STANDING ORDERS**

**Council Resolution**

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

That Standing Orders be resumed.

**CARRIED**



## 6. CONSIDERATION OF REPORTS

### 6.1 COMMENCEMENT OF STATUTORY PROCEDURES FOR THE PROPOSED DISCONTINUANCE OF ROAD LOCATED REAR 58 TO 60 KENDALL STREET AND REAR 9 TO 11 WILLOW STREET, PRESTON

MINUTE NO. 111

**Author:** Manager Assets and Properties

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

#### Report Background

To report on the outcome of preliminary investigations into the proposed discontinuance and sale of part of the right-of-way located at the rear of 58 to 60 Kendall Street and rear of 9 to 11 Willow Street, Preston.

#### Previous Resolution

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

#### Previous Briefing(s)

Council was provided with a briefing presentation on this matter on 10 August 2015.

#### Council Plan Goal/Endorsed Strategy

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

#### Summary

This report provides the history and background relating to the right-of-way located rear of 58 to 60 Kendall Street and rear 9 to 11 Willow Street, Preston as shown in **Appendix A** (Road) as well as the outcome of preliminary investigations into its proposed discontinuance.

Investigations into the proposed discontinuance and sale of the Road have been underway since 2013. Whilst the overall response to the discontinuance of the enclosed section of Road from adjoining property owners had been favourable, one adjoining owner has made numerous requests for the enclosed section of the Road to be reopened in order to enable access the rear of their property. The occupation of the Road (**Appendix B**) by the property owners of 9 Willow Street, Preston was noted by the former City of Preston in a letter which provided that Council would not object to the occupation provided that certain conditions were met (City of Preston Letter).

A survey of the site, undertaken as part of the investigation into the discontinuance, identified discrepancies with the surrounding property boundaries which became the subject of legal proceedings between the affected property owners. For that reason the proposed discontinuance was placed on hold to allow the two property owners to resolve their boundary issues.

Notification was recently received from lawyers representing the owners of 9 Willow Street that the owners of 9 Willow Street intend to issue legal proceedings for a declaration from the Court that they have accrued possessory rights and are entitled to the land they currently occupy. It is presumed that this adverse possession claim would include part of the land contained in the certificate of title for 58 Kendall Street and part of the Road that that is currently under occupation.

Despite this recent development and following extensive consultation with all adjoining property owners, the general consensus from all adjoining property owners has been in support of the discontinuance of the Road.

### Recommendation

**THAT** Council:

- (1) Commence the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* (“*the Act*”) to discontinue and sell the road located rear 58 to 60 Kendall Street and rear 9 to 11 Willow Street, Preston (shown on **Appendix A**).
- (2) Give public notice under Sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council’s website and such notice state that if discontinued, Council proposes to sell the land from the road to the adjoining property owners by private treaty in accordance with Policy guidelines, transfer to itself title to the balance of land in the discontinued road.

### Council Resolution

**MOVED:** Cr. B. Li

**SECONDED:** Cr. A. Villella

**That** Council resolve to adopt Option 3 contained within the report as follows:

‘Council could declare the Road as required for access.

This option would require action to be taken to remove the occupation of the road by 9 Willow Street to reopen the Road for public use.’

**CARRIED UNANIMOUSLY**

**6.2 COMMUNITY AWARDS PROGRAM****MINUTE NO. 112****Author:** Manager Children, Family and Community**Reviewed By:** Director, Community Development**Report Background**

On 19 September 2011, Council passed a resolution to establish and administer two awards the *Better Neighbourhoods and Corporate Citizen Awards*, to recognise efforts made to foster positive neighbourly relations to improve community life. Following the evaluation of the program in 2012, several changes were made which have been implemented over the past three years. Following a review of the 2015 program further changes are proposed to improve efficiency and the use of resources.

**Previous Resolution**

At its meeting on 1 October 2012 Council resolved:

*'That Council note the changes to the Better Neighbourhoods Award and Corporate Citizen Award as detailed in this report.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

Council Plan Goal 3 Healthy and Connected Community.

**Summary**

This report provides an evaluation of the Darebin Community Awards program and recommended changes to improve efficiency and the use of resources.

As the *Better Neighbourhood Award* receives few nominations and is duplicating the objectives of both the Community Support Program and the Australia Day Awards it is recommended that it ceases and the resources incorporated into the Community Support Program.

As the *Business Award for Community Contribution* provides a unique opportunity to highlight and celebrate the contribution that businesses can make to community wellbeing, it is recommended that it continues and is celebrated as a component of the annual gala business lunch.

**Recommendation**

**That Council:**

- (1) Continue the Business Award for Community Contribution in 2016 and 2017.
- (2) Cease the Better Neighbourhood Awards and incorporate funds into the Community Support Program funding pool.

**Council Resolution**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. A. Villella**

**That Council:**

- (1) Continue the Business Award for Community Contribution in 2016 and 2017.
- (2) Cease the Better Neighbourhood Awards and incorporate funds into the Community Support Program funding pool.
- (3) Receive a briefing paper in April 2016 on strategies to better promote the Business Award to the wider business community in Darebin.

**CARRIED UNANIMOUSLY**

**6.3 IMPLEMENTATION OF THE SPORTING FEES, CHARGES AND OCCUPANCY AGREEMENT POLICY****MINUTE NO. 113****Author:** Manager Leisure and Public Realm**Reviewed By:** Director Culture, Leisure and Works**Report Background**

This paper provides Council with an update on the application and implementation of the Darebin Sporting Fees, Charges and Occupancy Agreement (SFCOA) Policy 2014 (**Appendix A**) in accordance with the Council resolution of 6 October 2014, and with particular regards to the allocation of Council sporting facilities.

**Previous Council Resolution**

- Council adopted the Darebin Sporting Fees, Charges and Occupancy Agreement (SFCOA) Policy 2014 on 6 October 2014.
- Council considered a progress report on the implementation of this policy on 7 September 2015.

**Previous Briefing(s)**

Councillor Briefing - 1 February 2016

**Council Plan Goal/Endorsed Strategy**

- **Council plan 2013 – 2017** - 2.6 Community health and fitness; and access to opportunities; 2.10 Social and physical connectedness; 2.13 equitable access for all; 2.15 equity in sport; 5.2 access and inclusion
- **Darebin Health and Wellbeing Plan 2013 – 2017** goal 4 – build healthy, safe and accessible places for people to play and connect; goal 5 protect and promote Darebin people's physical health (5.3 – increase regular physical activity for all)
- **Darebin Leisure Strategy (2010 – 2020) and Leisure Services Action Plan 2015 - 2020**

**Summary**

- Sports ground allocations are a complex task where Council is required to balance the needs and demands of thousands of sporting stakeholders and community members over the municipality. Officers must accommodate the competing demands of Darebin sporting clubs and make allocations in line with the principals outlined in the policy equally and transparently to maximise the use of sporting facilities and promote increased participation in sport and physical activity.
- Allocation of Darebin sporting grounds and facilities is managed by the Leisure Services team following submissions of Club applications online.
- As nominated in the SFCOA policy, where there is competing demand for access to a particular facility, allocation will be determined by a panel of Council officers determined by the Manager Leisure and Public Realm, after assessment of the Club's application against set criteria and applied weightings.

- This policy is in its first year of effect and as such clubs and user groups are reacting to the changed conditions resulting from the application of the policy.
- Overall, the policy has been rolled out effectively with a more equitable fee structure with clubs offering opportunities for participation by women and target groups, receiving reductions in their fees.
- The 2016 winter seasonal ground allocation process opened on 11 January and closed on 1 February with clubs notified of their allocations from 18 February 2016. The 2016 winter season allocations commence from 25 March.

