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# MINUTES OF THE COUNCIL MEETING

Held on Monday 21 May 2018

Released to the public on Monday 28 May 2018



## **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 all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



**English - Minutes**

These are the minutes for the Council meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

**Arabic**

وهذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحضر، يرجى الاتصال بالرقم 8470 8888.

**Chinese**

这是市议会会议纪要。如需协助了解其中的任何事项，请致电8470 8888。

**Greek**

Αυτά είναι τα πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια σε οποιοδήποτε θέμα των πρακτικών, παρακαλούμε τηλεφωνήστε στο 8470 8888.

**Hindi**

ये काउंसिल की बैठक का ब्यौरा है. ब्यौरे के किसी भी आइटम के साथ सहायता के लिए कृपया 8470 8888 पर टेलीफोन करें।

**Italian**

Questo è il verbale per la riunione municipale. Per assistenza su uno dei punti del verbale chiamate il numero 8470 8888

**Macedonian**

Ова е записникот од состанокот на Советот на Општината. За помош за било која точка во записникот, ве молиме телефонирајте на 8470 8888.

**Somali**

Warbixintan koobani waa wixii lagaga wada hadlay kulankii Golaha Degmada. Wixii caawima ah oo ku saabsan qodob kasta oo ku jira warbixintan kooban, fadlan la xiriir tel: 8470 8888.

**Vietnamese**

Đây là biên bản buổi họp của Hội đồng Thành Phố. Muốn biết thêm các thông tin về biên bản buổi họp, xin hãy gọi số 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 21 MAY 2018**

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**THE MEETING OPENED AT 6.02PM**

## **WELCOME**

The Chairperson, Mayor 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. Steph Amir  
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  
Vito Albicini - General Manager Operations and Capital  
Ingrid Bishop - General Manager Governance and Engagement  
Cathy Henderson - General Manager Community  
Rachel Ollivier - General Manager City Sustainability and Strategy  
Darren Rudd - Manager City Development  
Joanna Cuscaden - Acting Manager City Futures  
Shadi Hanna - Manager Aged and Disability  
Wendy Dinning - Coordinator Economic Development  
Maureen Devlin - Acting Coordinator Communications  
Katia Croce - Coordinator Council Business  
Karlee Ferrante - Council Business Officer

## **2. APOLOGIES**

Cr. Tim Laurence is on an approved leave of absence.

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Messina disclosed a conflict of interest in Item 8.1 Aged Care Reforms – Process for Decision-Making & Response to Petition.

The Chairperson, Mayor, Cr. Le Cerf disclosed a conflict of interest in Item 8.4 Mayor – Montreal Visit.

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

<b>Council Resolution</b>
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**MINUTE NO. 18-133****MOVED: Cr. L Messina****SECONDED: Cr. G Greco**

**That** the Minutes of the Ordinary Meeting of Council held on 30 April 2018 be confirmed as a correct record of business transacted.

**CARRIED**

### 5. QUESTION AND SUBMISSION TIME

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

- **Brian Fairman of Preston South**

**Question One:**

Seventy-two members of the community partitioned Darebin Council in January 2016, to provide 'lighting' in Adams Reserve, along with a BBQ and Water Fountain. We have the BBQ, however it is still NOT operational, and fortunately we have a water fountain. However, on the substantive concern regarding 'lighting' we remain in the dark.

Could Council please inform the community about their intentions to provide 'adequate lighting' in Adams Reserve and when the BBQ will be turned on?

We have communicated to Councillors, both old and new many times regarding our concerns. We await a positive response to this matter.

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

In response to the community petition, Council allocated a sum of \$50,000 in the 2016/17 capital budget to address the items nominated in the petition. The allocated sum was not enough to install lighting in the reserve but was sufficient to undertake the balance of the items requested. Consultation was undertaken in February 2017 and a new BBQ area, tree planting, new water fountain with dog bowl, playground upgrades and a general tidy up were completed.

Since its installation, Council officers have been working with the power authority, Jemena, to have the BBQ turned on. Council has completed all the necessary documentation, however despite regular calls to Jemena Council they have not yet connected it. Council has now

escalated the matter to the Energy Ombudsman for resolution. We are aware of the problem and will continue to work to get it rectified.

Regarding lighting, there are no plans to install lighting in Florence Adams Reserve at this time. Currently, Council does not light minor neighbourhood parks like Florence Adams unless there is a competition sporting field, a public transport node or the park is a high priority on the Principal Pedestrian Network (PPN).

- **Anne Laver of Northcote**

### **Question One**

Will the Darebin Council please consider voting for the Council staff to conduct further consultation with the community rather than employing external Consultants?

The reason why I am against external consultants, is because the Darebin council staff know the residents well and are better placed to conduct proper consultation. This is what they are paid good money to do.

Consultants who are a paid even a greater amount of money are given a brief with a suggested result and do not necessarily produce a better result.

Further the cost is a waste of money and clearly indicated from tonight's presentation of the report presented on progress of the Council Plan. This report which cost \$5,000.00 and was merely a poorly produced cut and paste document sourced from Council internal documents.

I am additionally concerned that the outcome of another long term review is merely a measure to stave off community concern and that it has already been decided that services will cease to be provided after 2020. It seems that the Aged Care Services will follow the route of the Disability services support which was ceased I think in 2016.

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

The question that you have asked in relation to the proposed Age Friendly Darebin review and consultation, is a decision for the Council to make this evening so I cannot yet comment on the decision as to whether we use staff or external consultants. As I have said at the previous meeting, Council has not made a decision and I say that in relation to the comments about whether Aged Care will follow the route of Disability Services. We will make a decision on processes taken this evening, including how we will gather the evidence and consult with the community.

In relation to the Council Action Plan Progress Report in the agenda papers you referred to tonight, I thank you for that feedback. The report has been graphically designed so that it is readable and legible for a broad audience. Also to clarify, the 5,000 dollars was not just for the production of tonight's report, it is for the production of all of the quarterly reports over the year.

### **Question Two**

Will the Council vote to release the Heritage Report for the Preston Market?

As Darebin Council is a partner along with the VPA in the review I consider that withholding this report indicates they are not fulfilling their responsibilities in allowing the review to be undertaken properly.

In addition, as a member of the Reference Group, I feel unable to properly fulfil my role which is to provide advice, input and suggestions if all required documentation is not made available for me to read and analyse.

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

Council has not yet made a decision on the Heritage advice nor made a decision about the next steps, which include whether to release the study.

I want to reassure you that there is enough time for Council to ensure the advice is ready and to then consider the next steps.

I know that the Community Reference Group's process is only at the beginning. I think that your first meeting is this week and it intends to explore the constraints and opportunities of the site through a series of workshops. The meetings will include expert presentations on a broad range of topics and focused discussion with technical experts. I am sure that Heritage is also to be covered in those conversations as well.

- **Craig Walters of Preston**

**Question One:**

For the last two years I've been requesting that home makers of beer be once again permitted to show case their wares at the Food and Wine Festival (as they did for the first 10 years of the festival).

In 2018 beer makers are once again allowed to take part but have been banned from being able to offer samples of their product and discuss it with patrons of the event. Wine makers are allowed to, why not beer makers?

If there are few beer entrants this year, you'll know why!

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

Thanks for the question. In response to your feedback staff have been reorganising the Meet the Makers Showcase to include beer tasting. Local beer makers along with winemakers will be able to share their products with festival goers at the Northcote Town Hall on Saturday 26 May.

These beers will also be profiled at the Homemade Food and Wine Festival awards night on Friday 25 May.

In subsequent years, the festival hopes to increase the participation in the beer category, and hopefully this change will facilitate that.

- **Emmanuel Spiteri of Surrey Hills**

I refer now to Item 14.1. I note that under the *Local Government Act*, section 89 specifically subsection (2), any meeting of a [Council](#) or a [special committee](#) must be open to members of the public. Then, quite conveniently, the second last page of the Agenda you refer to section 89, that Council may resolve for the meeting to be closed.

