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# MINUTES OF THE ORDINARY COUNCIL MEETING

Held on Monday 17 and Tuesday 18 August 2020

Released to the public on Monday 24 August 2020

**IN ACCORDANCE WITH THE COVID-19 OMNIBUS (EMERGENCY MEASURES) ACT 2020, THIS MEETING WAS HELD VIRTUALLY.**

**LIVE STREAMING OF THE COUNCIL MEETING WAS MADE AVAILABLE ON COUNCIL'S INTERNET SITE.**



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

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

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

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



### English

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

### Arabic

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

### Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

### Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

### Hindi

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

### Italian

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

### Macedonian

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

### Nepali

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

### Punjabi

ਇਹ ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

### Somali

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

### Spanish

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

### Urdu

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

### Vietnamese

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

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# Table of Contents

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Item Number	Page Number
1. PRESENT .....	6
2. APOLOGIES.....	6
3. DISCLOSURES OF CONFLICTS OF INTEREST.....	7
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS.....	7
5. QUESTION AND SUBMISSION TIME .....	7
6. PETITIONS .....	14
7. CONSIDERATION OF REPORTS.....	15
7.1 MAYER PARK MASTER PLAN ADOPTION .....	15
7.2 PENDERS PARK - STAGE TWO PLAYSPACE DESIGN.....	18
7.3 CAT CURFEW DECISION .....	19
7.4 DAREBIN LIBRARIES AND LEARNING STRATEGY 2020-24.....	30
7.5 PROPERTY AQUISITION AND DISPOSAL REPORT.....	21
7.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF .....	23
7.7 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER RESIDENTIAL (BATCH 4) .....	25
7.8 INTENTION TO DECLARE A SPECIAL CHARGE SCHEME: SOLAR SAVER RESIDENTIAL (BATCH 5).....	27
7.9 CONTRACT AWARD - CT201945 PROVISION OF INTEGRATED FINANCE SYSTEM .....	32
7.10 CT201995 - AWARDING OF CONTRACT FOR THE PROVISION OF PROACTIVE TREE MAINTENANCE SERVICES .....	33
7.11 NARC DESIGN AND PROCUREMENT UPDATE.....	34
7.12 TRAM ROUTE 11 EXTENSION ADVOCACY .....	36
7.13 PARLIAMENTARY INQUIRY INTO ECOSYSTEM DECLINE.....	39
8. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS .....	42
9. NOTICES OF MOTION.....	42
9.1 FUTURE USE OF THE FORMER RESERVOIR POLICE STATION .....	42
9.2 OPTIONS TO UPGRADE THE OLD RESERVOIR LIBRARY BUILDING.....	43
9.3 ENGAGEMENT OF LOCAL ARTIST TO PAINT SLOGANS ON COUNCIL FOOTPATH NEAR MANTRA BELL .....	43
9.4 100TH ANNIVERSARY OF THE OPENING OF EDWARDES PARK LAKE AND THE BOATHOUSE .....	44

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# Table of Contents

---

<b>Item Number</b>		<b>Page Number</b>
9.5	FUTURE BUDGET IMPACTS OF ANY INCREASES OR FALLS IN DAREBIN COUNCIL'S WORKCOVER PREMIUMS .....	44
<b>10.</b>	<b>URGENT BUSINESS.....</b>	<b>45</b>
<b>11.</b>	<b>REPORTS OF STANDING COMMITTEES .....</b>	<b>48</b>
<b>12.</b>	<b>RECORDS OF ASSEMBLIES OF COUNCILLORS .....</b>	<b>48</b>
12.1	ASSEMBLIES OF COUNCILLORS HELD .....	48
<b>13.</b>	<b>REPORTS BY MAYOR AND COUNCILLORS .....</b>	<b>49</b>
<b>14.</b>	<b>CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL.....</b>	<b>53</b>
<b>15.</b>	<b>CLOSE OF MEETING .....</b>	<b>55</b>

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## MINUTES OF THE ORDINARY MEETING OF THE DAREBIN CITY COUNCIL HELD VIRTUALLY, ON MONDAY 17 AND TUESDAY 18 AUGUST 2020

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### THE MEETING OPENED AT 6.01PM

The Mayor advised that the meeting was being streamed live and that audio and video would be made available on Council's website on Tuesday 18 August 2020.