**Recommendation**

**That** Council notes this report on the Implementation of the Sporting Fees, Charges and Occupancy Agreement Policy.

**Council Resolution**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. A. Villella**

**That** Council:

- (1) Notes this report on the Implementation of the Sporting Fees, Charges and Occupancy Agreement Policy.
- (2) Receives a more detailed report as soon as practicable on the negative impact of the policy on micro clubs together with strategies on how these clubs can be assisted to overcome the difficulties they are encountering.

**CARRIED**

Cr. Greco called for a Division.

For

Cr. Bo Li  
Cr. Trent McCarthy  
Cr. Julie Williams  
Cr. Steven Tsitas  
Cr. Vince Fontana  
Cr. Gaetano Greco  
Cr. Angela Villella

Against

Cr. Oliver Walsh  
Cr. Tim Laurence

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

**6.4 W.H.ROBINSON AND A.H. CAPP MASTER PLAN  
COMMUNITY OUTCOMES**

MINUTE NO. 114

**Author: Manager Leisure and Public Realm****Reviewed By: Director Leisure, Culture and Works****Report Background**

This report outlines plans for implementation of the adopted W.H. Robinson and A.H. Capp Master Plan elements including budget recommendations for the refurbishment of the W.H. Robinson reserve sporting pavilion over the 2016/2017 and 2017/2018 financial years in accordance with the 7 September 2015 Council resolution below.

**Previous Resolution***‘THAT Council:*

- (1) Adopt the W.H. Robinson and A.H. Capp Master Plan for implementation as budgets allow.*
- (2) Consult with local residents and relevant clubs regarding the potential to include a broader mix of community facilities, e.g. community meeting rooms and workshop spaces, as part of the redevelopment of G.E. Gayther Pavilion.*
- (3) A further report should be presented to Council on the outcomes of this consultation, including any budget recommendations.*

**Previous Briefing(s)**

Councillor Briefing - 8 February 2016

**Council Plan Goal/Endorsed Strategy**

- (1) Council plan 2013 – 2017 strategies - 2.6 Community health and fitness; and access to opportunities; 2.10 Social and physical connectedness; 2.13 equitable access for all; 2.15 equity in sport; 5.2 access and inclusion**
- (2) Darebin Health and Wellbeing Plan 2013 – 2017 goal 4 – build healthy, safe and accessible places for people to play and connect; goal 5 protect and promote Darebin people’s physical health (5.3 – increase regular physical activity for all)**
- (3) Darebin Leisure Strategy (2010 – 2020) and Leisure Services Action Plan 2015 - 2020**
- (4) Darebin Open Space Strategy 2007-2017**

**Summary**

This report outlines plans for implementation of the W.H. Robinson and A.H. Capp Master Plan; as well as investigations and community consultation undertaken in relation to the refurbishment of W.H. Robinson Reserve Pavilion.

There are significant site constraints present at W.H Robinson Reserve, which limit the ability of Council to upgrade this pavilion to community expectations. Officers will continue to work with interested parties including the two tenant sporting clubs and Friends of Robinson Capp Reserve to develop the concept designs for this building.

Officers are recommending that funding be allocated in the 2016-2017 and 2017-2018 financial years for nominated W.H. Robinson and A.H. Capp Master Plan elements, including the refurbishment of the W.H. Robinson Reserve Pavilion.

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

**MOVED: Cr. J. Williams**

**SECONDED: Cr. S. Tsitas**

**That Council:**

- (1) Notes this report on W.H. Robinson and A.H. Capp Master Plan Community Outcomes.
- (2) Will consider as part of the 2016/2017 budget development process:
  - a) An allocation of \$160,000 to implement nominated elements from the W.H. Robinson and A.H. Capp Master Plan, including development of the picnic area, bike path relocation and fence heightening; and
  - b) Budget bids of \$200,000 in 2016/2017 and \$790,000 in 2017/2018 to complete refurbishment works at W.H. Robinson Reserve pavilion.

**CARRIED  
REFER MINUTE NO. 110**



**6.5 DAREBIN MUSIC FEAST 2015**

MINUTE NO. 115

**Author:** Manager Creative Culture**Reviewed By:** Director Culture, Leisure and Works**Report Background**

The purpose of this report is to inform Councillors of the benefits derived from the Darebin Music Feast held in 2015 for ten days from 23 October to 1 November 2015.

**Previous Council Resolution**

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

**Previous Briefing(s)**

A briefing paper was provided to Councillors at the 8 February 2016 Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Darebin Arts Strategy 2014 - 2020

**Summary**

Darebin Music Feast is an annual event that aims to celebrate and showcase Darebin's diverse music community. In 2015, 138 events were delivered as part of the 19<sup>th</sup> Music Feast; and 1,284 artists participated (776 male artists and 508 female artists).

**Recommendation**

**That** Council notes this report on the 2015 Darebin Music Feast.

**Motion**

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. J. Williams

**That** Council:

- (1) Notes this report on the 2015 Darebin Music Feast.
- (2) Engage with the producers of 'Feel like Going Back' regarding the potential to record the songs performed as part of this show and for these to be made available via Darebin Libraries and online.

*Cr Greco proposed to the mover and the seconder that point (3) be added as follows. This was accepted by Cr. McCarthy and Cr. Williams.*

- (3) Receives a report at a briefing in April on strategies in increase the number of Music Feast events held in Preston and Reservoir.

THE AMENDED MOTION THEN READ AS FOLLOWS:

<b>Amended Motion</b>
-----------------------

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

**That Council:**

- (1) Notes this report on the 2015 Darebin Music Feast.
- (2) Engage with the producers of 'Feel like Going Back' regarding the potential to record the songs performed as part of this show and for these to be made available via Darebin Libraries and online.
- (3) Receives a report at a briefing in April on strategies in increase the number of Music Feast events held in Preston and Reservoir.

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

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

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

**That Council:**

- (1) Notes this report on the 2015 Darebin Music Feast.
- (2) Engage with the producers of 'Feel like Going Back' regarding the potential to record the songs performed as part of this show and for these to be made available via Darebin Libraries and online.
- (3) Receives a report at a briefing in April on strategies in increase the number of Music Feast events held in Preston and Reservoir.

**CARRIED UNANIMOUSLY**

**6.6 DAREBIN CITY BOWLS CLUB GREEN FEES AND CHARGES****MINUTE NO. 116****Author:** Manager Leisure and Public Realm**Reviewed By:** Director Culture, Leisure and Works**Report Background**

It is a requirement of the existing license agreement between Darebin City Bowls and Darebin City Council that any changes to the fee structure for Darebin International Sports Stadium (DISC) must be submitted to and approved by Council. This briefing report presents two options for a fee structure for the daily hire of the indoor synthetic green that is located in the centre of the velodrome.

**Previous Council Resolution**

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

**Previous Briefing(s)**

Councillor Briefing - 8 February 2016

**Council Plan Goal/Endorsed Strategy**

- **Council Plan 2013 – 2017** Goals - 2.6 Community health and fitness; and access to opportunities; 2.10 Social and physical connectedness; 2.13 equitable access for all; 2.15 equity in sport; 5.2 access and inclusion
- **Darebin Health and Wellbeing Plan 2013 – 2017** Goal 4 – build healthy, safe and accessible places for people to play and connect; goal 5 protect and promote Darebin people’s physical health; 5.3 – increase regular physical activity for all
- **Darebin Leisure Strategy (2010 – 2020) and Leisure Services Action Plan 2015 - 2020**

**Summary**

Darebin City Bowls Club holds a licence agreement for a period of 30 years to 2034 for use of the following facilities at the Darebin International Sports Centre:

- 4 outdoor lawn bowling greens
- 1 indoor synthetic bowling green (located in the middle of the velodrome)
- Bistro and function room
- Office space.