Members of the public, this item has been classified as Confidential under item (e) which states proposed development, if all development applications are in and there are no new published plans and developments. I speak as a representative and advocate for the Preston



Market Traders who are concerned about any new proposed developments, and the effects this will have on people who visit the Market and the traders of the Preston market. Also as a member of the Preston Market Community Reference Group, I am concerned about any new proposed development. What are they? Because if we are going to discuss this with the VPA, we are going to be practically gagged because we are not going to be able to talk to the media and that raises a concern with constituents.

Why then is Item 14.1 being discussed in a closed, secret meeting at the City of Darebin?

Why, when it comes to the Preston Market Development, in this proposed development held in secrecy?

And I will raise this secret deal which Mr Feeney released in Parliament, so it is public knowledge. Why is this item being discussed in secrecy by the City of Darebin? Specifically why when it comes to the development of the Preston Market. Any information needs to be delivered to the community and to the traders, not kept secret and out of the public eye. Secondly, who is this development for, what is the development, and when is the proposed development scheduled to start, and is the Minister and the VPA aware of it?

**Response from C.E.O, Sue Wilkinson:**

Thank you for the Question Mr Spiteri. With regard to the first point that you have made, which is the provisions made in relation to confidentiality, thank you, because you have indeed highlighted a typo, and that pertains to the second part of your question.

There is no development, so actually the provision for which we should have declared the item confidential is (f) under section 89 of the Act, which relates to *legal advice* and also section (h) *any other matter which the Council or special committee considers would prejudice the Council or any person.*

So I can assure you that at this point in time, I am absolutely unaware of any development proposal. There is not development nor developer, if there is, I am not aware of it.

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

So the reasons that this item has been listed as confidential should have been (f) and (h), not (e).

- **Marion Harper of Darebin Progress Association**

It is often forgotten that governments are elected to serve the best interests of the community. If councils are to be recognised as the closest form of government to the people then they have to take responsibility for challenging unacceptable policies implemented by other tiers of government. If their policies are not in our (community) interest, we demand our local government challenge them. To do this they need organisation and allies.

Will Council undertake to call on other councils, affected unions and community groups to mount a campaign to ensure councils are entitled to continue to serve their elderly citizens needs and not be penalised by unjust privatisation, as proposed by the Federal Government.

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

As I have said in response to an earlier question, no decision has yet been made about the course of action Council will take in response to the Aged Care Reforms, nor the future direction taken to create an aged friendly city. We will be considering an item on this tonight.

So once we have resolved on a course of action, we will be able to provide a response to that question.

- **Leonora Spry of Thornbury**

- a) What does Darebin Council intend to do with its 220 Aged Care Staff if the service doesn't continue to be provided by Darebin Council?
- b) Does Darebin Council know what may happen for the majority of these employees, who are predominantly women and rely on Darebin Council to provide them with the high quality of employment conditions within this sector?

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

There is no decision that has been made at this time and I do not like to speculate on matters that relate to staff. In terms of the course of action taken by Council, that decision will be made by Council. This will include whether or not there is a review and how we will get to a decision in response to the Aged Care Reforms and our ability to provide an Aged Friendly Darebin.

- **Robin Vote of Preston**

In 2016 the Active and Healthy Ageing Board (AHAB), of which I am a member, was consulted by Darebin Council staff about the future of Council's disability services under the NDIS. We were put under considerable pressure to agree that Council should cease providing disability services once the NDIS reached our area.

We finally agreed to Council pulling out of a service provision after obtaining an agreement that the funds saved by Council would be applied to advocating for supporting people with disabilities, not only existing Council clients, who were confused by the process of switching providers or dissatisfied with the NDIS. AHAB members involved in the negotiations recall this agreement clearly and will verify this statement.

At the Council meeting on 30 April 2018, I asked a question from the gallery on this matter. It was about the promised services which apparently have not been funded or implemented. This question was taken on notice and I was promised a written response. I have not received a response.

Why should AHAB members or members of the community trust a Council which reneges on such a straight forward agreement?

When will I receive a response to the rather simple question I asked on the 30 April 2018?

**Response from the General Manger Community, Cathy Henderson:**

Thank you Madam Mayor. Ms Vote I would like to apologise that you have not received a response in writing yet but I will ensure that you do tomorrow.

I believe that I misunderstood the Council system that is in place for answering questions with notice so I must apologise.

In relation to the topic, we had a good discussion at an informal meeting on Thursday night regarding this, and yes, I do believe that was the case. That a discussion occurred with AHAB, and the members of AHAB are now disappointed because the withdrawal of disability services has seen a reduction in funding allocation to those services. We do still provide disability services but not as much as we did in the past. We will provide that answer to you tomorrow. Thank you.

- **Ermioni Aibazida of Kingsbury**

- a) Why does the Council consider spending \$250,000 on a report into Aged Care when a petition with 1,222 signatures has been given to you?
- b) Is there a Councillor in the chamber who works in Aged Care?

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

I will speak to your second question first. Councillor Messina has already declared a conflict of interest and will not be participating in Item 8.1 this evening.

In response to your first question about why Council considers spending?

Officers have put forward a recommendation to Council this evening about our response to the Aged Care Reforms and the process for decision making around that. Our job tonight is to consider the advice from Officers and to make a decision about what we think will be in the best interest of the community. That is the process we will go through this evening. This is the role of the administration, to provide options to consider and then make our decision.

- **Nalliah Suriya Kumaran of Preston**

If Council is considering spending \$250,000 on consultation, I would like to put to you that as part of the Terms of Reference, one item explores retaining the services of Council. So a proper study be done by the consultants and the report then come to Council to address that question about how we might retain the services.

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

The terms of reference, if adopted as they are, do include that provision, so the panel will consider a range of options including the continuation of existing services to older people. Therefore, I think if Council follows the recommendation provided by the Officers and adopts these terms of references, it is already included in there.

- **Dolce Hook of Reservoir**

**Question One:**

When Councillors Susanne Newton, Lina Messina and Susan Rennie visited Darebin Progress Association Meeting on the 2 May 2018, they said Council had not yet made a decision regarding the Federal Governments Aged Care Program. The reality seems somewhat different.

Please note:

- a) Last December, I was telephoned and given a My Aged Care Number and allied details. At this stage I am still having Council help.
- b) I am told people needing higher care than I do have already moved over.
- c) The Councillors seemed keener on social activities rather than with the essential help we need. For example with home help, shopping, meals and we wish to maintain that through Council.
- d) Anyone looking for information at Council libraries and Customer Service Centres is directed only to the My Aged Care Program.

Will you hold genuine community consultation, really listen to the community and act for the real needs of us all?

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

In response to some of the points that you have raised in regards to the changes that have already taken place in Aged Care. The My Aged Care system has already been implemented and so people who are receiving the services provided have moved onto this new system called My Aged Care. That change has happened everywhere. If you would like to receive a service you will need to go via My Aged Care, who will make an assessment on your services, then refer you onto the various service providers who can provide a service to you and you can choose who you go with. Council is one of those service providers that you could choose. So those changes have already taken place and have been implemented.

**Response from the General Manger of Community, Cathy Henderson:**

Just to clarify, you are correct that the My Aged Care phone-call system and web system is already in place and anybody that would like to access Council's Aged Care Services, do have to first go through the My Aged Care system. The My Aged Care call centre and website will then refer you on for assessments and at the moment in Darebin, Darebin run that assessment for the Federal Government. We acknowledge that clients do not enjoy that or welcome that, but it is part of the Federal funding system at the moment.

**The Chairperson, Mayor Cr. Le Cerf further replied:**

In response to your question about consultations with the community, I would like to point out that tonight we will make a decision on the process going forward and I would be very supportive of a process that has genuine community consultation and an opportunity to hear from all of the people in the community, particularly those who are currently being provided with services and anyone who has an interest in aged care service provision.

**Question Two:**

Consultation and information sessions are not satisfactory in the community if all community members connected with the issue, are not aware of them.

