



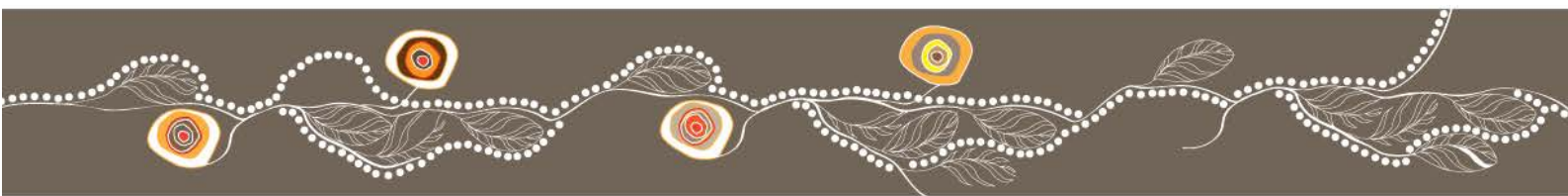
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# MINUTES OF THE COUNCIL MEETING

Held on Monday 20 November 2017

Released to the public on Thursday 23 November 2017





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

Darebin City Council acknowledges the Wurundjeri people as the traditional owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and future.

Council pays respect to 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.





**Italian**

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

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**Arabic**

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**Somali**

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



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**MINUTES OF THE ORDINARY MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH STREET PRESTON ON MONDAY 20 NOVEMBER 2017**

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**THE MEETING OPENED AT 6.02PM**

## **WELCOME**

The Chairperson, Cr. Le Cerf opened the meeting with the following statement:

*“I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today.”*

## **1. PRESENT**

### ***Councillors***

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Gaetano Greco

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

### ***Council Officers***

Sue Wilkinson - Chief Executive Officer

Katrina Knox - Director Community Development

Andrew McLeod - Director Corporate Services

Jacinta Stevens - Director Civic Governance and Compliance

Oliver Vido - Director Operations and Environment

Allan Cochrane - Chief Financial Officer

Katia Croce - Coordinator Council Business

Jody Brodribb - Council Business and Governance Officer

Dave Bell - Senior Media Advisor

## **2. APOLOGIES**

Cr. Tim Laurence and Cr. Steph Amir are on an approved leave of absence.

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil

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

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

MINUTE NO. 18-009

**MOVED:** Cr. L Messina  
**SECONDED:** Cr. T McCarthy

**That** the Minutes of the Ordinary Meeting of Council held on 16 October 2017 and the Special Meeting of Council held on 13 November 2017 be confirmed as a correct record of business transacted.

**CARRIED**

#### 5. QUESTION AND SUBMISSION TIME

The Chairperson, Mayor Cr Le Cerf, responded to the following questions submitted for Public Question Time.

- **Bi Li**

I have been raising the need for a zebra crossing at the south east corner of Bell St and St George's Road (outside the Darebin Art and Entertainment Centre) for over 2 years now. The latest response from Vic Roads is particularly disappointing. It basically said that Vic Road has concerns that a zebra crossing will pose a safety issue for cars.

As the council may be aware, this crossing is used by numerous commuters accessing Bell Station, as well as kids from nearby schools. I have witnessed on numerous occasions where drivers ignored pedestrians and car sped across the slip lane, forcing pedestrians to seek safety.

My question to the council is this:

"Will the council write to the Minister for Roads asking him to confirm Vic Road's assessment that a zebra crossing will pose a safety issue for cars, and that safety issues for pedestrians are secondary to those for cars"?

I look forward to your actions and response from the Minister.

**Response from Chairperson, Mayor Cr. Le Cerf:**

Council officers have raised safety concerns at the lack of a safe pedestrian crossing facility at this location on numerous occasions. To date VicRoads have installed a pedestrian warning sign however have not implemented any meaningful actions to improve the situation.

Council officers will continue to advocate for safety improvements to VicRoads and local MPs. And after the issue being raised by Cr. Amir recently, directly to the CEO, the CEO will also be writing a letter to the Minister raising this issue once again.

- **Brian Fairman, Preston**

In relation to the current 'upgrade' of the facilities at Florence Adams Reserve:

1. Could Council consider a 'dual' rotating Basketball and Netball facility, replacing the current 'netball' only facility?
2. Could an external powerpoint be included at the BBQ facility? This would provide some advantages for users of the BBQ, and could be included in the current refurbishment.

**Response from Chairperson, Mayor Cr. Le Cerf:**

Upgrade works at Florence Adams Reserve are currently underway, due to be completed by the end of November 2017. As part of the 2016-2017 capital budget, a sum of \$50,000 was allocated for the upgrade of Florence Adams Reserve, to implement a BBQ, drinking fountain and associated minor landscape upgrades such as picnic tables and new garden beds and trees. A draft design was issued for community feedback on 3 February 2017.

One of the suggestions received during the draft design consultation was the addition of a basketball half court in place of the netball hoop currently in the reserve. This option was considered to be out of the scope of the upgrade, which was focussed on providing a BBQ facility and drinking fountain. When considering the addition of facilities such as basketball half courts, proximity to local residences (to minimise noise issues), and access to similar facilities in the area would be considered.

Addition of an external power point at a BBQ facility is not a standard inclusion for facilities in public parks in Darebin. Inclusion of an external power point would raise issues related to use, including the intended purpose for an external power point and potential risks associated with use for a variety of electrical appliances.

- **Serena O'Meley, Reservoir**

Dear Mayor and Councillors,

- 1) Can you please provide an update on negotiations with La Trobe University for the purchase of Strathallan Open Space?

I request that the following question be taken on notice and answered at the next Darebin Council meeting so that there is sufficient time to research and consider a detailed response:

- 2) (a) In relation to the valuation of Strathallan Open Space, can council clarify whether the Valuer General took into consideration the environmental values of the site, the fact that it is prone to flooding and the fact that the golf course is in the process of securing a long-term lease of the club houses and surrounds which would make the property landlocked and thus difficult to develop?

(b) Will Darebin Council commence the process of developing an environmental overlay for Strathallan Open Space?

**Response from Chairperson, Mayor Cr. Le Cerf:**

- 1) Council supports the retention of the much needed open space provided by the Strathallan Golf Course and discussions have been continuing with La Trobe University to achieve this objective.

Myself, the CEO and Mr. Vido met recently, about a month ago with La Trobe in response to their offer to negotiate the sale of that land and work is continuing on the negotiations and I understand that there is another meeting scheduled in December with the Vice Chancellor, myself and the CEO to attend.

- 2) (a) The valuer general's valuation report was commissioned by La Trobe University and therefore Council is unable to comment on what was considered by the valuer general and what was in the brief given to the valuer general. This information has also been given to us confidentially so we are unable to share the information at this point and I'd suggest speaking with La Trobe University about further questions to the valuation.

(b) The Environmental Significance Overlay (ESO) is a planning tool available to ensure that development is compatible with identified environmental values, however the ESO is typically suited to privately owned land (not public zoned land). Further to this, the Strathallan Golf course is already protected in the same way, through the Public Use Zone, Clause 52.17 (Native Vegetation), and the *Flora and Fauna Guarantee Act 1988*. Planning permission would therefore be required from Council prior to any development under the current controls, and the decision guidelines would make it difficult for Council to approve the removal of significant vegetation from the site.

- **Anne Laver, Northcote**

**Point 1** We note from the results of the Darebin Community Survey that three of the issues we have been urging the Council to address remain a significant issue for the community, namely:

- Parking,
- Traffic Management and
- Building Planning, Housing and Development.

**Point 2** Also noted is that although the Category "making decisions in the interests of the community is solid at 6.50 it has declined since the previous council as has the Category "Communicating its programmes and services" (down from 6.97 to 6.76).

**Point 3** The Darebin Community Survey only surveyed 1000 residents and the Advocacy Programmes totalled 129 yet there were only 89 responses.

#### **Question 1**

Will the Council now take further action to address the issues facing the community and accept that there is dissatisfaction with some of the decisions being made on our behalf and that action needs to be taken to address the three significant issues raised in the survey?

#### **Response from Chairperson, Mayor Cr. Le Cerf:**

Council has recognised the need to improve the way it informs and engages with the community about Council services, projects and works, including advocacy, being undertaken and has committed to developing a Community Engagement Strategy by 30 June 2018. The Strategy will focus on Council being out in the community connecting, engaging and informing the entire community.