The license agreement enables Darebin City Bowls Club to make use of and take bookings for these greens and spaces. Currently there is no fee structure in place for co-tenants to rent the indoor synthetic green at Darebin International Sports Centre. It is a requirement of the existing license agreement between Darebin City Bowls and Darebin City Council that any changes to the fee structure be submitted to and approved by Council.

In this instance, Darebin City Bowls Club has been approached by Cycling Victoria (also a tenant at Darebin International Sports Stadium), to nominate a fee for a daily rental for the synthetic green that is located in the centre of the velodrome. Cycling Victoria is planning to hold two major events in 2016 that require access to the indoor green.

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

**MOVED: Cr. J. Williams**

**SECONDED: Cr. S. Tsitas**

**That Council:**

- (1) Notes the report on Darebin City Bowls Club Green Fees and Charges.
- (2) In accordance with the lease agreement between Darebin City Bowls and Darebin City Council, approves of Darebin City Bowls charging a fee of \$600 for the daily hire of the indoor synthetic green within the velodrome at the Darebin International Sports Centre.

**CARRIED**  
**REFER MINUTE NO. 110**

**6.7 SIX MONTH PROGRESS REPORT FOR COMMUNITY ADVISORY COMMITTEES WITH COUNCILLOR REPRESENTATION****MINUTE NO. 117****Author:** Coordinator Performance Support**Reviewed By:** Executive Manager, Corporate Governance and Performance**Report Background**

At its Special Meeting of Council of 10 November 2014, Councillors were appointed to Community Advisory Committees. This report provides a six month progress update on Committee activities.

**Previous Resolution**

At the meeting on 20 October 2014, Council resolved:

*'That Council*

*.....*

*(4) That officer's report on all Committees to Council every six months.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Open and Accountable Democracy (Goal 6)

**Summary**

This report provides a six month progress report for the twenty Community Advisory Committees with Councillor representation for the period June 2015 to November 2015.

The attached Committee reports provide the following information for each Community Advisory Committee:

- Committee Summary
- Progress of key issues/challenges
- Progress of activities/outcomes
- Future plans for the next six months

**Council Resolution****MOVED:** Cr. J. Williams**SECONDED:** Cr. S. Tsitas

**That** Council notes the six month progress reports of the listed Community Advisory Committees as attached in **Appendix A** to this report.

**CARRIED**  
**REFER MINUTE NO. 110**

**6.8 COUNCILLOR BRIEFING POLICY****MINUTE NO. 118****Author:** Director Culture, Leisure and Works**Reviewed By:** Acting Chief Executive**Report Background**

On 7 April 2014, Council adopted a *Councillor Briefing Policy*. The Policy was recently reviewed and updated to enhance the function of Councillor Briefing sessions, and to outline the manner in which information is provided to Councillors about matters to come before an Ordinary Council meeting for resolution.

**Previous Council Resolution**

The Policy was adopted by resolution of Darebin City Council on 7 April 2014.

**Previous Briefing(s)**

Councillor Strategic Workshop – 12 December 2015

**Council Plan Goal/Endorsed Strategy**

The *Councillor Briefing Policy* is in line with the Councillor Code of Conduct, Excellence in Governance – Employee Code of Conduct.

**Summary**

The *Councillor Briefing Policy* (**Appendix A**) incorporates changes that enhance the purpose and structure of briefings; as well as conduct guidelines for Councillors and Council officers attending briefings to present information. By adopting and implementing the revised Policy, it is expected that Councillor Briefings will be undertaken in a more efficient and effective manner, enhancing the quality of information provided to Councillors.

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

**That** Council adopt the *Councillor Briefing Policy* attached as **Appendix A** to this report.

**CARRIED**

Cr. Laurence called for a Division.

For

Cr. Bo Li  
Cr. Trent McCarthy  
Cr. Steven Tsitas  
Cr. Angela Villella  
Cr. Tim Laurence  
Cr. Vince Fontana

Against

Cr. Oliver Walsh

Abstained

Cr. Gaetano Greco

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

*Cr. Williams temporarily left the meeting during discussion of the above item at 7.43 pm.*

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

### 7.1 DAREBIN SPORTING HISTORY

MINUTE NO. 119

**Author:** Manager Leisure and Public Realm

**Reviewed By:** Director Culture, Leisure and Works

#### Report Background

This report is in response to a General Business resolution from the 29 April 2015 Council Meeting and provides a proposed methodology to report on and document Darebin's sporting history.

#### Previous Council Resolution

On 29 April 2015, Council resolved to receive a report on how Darebin's sporting history can be documented and celebrated, including possible inclusion of signs, plaques and other commemorative items from Darebin.

#### Previous Briefing(s)

Councillor Briefing - 30 November 2015

#### Council Plan Goal/Endorsed Strategy

- **Council Plan 2013 – 2017** strategies 2.13 equitable access for all; 5.2 access and inclusion.
- **Darebin Health and Wellbeing Plan 2013 – 2017:** (goal 5 protect and promote Darebin people's physical health).

#### Summary

The City of Darebin's sporting facilities support a large array of sporting clubs from traditional sports such as cricket, football and netball to emerging sports like soccer, gridiron and ultimate frisbee.

It is proposed that Council partners with a tertiary institution and engages students to collect and detail elements of Darebin's sporting history as part of their relevant sporting studies.

#### Council Resolution

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

**That** Council notes this report in relation to Darebin's Sporting History.

**CARRIED UNANIMOUSLY**

*Cr. Tsitas temporarily left the meeting prior to discussion of the above item at 7.46 pm.*

*Cr. Williams returned to the meeting during discussion of the above item at 7.47 pm.*



**7.2 GOWOMENLG2016****MINUTE NO. 120****Author:** Manager Children, Families and Community**Reviewed By:** Director Community Development**Report Background**

Darebin City Council has a long standing commitment to supporting women's full and equal participation in community life, including civic leadership. This report details two initiatives that will be hosted by Darebin City Council, aimed at increasing the number of female candidates in the 2016 Victorian local government elections.

**Previous Council Resolution**

At the Council meeting on 7 December 2015 Council resolved that:

*'Officers provide a report on different ways council can support the VLGA's Go Women Campaign leading up to the 2016 local government elections. Consultation is to include, but not limited to, both women councillors, the Darebin Women's Advisory Committee, Darebin Aboriginal Advisory Committee and DECC. Possible ideas to be considered include a series of workshops with a Darebin community focus and an effective communication strategy. The report is to come to council early 2016.'*

**Previous Briefing(s)**

There have been no previous briefings to Councillors in relation to this report.

**Council Plan Goal/Endorsed Strategy**

Council Plan Goal 2: Healthy and Connected Community: *Strategy 2.16: promote gender equity, prevent violence against women and support the right of women to engage and participate fully and equally in all aspects of community life.*

- Darebin Equity and Inclusion Policy 2012-2015 (extended until 2017)
- Darebin's Gender Equity Action Plan 2016

**Summary**

Darebin City Council will be hosting two events as part of the GoWomenLG2016 project. GoWomenLG2016 is an initiative of the Victorian Local Governance Association (VLGA) in conjunction with the Victorian Government and provides support, networking and resources for women candidates in the 2016 Victorian local government elections. These events are:

- Oxfam Straight Talk - State-wide Master Class for Aboriginal Women
- GoWomenLG2016 - Northern Metro Region Event

<b>Council Resolution</b>
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**MOVED:** Cr. J. Williams  
**SECONDED:** Cr. A. Villella

**That Council:**

- (1) Note the GoWomenLG2016 project supporting female candidates at the next local government election and the hosting by Council of two key events as part of this project.
- (2) Endorse Cr Villella and Cr Williams to present at these events, on behalf of Council as the two elected female Councillors.

**CARRIED**

Cr. McCarthy called for a Division.