Quite by accident I found out about the Aged Care Reforms information session in April this year. I told others but many more were not aware. It was poorly attended. Another point is, along with others, I could not hear the questions. You need to ensure the use of a microphone.

Are you aware that not everyone including me has a computer?

You need to communicate with all people about the sessions. One day with a meals delivery, I received a leaflet circulated that way. Also they should be clearly advertised at Council venues, also the Darebin Community News was not received by some before the sessions.

Will you please ensure that all affected people receive early advice of consultations and information sessions?

**Response from the General Manger of Community, Cathy Henderson:**

Thank you very much for that feedback, that is very valuable to us that we get it right, and as you quite rightly point out, there are a variety of methods available to us to communicate with the community. We need to think about who our audience is, so that feedback will be passed on to officers so that they can consider improving the communication next time so that community members can receive that information in a timely manner.

**EXTENSION OF TIME**

<b>Council Resolution</b>
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**MINUTE NO. 18-134**

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

**That** the Question and Submission Time be extended for a further 15 minutes.

**CARRIED**

- **Anne Learmonth of Northcote**

**Question One:**

Could you please explain why the review to create an Aged Friendly Darebin is so unfocused and wide-ranging? The recent petition from more than a thousand Darebin residents sought research into this and the decision on Council's position on continuing involvement in service delivery of Aged Care after the implementation of the Federal Governments Aged Care Changes.

This proposal of a review on an Aged Friendly Darebin is not what was asked for by the petitioners, who wanted Council to conduct brief effective research and make a decision in a timely manner.

That this focus on Aged Care changes has almost vanished into a wider review, is of great concern to me and others here tonight.

**Response from the General Manger Community, Cathy Henderson:**

Thank you Madam Mayor and Ms Learmonth. The reason that we as officers made the report consider the broad topic on how to create an Aged Friendly Darebin is because it is really important. The community is changing and the Federal Government funding and other sorts of funding are also changing. In that context, to look at the big picture at how this Council can support a truly inclusive and supportive and empowering approach to including the older people of Darebin is very important.

That said, officers and myself were mindful that the key pragmatic issues of who are providing what services for whom, is what everybody is concerned about. That is why it appears explicitly in black and white in the draft terms of reference and says this review must consider, must invite feedback on, and must investigate what is going to happen with existing services and look at how to allow those services to continue. We need to discuss how that will look as well as looking at other options.

**Question Two:**

Could Council please provide details about the proposed review into an Aged Friendly Darebin.

- a) What is the selection process for Panel members?
- b) How many panel members will there be and what expertise will be requested?
- c) How will members of the Active and Healthy Aging Advisory Board and other interested/knowledgeable residents be involved in panel selection, the consultation and the production of the report?

**Response from the General Manager Community, Cathy Henderson:**

The proposed terms of reference of the review, the proposed summary and preliminary communications and engagement plan, make it clear that this proposed review was predicated on real engagement with the community and real engagement with the clients of current services. It is not particularly easy to engage with all the clients of current services because as we have heard spoken about tonight, we have many clients for whom it is not particularly easy to leave the house. So we're expecting that there will be small bands of staff going out with iPads to interview those who wish to be interviewed about their views. We also need to ensure that people are accommodated in the language of their choice.

Additionally, we will have information sessions, but the communications plan is predicated that people need to be consulted and might not have access to the internet nor attend an information session. So there will be a variety of approaches to try and engage people.

In relation to the panel members, Councillors will be voting on that later this evening, and I think that once that conversation has been had, that we can move forward.

- **Geoff Richards of Reservoir**

I would like to query the panel members. It is staggering that it would appear that from reading the agenda that you have only two public servants, one in public health and community and the other in local government, and they are the two members of it. If there are two, I would see that as not satisfactory.

My question is, will council review the composition of the panel and widen that membership, outside of local government?

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

I will take that as a statement. Council will consider to adopt the recommendation of who we appoint to that panel and it is up to the Council to decide on the number of members and who is on that panel. So the decision has not been made and officers have put forward their recommendation and the submission that you are making is that we should have more than two.

- **Sri Arasaesary of Preston**

I have been a resident of Darebin for over thirty years and I guess that I would like to put a face to the aged care service. There are people like my mother who have a good command of English and yet she would find it difficult, trying to organise the different services to get what she needs.

Fortunately, for the moment she does not require any aged care services, however at the same time there are lots of residents in my area in Preston and Reservoir who do not speak the language and they would find it difficult to access different services and organise everything.

What these people need is a one stop shop where they can contact and get services. Only today in the Federal Parliament, did Ged Kearney say that we should take care of the vulnerable, especially in regards to our aged care services, as that will show how we are looked at as a nation.

My question is why are you considering privatising services out to different agencies when people like my mother who can speak English would find it difficult to negotiate all these different services?

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

Council is not deciding whether or not we privatise this industry at tonight's meeting. The Federal government has introduced reforms which has changed the market conditions, and we are going through a process to assess the impact of those changes on our ability to provide services.

Whether we can continue delivering the services like we have always done, or whether we need to change the way we deliver services, whether there are better providers in the market for those services, is also an option. The review that is being proposed is a wide ranging and broad view which was pointed out before, to look at all of the different options available. Also it is important to look at if there are any services that Council are not currently providing and also if there is a gap in the market and could be seen as a failure. The review that is being proposed is a broad review to put all options on the table and to investigate how we could execute whichever decision we decide to take. Whether it be to continue services, transform the services, enter into new market service provisions, so no decision has been made and we have not made the decision to privatise any services.

- **Eleanora Tamburini of Reservoir**

I am actually an employee of Darebin and have been for the last twenty-six years. I am a home carer, and I have been to a lot of these people's homes to help them.

Will Council commit to some level of home care after 2020 or will the decision be made to completely cease the service?

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

No decision has been made as yet. The only decision that is being brought to Council this evening is to endorse the process of decision making. Therefore, I cannot comment on whether we will or will not remain in that service after 2020, but we will hopefully be clearer about how we will get to the decision after the meeting this evening.

- **Paula Wood of Reservoir**

I live in Preston which is clearly the hub of developmental building at the moment. I would like to discuss about the way the builders are operating. I know that builders are not allowed to build before 9am on a Saturday and they actually are. There could be multiple people pouring concrete at 6.30 in the morning. Multiple times I have complained.

What are you doing?

Seriously some of you must have run a policy to enforce the current rules and regulations.

What are you going to do about it?

They work Sunday's when they are not allowed, they work public holidays when they are not allowed. I know these things are not widely known, the times that they can build, but it is very annoying and I want my Council to start enforcing the regulations that you have. I do not want to be told that it is not the builder's fault, that they didn't know. I am pretty sure that they signed a contract with this outlined. So tell me what you are going to do about it?

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

Thank you for your question. I am sorry to hear about the circumstances that you are experiencing. I have been contacted on a number of occasions by residents when this has been occurring and residents are experiencing construction outside of the approved hours and I have referred that information onto officers who will respond. Officers have been informed of that and they are out there and willing to investigate that and enforce those rules. It sounds like your experience is like that. I am very happy to follow up on the areas where you are having an issue and refer it onto the CEO to investigate.

**EXTENSION OF TIME**

<b>Council Resolution</b>
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**MINUTE NO. 18-135**

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

**That** the Question and Submission Time be extended for a further 5 minutes.

**CARRIED**

- **Audrey Grace - Northcote**

**Question One:**

Can Council please provide copies of the minutes of each meeting of the Working Group to the members of the Active and Healthy Aging Board before our next meeting on June the 14?

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

I will take that question on notice.

**Question Two:**

Now the second item. I am presenting tonight at Council another 144 signatures for our petition. I wish to add that the bulk of the signatures that I have received have not been from many elderly residents, they have been written by residents who could be their children or grandchildren. Across Darebin all age groups want the frail and elderly people in our community, to be properly cared for in their twilight years. In considering Item 8.1 tonight, will Councillors please take these into account and act promptly to achieve the extra time required for decision making.



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

I will take that as a statement for us to consider when we deliberate over the item.