Through the development of the new Strategy, new communication methods and tools will be put into place that Council hopes will provide the community with a more up to date and detailed understanding of the work Council is doing around the three top issues raised in the Community Satisfaction survey.

**Question 2**

Given the low number residents surveyed and lack of knowledge in the community of the advocacy programmes, will the Council widen their communication such as by increasing the Community news mail-out and making it available in different languages and by perhaps establishing opt-in email or text messages from the Council for all responses queries and updates?

**Response from Chairperson, Mayor Cr. Le Cerf:**

Council uses a wide range of communication channels to get news and information out to the community including Darebin Community News (which is distributed 6 times per year), social media, news media, advertising, brochures and flyers, letterbox drops, websites, several opt-in e-newsletters, and face-to-face opportunities.

As mentioned in my previous response, Council has committed to developing a Community Engagement Strategy that will standardise and improve the way we communicate with the community.

The suggestions within your question will be taken into consideration when developing the Strategy.

**Statement To Agenda Item 8.9 - Appointment Of External Audit Committee Member**

I thank the Council for appointing a new external member to the Audit Committee and the advances the Council have so far made in addressing the outstanding Audit Items.

**Statement**

I thank the council for the App SNAP SEND SOLVE but request that the community be advised of its existence.

- **Geoffrey Richards, Reservoir**

Previously submitted question (twice) re: Naturestrip Parking in Storey Road Reservoir and wide vehicle parking on roadway.

Having raised this question twice in past months:

- Mayor acknowledged receipt
- A letter received subsequently
- A follow up phone call received. Both suggesting would look into matters.

But:

- Large caravan remains parked on nature strip halfway along Storey Road.
- Adjacent property now often car parked on nature strip and/or across whole or part of footpath.
- Now happening on occasion on other side of street. Is all this legal?

The Chairperson, Mayor Cr. Le Cerf advised that the question would be taken on notice and followed up by Ms Stevens, Director Civic Governance and Compliance.

## **6. PETITIONS**

Nil

**PROCEDURAL MOTION**

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

That the Order of Business be amended to hear Item 10.1 – Campaign by United Voice as Item 6.1 and the rest of the agenda be subsequently renumbered.

**CARRIED**

**7. NOTICES OF MOTION**

*Mariana Gaona Lopez of Fairfield, on behalf of United Voice made a submission to the following agenda item.*

**7.1 CAMPAIGN BY UNITED VOICE**

**Councillor:** Susan RENNIE

**NoM No.:** 339

---

Take notice that at the Council Meeting to be held on 20 November 2017, it is my intention to move:

**That Council:**

- (1) *Notes the new campaign by United Voice which is addressing sexual harassment and assault in the hospitality industry.*
- (2) *Notes that the campaign is asking venues to agree to the following five point pledge:*
  - i. *Demonstrate zero tolerance including removing staff or patrons who sexually harass staff or patrons.*
  - ii. *Promote zero tolerance by displaying a Respect is the Rule window sticker and posters in staff and patron areas.*
  - iii. *Establish a contact person for complaints questions and concerns.*
  - iv. *Show managers and staff the Respect is the Rule training video.*
  - v. *Distribute 'Respect is the Rule' fact sheets to all managers and staff.*
- (3) *Expresses its support for this campaign, and encouragement for businesses to sign up through council newsletters, a media release, social media and other communications with local catering businesses and venues.*
- (4) *Strongly encourages all businesses that provide catering to council to sign up.*

**Notice Received:** 7 November 2017

**Notice Given to Councillors** 14 November 2017

**Date of Meeting:** 20 November 2017

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**Council Resolution**

**MINUTE NO. 18-010**

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

**That Council:**

- (1) Notes the new campaign by United Voice which is addressing sexual harassment and assault in the hospitality industry.
- (2) Notes that the campaign is asking venues to agree to the following five point pledge:
  - i. Demonstrate zero tolerance including removing staff or patrons who sexually harass staff or patrons.
  - ii. Promote zero tolerance by displaying a Respect is the Rule window sticker and posters in staff and patron areas.
  - iii. Establish a contact person for complaints questions and concerns.
  - iv. Show managers and staff the Respect is the Rule training video.
  - v. Distribute 'Respect is the Rule' fact sheets to all managers and staff.
- (3) Expresses its support for this campaign, and encouragement for businesses to sign up through council newsletters, a media release, social media and other communications with local catering businesses and venues.
- (4) Strongly encourages all businesses that provide catering to council to sign up.

**CARRIED**



## 8. URGENT BUSINESS

### ADMISSION OF URGENT BUSINESS

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

MINUTE NO. 18-011

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

**That** an Urgent Business item relating to 'Reforming the Victorian Planning Provisions - City Of Darebin Submission' be admitted to the agenda and heard at Item 8.1.

CARRIED

#### 8.1 REFORMING THE VICTORIAN PLANNING PROVISIONS - CITY OF DAREBIN SUBMISSION

**Author:** Manager City Design and Strategic Planning

**Reviewed By:** Director Corporate Services

---

#### Report Background

The Minister for Planning has released the *Reforming the Victorian Planning Provisions* Discussion Paper. The Discussion Paper proposes a number of substantial reforms to the Victorian planning system and to all municipal planning schemes. Comments and submissions on the proposed reforms can be made by 24 November 2017.

The Victorian Planning Provision (VPP) is the framework in which all Victorian planning schemes are based. Given the increasing demands on the planning system, the rate of change in the development industry and the increasing complexity of planning schemes, the Victorian Government has sought to reform and modernise the VPP. In order to achieve these intended outcomes, the Victorian government has formed its Smart Planning program which seeks to deliver long term, transformative change to the planning system and to make it more responsive to the changing needs of Victorians.

A response to the State Government's discussion paper is provided in **Appendix A** to this report.

#### Previous Council Resolution

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

#### Previous Briefing(s)

Given the tight timeframes provided by the State Government in providing a response to the proposed reforms, this submission has not been to a Councillor Briefing session.

## Council Plan Goal/Endorsed Strategy

Goal 3 - We will ensure our planning system facilitates high-quality and sustainable development that extracts social, environmental and economic benefits for our community.

### Summary

This report summarises the key elements of the Victorian State government's discussion paper *'Reforming the Victorian Planning Provisions'*, and Council's response submission (refer Appendix A). The Victorian government is inviting comments until 24 November 2017 and anticipates implementation through proposed gazettal in mid-2018.

The discussion paper identifies the need to realign the VPP with the principles of a modern planning scheme, being 'digital first', 'user focused', 'consistent', 'proportional', 'land use focused', and 'policy and outcome focused' – proposing a number of changes that are intended to simplify and realign the structure and operation with contemporary expectations.

The proposal therefore seeks to:

- Restructure the VPP and redraft some provisions to reflect the principles of a modern planning scheme.
- Widen the opportunity to use the VicSmart assessment pathway for simple applications.
- Align the State Planning Policy Framework and Local Planning Policy Framework into an integrated policy framework.
- Improve the clarity and usability of the VPP.
- Review and rationalise planning permit triggers.
- Review and increase permit exemptions.
- Respond to previous advisory committee reviews and new state government policy.
- Remove superfluous provisions, including duplicated and outdated clauses.
- Clarify common points of contention or confusion.
- Update document titles and agency and ministerial references.

To deliver the abovementioned improvements, the discussion paper identifies five key proposals. The proposals focus on the structure and operation of the VPP, and do not include provisions that are being or have recently been reviewed, or matters that require significant regulatory reform.

- Proposal 1: A simpler VPP structure with VicSmart assessment built in.
- Proposal 2: An integrated planning policy framework.
- Proposal 3: Assessment pathways for simple proposals.
- Proposal 4: Smarter planning scheme drafting.
- Proposal 5: Improve specific provisions.

**Council Resolution****MINUTE NO. 18-012**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. L Messina

**That** Council:

- (1) Adopts the submission on the '*Reforming the Victorian Planning Provisions*' discussion paper as provided in Attachment A, and authorise officers to make the submission prior to 24 November 2017, noting that the discussion paper provides insufficient detail in order for Council to provide a considered and thorough response.
- (2) Write to the Minister for Planning requesting further engagement and consultation with Council on specific changes proposed to the VPP prior to their gazettal date, to ensure that the new format planning scheme will not result in the loss or dilution of Council's existing local planning policy content.
- (3) Write to the MAV requesting support for local government involvement in specific working groups, and to facilitate councils in gaining further information and input into the details of the proposed reforms, prior to the reforms taking effect.