### WELCOME

The Chairperson, Mayor Rennie, 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. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Julie Williams

### **Council Officers**

Sue Wilkinson - Chief Executive Officer

Lenny Jenner – Acting General Manager Governance and Engagement

Sam Hewett - General Manager Operations and Capital

Kerry McGrath - General Manager Communities

Rachel Ollivier - General Manager City Sustainability and Strategy

Steven Sagona – Acting Manager Corporate Governance

Sunny Hayes – Manager City Futures

Melanie McCarten – Senior Coordinator Darebin Libraries

Stephen Mahon - Coordinator Council Business

Lisa Thomas-Bates - Governance Project Officer

## 2. APOLOGIES

CR. LINA MESSINA

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Note – As a result of a motion moved in relation to Item 14.2 - Mantra Bell City Planning Permit, Cr Amir declared an indirect conflict of interest in the matter due a conflicting duty created between her role as a Federal Government Public Servant and her role as Councillor.

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

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

MINUTE NO. 20-072

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

**That** the Minutes of the Planning Committee as amended held on 13 July 2020 and the Ordinary Council Meeting held on the 20 July 2020 be confirmed as a correct record of the business transacted.

**CARRIED UNANIMOUSLY**

### 5. QUESTION AND SUBMISSION TIME

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

- **Bernard Phelps, Northcote**

My house sits directly behind two houses in Gladstone Ave that regularly burn something that pours out masses of foul and toxic smoke, that then falls into my backyard and make it impossible to be outside in my own property. It occurs even on bright sunny days when there should be no need for a fire and I think is unacceptable in today's urban landscape, particularly when we are in COVID-19 lockdown.

When is the council going to outlaw the use of log fires in Darebin?

**Response from Chairperson, Mayor Rennie**

**Thank you for sending me your question.**

**I understand that Officers have discussed this matter with you – thank you for taking the time to do this.**

**In regard to the specific local issue that you have raised, I understand our officers are following up with the specific households to explain their obligations.**

**More broadly in regard to outlawing log fires, we agree that wood smoke is a problem and we are advocating for the state government to take stronger action on wood smoke pollution. This includes restricting the use of wood smoke heaters in urban and built up areas and supporting households to rapidly switch to electric heating.**

**These aren't changes that we can make as a local council, rather, the Victorian Government would have to change them through state environmental laws.**

In the meantime, Council is in the somewhat frustrating position of having to enforce the current rules which we don't think go far enough.

The current rules allow wood heating, but there are obligations for residents with wood heaters include to use appropriate wood. Wood shouldn't be treated or painted, and it shouldn't be green or wet.

I understand you are also intending to share your views with the state government, which can make a big difference – thank you for your support on this issue

- Maria Poletti, DADA President

Exactly what date did the "tree policy" come into effect to be enforced?

**Response from Chairperson, Mayor Rennie**

Thank you for your questions.

Council adopted the Tree Protection on Private Property Local Law on 11 April 2019. The Management of Tree Protection on Private Property Policy was also adopted at this time.

In addition, Council also has tree protections for significant trees on private property in the form of Vegetation Protection Overlays in Springthorpe, Mt Cooper and Lancaster Gate.

- Maria Poletti, DADA President

Has there ever been a situation in Darebin where a tree is more highly respected / regarded than a building?

**Response from Chairperson, Mayor Rennie**

The mechanisms previously listed have been developed to protect trees wherever possible.

Some recent examples of effective tree protection include several trees in Springthorpe which have been retained where a conflict between buildings and trees has arisen.

- Maria Poletti, DADA President

Can Council cite any examples in Darebin of where a new build has been creatively designed around a protected tree?

**Response from Chairperson, Mayor Rennie**

As stated in the previous answer, several buildings in Springthorpe were designed around the retention of private significant trees. Some residents were attracted to the area by the large trees and have successfully incorporated them as a feature in their designs.

Council is working hard to protect trees in other circumstances around the municipality.

- **Chris Erlandsen, DADA Vice President**

Even if a tree is potentially worthy of protection, if it is not sick or impacting any building, who ultimately determines what the future is for the tree; if it stays or is removed?

**Response from Chairperson, Mayor Rennie**

Hi Chris, thank you for your questions.

While your first question is straight forward, the answer depends on the case.

If there is a vegetation protection overlay on the property, then a planning permit is required for tree removal. If not, then Council's local law applies, and a permit is needed to remove larger trees – generally the local law defaults to protect larger trees.

However, if the owner is seeking a planning permit for other reasons, even when there isn't a vegetation protection overlay, then the planning scheme requirements apply rather than the local law. Council's planning decisions always consider the recommendations of Council's Arborist.

The people who make the decisions are either a planning officer with advice from our arborists (in the case of planning permits), or our arborist (in the case of local laws). Sometimes there is an appeal about Council's planning decisions in which case VCAT becomes the final decision maker.