**Question Three:**

Now you mention that Council Service Volumes have been steadily falling. Council did not inform clients what services were still available and how to access them. A period of distinct poor continuity of care, staff were sent to different clients. For example during 2016 I had 13 different staff sent to assist me in a consecutive period. Others told me that they had similar experiences. They are naturally dissatisfied. How do the staff feel as this has made their work so much harder?

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

I will take that question on notice.

- **Michael Cooke – Preston**

My question is to the Green Members of this Council. I voted Greens and I have for the last ten years. Now we have had thirty years of market reform in this country and that came to a crashing halt in 2008 during the financial crisis. People are questioning this need of contracting out and privatisation.

The reason that I voted Greens is because of their great policy on Invasion Day, supporting Aboriginal rights, remembering that the land was taken from them, their common sense stand on Climate Change and Refugees. So I expect you all to make a political decision and not a managerial position. I am disappointed to hear people talking about market reform transfers, and speaking this language of human resource management.

When people say to me that they have not made a decision, I have said that also, but they say that when they have accepted the parameters of the status quo. What I want to say is that for thirty years we have heard the elite talking about privatisation, contracting out and they have a conversation with themselves. They use terminology that is obtuse and some people don't even fully understand what they are talking about. Now, what I want the Council to do, and why I vote for you guys is to be quite clear on the choices you make for the community.

The community needs to make the simple choice as to whether they want to keep the services in house or outsource them. Because as we know with the NDIS and the disability services it has been a disaster. I am in my mid-sixties and I do not look forward to a world of outsourcing. We are moving full time staff to a casual style workplace, where they basically risk their employment conditions. We know that outsourcing especially effects women and people from ethnic backgrounds. So what we want to hear is not that you haven't made a decision but that you support the community and are happy to take a radical viewpoint.

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

Thank you for your question. I cannot actually answer a question if a decision has not been made by Council. I cannot say how I feel about issues when I am responding to questions that are put to me in Chamber, which is difficult for me sometimes. But I am here to represent the decisions that have already been made by Council and not the future decisions or my opinions on individual matters. So I am sorry that this is frustrating, but it is frustrating for me as well but I am here to represent the decisions that have already been made at this point. I will hopefully be able to add more tomorrow because I find it frustrating that I cannot answer your questions that you are putting to me this evening.

**Responses to Public Questions taken on notice at the Council meeting on 30 April 2018.**

At the Council meeting held on 30 April 2018, the following questions were taken on notice by the Chairperson, Mayor, Cr. Le Cerf.

- **David Isdale of Preston submitted the following question regarding the Murray Road speed limit and the location of rubbish bins of Murray Road.**

Question 1: Murray Road Speed Limit

“The speed limit on Murray Road between the intersections of High Street and Plenty Road increases back up to 60KM/HR from the 40KM/HR limit between Gilbert Road and High Street intersections.

This seems to be an inconsistent approach to speed on the same stretch of road and makes braking from 60KM to 40KM crossing the intersection on a green light too short a distance to do so at a very busy intersection for both vehicles and pedestrians.

Given that there is now a newly opened Inspire early learning centre at 235-239 Murray Road falling in the 60 zone, are there plans to reduce the limit, if not to 40 then at least to 50?”

**Written response dated 16 May 2018, provided to Mr Isdale by Rachel Ollivier, General Manager City Sustainability and Strategy.**

The reduced speed limit on Murray Road between Fitzroy Street and High Street was undertaken by VicRoads in response to a number of crashes in that location, and is consistent with Councils approach to lowering speed limits to 40km/h within residential neighbourhoods, activity centres or adjacent to schools.

However, whilst Council is supportive of reducing the speed limit on Murray Road between High Street and Plenty Road, it should be noted that Murray Road falls under the care and maintenance of VicRoads and requests for speed limit reductions should be directed to them for assessment. Moreover, VicRoads do not currently support speed reductions to 50kmh on their roads, and require speed limit reductions to 40kmh to meet set criteria, including certain types of uses (schools), and length of active frontage (shops). I would encourage you to contact them to discuss this location in further detail.

Question 2: Location of Rubbish bins on Murray Road

“The bus stop between the intersections of High Street and Plenty Road heading East and positioned in front of Bob Jane T-Marts has rubbish and recycle bins positioned a good five metres or so from the bus stop. Whilst not excusing the massive amount of littering that occurs in that location, I can’t help but think this could be reduced significantly by a simple re-positioning of the bins nearer to the bus stop.

Can you please give consideration to this?”

**Written response dated 16 May 2018, provided to Mr Isdale by Rachel Ollivier, General Manager City Sustainability and Strategy.**

Council officers have now visited the site and determined that the rubbish bins can be relocated nearer the bus stop. It is expected that these works will be undertaken within 14 business days.

- **Robin Vote of Preston submitted the following question regarding Disability Services**

“In 2016 Darebin Council withdrew from the provision of disability services with almost no consultation. How have the resulting savings been spent and has the promised Disability Advocacy and advice service been funded and implemented?”

**Email response dated 22 May 2018, provided to Ms Vote by Cathy Henderson, General Manager Community.**

In April 2016 Council voted to not register to be an NDIS provider, which meant that there was a two year transition period for clients over 2016/17 to 2017/18. To give an idea of how the service has transitioned, in 2015-16 there were 658 clients aged under the age of 65 and potentially eligible for the NDIS. At present, there are approximately 150 clients aged under 65 years, and it is expected that this is a steady count moving forward.

In terms of the “savings” referred to in the question, staff estimate that the Council contribution to direct service delivery for people aged under 65 years will be about \$292K less in 2017/18 than in 2016/17. These savings have partially funded initiatives to support people with disability including two staff positions to support clients through transition and ongoing work to promote accessibility in Darebin. In 2017/18 the costing allowed for these new initiatives was about \$239K, a difference of about \$52K.

In the last 12 months this service provided support to over 330 clients to transition to the National Disability Insurance Scheme, or explore alternative services. This has involved actively informing and supporting clients to make informed decisions. For those clients with identified vulnerability indicators there has been assertive information provision and extensive follow-up with clients to ensure that they have engaged with the NDIS and have the supports in place that they need. This work is ongoing as there are still clients on the NDIS phasing schedule who have yet to transition. Darebin is working closely with the Local Area Coordinator, the Brotherhood of St Laurence to ensure that these clients will receive the supports they need.

In terms of a Disability Advocacy and advice service as mentioned in your question, these would be the resources referred to above. I believe that you expected that new advocacy service would include strengthened advocacy on NDIS issues generally, probably public advocacy. The staff positions created do advocate for individual client needs and outcomes, but this is on an individual basis. I acknowledge this is different to what you have said was promised in 2016.

I am happy to discuss this with you further and also to discuss at an Active and Healthy Ageing Board meeting should this be useful.

- **Audrey Grace of Preston submitted the following question regarding Permit Parking**

A decision was made by Council approximately 12 months ago to investigate so the answer was considered out of date. There is a concern as May 2018 is the last chance of making a decision to ask for time extension of the block funding which will give Council an extra 18 months.

**Email response dated 23 May 2018, provided to Ms Grace by Cathy Henderson, General Manager Community.**

The response provided at the meeting on 30 April was:

Council Officers understand that block funding currently runs until 30 June 2019 and have been advised by the Federal Government that there will be an invitation to extend that for a further year. However, the invitation was not expected to come until early 2019. It is highly likely that Council will accept the invitation noting that the terms and conditions of the extension are currently unknown.

The question was taken offline as Officers were under a different impression of application timelines. The matter would be followed up to ensure that everyone had the same information with regard to application timelines going forward.

The further response today is:

The existing City of Darebin Commonwealth Home Support Program (CHSP) contract runs until 30 June 2019. Service providers in Victoria including City of Darebin were advised in May 2017 that the current funding arrangement will be extended by additional 12 months to 30 June 2020. We understand that documentation will be provided in 2019 for a new contract to commence 1 July 2019, and Council will need to indicate whether it wishes to accept this contract in May 2019. (It is highly likely that Council will take up the offer.)