For

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

Against

Cr. Oliver Walsh

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

*Cr. Walsh temporarily left the meeting during discussion of the above item at 7.54 pm and returned at 7.56 pm.*

*Cr. Tsitas returned to the meeting during discussion of the above item at 7.59 pm.*

## 8. NOTICES OF MOTION

### 8.1 VISION SUPER'S INVESTMENT IN FOSSIL FUEL AND ASSOCIATED INDUSTRIES

MINUTE NO. 121

NOTICE OF MOTION NO. 263

CR. TRENT MCCARTHY

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

*That Council resolves to:*

- (1) *Write to Vision Super expressing Council's concern about Vision Super's investments in fossil fuel and associated industries, ask that Vision Super share with Council what plans they have in place for divestment from fossil fuel companies and infrastructure and what steps Vision Super is taking to manage climate risk for its members (as outlined by the Market Forces recommendations attached to this Motion) including:*
  - a) *Quantify and manage climate risk to its current portfolio*
  - b) *Disclose fossil fuel exposed holdings to its members*
  - c) *Divest from pure play fossil fuel companies*
  - d) *Increase investment in renewable energy and energy efficiency*
  - e) *Engage with diversified companies and companies at risk and encourage them to phase out fossil fuel exposure*
  - f) *Minimisation of fossil fuel exposure in portfolio by divesting from diversified companies that continue to do business in fossil fuels without a plan for avoiding stranded assets and climate risk.*
  - g) *Ongoing reporting to members of climate risk and fossil fuel exposure as the above steps are undertaken.*
- (2) *Write to all Councils in Victoria, the Australian Services Union (ASU), Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) outlining Council's position on fossil fuel divestment and its support for divestment from fossil fuel investments by superannuation companies and request their support for this action.*

**Notice Received:** 15 February 2016

**Notice Given to Councillors:** 29 February 2016

**Date of Meeting:** 7 March 2016

**Motion****MOVED: Cr. T. McCarthy****SECONDED: Cr. B. Li****That Council resolves to:**

- (1) Write to Vision Super expressing Council's concern about Vision Super's investments in fossil fuel and associated industries, ask that Vision Super share with Council what plans they have in place for divestment from fossil fuel companies and infrastructure and what steps Vision Super is taking to manage climate risk for its members including:
  - a) Quantify and manage climate risk to its current portfolio
  - b) Disclose fossil fuel exposed holdings to its members
  - c) Divest from pure play fossil fuel companies
  - d) Increase investment in renewable energy and energy efficiency
  - e) Engage with diversified companies and companies at risk and encourage them to phase out fossil fuel exposure
  - f) Minimisation of fossil fuel exposure in portfolio by divesting from diversified companies that continue to do business in fossil fuels without a plan for avoiding stranded assets and climate risk.
  - g) Ongoing reporting to members of climate risk and fossil fuel exposure as the above steps are undertaken.
- (2) Write to all Councils in Victoria, the Australian Services Union (ASU), Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) outlining Council's position on fossil fuel divestment and its support for divestment from fossil fuel investments by superannuation companies and request their support for this action.

*Cr Williams proposed to the mover and the seconder that point (1) h) be added as follows. This was accepted by Cr. McCarthy and Cr. Li.*

**THE AMENDED MOTION THEN READ AS FOLLOWS:****Amended Motion****MOVED: Cr. T. McCarthy****SECONDED: Cr. B. Li****That Council resolves to:**

- (1) Write to Vision Super expressing Council's concern about Vision Super's investments in fossil fuel and associated industries, ask that Vision Super share with Council what plans they have in place for divestment from fossil fuel companies and infrastructure and what steps Vision Super is taking to manage climate risk for its members including:
  - a) Quantify and manage climate risk to its current portfolio
  - b) Disclose fossil fuel exposed holdings to its members
  - c) Divest from pure play fossil fuel companies

- d) Increase investment in renewable energy and energy efficiency
  - e) Engage with diversified companies and companies at risk and encourage them to phase out fossil fuel exposure
  - f) Minimisation of fossil fuel exposure in portfolio by divesting from diversified companies that continue to do business in fossil fuels without a plan for avoiding stranded assets and climate risk.
  - g) Ongoing reporting to members of climate risk and fossil fuel exposure as the above steps are undertaken.
  - h) Justify their high fees in comparison to other funds.
- (2) Write to all Councils in Victoria, the Australian Services Union (ASU), Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) outlining Council's position on fossil fuel divestment and its support for divestment from fossil fuel investments by superannuation companies and request their support for this action.

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

**Council Resolution**

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

**That** Council resolves to:

- (1) Write to Vision Super expressing Council's concern about Vision Super's investments in fossil fuel and associated industries, ask that Vision Super share with Council what plans they have in place for divestment from fossil fuel companies and infrastructure and what steps Vision Super is taking to manage climate risk for its members including:
- a) Quantify and manage climate risk to its current portfolio
  - b) Disclose fossil fuel exposed holdings to its members
  - c) Divest from pure play fossil fuel companies
  - d) Increase investment in renewable energy and energy efficiency
  - e) Engage with diversified companies and companies at risk and encourage them to phase out fossil fuel exposure
  - f) Minimisation of fossil fuel exposure in portfolio by divesting from diversified companies that continue to do business in fossil fuels without a plan for avoiding stranded assets and climate risk.
  - g) Ongoing reporting to members of climate risk and fossil fuel exposure as the above steps are undertaken.
  - h) Justify their high fees in comparison to other funds.
- (2) Write to all Councils in Victoria, the Australian Services Union (ASU), Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) outlining Council's position on fossil fuel divestment and its support for divestment from fossil fuel investments by superannuation companies and request their support for this action.

**CARRIED**

Cr. McCarthy called for a Division.

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

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

## 8.2 SECLUDED PRIVATE OPEN SPACE PROVISIONS

MINUTE NO. 122

NOTICE OF MOTION NO. 264

CR. BO LI

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

**That Council:**

- (1) *Notes the lack of site context in assessing private open space (including secluded private open space) provisions in ResCode, particularly for yield driven high density developments with reverse living arrangements.*
- (2) *Writes to the Minister for Planning highlighting this issue, citing one recent example in City of Darebin where a three bed room reverse living unit with no backyard or court yard except an eight square meter first floor balcony was assessed as being compliant under current ResCode provisions, and urge him to issue a Ministerial directive to set minimum secluded private open space provisions for reverse living developments in ResCode so as to protect the residential amenity of occupants.*
- (3) *In the above correspondence, the council should also alert the Minister for Planning of the loop hole allowing for upper floor balconies to be provided as a substitute for the provision of adequate on site private open space under Clause 55.05-4 of the Victoria Planning Provisions relating to the provision of private open space. These provisions should be reviewed to reduce the opportunity for yield focused developments from disrupting the openness and landscape character of residential neighbourhoods such as those in Darebin. The provisions should be amended to strengthen decision guidelines setting a better context and site criteria requirement to ensure this form of development is limited to areas where increased residential densities are encouraged and supported by appropriate Infrastructure, services and proximity to an activity centre.*

**Notice Received:** 22 February 2016

**Notice Given to Councillors:** 29 February 2016

**Date of Meeting:** 7 March 2016

**Council Resolution**

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. A. Villella

**That Council:**

- (1) Notes the lack of site context in assessing private open space (including secluded private open space) provisions in ResCode, particularly for yield driven high density developments with reverse living arrangements.
- (2) Writes to the Minister for Planning highlighting this issue, citing one recent example in City of Darebin where a three bed room reverse living unit with no backyard or court yard except an eight square meter first floor balcony was assessed as being compliant under current ResCode provisions, and urge him to issue a Ministerial directive to set minimum secluded private open space provisions for reverse living developments in ResCode so as to protect the residential amenity of occupants.
- (3) In the above correspondence, the council should also alert the Minister for Planning of the loop hole allowing for upper floor balconies to be provided as a substitute for the provision of adequate on site private open space under Clause 55.05-4 of the Victoria Planning Provisions relating to the provision of private open space. These provisions should be reviewed to reduce the opportunity for yield focused developments from disrupting the openness and landscape character of residential neighbourhoods such as those in Darebin. The provisions should be amended to strengthen decision guidelines setting a better context and site criteria requirement to ensure this form of development is limited to areas where increased residential densities are encouraged and supported by appropriate Infrastructure, services and proximity to an activity centre.