**CARRIED**

### **Introduction**

A review of the Victorian Planning Provisions (VPP) is generally supported as a revised structure and content has numerous benefits for Council in making faster and more transparent planning decisions, in addition to achieving Council Plan goals relating to environmental sustainability and achieving strong community involvement in land use and development outcomes. The proposed integration of the structure of the VPP potentially makes the planning framework more legible and accessible to the community, and could result in a more concise and relevant planning scheme.

### **Issues and Discussion**

The following discussion summarises the key matters of interest to Council which includes the benefits and opportunities for Darebin, and the key local policy issues which will be required to be addressed through this review process. Specific details of this section are in Council's submission, which is provided in **Appendix A** to this report.

These key issues relevant to Darebin that have been identified within the submission include:

- Planning for the La Trobe National Employment and Innovation Cluster and to establish how it can best be included as an effective integrated policy for the region within the planning scheme.
- How supporting jobs, diversity and growth will be dealt with at a local and regional level.
- How green initiatives will be strengthened through the planning scheme, including another call for a state based policy around achieving a higher standard of ESD for new development across Victoria.
- What mechanisms will be placed in the planning scheme to provide a consistent approach to providing and supporting social and affordable housing and related infrastructure across Victoria.

- How gaming and liquor licensing will be dealt with, particularly given the increasing body of research demonstrating the corrosive social impacts this land use has on our communities.
- How intact and valued neighbourhood character will be fairly and consistently protected across metropolitan Melbourne.
- How healthy and liveable places will be encouraged through particular mechanisms in the planning scheme.
- How city shaping infrastructure will be dealt with at a regional and local level.
- How planning schemes can be more readily adaptive to the increasing pace of change.

### Policy Gaps

Council has identified a number of policy gaps which require further thought as summarised below.

#### *Achieving a higher standard of ESD*

Council's submission to the 2014 PPF review noted there were missed opportunities to update state policy in key areas, specifically environmentally sustainable design and affordable housing policy.

Although the retention of Clause 15.02 Sustainable Development offers the opportunity for state policy leadership in this area, and to bring a planning system in line with current community expectations, without specific detail, it is unknown whether or not this Clause will adequately address this issue consistently across the State.

#### *Providing and supporting social and affordable housing through the planning scheme*

The recent *Housing for Victorians* policy has highlighted the state's commitment to increasing the provision of affordable housing, and it is understood that the proposed Affordable Housing Bill will introduce a definition of affordable housing into the planning scheme as well as introduce a standardised section 173 agreement as a tool to implement the provision of affordable housing into private housing developments. It is also noted that the discussion paper flags that affordable housing projects are underway. Council welcomes these improvements in affordable housing policy, however there is concern that much more needs to be done on this issue in the short term and that there is a clear lack of information or clear direction relating to the practical implementation of affordable housing via the planning scheme as part of this review.

#### *Review of Liquor Licencing and Gaming*

It is also of concern to Council that Clause 52.27 *Liquor Licensing* and 52.28 *Gaming* are being reviewed. Council would appreciate the opportunity to be provided with more details regarding the changes proposed to these particular provisions, considering that these issues impact greatly on the community. Council would not support the removal of these provisions from the Planning Scheme.

#### *Lack of flexibility in the planning system and planning scheme*

The VPP does not have a way of responding to new issues or innovative technology or thinking should they arise in the future. The planning scheme essentially addresses current or known issues at the time. As it stands, the VPP can only respond to the issues that are listed in the headings of what will be in the combined state/regional/local sections.

Consider what the VPPs were like before issues such as climate change, housing affordability or gaming became important to policy makers and the community alike. The rigidity of the planning scheme has meant that planning scheme amendments have been delayed for a considerable period and this combined with the extensive consultation with the community and industry has meant that Council has had limited control to deal with current day issues affecting the community.

Identifying these gaps then becomes a significant financial and resource implication on Council, as they seek to prepare individualised local planning policies in an attempt to plug the gaps at a state level. This has occurred in some instances with local planning policies prepared by individual councils to achieve higher standards of ESD, improve decision making for gaming facilities, and to achieve a higher standard of architectural and urban design outcomes.

Given the rate of change of urban growth and technology, future issues are likely to arise that we know little about today (such as the potential for driverless cars) which is not easily dealt with or even contemplated under the current provisions. Victoria needs a flexible planning framework that can respond to unidentified issues should the need arise.

A suggestion to explore further, is to achieve a level of flexibility through building a new clause that seeks to deal with innovation in issues identification and policy making for the VPPs.

### **Options for Consideration**

Option 1:

- Council resolves to endorse the submission as presented in **Appendix A**.

Option 2:

- Council resolves to endorse the submission with changes. As part of this option, Officers will update the submission prior to submitting it on the 24 November 2017.

### **Financial and Resource Implications**

In the event that the Victorian State Government introduces a suite of planning reforms as proposed within the Discussion Paper, there will potentially be a significant amount of financial resource implications for Council to apply and translate the Darebin Planning Scheme into the new form and content introduced through these reforms. The Strategic Planning unit will need to forecast this as part of their 2018/2019 operational budget.

### **Risk Management**

Given the limited information and timeframes provided in the Discussion Paper, Council has been unable to prepare a thorough and considered response to some of the proposals put forward and as a result, there is a risk that without trying and testing some of these reforms, that there may be some unintentional consequences in the translation of the new planning scheme form and content. Council is concerned that some of the reforms will occur without a proper and thorough consultation process, particularly given the proposed gazettal timeframe of mid-2018. Within the submission provided in Appendix A, Council has expressed its concern with regard to the implementation issues, and requested the Department provide further and more detailed engagement and consultation with Council on specific changes proposed to the VPP prior to their gazettal date.

## Policy Implications

### Economic Development

Given the limited information provided in the Discussion Paper, it is unclear what economic development implications the proposed planning reforms will have on Darebin. Council's submission provides strong support for strengthening economic policy, including support for growing the large and important creative industry in Darebin. Council officers are keen to participate in various working groups, to ensure that future policy reforms do not dilute the strong local policy direction in the Local Planning Policy Framework, particularly with regard to supporting local business.

### Environmental Sustainability

Council identify environmentally sustainable design as a 'gap' in the current framework and there is no strong policy shift proposed in the discussion paper. Council currently has a local planning policy which sets a higher ESD standard for new development, however there is a sunset Clause attached to this local planning policy with the view that the Victorian government intends to draft a State-wide policy. Council has no further information on the timing or details of this policy and strongly encourages the State Government to continue to drive policy improvements to better support higher ESD standards.

### Human Rights, Equity and Inclusion

Council has raised a number of concerns with regard to equity and inclusion through the submission. Council strongly supports social and affordable housing, and continues to advocate for a mechanism in the planning scheme which enables private developers to contribute to the housing affordability crisis which currently challenges all LGA across metropolitan Melbourne. Council continues to advocate strongly to achieve positive social outcomes for all.

### Future Actions

- Council officers will submit its response to the *Reforming the Victorian Planning Provisions* before 24 November.
- Council officers will continue to advocate for reforms to the planning system and planning scheme that represent the interests of the broader community.

### Consultation and Advocacy

- Council is concerned by the limited consultation as part of this current process of *Reforming the Victorian Planning Provisions*. Council has been provided with limited time to respond to the Discussion Paper and is concerned by the limited information and detail provided to prepare a considered response.
- Council continues to progress its strong advocacy position around planning scheme and system reforms in addition to ensuring a strong local vision for the future is maintained and that important issues within our community are clearly expressed in the planning scheme.

### Related Documents

- Victorian State Government's *Reforming the Victorian Planning Provisions* discussion paper.

**Attachments**

- Darebin Council submission - Reforming the Victorian Planning Provisions (**Appendix A**)

**Disclosure of Interest**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**ADMISSION OF URGENT BUSINESS**

<b>Council Resolution</b>
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**MINUTE NO. 18-013**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. L Messina

**That** an Urgent Business item relating to 'Congratulations to Lidia Thorpe, newly elected Member for Northcote' be admitted to the agenda and heard at Item 8.2.