The confusion about deadlines may have arisen because in other states, the current CHSP contracts expire 30 June 2018, one year earlier than in Victoria, so the deadline for signing extensions in those states is May 2018. Below is a quote from the federal government website which shows the different deadlines between states:  
<https://agedcare.health.gov.au/programs/commonwealth-home-support-programme/frequently-asked-questions-for-chsp-funding-extension> :

“Q6: When will the changes to current CHSP funding agreements take effect?

Current funding agreements are due to expire on 30 June 2018 (30 June 2019 in Victoria).

The proposed changes to the current contractual conditions will be negotiated prior to the expiry of current agreements, with new agreements to take effect from 1 July 2018 (1 July 2019 in Victoria).”

Please also note that at the time of the Council meeting, we advised that contractual terms and conditions for the block funding extension from 1 July 2019 weren't yet known. That was true at the time but since that Council meeting the government has released the block funding extension agreements to apply from 1 July 2018 in other states. Information is available here : <https://agedcare.health.gov.au/programs/commonwealth-home-support-programme/chsp-funding-extension>

- **Anthony Restuccia of Preston submitted the following question regarding Permit Parking**

"I have been a resident in Darebin for about 40 odd years - I live on Cramer Street.

In the early 1990's, there was a petition that we implement 2 hour parking on Cramer Street between St Georges Road and Gilbert Road because the students at the TAFE college would learn to not park in Cramer Street and park in Gilbert Road. As a result, the residents along Cramer Street received two parking permits per household. The disappointing part of that is that after a couple of years Council wanted to be paid for one permit. A year later, the second also had to be paid for. I am disappointed in this because I am the one who organised the petition. Some of the residents that live along there think that I created this and that this is a revenue making exercise. I am a little disappointed that we have to pay for resident permit parking now because people that visit, especially the elderly, can't park out on the street so they park in the driveway.

Can we implement permit parking along Cramer Street for residents for free?"

**Written response dated 18 May 2018, provided to Mr Restuccia by Rachel Ollivier, General Manager City Sustainability and Strategy.**

I refer to your question regarding permit parking submitted to public question time at the 30 April 2018 Council meeting, and now provide the following information.

Council undertook an extensive review of its Parking Permit Scheme in August 2003 which involved significant consultation with the community. The consultation process included questionnaires sent to all permit holders current at that time, workshops, focus groups and the formation of a Community Reference Group.

As a result of this consultation it was recommended that an annual fee be introduced to cover the costs of administering the policy. Whilst Council has a number of methods for recovering costs associated with running this service, Darebin requires those who benefit from the system to make a contribution towards these costs.

This year the fees have been reviewed to bring them into line with neighbouring municipalities. Whilst rises in the fees have been avoided over recent years, increasing the fees this year was considered appropriate given the increasing costs which Council is incurring.

It should be noted however that householders of a Pensioner Concession Card (Centrelink or Veterans' Affairs) or Gold Card (Veteran's Affairs), War Widow or Totally & Permanently Incapacitated (TPI) are entitled to a 50% discounted fee for Parking Permits. Concessions do not apply for temporary permits or replacement fees. Discounts do not apply to Centrelink Health Care Cards.

If you require further information regarding this please do not hesitate to contact Paul Edwards, Acting Coordinator Civic Compliance on 8470 8421.

- **Anthony Restuccia of Preston submitted the following question regarding Trees**

"Some of the trees that are in the area have a pip that falls from the tree in late Autumn. These pips actually stick to the cars and do not wash off. I suggest that we might look at some trees that are more suitable to the area like an Olive tree that don't grow too big, are evergreen and don't need much water."

**Written response dated 16 May 2018, provided to Mr Restuccia by Philip Tulk, Manager Parks and Garden.**

Thank you for your question regarding trees in Cramer Street at the 30 April 2018 Council meeting.

The trees in Cramer street are ornamental pears, a theme that was established several years ago after consulting the local community. The trees have proven to be successful, growing rapidly, providing good summer shade and spectacular Autumn colour.

Some of these trees do have very small fruit that falls in the late Autumn as you noted but we haven't had any other residents express concern. Thank you for alerting us to this potential issue as the trees age.

The selection of trees is based on the principle of the right tree for the right spot. Council takes into account the soil type, microclimate, presence of overhead wires and naturestrip size when determining the best tree for the street. The Strategy also notes that street trees will not be removed due to leaf, fruit or bark drop.

In the case of olive trees, the fruit is large and fallen fruit is a slip/trip hazard.

More information can be found about street trees in Council's GreenStreets Strategy on the Darebin webpage.

If you require any further information or would like to discuss the trees in Cramer St in more detail the please contact Mr David Smith Coordinator Tree Management on 8470 8720.

## 6. PETITIONS

### 6.1 AGED CARE SERVICES

<b>Council Resolution</b>
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MINUTE NO. 18-136

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

**That** the petition:

*"We the undersigned residents and ratepayers of Darebin, petition Council to publically commit to maintaining its current role as a provider of aged care services including transport, cleaning, personal care, meals, home maintenance and respite care, into the future.*

*We urge Council not to abandon its role in providing the above aged care services in view of the Federal Government's privatisation agenda of aged care services.*

*We are proud that Darebin Council is a long-standing provider of high quality aged care services and has built a strong and trusted reputation as a preferred provider with elderly residents and their families in the community.*

*In Darebin 25,534 people (18.8% of the total population) are aged over 60 and many are receiving, or will soon require, support services to enable them to remain in their home.*

*We firmly believe that current and future aged community members should continue to have the choice to receive home care services directly from trusted and committed Darebin Council staff."*

be tabled and that Council receives the additional signatures to the Petition tabled at Council on 30 April 2018 and that it is noted that it is responded to in Item 8.1 – Aged Care Reforms – Process for Decision-Making and Response to Petition.

**CARRIED**

### 6.2 QUEEN STREET RESERVOIR PARKING

<b>Council Resolution</b>
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MINUTE NO. 18-137

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

**That** the petition:

*"We the residents of Queen Street Reservoir agree and demand that there parking restrictions be removed immediately."*

be tabled and that Council notes the petition from residents of Queen Street Reservoir regards the removal of the 2P parking restrictions installed in 2016, and receives a report on options for managing parking in the street.

**CARRIED**

**PROCEDURAL MOTION**

**Council Resolution**

**MINUTE NO. 18-138**

**MOVED:** Cr. S Amir  
**SECONDED:** Cr. S Rennie

**That** Item 14.1 – Preston Market be heard directly after Item 9 – Consideration of Responses to Petitions, Notices of Motion and General Business.

**CARRIED**

**7. URGENT BUSINESS**

Nil



## 8. CONSIDERATION OF REPORTS

*Cr. Messina disclosed a conflict of interest in the following item classifying the type of interest as an indirect interest due to a conflicting duty as she currently works in the industry.*

*Cr. Messina left the chamber prior to consideration of the item at 7.03pm*

*The following people made a submission in relation to the following item and were thanked by the Chairperson, Mayor Cr. Le Cerf:*

- *Dr Sarah Russell*
- *Robin Vote*
- *Audrey Grace*
- *Dulcie Hook*

### 8.1 AGED CARE REFORMS- PROCESS FOR DECISION-MAKING & RESPONSE TO PETITION

**Author:** Coordinator Access and Support  
Manager Aged and Disability  
General Manager Community

**Reviewed By:** General Manager Community

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## PURPOSE

This report proposes a review and consultation process to inquire into how can Council best create an age-friendly city, and how can Council best provide services, programs and facilities for older people into the future. The report also considers a recent petition from community members concerned about the future of Council's services for older people.

An expert panel is proposed to consider research and evidence, prepare a discussion paper, and invite community consultation. The panel would then finalise a report with recommendations for the Council.

## EXECUTIVE SUMMARY

Darebin Council is committed to creating an age friendly city where our older people can live well, and are empowered and valued. The Council has a proud history of providing services to older people, funded substantially by the federal government.