**CARRIED UNANIMOUSLY**

### **8.3 DAREBIN SANCTUARY FOR 240 ASYLUM SEEKERS**

**MINUTE NO. 122**

**NOTICE OF MOTION NO. 265**

**CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

***That Council:***

- (1) *Write to Premier Daniel Andrews supporting and congratulating him on his courageous and humanitarian decision to declare the State of Victoria a sanctuary for the 240 asylum seekers and 37 babies born in Australia to asylum seeker mothers facing transfer and detention in Nauru for an indefinite time.*
- (2) *Notes the letter received from DECC on 13th February 2016 highlighting Council's long standing support in welcoming asylum seekers and supports DECC proposals to;*
  - a) *Declare the City of Darebin to be a sanctuary for any of the 237 asylum seekers including any of the 37 babies born in Australia to asylum seeker mothers;*

- b) *Display a large banner and other signage identifying that "Darebin is a Local Government Area of Sanctuary for Asylum Seekers"*
- c) *Provide practical assistance to places of worship or other agencies that choose to declare their premises as sanctuaries for asylum seekers;*
- d) *Partner with DECC and other organisations to explore ways to foster the compassionate engagement of Darebin residents, local primary and secondary schools with the asylum seekers*

**Notice Received:** 22 February 2016

**Notice Given to Councillors:** 29 February 2016

**Date of Meeting:** 7 March 2016

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

**MOVED:** Cr. G. Greco

**SECONDED:** Cr. A. Villella

*That Council:*

- (1) *Write to Premier Daniel Andrews supporting and congratulating him on his courageous and humanitarian decision to declare the State of Victoria a sanctuary for the 240 asylum seekers and 37 babies born in Australia to asylum seeker mothers facing transfer and detention in Nauru for an indefinite time.*
- (2) *Notes the letter received from DECC on 13th February 2016 highlighting Council's long standing support in welcoming asylum seekers and supports DECC proposals to;*
  - a) *Declare the City of Darebin to be a sanctuary for any of the 237 asylum seekers including any of the 37 babies born in Australia to asylum seeker mothers;*
  - b) *Display a large banner and other signage identifying that "Darebin is a Local Government Area of Sanctuary for Asylum Seekers"*
  - c) *Provide practical assistance to places of worship or other agencies that choose to declare their premises as sanctuaries for asylum seekers;*
  - d) *Partner with DECC and other organisations to explore ways to foster the compassionate engagement of Darebin residents, local primary and secondary schools with the asylum seekers*

*Cr. Laurence proposed to the mover and the seconder that point (2) e) be added as follows. This was accepted by Cr. Greco and Cr. Villella.*

- e) *Receive a further report on how Darebin Council can support housing and material aid for Asylum Seekers in Darebin with Council funds.*



THE AMENDED MOTION THEN READ AS FOLLOWS:

**Amended Motion**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. A. Villella**

- (1) Write to Premier Daniel Andrews supporting and congratulating him on his courageous and humanitarian decision to declare the State of Victoria a sanctuary for the 240 asylum seekers and 37 babies born in Australia to asylum seeker mothers facing transfer and detention in Nauru for an indefinite time.
- (2) Notes the letter received from DECC on 13th February 2016 highlighting Council's long standing support in welcoming asylum seekers and supports DECC proposals to;
  - a) Declare the City of Darebin to be a sanctuary for any of the 237 asylum seekers including any of the 37 babies born in Australia to asylum seeker mothers;
  - b) Display a large banner and other signage identifying that "Darebin is a Local Government Area of Sanctuary for Asylum Seekers"
  - c) Provide practical assistance to places of worship or other agencies that choose to declare their premises as sanctuaries for asylum seekers;
  - d) Partner with DECC and other organisations to explore ways to foster the compassionate engagement of Darebin residents, local primary and secondary schools with the asylum seekers
  - e) Receive a further report on how Darebin Council can support housing and material aid for Asylum Seekers in Darebin with Council funds.

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

**Council Resolution**

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. A. Villella**

**That Council:**

- (1) Write to Premier Daniel Andrews supporting and congratulating him on his courageous and humanitarian decision to declare the State of Victoria a sanctuary for the 240 asylum seekers and 37 babies born in Australia to asylum seeker mothers facing transfer and detention in Nauru for an indefinite time.
- (2) Notes the letter received from DECC on 13th February 2016 highlighting Council's long standing support in welcoming asylum seekers and supports DECC proposals to;
  - a) Declare the City of Darebin to be a sanctuary for any of the 237 asylum seekers including any of the 37 babies born in Australia to asylum seeker mothers;
  - b) Display a large banner and other signage identifying that "Darebin is a Local Government Area of Sanctuary for Asylum Seekers"
  - c) Provide practical assistance to places of worship or other agencies that choose to declare their premises as sanctuaries for asylum seekers;

- d) Partner with DECC and other organisations to explore ways to foster the compassionate engagement of Darebin residents, local primary and secondary schools with the asylum seekers
- e) Receive a further report on how Darebin Council can support housing and material aid for Asylum Seekers in Darebin with Council funds.

**CARRIED**

Cr. McCarthy called for a Division.

For

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

Abstained

Cr. Oliver Walsh

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

#### 8.4 DAREBIN HOMEMADE WINE AND FOOD FESTIVAL 2016

**NOTICE OF MOTION NO. 266**

**CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

***That Council:***

- (1) *Immediately set up a short term reference group to provide support and advise for the 2016 expanded Darebin Homemade Wine and Food Festival.*
- (2) *Nominate the following representatives on the reference group:*
  - a) *Representative from DECC*
  - b) *Relevant Council officers*
  - c) *Interested Councillors, Crs.....*
  - d) *Two community representative to be nominated by officers.*

**Notice Received: 22 February 2016**

**Notice Given to Councillors: 29 February 2016**

**Date of Meeting: 7 March 2016**

WITH LEAVE OF THE CHAIRPERSON, CR. FONTANA, CR. GRECO WITHDREW HIS NOTICE OF MOTION NO. 266.

*Cr. Villella disclosed a conflict of interest in the following item declaring it as a direct interest as the Preston Market has sponsored her Mangia! Mangia! DVD.*

*Cr. Villella left the meeting prior to discussion of the item at 8.34 pm.*

## 8.5 PRESTON MARKET

MINUTE NO. 123

NOTICE OF MOTION NO. 267

CR. GAETANO GRECO

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

**That Council:**

- (1) *Note the letter received on 18th February 2016 from James Renkin, Development Manager for the Preston Market Developments Pty Ltd, owners of the Preston Market site*
- (2) *Note that the above letter only indicates that the site owners intend to preserve the Preston Market but are refusing to enter into a legally binding Section 173 Agreement with Council to protect the market component of the site as part of any proposed development on the grounds that it is unnecessary and onerous.*
- (3) *Immediately write to the site owners again expressing its concern that they are unwilling to enter into a Section 173 Agreement that provides certainty and legal protection to maintaining the market as part of any future development.*

**Notice Received:** 22 February 2016

**Notice Given to Councillors:** 29 February 2016

**Date of Meeting:** 7 March 2016

*With leave of the Chairperson, Cr. Fontana, Cr. Greco amended his Notice of Motion to amend point (3) and add point (4) as follows:*

- (3) *Immediately write to the site owners requesting that they reconsider their position concerning their unwillingness to enter into a Section 173 Agreement that could provide legal protection to maintaining the market as part of any future development.*
- (4) *Immediately write to the State Minister for Planning (with copies to all local state MP) requesting that he consider using his planning powers to protect the future of Preston Market on the current site.*

THE AMENDED MOTION THEN READ AS FOLLOWS:

**Amended Motion**

**MOVED:** Cr. G. Greco

**SECONDED:** Cr. S. Tsitas

**That Council:**

- (1) *Note the letter received on 18th February 2016 from James Renkin, Development Manager for the Preston Market Developments Pty Ltd, owners of the Preston Market site*

- (2) Note that the above letter only indicates that the site owners intend to preserve the Preston Market but are refusing to enter into a legally binding Section 173 Agreement with Council to protect the market component of the site as part of any proposed development on the grounds that it is unnecessary and onerous.
- (3) Immediately write to the site owners requesting that they reconsider their position concerning their unwillingness to enter into a Section 173 Agreement that could provide legal protection to maintaining the market as part of any future development.
- (4) Immediately write to the State Minister for Planning (with copies to all local state MP) requesting that he consider using his planning powers to protect the future of Preston Market on the current site.