**CARRIED**

**8.2 CONGRATULATIONS TO LIDIA THORPE, NEWLY ELECTED MEMBER FOR NORTHCOTE**

<b>Council Resolution</b>
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**MINUTE NO. 18-014**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. L Messina

**That** Council writes to Lidia Thorpe, the newly elected Member for Northcote, congratulating her on becoming the first Aboriginal woman to be elected to the Victorian Parliament.

**CARRIED**



## 9. CONSIDERATION OF REPORTS

### 9.1 FINANCIAL REPORT - 3 MONTHS ENDED 30 SEPTEMBER 2017

**Author:** Financial Accountant

**Reviewed By:** Director Corporate Services

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#### Report Background

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

#### 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

Goal 6 – A leading, modern and open Council

#### Summary

A comprehensive financial review has been undertaken for the three months ended 30 September 2017 to assess the financial performance of Council year-to-date. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$95.98 million, which is \$4.39 million ahead of budget and capital works expenditure of \$4.50 million, which is \$1.80 million behind the budget.

All material variations have been explained in the report.

<b>Council Resolution</b>
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**MINUTE NO. 18-015**

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

**That** Council receives the contents of the 'Financial Report for the three months ended 30 September 2017' included as **Appendix A** to this report and notes the year-to-date actual and budget operating and capital results.

**CARRIED**

**9.2 2016-2017 ANNUAL SUMMARY RESULTS OF DAREBIN COMMUNITY SURVEY****Author:** Research Officer**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

An Annual Summary is presented to Council every year. *The Darebin Community Survey* has been commissioned by Council since 1999 and examines the levels of community satisfaction with a range of services and programs conducted by Council. Since March 2007 the survey has been conducted quarterly.

The Community Survey was implemented as part of the Best Value Principles legislative requirement in the *Local Government Act 1989* under section 208B. It is a survey conducted on behalf of Council to regularly assess the community's perceptions throughout each year.

**Previous Council Resolution**

At its meeting held on 3 October 2016, Council resolved:

*'That Council note and endorse the 2015/2016 Annual Summary of the Darebin Community Survey attached as Appendix A'.*

**Previous Briefing(s)**

- Councillor Briefing – 23 October 2017

**Council Plan Goal/Endorsed Strategy**

- Goal 5 - Involving our diverse community

**Summary**

The Darebin Community Survey is conducted quarterly and provides Council with a comprehensive analysis of the community's perception of Council's performance in a broad range of services and facilities as well as overall. The survey also measures satisfaction with particular aspects of governance and leadership, customer service, community safety and the community's perception of Council as an organisation.

A section in the survey is also included which enables Council to ascertain the issues that the community perceives to be important and gauge awareness level of advocacy campaigns and local improvements.

The community survey also measures indicators from the Council Plan and Local Government Performance Reporting Framework.

This paper provides the summary of the 2016-2017 annual results. Key findings from the 2016-2017 annual results were as follows:

- Overall performance score remained the same as the previous year.
- The overall performance score compares favourably to the metropolitan Melbourne average results from the 2017 Governing Melbourne Survey and the 2017 Local Government Satisfaction Survey.

- Satisfaction ratings with most of the Governance and Leadership aspects have decreased from the previous year.
- Satisfaction with a notable number of Council Services and Facilities that are measured quarterly and twice a year has decreased from the previous year.
- A total of 129 Council advocacy campaigns were mentioned.
- A total of 502 responses were received from the Darebin community identifying improvements noticed in the local area in the last twelve months.
- The top three most commonly identified issues were 'Traffic Management', (22.8% of respondents), 'Building, Planning, Housing and Development' (14.1% of respondents), and 'Parking' (10.1% of respondents).

<b>Recommendation</b>
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**That** Council notes and endorses the 2016-2017 Annual Summary of the Darebin Community Survey attached as **Appendix A**.

<b>Council Resolution</b>
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**MINUTE NO. 18-016**

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

**That** Council

- (1) Notes and endorses the 2016-2017 Annual Summary of the Darebin Community Survey attached as **Appendix A**.
- (2) Receives a report on short/medium and long term strategies to address the decline in community satisfaction levels regarding:
  - (a) traffic and parking management; and
  - (b) building, planning and housing developments.

**CARRIED**

**9.3 PENDERS PARK MASTER PLAN - COMMUNITY PROJECT CONTROL GROUP****Author:** Manager Transport and Public Places**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

The purpose of this report is to provide an update on the Penders Park Master Plan, the proposed project methodology and outline the Community Project Control Group Terms of Reference for Council's endorsement.

**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 development of the master plan and the playspace upgrade is the first stage of Council's commitment to item 2.2 of the Council Plan 2017-2021 to build an all abilities play space. The development of the master plan is in accordance with the actions identified in the following strategic documents for Penders Park:

- Open Space Strategy 2007-2017
- Playspace Strategy 2010-2020
- Public Toilet Strategy 2015-2025

**Summary**

Penders Park is a major neighbourhood park bounded by Pender Street, St David Street, Tharrat Street and Collins Street in Thornbury. The park attracts residents that live in the local area and caters for informal recreation needs of the local community such as walking, using the existing playground, access for picnics, shelter and toilet facilities.

A master plan for Penders Park was developed in 2002 however 15 years on, Council recognise that the community demographic and resultant demands may have changed and it is appropriate to review and revisit the master plan to direct future works in the park.

Given the strong community interest in Penders Park, Darebin Council is keen to take a different approach to engagement with the community and stakeholders and is proposing to establish a Community Project Control Group (PCG). The PCG will be formed from community members, chaired by one Rucker Ward Councillor and will have the task of consulting the community, designing and developing the Penders Park Master Plan for adoption by Council.

This will be a community led design process that delivers a new master plan that will guide development of the park over the next four years and provide a set of actions and projects to be delivered during this time, including an implementation program and budget estimates.

**Recommendation**

**That Council:**

- (1) Endorses the Community Project Control Group Terms of Reference attached as **Appendix A**.
- (2) Appoints Councillor \_\_\_\_\_ as the chairperson of the Community Project Control Group.
- (3) Notes at the conclusion of the Expression of Interest process a further report will be submitted to Council for endorsement of the Community Project Control Group members.

**Council Resolution****MINUTE NO. 18-017**

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

**That Council:**

- (1) Endorses the Community Project Control Group Terms of Reference attached as **Appendix A** with minor amendments to be made by the CEO where required.
- (2) Appoints Councillor Trent McCarthy as the chairperson of the Community Project Control Group and Cr. Susan Rennie as proxy.
- (3) Notes at the conclusion of the Expression of Interest process a further report will be submitted to Council for endorsement of the Community Project Control Group members.

**CARRIED**

**9.4 PROPOSED DISCONTINUANCE OF DRAINAGE RESERVE  
ADJOINING 20 PELLEW STREET AND REAR 7 TO 13  
TAYLOR AVENUE, RESERVOIR****Author:** Property Manager**Reviewed By:** Executive Manager City Plan and Transformation

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**Report Background**

This report provides Council with information regarding the outcome of statutory procedures relating to the proposed discontinuance and sale of the 1.83m wide drainage and sewerage reserve adjoining 20 Pellew Street and the rear of 7 to 13 Taylor Avenue, Reservoir, as shown hatched in the site plan in **Appendix A** (Reserve), and recommends that the Reserve be discontinued and sold.

**Previous Council Resolution**

At its meeting held on 1 May 2017 Council resolved:

*“That Council:*

- (1) Commence the statutory procedures under Part 4 of the Planning and Environment Act, 1987 and section 24A of the Subdivision Act, 1988 to vest the Reserve in itself and remove ‘reserve status’ from the land shown hatched on **Appendix A**.*
- (2) Gives public notice under sections 189, 82A and 223 of the Act of the proposed sale of the land in the appropriate newspapers and on Council’s website and such notice state that Council proposes to sell the land to the owner of 20 Pellew Street, Reservoir by private treaty.”*

**Previous Briefing(s)**

23 October 2017

**Council Plan Goal/Endorsed Strategy**

Goal 6 - A well governed Council

**Summary**

This report provides the history and background relating to the 1.83m wide drainage and sewerage reserve adjoining 20 Pellew Street and the rear of 7 to 13 Taylor Avenue, Reservoir, shown hatched on the site plan in **Appendix A**, as well as the outcome of the statutory procedures into its proposed discontinuance and sale.