Federal funding reforms have already changed how older people access aged care services in Australia. Further federal changes (from probably mid-2020) will end block funding to service providers such as Darebin Council. This will have complex impacts on how services can be provided and how clients will experience services.

These past and future changes are causing concern in the Darebin community. Council received a petition in April 2018 urging the continuation of Council's aged care services. Many of Council's aged care clients are worried about their future access to quality and trusted services.

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This report proposes that Darebin Council should conduct a review and public consultation process not just about Council's existing services, but about how can Council best create and foster an age-friendly city.

This review process would include consideration of how the Council can best use its resources to create an age friendly city, now and into the future, including issues of:

- Social inclusion and civic participation;
- Built environment, transport and housing;
- Community support and health services (including consideration of a range of options for future provision of existing Council services, and for potential new services and facilities).

An expert panel is proposed to conduct the review and consultation process. Proposed terms of reference are attached. The review would take place from late May 2018 - February 2019.

### Recommendation

**That Council:**

- (1) Establish the Review Panel on Creating an Age Friendly Darebin, with terms of reference as attached as **Appendix B**.
- (2) Appoint \_\_\_\_\_ as members of the Review Panel.

### Motion

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

**That Council:**

Notes:

- (1) Community consultation conducted over the past year and concerns raised by the Darebin Active and Healthy Ageing Advisory Board have highlighted a high level of anxiety amongst aged care recipients in Darebin. In part this has been due to the Council's lack of commitment in publicly declaring that it opposes the privatisation and outsourcing of Council's aged care services as a result Federal Government's privatisation agenda of aged care services.
- (2) The petition tabled at the 30th April 2018 Council meeting with 1,222 signatures of concerned residents and ratepayers strongly urges council not to abandon its role in providing aged care services in view of the major changes occurring in the federal government's funding and provision of aged care.
- (3) Spending \$250,000 on an expert panel would be a waste of ratepayers' money given the uncertainty with the federal government's plans to integrate Commonwealth Home Support Program and home care packages.
- (4) Any future privatisation or outsourcing of Council's existing aged care services will dramatically affect the working lives of over 200 dedicated and well trained staff who are mostly women.

And resolves to:

- (5) Make a firm commitment to continue delivering existing Council home care services and not privatise or outsource these services notwithstanding the federal government's intention cease block funding to Council after July 2020 in order to facilitate the operation of open and competitive markets.
- (6) Not commit \$250,000 of ratepayer's funds on an expert panel.
- (7) Authorise the Chief executive to prepare a discussion paper, conduct a consultation process and report back to an open Council meeting with recommendation on how Council can continue to deliver quality aged care services to its aged and vulnerable community.

THE MOTION WAS PUT TO THE VOTE AND LOST.

The Chairperson, Mayor, Cr. Le Cerf declared the motion lost.

<b>Motion</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. S Amir

**That Council:**

- (1) Establish the Review Panel on Creating an Age Friendly Darebin, with terms of reference as attached as **Appendix B**.
- (2) Appoint Rhonda Galbally AO and Peter Allen as members of the Review Panel.

*Cr. Greco proposed to the mover and seconder that the motion be amended as follows:*

- (1) Write to all our age care recipients asking them to express their preference on whether Council should maintain its Council home care service and continue to be a direct provider.

*This was not accepted by the mover and seconder.*

<b>Amendment</b>
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**MOVED:** Cr. G Greco  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Write to all our age care recipients asking them to express their preference on whether Council should maintain its Council home care service and continue to be a direct provider.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

The Chairperson, Mayor, Cr. Le Cerf declared the Amendment lost.

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

<b>Motion</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. S Amir

**That Council:**

- (1) Establish the Review Panel on Creating an Age Friendly Darebin, with terms of reference as attached as **Appendix B**.
- (2) Appoint Rhonda Galbally AO and Peter Allen as members of the Review Panel.

*Cr. Greco proposed to the mover and seconder to include an additional point (3)*

- (3) *Add a point 10 to the principles of the Terms of Reference to read "Is committed to open and transparent decision making processes and will therefore bring any recommendations emanating from the review process back to an open Council meeting for a decision by Councillors."*

*This was accepted by the mover and seconder.*

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

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

**MINUTE NO. 18-139**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. S Amir

**That Council:**

- (1) Establish the Review Panel on Creating an Age Friendly Darebin, with terms of reference as attached as **Appendix B**.
- (2) Appoint Rhonda Galbally AO and Peter Allen as members of the Review Panel.
- (3) Add a point 10 to the principles of the Terms of Reference to read "Is committed to open and transparent decision making processes and will therefore bring any recommendations emanating from the review process back to an open Council meeting for a decision by Councillors."

**CARRIED**

*Darren Rudd, Manager City Development temporarily left the meeting during discussion of the above item at 7.24pm and returned at 7.30pm.*

*Katia Croce, Coordinator Council Business temporarily left the meeting during discussion of the above item at 7.27pm and returned at 7.29pm.*

*Shadi Hanna, Manager Aged and Disability left the meeting at the conclusion of the above item at 7.59pm.*

*Cr. Lina Messina returned to the meeting at the conclusion of the above item at 7.59pm.*

**8.2 THIRD QUARTER COUNCIL PLAN PROGRESS REPORT****Author:** Coordinator Council Plan and Performance**Reviewed By:** General Manager Governance and Engagement

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**PURPOSE**

To seek Council's endorsement of the organisation's progress in the period up to 31 March 2018 in implementing the Council Plan-Action Plan 2017/2018.

**EXECUTIVE SUMMARY**

The attached Council Plan-Action Plan Progress Report covers the period from 1 July 2017 to 31 March 2018. The report contains progress updates on approximately 150 separate actions. In the nine months of this financial year much has been accomplished. Actions that are outside of initial scheduled time lines are being monitored closely in line with individual project and program plans.

<b>Council Resolution</b>
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**MINUTE NO. 18-140****MOVED:** Cr. S Amir  
**SECONDED:** Cr. T McCarthy

**That** Council notes the Third Quarter Action Plan Progress Report (**Appendix A**).

**CARRIED**

**8.3 FINANCIAL REPORT - 9 MONTHS ENDED 31 MARCH 2018****Author:** Financial Accountant**Reviewed By:** General Manager Governance and Engagement

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**PURPOSE**

In compliance with the *Local Government Act 1989*, the attached report (**Appendix A**) compares for the nine months ended 31 March 2018:

- Actual and budgeted operating revenues and expenses
- Actual and budgeted capital revenues and expenses
- Actual and budgeted movements in the Balance Sheet
- Actual and budgeted movements in the Cash Flow Statement

**EXECUTIVE SUMMARY**

A comprehensive financial review has been undertaken for the nine months ended 31 March 2018 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 \$45.18 million, which is \$6.28 million ahead of budget and capital works expenditure of \$17.93 million, which is \$15.82 million behind the budget.

All material variations have been explained in the report.

<b>Council Resolution</b>
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**MINUTE NO. 18-141**

**MOVED:** Cr. S Amir  
**SECONDED:** Cr. S Rennie

**That Council:**

- (1) Receives the contents of the "Financial report nine months ended 31 March 2018" included as Appendix A to this report and notes the year to date financial results against budget.

**CARRIED**

*Cr. Williams temporarily left the meeting during discussion of the above item at 8.05pm*

*The Chairperson, Mayor Cr. Le Cerf disclosed a conflict of interest in the following item classifying the type of interest as an indirect interest due to conflicting duty.*

*The Chairperson, Mayor Cr. Le Cerf left the chamber prior to consideration of the item at 8.07pm*

*Deputy Mayor, Cr. Messina assumed the Chair.*

#### **8.4 MAYOR - MONTREAL VISIT**

**Author:** Executive Coordinator and Councillor Liaison

**Reviewed By:** General Manager Governance and Engagement

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### **PURPOSE**

This report seeks endorsement from Council for Cr Le Cerf, in her official capacity as Mayor to travel to Montreal, Canada and take part in the ICLEI World Congress 2018. The congress showcase's how local and regional governments across their network are advancing sustainable urban development worldwide.