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

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

**MOVED: Cr. G. Greco**  
**SECONDED: Cr. S. Tsitas**

**That Council:**

- (1) Note the letter received on 18th February 2016 from James Renkin, Development Manager for the Preston Market Developments Pty Ltd, owners of the Preston Market site
- (2) Note that the above letter only indicates that the site owners intend to preserve the Preston Market but are refusing to enter into a legally binding Section 173 Agreement with Council to protect the market component of the site as part of any proposed development on the grounds that it is unnecessary and onerous.
- (3) Immediately write to the site owners requesting that they reconsider their position concerning their unwillingness to enter into a Section 173 Agreement that could provide legal protection to maintaining the market as part of any future development.
- (4) Immediately write to the State Minister for Planning (with copies to all local state MP) requesting that he consider using his planning powers to protect the future of Preston Market on the current site.

**CARRIED**

Cr. Laurence called for a Division.

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

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

*Cr. Tsitas left the meeting at the conclusion of the above item at 8.48 pm.*

*Cr. Villella returned to the meeting at the conclusion of the above item at 8.49 pm.*

**8.6 POP UP PARKS****MINUTE NO. 124****NOTICE OF MOTION NO. 268****CR. TIM LAURENCE**

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

***That:***

- (1) *Council put on a freeze on any further pop up parks in the City of Darebin and that any current unexpended funds in this budget year be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.*
- (2) *Council officers report back to council on the location of any additional plantings across the city.*

**Notice Received: 22 February 2016****Notice Given to Councillors: 29 February 2016****Date of Meeting: 7 March 2016****MOTION****MOVED: Cr. T. Laurence****SECONDED: Cr. A. Villella*****That:***

- (1) Council put on a freeze on any further pop up parks in the City of Darebin and that any current unexpended funds in this budget year be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.
- (2) Council officers report back to council on the location of any additional plantings across the city.

*Cr. Li originally seconded the motion and proposed to the mover that the motion be amended as follows:*

***That:***

- (1) Council put on a freeze on any further pop up parks in the City of Darebin.
- (2) Council receive a report on the current unexpended funds in this budget year and be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.
- (3) Council officers report back to council on the location of any additional plantings across the city.
- (4) The report also contains possible future locations of pop up parks.

*This was not accepted by Cr. Laurence.*

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

**Alternate Motion**

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

**That:**

- (1) Council put on a freeze on any further pop up parks in the City of Darebin.
- (2) Council receive a report on the current unexpended funds in this budget year and be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.
- (3) Council officers report back to council on the location of any additional plantings across the city.
- (4) The report also contains possible future locations of pop up parks.

*Cr. Li subsequently proposed that point (4) be amended as follows:*

- (4) The report also contains the year to date expenditure on the pop up program.

THE ALTERNATE MOTION THEN READ AS FOLLOWS:

**Alternate Motion**

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

**That:**

- (1) Council put on a freeze on any further pop up parks in the City of Darebin.
- (2) Council receive a report on the current unexpended funds in this budget year and be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.
- (3) Council officers report back to council on the location of any additional plantings across the city.
- (4) The report also contains the year to date expenditure on the pop up program.

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

**Council Resolution**

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

**That:**

- (1) Council put on a freeze on any further pop up parks in the City of Darebin.

- (2) Council receive a report on the current unexpended funds in this budget year and be redirected to increasing our urban forest canopy cover with increased plantings on council owned and publicly owned parklands and open space.
- (3) Council officers report back to council on the location of any additional plantings across the city.
- (4) The report also contains the year to date expenditure on the pop up program.

**CARRIED UNANIMOUSLY**

*Cr. Tsitas returned to the meeting during discussion of the above item at 8.54 pm.*

*Cr. Walsh left the meeting during discussion of the above item at 9.05 pm and returned at 9.06 pm.*

## **8.7 MERRI COMMON AND NORTHCOTE RIFLE CLUB**

**MINUTE NO. 125**

**NOTICE OF MOTION NO. 269**

**CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

***That*** the Mayor writes to the Minister for Transport and all local MPs requesting that:

- a) *Land adjacent to Merri Station, encompassing Merri Common and the Northcote Rifle Club; and*
- b) *Land adjacent to Alphington Station, known as the Alphington Railway Reserve be declared crown land and be provided to Darebin Council on a long term lease arrangement, at no cost.*

**Notice Received: 22 February 2016**

**Notice Given to Councillors: 29 February 2016**

**Date of Meeting: 7 March 2016**

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

**MOVED: Cr. T. McCarthy**

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

**That** the Mayor writes to the Minister for Transport and all local MPs requesting that:

- a) Land adjacent to Merri Station, encompassing Merri Common and the Northcote Rifle Club; and
- b) Land adjacent to Alphington Station, known as the Alphington Railway Reserve be declared public open space and be provided to Darebin Council on a long term lease arrangement, at no cost.

**CARRIED UNANIMOUSLY**

**8.8 FOSSIL FUEL DIVESTMENT STRATEGY****MINUTE NO. 126****NOTICE OF MOTION NO. 270****CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 7 March 2016, it is my intention to move:

*That Council receives a report in May on a draft Fossil Fuel Divestment Strategy, drawing on the work of other councils, such as Moreland City Council.*

**Notice Received: 22 February 2016**

**Notice Given to Councillors: 29 February 2016**

**Date of Meeting: 7 March 2016**

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

**MOVED: Cr. T. McCarthy**

**SECONDED: Cr. B. Li**

**That Council receives a report in May on a draft Fossil Fuel Divestment Strategy, drawing on the work of other councils, such as Moreland City Council.**

**CARRIED UNANIMOUSLY**



## 9. URGENT BUSINESS

Nil

## 10. GENERAL BUSINESS

Nil

## 11. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 11.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 127

An Assembly of Councillors is defined in section 76AA of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

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

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

An Assembly of Councillors record was kept for:

- Councillor/Chief Executive Briefing Session – 1 February 2016
- Councillor Briefing Session – 8 February 2016
- Councillor/Chief Executive Briefing Session – 15 February 2016
- Councillor Briefing Session – 22 February 2016

<b>Council Resolution</b>
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**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. T. McCarthy

**That** the record of the Assembly of Councillors held on 1, 8, 15 and 22 February 2016 be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor/Chief Executive Briefing Session
	<b>Date:</b>	Monday, 1 February 2016
	<b>Location:</b>	Function room
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Vince Fontana, (Mayor), Cr. Oliver Walsh (Deputy Mayor) Cr. Gaetano Greco, Cr. Tim Laurence, Cr. Bo Li, Cr. Trent McCarthy, Cr. Steven Tsitas, Cr. Angela Villeda and Cr. Julie Williams
	<b>Council Staff:</b>	Rasiah Dev
	<b>Other:</b>	Nil
<b>APOLOGIES:</b>		Nil