In 2016, Council received an enquiry from an adjoining property owner requesting the discontinuance and sale of the Reserve. Initial investigations identified that the Reserve, which is contained within Certificate of Title Volume 04103 Folio 493, appears to have been enclosed and used for access and egress by the adjoining owners at 20 Pellew Street for many years.

At its Ordinary Meeting on 1 May 2017, Council resolved to commence the statutory procedures to remove the ‘reserve’ status from the land and give public notice of the proposed sale of the land from the Reserve.

Public notice of the proposal was given in the Preston Leader and Northcote Leader newspapers on 13 June 2017 and 14 June 2017 respectively. Notification was also given on Council's website. The notice period ended on 14 July 2017 with no submissions received.

This report recommends that following the completion of the statutory procedures for the proposed discontinuance and sale of the Reserve and having received no submissions, that the Reserve be discontinued and sold by private treaty in accordance with Council policy.

<b>Council Resolution</b>
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**MINUTE NO. 18-018**

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

**That Council:**

Having given public notice of the proposal to sell the land from the 1.83m wide former drainage and sewerage reserve adjoining 20 Pellew Street and the rear of 7 to 13 Taylor Avenue, Reservoir, shown hatched on the site plan in **Appendix A** to this report, and having received no submissions in respect of this proposal under section 189, 82A (2)(a) and 223 of the *Local Government Act 1989*:

- (1) Directs that the land from the reserve be sold by private treaty to the owner of 20 Pellew Street, Reservoir in accordance with section 189 of the *Local Government Act 1989*, Council's Sale of Minor Council Property Assets Policy and the signed 'in-principle' agreement; and
- (2) Signs and seals all documents relating to the sale of any land from the reserve to the owner of the adjoining properties.

**CARRIED**

**9.5 PROPOSED ROAD DISCONTINUANCE REAR OF 1 AND 3 MCCARTEN STREET AND ADJOINING 25 SOUTHERNHAY STREET, RESERVOIR****Author:** Property Manager**Reviewed By:** Executive Manager City Plan and Transformation

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**Report Background**

This report provides Council with information relating to the outcome of preliminary investigations into the proposed discontinuance and sale of part of the right-of-way and reserve at the rear of 1 and 3 McCarten Street and adjoining 25 Southernhay Street, Reservoir, shown hatched on the site plan in **Appendix A** (Road).

**Previous Council Resolution**

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

**Previous Briefing(s)**

23 October 2017

**Council Plan Goal/Endorsed Strategy**

Goal 6 - A well governed Council

**Summary**

This report provides the history and background relating to the right-of-way at the rear of 1 and 3 McCarten Street and adjoining 25 Southernhay Street, Reservoir, shown hatched on the site plan in **Appendix A** (Road), and a 0.2 metre wide reserve shown in red on **Appendix A** (Reserve) as well as the outcome of the preliminary investigations into its proposed discontinuance.

In 2009, Council resolved to discontinue and sell part of the nearby section of right-of-way adjoining the side and rear of 5 McCarten Street, Reservoir. The section of the right-of-way adjoining rear of 1 and 3 McCarten Street and adjoining the side of 25 Southernhay Street was not discontinued at that time.

In 2014, Council received an enquiry from an adjoining property owner requesting the discontinuance and sale of the Road. Initial investigations identified that the Road, which is contained within Certificate of Title Volume 4508 Folio 493, is not constructed or used for access and appears to have been enclosed within the property boundary of 25 Southernhay Street for many years. Whilst the Road is not listed on Council's Register of Public Roads, it remains a 'road' on title.

The discontinuance process would, if completed, enable Council to take title to the land in question and continue to negotiate with the property owners involved.



**Council Resolution**

**MINUTE NO. 18-019**

**MOVED:** Cr. J Williams

**SECONDED:** Cr. S Newton

**That Council:**

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* ("the Act") to discontinue the road at the rear of 1 and 3 McCarten Street and adjoining 25 Southernhay Street, Reservoir shown hatched on **Appendix A**.
- (2) Gives public notice under sections 207A and 82A (2)(a) 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 and transfer to itself any land from the road not sold to the adjoining property owners.

**CARRIED**

**9.6**                      **ADOPTION OF JOHN CAIN MASTER PLAN**

**Author:**                      Manager Leisure and Community Facilities

**Reviewed By:**              Director Community Development

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With leave of the Chairperson, this report was withdrawn by the Chief Executive Officer.

**9.7 ENDORSEMENT OF DAREBIN CREEK MANAGEMENT PLAN****Author:** Coordinator Public Realm**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

This report presents the Darebin Creek Management Plan 2017 to Council for endorsement.

**Previous Council Resolution**

At its meeting held on 5 December 2016, Council resolved:

*'That Council:*

- (1) Adopt a Memorandum of Understanding between Darebin Creek Management Committee and Darebin City Council attached as **Appendix A** agreeing to an additional 3 years financial support for the Darebin Creek Management Committee.*
- (2) Authorise the Chief Executive Officer to execute the memorandum of Understanding for the period from the date of signing to 30 June 2019.*
- (3) Note a report will be submitted annually to Council showing the financial spend of Darebin Creek Management Committee under the Memorandum of Understanding.*
- (4) Invites DCMC representatives to present to Councillors on the work of the organisation and any identified opportunities to expand or enhance its conservation and education Initiatives, in time for Council's 2016/2017 budget deliberations.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

- Goal 1 - A sustainable city
- Open Space Strategy

**Summary**

At the board level, Darebin Creek Management Committee (DCMC) is a not-for-profit body composed of all member councils and major land holders that border the Darebin Creek catchment. Darebin Council is one of DCMC's major supporters and provides funding on an annual basis for the Darebin Creek Coordinator and management of Darebin Parklands in line with a 3 year Memorandum of Understanding signed most recently on 5 December 2017.

At its April 2017 meeting, Darebin Creek Management Committee, formally adopted the Darebin Creek Management Plan. DCMC has requested that all member councils endorse the Darebin Creek Management plan.

The management plan has a whole of catchment focus and has been created to guide and support the long term protection, preservation and conservation of the Darebin Creek as well as to support and encourage environmentally sensitive development of the creek corridor.

The plan identifies a range of issues relating to the management of the waterway and its associated uses and encompasses actions to alleviate these impacts.

Such actions include stormwater and flood mitigation works in the middle and upper reaches to reduce the downstream effects, amenity works, pollution and litter control measures as well as community development opportunities including education. All of the actions are directly aimed at managing the Darebin Creek in a holistic approach to benefit residents and the environment. Key areas in the document include adjoining land uses, community use and recreation; environment and cultural heritage.

This document has been created in consultation with member Councils and takes into account key environmental goals and strategies from each local government area as well as relevant state and local publications.

<b>Council Resolution</b>
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**MINUTE NO. 18-020**

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

**That** Council endorses the Darebin Creek Management Plan 2017, and continue to provide support to Darebin Creek Management Committee in line with the adopted MOU.

**CARRIED**

**9.8 APPOINTMENT OF ABORIGINAL COMMUNITY MEMBERS TO THE DAREBIN ABORIGINAL ADVISORY COMMITTEE**

**Author:** Coordinator Equity and Diversity

**Reviewed By:** Director Community Development

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**Report Background**

At its meeting held on 27 February 2017 Council endorsed the appointment of members to Darebin Aboriginal Advisory Committee (DAAC). Two members have since resigned.

This report seeks Council's endorsement to replace these members with two other Aboriginal representatives who have expressed their interest. Co-opting of new members should vacancies arise was endorsed through the Committee's Terms of Reference by Council.

**Previous Council Resolution**

At its meeting held on 27 February 2017, Council resolved:

*'That Council*

- (1) Appoint Alan Brown; Caine Muir; Carol Harrison; Cheryl Harrison; Ellie Jean Singh; Erica Higgins; Jenaya Kastamonitis and Jo-Ann Proctor as community representatives of the Darebin Aboriginal Advisory Committee for a 24 month period in alignment with the Terms of Reference.*
- (2) Endorse co-opting of 2 vacancies onto the Committee as identified and in accordance to Terms of Reference guidelines.*
- (3) Endorse the Draft Terms of Reference.*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 5 - Involving our diverse community

The Darebin Aboriginal Action Plan 2012 - 2017

**Summary**

The DAAC has been a long standing advisory committee to Council with clear terms of reference.