### **EXECUTIVE SUMMARY**

Clause 2.9.4 of the Councillor Support and Expenses Policy 2017 (**Policy**) requires attendance at any conferences in an official capacity outside of Australia to be endorsed by Council resolution.

Due to the Policy requirements, the timing of the conference and the requirement for the Mayor to either accept or decline the invitation, Council needs to consider this request and make a decision.

It should be noted that the City of Darebin is a member of ICLEI Oceania and the Mayor is the chair of the Regional Executive Committee and a member of the Global Executive Committee. The Mayor has been invited to attend and contribute to the ICLEI World Congress 2018.

<b>Council Resolution</b>
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**MINUTE NO. 18-142**

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

**That Council:**

- (1) Endorses the Mayor, Cr Le Cerf request to attend and participate in the ICLEI World Congress 2018 from 18 June to 23 June 2018.
- (2) Notes that the costs of accommodation and the congress registration will be covered by ICLEI Oceania.
- (3) Notes that the airfares, and additional night of accommodation and incidentals will be covered personally by Cr Le Cerf.

**CARRIED**

*Cr. Williams returned to the meeting during discussion of the above item at 8.09pm.*

*Cr. Le Cerf returned to the meeting at the conclusion of the above item at 8.12pm.*

**8.5 PROPOSED ROAD DISCONTINUANCE ADJOINING THE REAR OF 66 STATION STREET, FAIRFIELD****Author:** Senior Property Officer**Reviewed By:** General Manager Operations and Capital

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**PURPOSE**

To inform Council of the outcome of preliminary investigations into the proposed discontinuance and sale of the right-of-way/road adjoining the rear of 66 Station Street, Fairfield, shown hatched on the statutory plan in **Appendix A** and shown highlighted yellow on the aerial view shown in **Appendix B** (Road).

**EXECUTIVE SUMMARY**

In 2017, an enquiry was received from the owner of 66 Station Street, Fairfield, following a Town Planning application, requesting the discontinuance of the Road to enable its inclusion into a proposed development at the site. Investigations revealed that although the owner of 66 Station Street is the registered proprietor the Road, it remains a 'road' on title. The Road is not in Council's Register of Public Roads and appears to have been enclosed by the adjoining property owner at 66 Station Street for many years.

Consultation with the owners of 66 Station Street, Fairfield confirmed the feasibility of the proposed discontinuance with the property owners confirming their interest by signing 'in principle agreements' to purchase the land from the Road at market value as well as meeting all reasonable costs associated with the discontinuance of the Road in accordance with current policy.

Due to the owners of 66 Station Street being the registered proprietor of the Road the (non-occupying) adjoining property owners at 27 Railway Place were not approached in the first instance. The statutory process will provide all adjoining property owners the opportunity to make comment on the proposal.

<b>Council Resolution</b>
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**MINUTE NO. 18-143****MOVED:** Cr. T McCarthy**SECONDED:** Cr. S Rennie**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 66 Station Street, Fairfield, shown hatched on **Appendix A**.
- (2) Give Public Notice under sections 207A, 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 owner at 66 Station Street, Fairfield, by private treaty and transfer to itself any land from the road not sold to the adjoining property owners.

**CARRIED**



**8.6 PROPOSED SALE OF LAND FROM A DISCONTINUED ROAD ADJOINING 146 ELIZABETH STREET, 19 FURZER STREET AND 74 MCNAMARA STREET, PRESTON****Author:** Senior Property Officer**Reviewed By:** General Manager Operations and Capital

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**PURPOSE**

To inform Council of the outcome of preliminary investigations into the proposed sale of Council owned land from a discontinued road at the rear 146 Elizabeth Street, 19 Furzer Street and 74 McNamara Street, Preston, shown hatched on the site plan in **Appendix A** and coloured yellow on the aerial photo in **Appendix B** (Land).

**EXECUTIVE SUMMARY**

In 2017, an enquiry was received from the owner of 146 Elizabeth Street, Preston requesting to purchase the Land from the discontinued road adjoining the rear of their property. Investigations revealed that the road was discontinued by the City of Coburg in 1977, however not all parcels of land were sold at that time with the City of Coburg taking title to the unsold parcels of land.

The unsold land was transferred to Darebin City Council in 1995. The Land appears to have been enclosed by the adjoining properties at 146 Elizabeth Street and 74 McNamara Street, Preston for many years.

Consultation with abutting property owners confirmed the feasibility of the proposed sale with the property owners of 146 Elizabeth Street and 19 Furzer Street, Preston confirming their interest by signing 'in principle agreements' to purchase the Land from the discontinued road at market value as well as meeting all reasonable costs associated with the statutory process.

<b>Council Resolution</b>
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**MINUTE NO. 18-144****MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Amir

**That** Council commences the statutory procedures under section 189 of the *Local Government Act 1989* ("the Act") to sell the Land from the discontinued road adjoining the rear of 146 Elizabeth Street, 19 Furzer Street and 74 McNamara Street, Preston, shown hatched on **Appendix A**, contained within Certificate of Title Volume 9821 Folio 463 and shown as Lots 1 and 2 on Title Plan TP960012Y, to the owners of 146 Elizabeth Street and 19 Furzer Street, Preston, respectively, in accordance with Council policy.

**CARRIED**

**8.7 CT201504 - BUILDING TRADE MAINTENANCE - PLUMBING****Author:** Building Strategy Advisory**Reviewed By:** General Manager Operations and Capital**PURPOSE**

To seek Council's approval for the extension of Contract CT201504 – Building Trade Maintenance – Plumbing for a further year and for a variation of the contract expenditure to cover the anticipated spend over the remaining two years of the contract term.

**EXECUTIVE SUMMARY**

Darebin City Council has a current panel of plumbing service providers engaged for the routine (cyclic) maintenance and reactive maintenance of plumbing assets installed on Darebin sites.

This agreement was setup in 2015 for an initial 3 year term with two options to extend the term by one year.

The intention was to exercise the first of these available extensions to operate from 1 May 2018. However expenditure under the contract has been found to exceed the expenditure approved by Council at the meeting of 20 April 2015.

The services provided by the panel of providers has been satisfactory and there is no operational reason to tender for new service providers at this stage of the contract.

Council Officers are requesting a contract extension and a variation of the contract expenditure to cover the anticipated spend for the remaining two years of the contract term.

**Council Resolution****MINUTE NO. 18-145****MOVED:** Cr. T McCarthy**SECONDED:** Cr. S Amir**That Council:**

- (1) Notes that the approved contract period for CT201504 – Building Trade Maintenance – Plumbing Services Panel is 5 years, if all options to extend are exercised, being from 1 May 2015 to 30 April 2020;
- (2) Approves the option to extend Contract CT201504 – Building Trade Maintenance – Plumbing Services Panel for a further year to 30 April 2019;
- (3) Approve the total estimated cumulative amount of \$5,380,000 including GST for the full five year term of the panel contract;
- (4) Noted that the panel is currently composed of the following service providers:
  - a) Omni Trade Services
  - b) Burstons Plumbing and Gasfitting; and
  - c) New Plumbing Services
- (5) Authorises the Chief Executive Officer to advise the panel members of the contract extension.

**CARRIED**

**9. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS**

Nil

The following item was heard after the completion of Consideration of Responses to Petitions, Notices of Motion and General Business as per the Procedural Motion No. 18-138.

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

#### 14.1 Preston Market

*It was noted by Sue Wilkinson, Chief Executive Officer during public question time that there had been an administrative error when providing the reason for confidentiality in the following report.*

It was listed in the Agenda as being designated confidential because it is a proposed development pursuant to section 89(2)(e) of the Act, when in fact it should have been listed as confidential because of legal advice and any other matter which Council or special committee considers would prejudice the Council or any person pursuant to section 89(2)(f) and (h) of the Act.