The Assembly commenced at 5.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Centralised Kindergarten Placements	No disclosures were made
2.	NDIS	No disclosures were made
3.	Preventing Violence Extremism – National Agenda Conference	No disclosures were made
4.	General Discussion and Questions and Answers	No disclosures were made

The Assembly concluded at 6.00 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Rasiah Dev
	<b>Officer Title:</b>	Chief Executive Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	Monday 8 February 2015
	<b>Location:</b>	Function Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Vince Fontana (Mayor), Cr. Oliver Walsh (Deputy Mayor – from 5.46 pm), Cr. Steven Tsitas Cr. Gaetano Greco, Cr. Bo Li, Cr. Trent McCarthy, Cr. Julie Williams, Cr. Angela Villella, Cr. Tim Laurence (from 6.15 pm).
	<b>Council Staff:</b>	Rasiah Dev, Steve Hamilton, Patti Wenn, Gavin Cator, Katrina Knox, Chris Meulblok, Alexis Young, Vicky Guglielmo, Darren Rudd.
	<b>Other:</b>	Peter Lucas (Macquarie Local Government Lawyers – until 6.40 pm))
<b>APOLOGIES:</b>		

The Assembly commenced at 5.40 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Briefing on Adverse Possession (Verbal)	No disclosures were made. Cr. Walsh absent from 5.52 pm to 5.54 pm and 6.08 pm to 6.10 pm Cr. Williams absent from 6.12 pm to 6.18 pm
2.	Council's Commitment to Refugees and Asylum Seekers (Verbal)	No disclosures were made. Cr. Tsitas absent from 6.32 pm to 6.48 pm
3.	Darebin City Bowls Greens Fees and Charges	No disclosures were made. Cr. Villella absent from 6.40 pm to 6.48 pm
4.	Planning Matters (Verbal)	No disclosures were made. Cr. Walsh absent from 6.51pm to 6.53 pm Cr. Greco left the meeting at 6.52 pm
5.	Green Army	No disclosures were made.
6.	W.H. Robinson and A.H. Capp Master Plan Community Consultation Outcomes	No disclosures were made.

<b>MATTERS CONSIDERED</b>		<b>DISCLOSURES AND COMMENTS</b>
<b>7.</b>	Darebin Music Feast 2016	No disclosures were made.
<b>8.</b>	Financial Report 6 Months ended 31 December 2015	No disclosures were made.

The Assembly concluded at 6.59 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Katrina Knox
	<b>Officer Title:</b>	Director Community Development



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor/Chief Executive Briefing Session
	<b>Date</b>	Monday, 15 February 2016
	<b>Location:</b>	Function room
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Vince Fontana, (Mayor), Cr. Oliver Walsh (Deputy Mayor) Cr. Gaetano Greco, Cr. Tim Laurence, Cr. Bo Li, Cr. Trent McCarthy, Cr. Steven Tsitas, Cr. Julie Williams
	<b>Council Staff:</b>	Rasiah Dev
	<b>Other:</b>	Nil
<b>APOLOGIES:</b>		Cr. Angela Villella

The Assembly commenced at 5.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	State Government will shortly announce funding of approximately \$350,000 to complement Darebin's allocation of \$385,000 towards new netball courts for women and girls of Darebin.	No disclosures were made
2.	NARC require urgent repair renewal works (in the order of \$760,000) to its facilities in 2016/2017	No disclosures were made
3.	Council to host Parliamentarians briefing of Council prioritised on or around 29 April 2016.	No disclosures were made
4.	Council to deal with increased level of noise related complaints; will provide information to community via the internet.	No disclosures were made
5.	Discussions about rate capping, Council information to make decisions and media interest.	No disclosures were made

The Assembly concluded at 6.00 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Rasiah Dev
	<b>Officer Title:</b>	Chief Executive Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	Monday 22 February 2015
	<b>Location:</b>	Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Vince Fontana (Mayor), Cr. Oliver Walsh (Deputy Mayor) Cr. Steven Tsitas, Cr. Gaetano Greco, Cr Bo Li, Cr Trent McCarthy, Cr Julie Williams.
	<b>Council Staff:</b>	Steve Hamilton, Patti Wenn, Gavin Cator, Katrina Knox, Jacinta Stevens, Sally Johnson, Karin Linden.
	<b>Other:</b>	
<b>APOLOGIES:</b>		Cr Angela Villella, Cr Tim Laurence.

The Assembly commenced at 5.40pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Continuous Improvement – Customer Service (Confidential)	No disclosures were made.
2.	Significant Tree Register – Community Consultation Outcome	No disclosures were made.
3.	DECC Community Monument	No disclosures were made.
4.	Rate Rebates for Specific Vacant Land Properties	No disclosures were made.
5.	Online Budget Tool	No disclosures were made.

The Assembly concluded at 6.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Katrina Knox
	<b>Officer Title:</b>	Director Community Development



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Bicycle Advisory Committee
	<b>Date:</b>	Tuesday 23 February 2016
	<b>Location:</b>	Conference Room, Darebin Council Offices
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Bo Li
	<b>Council Staff:</b>	Anna Haygreen, Che Sutherland
	<b>Other:</b>	Representative of the Darebin Bicycle User group.
<b>APOLOGIES:</b>		

The Assembly commenced at 6.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Reducing Speed Limits in Darebin	No disclosures were made.
2.	Melbourne Water Pipe Works on St Georges Road	No disclosures were made.
3.	Update on Level Crossings in Darebin	No disclosures were made.
4.	Chandler Highway	No disclosures were made.
5.	High Street/ St Georges Rd Intersection	No disclosures were made.
6.	Shimmy route refuge crossings	No disclosures were made.
7.	Great Western Shimmy bike route	No disclosures were made.
8.	Cycle Training Courses	No disclosures were made.
9.	Shared Path Program	No disclosures were made.
10.	Bike Ed Evaluation	No disclosures were made.
11.	Ride 2 School Day 4 March	No disclosures were made.
12.	Be Bright at Night Campaign	No disclosures were made.
13.	Upcoming Council Festivals and Events	No disclosures were made.
14.	Darebin Tourism Strategy development	No disclosures were made.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
15.	Thornbury Master plan	No disclosures were made.
16.	Walking Strategy development	No disclosures were made.

The Assembly concluded at 8.40 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> Anna Haygreen <b>Officer Title:</b> Sustainable Transport Officer
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## 12. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 128

<b>Council Resolution</b>
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**MOVED: Cr. B. Li****SECONDED: Cr. T. McCarthy**

That Council note the Reports by Mayor and Councillors.

**CARRIED**

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

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

- Special Council meeting
- CALD meeting
- Citizenship ceremony
- Northland Steering Committee - Briefing with officers
- Attended launch of Sports Courts at Darebin Community Sports Stadium with Minister John Eren MP
- Merri Creek management Committee quarterly Meeting
- Site meeting with Grant Wason and officers at Sullivan Reserve
- 100<sup>th</sup> birthday celebration at La Trobe retirement village
- Full Moon festival at Linh Son Temple – Reservoir
- MCMC annual general meeting
- Vietnam Veterans' Association graveside vigil at Fawkner cemetery
- NEMCA Chinese new year celebration at DAEC
- Retirement Village expo at DAEC
- Councillor Briefing session
- Planning Committee meeting
- Special Council meeting
- Northland Steering Committee meeting
- Darebin Municipal Emergency Management Planning Committee Meeting
- Moreland 2016 Australia Made campaign forum
- Attended Amendment GC42 briefing
- Photoshoot with Robin Scott MP
- Meeting with chair of Audit Committee
- Northcote Cricket Club Gala function
- Special Council briefing
- Opening of Gyprock Solutions in Preston
- Preston Neighbourhood House AGM
- Chaired Aboriginal Advisory Committee meeting
- Special Councillor briefing