- **Chris Erlandsen, DADA Vice President**

Can Council explain why some trees on both public and private land, do not have TPZ fencing around them or do not have adequate protection of tree branches for example at 27 Murphy Gve, no TPZ around the Norfolk Pine and 6-8 Josephine Gve, nature strip TPZ inadequate?

**Response from Chairperson, Mayor Rennie**

Generally, any tree that is required to be retained during construction, including street trees, should have tree protection measures in place. Council can enforce if tree protection isn't in place under planning, building or local law requirements depending on the case.

That said, sometimes trees are allowed to be removed – and therefore wouldn't have tree protection measures.

If you are concerned about a tree, please report it to Council so we can investigate. The two examples you've asked about we'll investigate when stage 4 restrictions are lifted.

- **Chris Erlandsen, DADA Vice President**

After the work site has been tidied up and cleared. Who is currently responsible for cleaning up the mess left in the surrounding area? Why is this aspect not enforced as part of the conditions for all developers?

**Response from Chairperson, Mayor Rennie**

Any damage to nature strips, footpath or kerb and channel must be made good by the developer. To protect these assets, Council requires a bond from builders and does before and after inspections. If a developer doesn't make good, Council uses the bond to fund works.

We do have a follow up process and we have recently cleared a backlog of follow up inspections. Some sites still need to be made good – which we will keep progressing when COVID19 directions allow us to.

If there are any sites you are concerned about, please let us know – we'll follow up.

- **John Nugent, Epping**

Preston Football Club (Northern Blues)

In your reply dated 1 July 2020 Council states discussions are ongoing between Council and the Preston Football Club and providing further details at this stage would not be appropriate.

Is Council avoiding the question and does Council have any intention to assist this football club with a 138-year history in the City. Further is it true the reason the Preston Football Club ceased operation was due to its finances and that Council is discriminating against male participation in VFL football?

**Response from Chairperson, Mayor Rennie**

Since the last question on this matter, Council has met with representatives of the Northern Bullants Football Club (now their preferred name). The club have shared with Council their strategic vision, which includes their aspiration to be a sustainable club in the VFL. Council is now awaiting further confirmation from the Club on specific details for how they would like to partner with Council for this purpose. This process is being slowed by COVID and the disruption and uncertainty that it has placed on how sport will be played in the coming season. Regardless of the complexities Council is continuing to work positively with the club.

It has been reported publicly that it was the Carlton Football Club that cut their ties with the Northern Blues, however your question regarding “was this related to its finances” would be best answered by the Club and should be directed to them.

- **John Nugent, Epping**

State Government Grant for Lighting projects in the City.

Please advise why a large park like Donath West missed out on funding for lighting when people travel at night and depart trains and buses at Keon Park and have to walk through a dark park and open space. Further how did Council decide how and where the lighting project were required, was there any public input, how many enquiries were made from groups regarding these lighting projects and why were projects successful the north the city where parks and open space already have lighting?

**Response from Chairperson, Mayor Rennie**

The State Government Community Safety Infrastructure Fund seeks to fund projects that improve safety in public spaces. A key priority of the grant was that applications must provide economic benefit and a local stimulus effect. Based on this, Council submitted an application for Activity Centres in Reservoir, focussing on Edwardes St, Broadway and Johnson St lighting projects. The project impact for economic stimulus for community and traders was deemed most significant at these sites.

The grant also required projects that were “shovel ready” and most of the design and documentation has been completed for street lighting and public space lighting. This was undertaken in consultation with community through the 2014 Reservoir streetscape masterplan.

Also, Council receives frequent complaints about low level of lighting and other safety issues in the Reservoir Activity Centres precinct from residents and traders. The outcome of this application is due in September 2020.

For information also - the main west- east shared path connection linking Donath East Reserve to Dole Reserve, including a new signalised pedestrian crossing on Cheddar Road, is scheduled to be completed this 2020/21 financial year.

- **John Nugent, Epping**

Edwardes Lake.

In your reply dated 1 July 2020 Council stated only 20% of Edgars Creek catchment is within the City of Darebin and that it would require a significant investment by agencies including the City of Whittlesea, the State Government, Melbourne water, EPA and Yarra Valley Water. Is this project too hard for Council and can Council arrange to establish a Working party of the above agencies to start work on this project to bring Edwardes Lake back to life?

**Response from Chairperson, Mayor Rennie**

Council considered this matter in detail on 6 April 2020. As you know, the lake isn't suitable for water-based recreation.

This is disappointing but is not something that can be quickly or easily changed and some types of recreation, like yabbing, may never be possible.

Council decided to advocate for support from the various agencies to improve water quality and I can confirm that Council is doing this - via the Yarra Integrated Water Management Forum.