### CLOSE OF MEETING

<b>Council Resolution</b>
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**MINUTE NO. 18-146**

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

**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**

*Cr. Greco and Cr. Williams were in opposition to the vote.*

The meeting was closed to the members of the public at 8.21pm.

***The Council considered and resolved on Report Item 14.1 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. 18-153**

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

**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 9.25pm.

**14.1 PRESTON MARKET****Author:** Senior Planner**Reviewed By:** General Manager City Sustainability and Strategy

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**PURPOSE**

The purpose of this report is to provide a progress update on the community engagement currently underway to inform the review of planning controls and future opportunities at Preston Market. The report also outlines the findings of a heritage study prepared by independent consultants for Council.

**EXECUTIVE SUMMARY**Community Engagement

Council is currently working in partnership with the Victorian Planning Authority (VPA) to review the planning controls and future opportunities for the Preston Market site. Community engagement is an important part of informing this review.

The first phase of the community engagement was recently concluded. The results have been compiled by an independent consultant and are planned for public release on 22 May by the VPA. Review of Planning Controls - The Community Engagement Findings Report - Phase One is attached for Council to note (**Appendix A**).

The second phase of the community engagement has commenced and is expected to run until around mid-July. This phase includes sharing the community engagement summary with the wider community and seeking feedback on the key elements that were identified. A community reference group (CRG) has also been selected and over the next three months will be asked to explore issues and opportunities in more depth and provide feedback. The CRG will also support the development of a community vision for the Preston Market site.

The feedback from the community, along with advice on a range of technical issues including drainage, transport, planning, safety, waste management, community development will be used to develop recommendations for planning controls and other opportunities to support the market to thrive into the future. The draft report with proposed recommendations is expected to be shared with Council in late 2018.

Issues

Several principles underpin and guide Council's considerations of the future of the Market. These include:

- That Council is committed to seeing the market thrive into the future;
- That the engagement process for the review of planning controls is extensive and open to ideas;
- That the market needs to remain accessible to all traders and the community during and post construction of any development; and
- To ensure that Council's objectives are met in response to accessibility, environmental sustainability and improved connections to wider Preston Central.

Development of the market site has been a highly contested community issue for a long time. There are two main issues: a perception that the market is at risk and could be lost

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(demolished or cease to operate); and a risk that overdevelopment on other parts of the site would impact the viability or attractiveness of the market, and is therefore a threat.

It is important to note that Officers are not aware of any proposal by the owners of the Preston Market site to stop operating the market, although clearly this is a possibility. The site is privately owned and under private management, so the owner would have this choice, but it is not necessarily in the owners best interests - community goodwill associated with features like the market is often highly valued by developers.

Council has advocated for the market to thrive into the future for a long time, including advocating for the incorporated plan to be reviewed, which is currently underway as part of the review of planning controls and future opportunities in partnership with the VPA.

### Heritage

Council has explored (and continues to explore) its options to prevent risk of the market being lost or impacted adversely by development on the site and recently this has included asking the Minister for Planning to apply heritage protection on two occasions, and additional further testing as to whether there is any meaningful protection available through heritage controls by seeking expert advice in the form of a Heritage Study, testing that through a Peer Review and further indepth testing by seeking legal advice from a Queen's Counsel (QC). The Heritage Study is in two volumes, Volume 1 summarises the history and community connections and Volume 2 provides is a technical report that includes assessment of Significance

The expert heritage advice has explored whether a heritage overlay could be applied to the Preston Market. There are two elements of heritage: social fabric, and built form, and a connection needs to be established between the two.

All the advice has concluded that the site has cultural value, thus social significance. However, the advice has varied in regards to whether a sufficient case has been made for the connection of the social significance to elements of the built form. In summary:

- The Heritage Study (Volume 2: significance) advised that the market has local significance and also that further exploration be done on the potential of state significance relating to space frame technology.
- The Peer Review was not confident that the built form could be meaningfully protected by a heritage overlay and raised a number of questions for further exploration.
- The Legal Advice advised that the connection to built form has not been made sufficiently to confidently make a case. It described that a heritage overlay had some merit on the grounds of built form however outlined that further work would be needed before Council could make a decision as to whether they should pursue this course.

The Legal Advice also clearly articulates that even if a case can be made for the application of heritage controls, a heritage overlay does not regulate the use of the land and cannot protect a use into the future (and thus require the use of the site as a market in perpetuity). What this means is that a heritage overlay, even if it were successful, would not achieve the primary goal of ensuring the market continues to operate.

On balance, Officers conclude that seeking a heritage overlay or interim heritage protection at this point would not be likely to succeed, and nor would it provide meaningful protection.

Despite this, the Heritage Study (both volumes) articulates very valuable analysis of the social value of the site and the attributes of the market built form that contributes to this (such as the layout and open air feel).

There are other strategies that Council can consider to pursue protections of important attributes. These include seeking to protect the attributes via the incorporated plan, or a design and development overlay, for example. The Heritage Study and Legal Advice have both identified the Incorporated Plan as tool that could be used to consider this.

If Council resolves to seek heritage protection at this point in time, it would require commitment of time and resources, without guarantee of success, and it also brings risks to other work in progress, including the current review of planning controls.

On balance, Officers are recommending that Council not pursue the application of heritage controls. Instead, Officers recommend referring the heritage study and technical reports on the same topics to the VPA and requesting that it be considered in an integrated way as part of the current review of planning controls.

In regards to communication with stakeholders, the owners of the market, the VPA and the community, Officers recommend releasing the heritage reports in full including the research report (Heritage Study Volume 1: history and community connections, **Appendix B**), and the technical reports (Heritage Study Volume 2: significance **Appendix C**) and the Peer Review (**Appendix D**). While it is not usual practice to release technical advice of this nature to the public, given the community interest, officers advise that there is no particular risk associated with releasing these, although they are likely to prompt a wide range of questions due to their complex nature.

<b>Council Resolution</b>
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**MINUTE NO. 18-149,151,152**

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

**That:**

- (1) Council reiterates Council's commitment to working in partnership with the VPA to review the planning controls and future opportunities and to engage with the community, key stakeholders and the owners of the Preston Market as an important part of this review.
- (2) Council notes the community feedback received to date received through the Community Engagement Findings Report – Phase One. (**Appendix A**).
- (3) Council notes the community engagement planned in Phase Two of the review of planning controls and future opportunities.
- (4) Council notes the rich social heritage and importance of the market to the community, and reiterates Council's commitment to working to preserve the long term viability of the market.
- (5) Council resolves not to seek approval from the Minister of Planning to apply heritage controls (whether interim or permanent) to the market site at this time.
- (6) Council request that the CEO write to the VPA to request that the Heritage Study and associated technical reports be considered in an integrated way as part of the current review of planning controls.
- (7) Council release heritage reports in full including the research report (Heritage Study Volume 1: history and community connections, **Appendix B**), and the technical reports (Heritage Study Volume 2: significance **Appendix C**) and the Peer Review (**Appendix D**) to the community on 22 May 2018.

- (8) Council request that Council Officers meet with site owners representatives to discuss the heritage reports and highlight Council's view of the importance of the market to the municipality and Melbourne more generally.
- (9) Council resolves that this Council report becomes public and that it releases all **Appendix A, B, C and D**
- (10) Council Immediately releases the Council resolution; and
- (11) The timing of the release of **Appendix A** to be done in consultation with the VPA.

**CARRIED**

*Joanna Cuscaden, Acting Manager City Futures left the meeting at the conclusion of the above item at 9.31pm.*

*Darren Rudd, Manager City Development left the meeting at the conclusion of the above item at 9.32pm.*

*Wendy Dinning, Coordinator Economic Development left the meeting at the conclusion of the above item at 9.33pm.*

IN ACCORDANCE WITH SECTION 84 OF THE LOCAL GOVERNMENT ACT AND COUNCILS GOVERNANCE LOCAL LAW A SPECIAL COUNCIL MEETING HAS BEEN SCHEDULED ON THURSDAY 31 MAY 2018 TO DEAL WITH OUTSTANDING, UNDISPOSED MATTERS.