Eight members were appointed and endorsed by Council in February 2017. Two members have since resigned.

In order to fulfil the terms of reference two community representatives are required to be appointed to fill the vacancies caused by the resignations. Terry Mason and Charles Pakana, have expressed interest in being appointed to the DAAC.

**Council Resolution**

**MINUTE NO. 18-021**

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

**That** Council endorses the appointment of Terry Mason and Charles Pakana as new members of the Darebin Aboriginal Advisory Committee in accordance with the DAAC Terms of Reference.

**CARRIED**

**9.9 APPOINTMENT OF EXTERNAL AUDIT COMMITTEE MEMBER****Author:** Manager Corporate Risk and Audit**Reviewed By:** Director Corporate Services

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**Report Background**

The Audit Committee is an Advisory Committee appointed by the Council pursuant to section 139 of the *Local Government Act 1989* to assist Council in fulfilling its requirements relating to internal control mechanisms and external reporting requirements. The Committee comprises two Councillors and three external members, one of whom is a Chairperson.

**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**

Goal 6 - A well governed Council

**Summary**

Following the cessation of the contract for Mr Michael Said, Chairman of the Darebin City Council's Audit Committee, Council was required to appoint a subsequent representative to the role of External Member of the Audit Committee in April 2017. A selection process commenced to appoint a replacement with an advertisement being placed in *The Age* on 6 May and the *Preston and Northcote Leader* newspapers in the week immediately following 6 May. The advertisements sought expressions of interest for an external member appointment to the Audit Committee. A total of eleven high calibre applications were received.

The Mayor, Councillor Rennie and Director Corporate Services reviewed all applications and were able to meet with their preferred applicant in mid-June 2017. A preferred candidate was put to the Council meeting on the 3 July 2017. Unfortunately, the offer was declined and necessitated an alternative independent Audit Committee member to be selected.

Accordingly, the Mayor and Councillor Rennie, returned to the remaining candidate list and arranged an interview with their next preferred candidate in October, 2017. Following due consideration and applicable reference checks both have recommended the appointment of the \_\_\_\_\_ (as detailed in the confidential resume circulated to Councillors prior to the Council Meeting of 20 November 2017), as an external member of Council's Audit Committee.

**Recommendation**

**That** Council endorses the appointment of \_\_\_\_\_ (as detailed in the confidential resume circulated to Councillors prior to the Council Meeting of 20 November 2017) as an external member of Council's Audit Committee for a three year term (concluding December 2020) with an option of a further one year term by mutual consent (concluding December 2021).

**Council Resolution****MINUTE NO. 18-022**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. L Messina

**That** Council endorses the appointment of Dr. Marco Bini (as detailed in the confidential resume circulated to Councillors prior to the Council Meeting of 20 November 2017) as an external member of Council's Audit Committee for a three year term (concluding December 2020) with an option of a further one year term by mutual consent (concluding December 2021).

**CARRIED**

*Councillor Williams temporarily left the meeting during discussion of the above item at 7.11pm.*



**9.10 INSTRUMENTS OF DELEGATION – SPECIAL COMMITTEES****Author:** Coordinator Council Business**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

This report proposes formal delegation of authority by Council to the Planning Committee, Hearing of Submissions Committee and Bundoora Homestead Board of Management as indicated in the respective Committee Charters endorsed by the Council at its Special (Statutory) meeting on 13 November 2017.

**Previous Council Resolution**

At its meeting held on 14 November 2016 Council resolved that:

*That:*

- 1. Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Planning Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as Appendix A to this report subject to the conditions and limitations specified in that Instrument.*
- 2. Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Hearing of Submissions Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as Appendix B to this report subject to the conditions and limitations specified in that Instrument.*
- 3. Council pursuant to section 86(3) of the Local Government Act 1989 resolves to delegate to the Bundoora Homestead Board of Management, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as Appendix C to this report subject to the conditions and limitations specified in that Instrument.*
- 4. The Instruments of Delegation come into force immediately the common seal of Council is fixed to the Instruments.*
- 5. Previous Instruments of Delegation which are inconsistent with, or superseded by, these Instruments of Delegation are hereby revoked.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 6 - Open and Accountable Democracy

**Summary**

This report proposes formal delegation of authority by Council to the Planning Committee, Hearing of Submissions Committee and Bundoora Homestead Board of Management as indicated in the respective Committee Charters endorsed by the Council at its Special (Statutory) meeting on 13 November 2017.

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The respective Instruments of Delegation remain in force until revoked or varied by Council resolution.

<b>Council Resolution</b>
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**MINUTE NO. 18-023****MOVED: Cr. T McCarthy****SECONDED: Cr. S Rennie****That:**

- (1) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Planning Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as **Appendix A** to this report subject to the conditions and limitations specified in that Instrument.
- (2) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Hearing of Submissions Committee, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as **Appendix B** to this report subject to the conditions and limitations specified in that Instrument.
- (3) Council pursuant to section 86(3) of the *Local Government Act 1989* resolves to delegate to the Bundoora Homestead Board of Management, being a Special Committee established by resolution of the Council, the functions, duties and powers set out in the Instrument of Delegation enclosed as **Appendix C** to this report subject to the conditions and limitations specified in that Instrument.
- (4) The Instruments of Delegation come into force immediately the common seal of Council is fixed to the Instruments.
- (5) Previous Instruments of Delegation which are inconsistent with, or superseded by, these Instruments of Delegation are hereby revoked.

**CARRIED**

## 10. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

### 10.1 DRAINAGE INVESTIGATION FOR MAIS STREET, PURINUAN ROAD AND ST VIGEONS ROAD, RESERVOIR

**Author:** Drainage Engineer/Project Manager

**Reviewed By:** Executive Manager City Plan and Transformation

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#### Report Background

This report is in response to a Notice of Motion No. 331 from the Council meeting held on 13 February 2017.

#### Previous Council Resolution

At its meeting held on 13 February 2017, Council resolved:

*That Council:*

- (1) *Officers report back with a detailed plan as soon as practicable to address the multiple storm water problems in Purinuan Road, Mais Street and St Vigeons Road, Reservoir that were evident in the stormwater event in January 2017 when 85 mm of rain fell in the area.*
- (2) *Consider the improved use of rainwater as a resource, not only a waste product.*
- (3) *Any capital works identified in the officer report be referred to the 2017-2018 budget for consideration.*

#### Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

#### Council Plan Goal/Endorsed Strategy

- Storm Water Asset Management Plan 2016
- Darebin Drainage Study 1998

#### Summary

On 29 December 2016 an intense one hour rain event resulted in localised flooding and substantial overland flows in the area of St Vigeons Road, Miranda Road, Purinuan Road and Mais Street, Reservoir.

Low points in the road reserves of St Vigeons Rd and Miranda Road were flooded to a depth of 0.3 metres and substantial surface flows of a similar depth were encountered along a major overland flow path between St Vigeons Road and Miranda Rd which impacted upon private properties. Dwelling floors of five residential units at 70 Purinuan Road were flooded, a garage door at 73 Purinuan Road was damaged due to spill over from the Mais Street intersection and various Council drainage pit lids were displaced due to the hydraulic pressure of overloaded drainage (see **Appendix A**)

Council received fifteen reports of drainage concerns in this area resulting from the storm that were addressed at the time or as part of the investigation forming the basis of this report.

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Rainfall data from the nearest official recording station indicates that the daily rainfall in the area would have been around 85mm. More informative data was not available to determine the intensity of the storm however it is evident that most of the daily rainfall occurred during a one hour period of the storm and this indicates that the rain event would have well exceeded the 50mm required for a one hour 1-in-100 year rain event.

### **Overland flow between St Vigeons Road, Miranda Road and Purinuan Road**

The low point and major drainage path from St Vigeons Road to Purinuan Road was identified by the "Darebin Drainage Study 1998" as requiring upgrading to cater for a 1-in-100 year rain event.

Subsequently, in 2002, major upgrading of the drainage was undertaken on the section of drainage pipe between Miranda Road and Purinuan Road (light blue in **Appendix A**). These works have since proven successful in reducing flooding in this section, as intended. However, completion of the recommended upgrade works between St Vigeons Road and Miranda Rd has not yet been implemented (dark blue in **Appendix A**).