The Integrated Water Management Forum includes most of the agencies listed in your question and is similar to a working group covering the whole Yarra catchment. Council isn't planning to establish an additional working party.

Council has also successfully secured grant funding to audit the stormwater treatment wetlands at Edwardes lake so we're confident they are working effectively - this will be done this financial year

- **Barbara ( Surname not supplied – Question submitted via telephone to Customer Service )**

Why are runners/joggers exempt from wearing face masks? Walking briskly also raises blood pressure and makes it difficult to catch your breath and are uncomfortable to wear in these circumstances. I am a local citizen and in my 1-hour daily walk, I am passed by about 6 runners/joggers, often from behind without warning and not observing social distancing, panting and sweating. They stop running and walk or rest every now and then, without masks. Containment of the virus is put into jeopardy by these runners/joggers without masks

Perhaps a local football oval or similar place could be available to runners/joggers so they could run around without impinging on masked pedestrians.

**Response from Chairperson, Mayor Rennie**

I would firstly like to acknowledge and thank all the members of our community who have followed the State's Coronavirus directives.

Masks or face coverings do form part of these directives and are essential in our defence against COVID-19. The Chief Health Officer has however issued some exemptions from wearing masks and they do include runners and joggers.

It is disappointing to hear you have observed some breaches of social distancing and I encourage all people to follow these recommendations when enjoying your daily exercise.

Council will continue to promote the states advice in contactless ways including our social media channels through the pandemic.

- **Julie Ryan**

Commercial premises operating at 470 High Street Aradena, have built windows and doors into their delivery dock entrance, from which internal sections of my house and backyard can be viewed.

As this building has already been ordered by VCAT to ensure no overlooking takes place, why have council not acted to ensure this VCAT ruling is enforced? Notification by me of intention to build doors took place on May 7th, 2020 with information forward to Enforcement by Planning that day.

**Response from Chairperson, Mayor Rennie**

I understand that Council's Manager of City Safety and Compliance has spoken to you recently and confirmed that Council is currently investigating.

Whilst our staff can't currently visit face to face, they have made contact with the builder by telephone. I can confirm that our officers inspected in May and at the time there was not a compliance issue.

As part of the current investigation, officers will consider your suggestion to require permanent closure of the roller door – it is not immediately clear if it is within Council's power. Officers haven't yet made a determination about this and will update you when they have.

If you have any questions in the meantime, please contact our senior planning enforcement officer in the first instance.

- **Melanie Welch**

Can Council please confirm that a grant submission will be made to the State Government's Victorian Parks Revitalisation Grants Program for the Changing Places Facility and Picnic Shelter which are included in the design concept for the all abilities playspace at Penders Park?

**Response from Chairperson, Mayor Rennie**

Thank you for your question Melanie, and for all your work on the master plan as part of the PCG. We agree that it would be fantastic to get funding to be able to bring forward delivery of the changing places toilet and the picnic shelter identified in the masterplan, and that the DELWP parks revitalisation funding could be a great way to do that.

The list of projects that will be put forward for this fund is currently being finalised and Penders Park is being very seriously considered as a priority for a submission. I should let you know that the funding amounts are capped, so it may be that there is not enough for both a changing places toilet and a picnic shelter. If this is a case, we understand from the community that the changing places toilet is the clear priority.

I understand that you have been talking to officers about how the community might support a submission and they will be in touch with you again soon to confirm the final list of projects and discuss a letter of support from the former PCG.

- **Geoffrey Richards, Reservoir**

3 & 5 East St., Reservoir

The entire two blocks of this street had a graceful avenue of well-developed trees.

To me, and I am not an arborist, the avenue seemed strong and healthy and there appeared to be no overhead wiring or similar concerns.

Yet recently the trees outside Nos 3 and 5 East street were professionally cut down and grubbed out!

For what reason(s) were the trees removed and is there a mature tree replacement program, if not, why not?

**Response from Chairperson, Mayor Rennie**

Thank you, Mr Richards, for the questions.

The trees were removed due to structural concerns resulting in an unacceptable risk to public safety. There are 15 new trees to be planted on East street as part of Council's 6,000 trees program.

The ideal size for a new street tree is around a 40-litre pot. This is because this size has the best chance of establishing well, is not prone to vandalism and represents the best value for money.

- **Geoffrey Richards, Reservoir**

32 Storey Rd, Reservoir

I have written before on removal of two nature strips positioned, again part of a full avenue of trees, from this single block, and was advised they were ruled unfit by an arborist, yet they appeared to be the same as all the existing remainder lining the road!