- Met with Bronwyn Halfpenny MP and John Eren MP at Connors Reserve with club officials
- Hellenic Women's Day celebration
- Launched Darebin's Tourism strategy Breakfast
- Residents meeting with Peter Catalano regarding row ISSUES
- Meeting with Metta Kezkiropoulos regarding sports grounds
- Attended Strategic Workshop
- Launched Darebin Schools Program at Spiritual Healing Trail
- Attended Audit Committee meeting

## **12.2 REPORT OF CR. BO LI**

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

- Special Council meeting
- Regional Kitchens Board meeting
- Meeting with MAV to finalise McArthur Fellowship Award report
- Councillor Briefing session
- Planning Committee meeting
- Northland Steering Committee meeting
- Darebin Bicycle Advisory Committee meeting
- Amendment GC42 (Environmental Sustainable Development) information session
- Opening of True North open air cinema
- Special Councillor Briefing
- Special council briefing with Andrew Douglas
- VLGA forum with Jeff Kennett
- Councillor Strategic Planning Weekend

## **12.3 REPORT OF CR. TRENT MCCARTHY**

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

- Special Council meeting
- Darebin Environmental Reference Group
- Meeting with Premier of Victoria, Daniel Andrews
- Councillor Briefing session
- Planning Committee meeting
- Strategic Planning meeting
- Interview on Triple RRR's The Party Show with Minister for Local Government, Natalie Hutchins and other Local Councillors
- Meetings with residents and traders regarding various issues

**12.4 REPORT OF CR. STEVEN TSITAS**

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

- Councillor Briefing session
- Planning Committee meeting
- Special Council meeting
- Greek Antipodes Festival – Charity run for sick kids
- Special Councillor Briefing
- Strategic Workshop

**12.5 REPORT OF CR. TIM LAURENCE**

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

- Council Meeting
- Attended Funding announcement of new Netball Courts at Darebin Community Sports Centre with Minister for Sport, Member for Preston and Mayor of Darebin
- Special Council meeting
- True North Outdoor cinema
- Planning Committee meeting
- Special Councillor briefing
- Attended Darebin's Mens shed East Reservoir with Hon David Feeney MP
- Councillor Strategic Planning Weekend
- Strategic Briefing
- Consultation with residents regarding laneways and easements, traffic issues and Planning objections
- Meeting with disable residents regarding path maintenance

**12.6 REPORT OF CR. GAETANO GRECO**

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

- Special Council meeting
- Friends of Baucau meeting
- Citizenship ceremony
- Springthorpe Traffic Management workshop
- Full Moon festival, Linh Son temple
- Councillor Briefing session
- Planning Committee meeting
- IntoWork Australia board meeting
- True North outdoor cinema
- Special Councillor briefings

- Darebin Aboriginal Advisory Committee
- Councillor Strategic Planning Weekend
- Strategic workshop

### **12.7 REPORT OF CR. ANGELA VILLELLA**

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

- Planning Committee meeting
- Special Councillor briefing
- Special Council meeting
- Strategic workshop
- Councillor Strategic Planning Weekend

### **12.8 REPORT OF CR. OLIVER WALSH**

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

- Citizenship Ceremony
- Special Council meeting
- Anzac Exhibition
- Planning Committee
- Briefings
- MAV planning event
- Arts Project Australia
- Into Work Board Meeting
- Syrian Refugees event
- MS Swimathon NARC
- Met with Whittlesea councillors to discuss the threat of Sky Rail on South Morang line
- Met with Fairfield residents re Planning
- VLGA event with Jeff Kennett
- Councillor weekend
- Various Constituent matters

### **12.9 REPORT OF CR. JULIE WILLIAMS**

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

- Special Council Meeting
- Council Briefing Session
- Planning Committee
- Northland Steering Committee
- DECL Board Meeting

- Darebin Disability Committee
- Council Meeting
- Preston Business Advisory members
- Council Briefing Session
- Pre Planning Committee
- Planning Meeting
- True North Outdoor
- Councillor Strategic Planning Workshop
- Attended to Residents regarding Parking, Preston Market, Planning Application, dumped rubbish

### 13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

#### CLOSE OF MEETING

**MOVED:** Cr. S. Tsitas

**SECONDED:** Cr. B. Li

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

13.1 East Preston Neighbourhood House

13.2 Adverse Possession Claim over land rear 1 Bower Street and 185 Westgarth Street, Northcote

13.3 Asbestos and Hazardous Materials Removal Services

**CARRIED**

The meeting was closed to members of the public at 9.20 pm.

*The Council considered and resolved on Report Item 13.1 (East Preston Neighbourhood House), Item 13.2 (Adverse Possession Claim over land rear 1 Bower Street and 185 Westgarth Street, Northcote) and Item 13.3 (Asbestos and Hazardous Materials Removal Services) which had been circulated to Councillors on 29 February 2016 with the Council Agenda Paper.*

#### RE-OPENING OF MEETING

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. A. Villella

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

**CARRIED**

The meeting was re-opened to the members of the public at 9.40 pm

**CONFIDENTIAL****13.1 EAST PRESTON NEIGHBOURHOOD HOUSE  
CONSTRUCTION UPGRADE****MINUTE NO. 129****Author:** Manager Major Projects and Infrastructure**Reviewed By:** Director Assets and Business Services**Report Background**

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

**Previous Resolution**

At the Council meeting held 15 February 2016, Council resolved:

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

**Briefing Date**

Following the request for additional information to was sent to Councillors via email from the Director Community Development.

**Council Plan Goal/Endorsed Strategy**

Goal 2 – Healthy and Connected Community

**Summary**

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

**Recommendation**

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

**Council Resolution**

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

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

Successful Tenderer: Jeff Williams Building Services Pty Ltd

**CARRIED**



**CONFIDENTIAL****13.2 ADVERSE POSSESSION CLAIM OVER LAND REAR 1 BOWER STREET AND 185 WESTGARTH STREET, NORTHCOTE****MINUTE NO. 130****Author:** Manager Assets and Properties**Reviewed By:** Director Assets and Business Services**Report Background**

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

**Previous Resolution**

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

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

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

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

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

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

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

Further, at its meeting on 15 February 2016, Council resolved:

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

### **Briefing Date**

Councillor briefing – 8 February 2015

Further information has also been provided to Councillors via email from the Manager Assets and Properties.

### **Council Plan Goal/Endorsed Strategy**

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

Strategy: Property Asset Management Strategy – May 2015

### **Summary**

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

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

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. O. Walsh

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

**CARRIED**

**CONFIDENTIAL****13.3 ASBESTOS AND HAZARDOUS MATERIALS REMOVAL SERVICES****MINUTE NO. 131****Author:** Manager Assets and Properties**Reviewed By:** Director Assets and Business Services**Report Background**

This report provides the outcome of the tender process for asbestos and hazardous materials removal services.

**Previous Council Resolution**

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

**Previous Briefing(s)**

This matter has not previously been to a Councillor briefing.

**Council Plan Goal/Endorsed Strategy**

The Building Asset Management Plan 2007 reflects the purposes and objectives of Council as outlined in the Darebin City Council Plan 2013- 2017, which includes:

*“review and continue to manage the existing asset base, ensuring that the city’s public spaces, drains roads, footpaths, facilities, street trees, parks and other infrastructure are maintained to the highest standard.”*

**Summary**

The Asbestos Removal and Hazardous Materials services contract to Council facilities will enable to Council to meet its statutory obligations.

**Recommendation**

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

**Council Resolution**

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

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

Successful Tenderer: CETEC Pty Ltd  
Contract Period: 1 March 2016 to 28 February 2019 with 2 options to extend for a term of one year each, subject to satisfactory performance.

**CARRIED**

**14. CLOSE OF MEETING**

The meeting closed at 9.41 pm.