The cost of upgrading this section of drainage pipe to a larger capacity pipe is \$220,000. These works would relieve flooding along the overland flow path, the low points in St Vigeons Road and Miranda Road, and resolve the issue of pit lids being displaced by overloaded drainage.

It is proposed that the works be considered for funding in the 2018/19 budget.

### **Flooded dwelling floors at 70 Purinuan Road**

Dwelling floors of five units at 70 Purinuan Road have been flooded twice over recent years due to surface flow from rear abutting Miranda Road properties.

The Council easement drain at the rear of the Miranda Road properties (pink line in **Appendix A**) was designed and constructed around fifty years ago to cater for a 1-in-5 year rain event in accordance with design standards of that time. The capacity of the existing 225mm diameter drain is now substandard with regards to current design guidelines which provide for a 1-in-10 year rain event and increases in runoff due to the progressive trend for larger building footprints and greater impervious areas.

Since construction of the drain several multi-unit developments have been introduced in Miranda Road adjacent to the rear boundary of 70 Purinuan Road which have placed increased pressure on the capacity of the existing drain and contributing to surface flow crossing property boundaries into lower lying properties.

Upgrading of the easement drain at the rear of 3 to 19 Miranda Road to function in accordance with current standards and improve protection for downstream properties such as 70 Purinuan Road would cost an estimated \$100,000. Due to the complexity of the works and time required for design and construction, completion of the works would not occur until next financial year. It is proposed that the works be considered for funding in the 2018/19 budget.

### **Flooding of properties on the south side of the Mais Street / Purinuan Road intersection**

Properties on the south side of the Mais Street/Purinuan Road intersection have been impacted by surface flow spilling from the road reserve on several occasions over recent years as a result of high intensity storms. In addition a garage door at 73 Purinuan Road was damaged as part of the rain event on 29 December 2016.

Due to the steepness of underground drainage in Mais Street entering the Purinuan Road intersection pipe flows are under extreme hydraulic pressure resulting in displacement of drainage pit lids and surcharging of pipe flows onto the surface of the intersection. The added surface flow cannot be accommodated by the existing drainage network and flows spill into lower lying properties abutting the south side of the intersection.

The provision of upgraded underground drainage at the intersection (green line in **Appendix A**) would reduce surface flows and mitigate impact on abutting properties and it is proposed that the works include diversion of the increased captured stormwater flows to discharge into the existing Council wetland in Beenak/McMahon Reserve at an estimated cost of \$100,000. Due to the complexity of the works and time required for design and construction, completion of the works would not occur until next financial year, it is therefore proposed that the works be considered for funding in the 2018/19 budget.

#### **Use of rainwater as a resource and not only as a waste product**

Diversion of the additional piped stormwater to the wetland will not only relieve pressure on the main drainage network servicing the overland flow path between St Vigeons Road and Purinuan Road but will also enable water quality treatment and enhance the operation of the wetland by welcomed periodic flushing.

<b>Council Resolution</b>
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**MINUTE NO. 18-024**

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

**That:**

- (1) Funding of \$220,000 for upgrading drainage between St Vigeons Road and Miranda Road be referred for consideration as part of the 2018/2019 Capital Works Program.
- (2) Funding of \$200,000 for upgrading drainage at the rear of 3 to 19 Miranda Road, Reservoir (including adjacent to the rear of 70 Purinuan Road) and from the Mais Street / Purinuan Road intersection to the wetland in Beenak/McMahon Reserve be referred for consideration as part of the 2018/2019 Capital Works Program.

**CARRIED**

*Councillor Williams returned to the meeting during discussion of the above item at 7.15pm.*

## 11. REPORTS OF STANDING COMMITTEES

### 11.1 AUDIT COMMITTEE

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The Audit Committee is an Advisory Committee appointed, pursuant to section 139 of the *Local Government Act 1989*, to assist Council in fulfilling its responsibilities relating to internal control mechanisms and external reporting requirements.

A meeting of the Audit Committee was held on 2 October 2017. A summary report of the meeting is attached as **Appendix A** to this report. The minutes of the meeting, incorporating the reports considered by the Committee, have been circulated to Councillors.

<b>Council Resolution</b>
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**MINUTE NO. 18-025**

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

**That** the Report of the Audit Committee meeting held on 2 October 2017, be received and the Committee Recommendations be adopted.

**CARRIED**

## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 12.1 ASSEMBLIES OF COUNCILLORS HELD

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An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

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

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

An Assembly of Councillors record was kept for:

- Darebin Environmental Reference Group – 27 September 2017
- Darebin Disability Advisory Committee – 2 October 2017
- Darebin Energy Foundation – 5 October 2017
- Preston Business Advisory Committee – 11 October 2017
- Preston Business Advisory Committee – 18 October 2017

<b>Council Resolution</b>
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**MINUTE NO. 18-026**

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

**That** the record of the Assembly of Councillors held on 27 September 2017 and 2, 5, 11 and 18 October 2017 attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

**CARRIED**

### 13. REPORTS BY MAYOR AND COUNCILLORS

<b>Council Resolution</b>
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MINUTE NO. 18-027

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

**That** Council note the Reports by Mayor and Councillors.

**CARRIED**

#### REPORT OF CR. KIM LE CERF, MAYOR

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

- By-Election Press Briefing with Leader
- Meeting regarding appointment of new independent Audit Committee member
- Interview with Journalism Student regarding January 26 decision
- Reception in Recognition of Service to Local Government
- Meeting with Candidate for Northcote, Lidia Thorpe
- Meeting with Candidate for Northcote, Clare Burns
- Filming for Council's By Election Priorities
- Meeting with Natalie MacDonald Vice President (Administration) and Leon Morris, Chief of Staff – La Trobe University
- Preparation meeting for next Darebin Energy Foundation interim board meeting
- Guest Speaker at University of Melbourne's Planning Urban Sustainability Lecture
- Municipal Association of Victoria (MAV) Annual Conference and Dinner
- MAV State Council Meeting
- On Site Meeting with Northcote City Football Club
- Celebration of the Acquisition of New Public Space at the Former Ruthven Primary School Site and Launch of Community Consultation
- Reservoir Stomp
- Announcement of Winner of Scarecrow at Rossmoyne Rummage
- Melbourne Northern Councils Mayors and CEOs Forum
- Meeting with Chris James, NORTHLink
- Regular Meetings with Communications/Media
- Regular Meetings with CEO
- Council Briefing Session
- Interview with Journalism Student regarding Public Housing
- NAGA Advocacy Working Group
- Meeting to the Hon Colin Brooks MP



- Meeting with Candidate for Northcote, Vince Fontana
- Launch of n-Scribe Magazine
- Marriage Equality Morning Teas with Council staff
- Meeting with Candidate for Northcote, Laura Chipp and Fiona Patten MP
- Darebin Creek Management Committee Annual General Meeting
- Northern Metropolitan Partnership Annual Assembly
- Meeting with Candidate for Northcote, Russell Hayward
- NAIDOC School Initiative – Presentation to Medal Winner at Preston North East Primary School
- Walking the Shared Path with Northcote By-Election Candidates and Concerned Residents
- Interview for new independent Audit Committee member
- Discussion with the Hon Robin Scott MP regarding Level Crossing Removal Projects
- Darebin Art Prize 2017 – VIP Preview
- Darebin Art Prize Biennial Award
- Preston Garden Club Spring Show
- Meeting with Victoria Police and Traders regarding Issues in Reservoir Village Shopping Centre
- Welcome Maharishi School Visit to Council
- Ethnic Press Briefing
- Planning Briefing
- Planning Committee
- Alliance for Gambling Event “Women Against Pokies” Rally on Steps of Parliament House
- Apartment Tour with Planning
- Launch of Libraries After Dark program – From The Gambling Lounge to the Community Lounge
- Meeting with Chair and Executive Officer of Inner North Community Foundation
- Meeting with Candidate for Northcote, Bryony Edwards
- Second Meeting of the Interim Advisory Board of Darebin Energy Foundation
- Meeting with Candidate for Northcote, Nina Lenk
- Briefings regarding Preston Market master planning with Victoria Planning Authority
- CEO / Councillor Only Briefing
- Northcote By Election Candidate Forum
- Launch of new Aboriginal Business Ngarra Jarranouith Place in Reservoir
- 2017 Banyule Community Ball
- RSL Remembrance Day Memorial Service
- The Business of Food – Women in Business Morning Tea
- Meeting with the Hon Richard Wynne MP

- Aged Care Reforms Working Group
- Statutory Meeting – Election of Mayor
- Darebin Education Committee
- Meeting with Resident Regarding Planning
- Announcement of the Australian Marriage Law Post Survey with Council officers
- Community Gathering Following Announcement of Marriage Law Survey Result
- NURP Steering Committee Meeting
- Women’s Leadership Networking Event
- Cooling Communities Research Report Launch
- Community Celebration Including Performances by Westside Circus Workshops and Projects
- Support for West Papua Community Event and Flag Raising
- Victorian Aboriginal Child Care Agency 40th Gala Dinner
- Ethnic Press Briefing
- Council Meeting

**REPORT OF CR. GAETANO GRECO**

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

- Visited Darebin/Whittlesea Asylum Seekers Group
- NURP Steering Committee Meeting
- Your Community Health AGM
- Friends of Baucau
- Darebin Education Committee
- Students at St Josef the Worker
- Celebration of the acquisition of new public open space at the former Ruthven Primary
- Council briefing session
- VLGA Board meeting
- Meeting with Reservoir Village traders and Reservoir police
- Planning briefing session
- Planning Committee meeting
- Community forum re: Northcote by-election
- Aged Care Reforms Working Group
- Active and Ageing Board Meeting
- Special Council Meeting to elect Mayor and Deputy Mayor
- Preston Market and Preston Plan Review briefing
- Darebin Progress Association AGM
- Interfaith Advisory Committee

- Darebin interim Advisory Board if the Energy Foundation
- On site visitation relating to resident's concerns
- Meeting with Lynda Ford re: Intercultural Centre

**REPORT OF CR. TRENT McCARTHY**

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

- Council Briefing
- Announcement of the Same Sex Marriage Survey Result with Darebin Council staff
- Special Council meeting to elect the Mayor and Deputy Mayor
- Westside Circus Celebration Event
- Northern Metropolitan Partnership Assembly
- Meeting with Northcote City Football Club
- MAV Annual Conference Dinner

**REPORT OF CR. LINA MESSINA**

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

- Council briefings
- Planning Committee Meetings
- Individual resident complaints and emails.
- Women's Leadership Networking Event
- Special Council Meeting to Elect Mayor and Deputy Mayor
- Support for West Papua Community Event
- MAV annual Dinner
- Catch up with CEO
- Meeting with residents of William St, Preston
- Meeting with residents of Xavier St, Preston
- Hellenic Writers – Launch of O Logos
- Two Darebin Ethnic Communities Council meetings
- Roma Social Club
- Metropolitan Local Government Waste Forum
- Strategies, Policy and Advocacy Group for Waste Recovery forum

**REPORT OF CR. SUSANNE NEWTON**

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

- MAV Annual Conference
- Taste of India at Darebin Music Feast

- Celebration of the acquisition of new public open space at the former Ruthven Primary
- VLG Board workshop
- Bahai Community of Darebin - Bicentenary of the Birth of Bahauallah
- Council briefing session
- VLG Board meeting
- Meeting with Reservoir Village traders and Reservoir police
- Planning briefing session
- Planning committee meeting
- Visit to new development 'The General' in Northcote
- VLG Strategic Plan session
- Community forum re: Northcote by-election
- Launch of Aboriginal Business Dardi Munwurro
- Launch of Victoria's First Autonomous Shuttle Trial
- The Business of Food morning tea, Islamic Museum of Thornbury
- Aged Care Reforms Working Group
- Special Council Meeting to elect Mayor and Deputy Mayor
- Community Gathering following announcement of Marriage Law Survey Result
- Women's Leadership Networking Event
- Support for West Papua community event
- Preston Market and Preston Plan Review briefing

**REPORT OF CR. SUSAN RENNIE**

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

- Council Meeting
- Preparation re next steps for the Darebin Energy Foundation
- MAV Annual Conference and dinner
- MAV State Council meeting
- Meeting with Northcote City Football Club
- Celebration and community consultation for Ruthven PS site
- MANA – Darebin Music Feast
- Cycling network planning session
- Council briefing
- Northern Metropolitan Partnership Annual Assembly
- Interview for external auditor
- Planning committee
- Alliance for Gambling Reform – Women Against Pokies event
- Apartment tour – the General

- Metropolitan Transport Forum
- Darebin Interfaith Council
- Second Meeting of the interim advisory board DEF
- Staff morning tea on marriage equality
- Preston Market briefing x 2
- CEO briefing
- By-election community forum
- Launch of community celebration at Westside Circus - National Treasures - 24 youths from 4 countries begin an Aboriginal Experience walk with Trevor Gallagher
- Launch of Libraries After Dark
- Aged Care Reforms Working Group
- Briefing to discuss committee appointments
- Special Council Meeting
- Community Gathering Following Announcement of Marriage Law Survey Result
- NURP Steering Committee Meeting
- Women's Leadership Networking Event
- MAV Planning Committee
- Community Celebration - including performances by Westside Circus workshops and projects

**REPORT OF CR. JULIE WILLIAMS**

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

- NURP Northland Steering Committee meeting
- Preston Business Advisory Committee
- Special Council Meeting to elect Mayor and Deputy Mayor
- Community Forum regarding the Northcote by Election
- CEO Briefing
- Preston Market Site
- VPA briefing on Preston Plan Review
- Planning committee meeting
- Planning Briefing session
- One on One Appointment with CEO
- Council Briefing Session
- MAV Annual Conference
- Preston Business Advisory Committee
- Attended to matters on development, community concerns relating to a recent council meeting, laneway access, dumped rubbish, graffiti, safety of footpaths due to incident, and other constituent matters.

**REPORT OF CR. STEPH AMIR**

Cr. Amir is on an approved leave of absence.

**REPORT OF CR. TIM LAURENCE**

Cr. Laurence is on an approved leave of absence.

**14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL****CLOSE OF MEETING**

<b>Council Resolution</b>
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**MINUTE NO. 18-028**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. L Messina

**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 items designated confidential by the Chief Executive Officer.

**CARRIED**

The meeting was closed to the members of the public at 7.21pm.

*Dave Bell, Senior Media Advisor, left the meeting – 7.21pm.*

***The Council considered and resolved on Report Items 14.1 and 14.2 which had been circulated to Councillors with the Council Agenda Paper.***

**RE-OPENING OF MEETING**

<b>Council Resolution</b>
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**MINUTE NO. 18-031**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. L Messina

**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 7.39pm.

**14.1 CONSTRUCTION OF SHARED PATH BRIDGE OVER  
DAREBIN CREEK AT DUNDAS STREET, THORNBURY -  
AWARDING OF CONTRACT****Author:** Project Manager**Reviewed By:** Director Operations and Environment

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**Recommendation****That** the Council report and resolution remain confidential.**Council Resolution****MINUTE NO. 18-029****MOVED: Cr. S Rennie  
SECONDED: Cr. J Williams****That** Council:

- (1) Awards Contract CT2017156 for the Construction of Shared Path Bridge over Darebin Creek at Dundas Street, Thornbury to Elite Crossings Pty Ltd. for the contract sum of \$671,421.30 GST inclusive.
- (2) Approves a project contingency amount of \$62,166 GST inclusive for Contract CT2017156.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.
- (4) Resolves to make the resolution available to the public.

**CARRIED**



**14.2 MICROSOFT ENTERPRISE AGREEMENT**

**Author:** Chief Information Officer

**Reviewed By:** Director Corporate Services

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**Recommendation**

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

**Council Resolution**

**MINUTE NO. 18-030**

**MOVED:** Cr. L Messina  
**SECONDED:** Cr. T McCarthy

**That** Council:

- (1) Approves the engagement of Data3 Limited for the Enterprise Agreement for Microsoft Software Licensing for the period 1 December 2017 to 30 November 2020 at a cost of \$1,534,380 (including GST).
- (2) Authorises the Chief Executive Officer to sign and execute the contract agreement with Data3 Limited on behalf of Council.
- (3) Authorises the Council Common Seal to be affixed to the contract.
- (4) Resolves to make the resolution available to the public.

**CARRIED**

**15. CLOSE OF MEETING**

The meeting closed at 7.40pm.