A double entry driveway was installed, and the developer placed a single small tree as agreed within the front garden.

As there a plenty of space for at least a single mature tree planting in the nature strip, is this proposed, if not why not? And, is there a mechanism for preserving the beautiful avenues of trees existing throughout Darebin from such streetscape damage?

**Response from Chairperson, Mayor Rennie**

**The trees outside 32 Storey road are to be replaced this planting season.**

**Council has several mechanisms for preserving trees in the municipality including council's tree protection local law, significant landscape overlays and council's urban forest policy.**

**Typically, the only allowable reasons for removing street trees are if a tree is dead, dying, hazardous or subject to a development application where there is no reasonable alternative.**

**Officers will make phone contact with you this week to discuss the trees proposed for this street and the processes followed to select the right tree for the right location.**

## **6. PETITIONS**

### **6.1 TABLING OF PETITION**

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

**MINUTE NO. 20-073**

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

**That** the following additional signatories to previously submitted petitions be tabled and referred to the Chief Executive Officer:-

#### **Strathallan Open Space (Cr Laurence)**

We the undersigned residents and users of Strathallan Open Space call on Darebin Council to set aside an initial \$1.5 million ( the independent valuation of this public open space ) from the open space reserves in the 2020/2021 budget to purchase the La Trobe university's owned section on the Strathallan Open Space so that this vital open space is never threatened with residential development again. (a further 67 signatories)

#### **Save Reservoir Pool (Cr Laurence)**

We the undersigned residents call on the Darebin Council to consider a full \$36 million upgrade of Reservoir Leisure Centre in the 2020 Council Budget. The Reservoir Leisure Centre needs to be urgently upgraded to catch up with the current Northcote Aquatic Centre that already has both a 25 metre indoor pool and a 50 metres outdoor pool. The \$63.5 million Northcote Pool mega project should be scaled back and the Auditor General should fully investigate the costing blowout. . (a further 51 signatories)

#### **Stop the Rate Rise / Fees and Charges (Cr Laurence)**

We the undersigned residents call on Darebin Council to show compassion during the Corona virus crisis and stop the 2% rate rise and freeze all fees and charges for the 2020-2021 financial year. . (a further 28 signatories)

**CARRIED UNANIMOUSLY**

## 7. CONSIDERATION OF REPORTS

### 7.1 MAYER PARK MASTER PLAN ADOPTION

**Author:** Landscape Architect

**Reviewed By:** General Manager City Sustainability and Strategy

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#### EXECUTIVE SUMMARY

This report recommends that Council adopts the *Future Mayer Park* master plan (**Appendix A**) which has been developed following extensive community engagement.

In developing this master plan Council trialled a process of high levels of engagement with a Project Control Group (PCG) made up of local community members and supported by officers. Over 18 months between June 2018 and February 2020, officers have worked collaboratively with the PCG to understand their advice at a deep level and this is reflected in the master plan.

The content of the master plan is guided by the PCG's vision for the park which focuses on the park as a welcoming and inclusive space offering a range of experiences that enables the community to come together to be happy and healthy.

Since June 2018, the PCG have had over 20 meetings. In that time, the PCG have familiarised themselves with the site context, Council's policies and demographic data, workshopped the Vision Statement, developed and led engagement with the broader community, and summarised the engagement data, to inform the development of the master plan.

Later stages of engagement particularly targeted those who were underrepresented in earlier phases, and those who are key users of the park, such as the soccer club, to ensure their voices were heard in the process and their views understood and responded to.

The master plan proposes improvements based on five design principles that guide the implementation of the community vision for Mayer Park:

1. **A Shared Park** – a park that hosts many activities, enabling the community to share a range of experiences while also building on the value of the existing uses.
2. **Better Park Amenity** – a park with great amenities and facilities for all to enjoy while retaining what makes it great – its open green space.
3. **An Open and Welcoming Park** – a park that is open, welcoming and draws the community in while being inclusive of all users.
4. **Nature and Environment** – a park where the community comes to have a break from urban life and to connect with nature.
5. **Better Links** - a park that plays a key role in improving links between people, flora and fauna and other open spaces in the Thornbury neighbourhood, wider Darebin area and beyond.

Master plans are designed to provide a framework for guiding improvements to open spaces over many years. The improvements proposed in the Mayer Park master plan stem from the 5 design principles listed above and are categorised into short, medium and long term actions to be implemented over a 10 year time frame. A preliminary high - level costing for the total amount of capital works needed to implement the master plan is in the order of \$1-2 million over the next 5-10 years.

The draft master plan was released to the wider community for feedback over a five-week period in May 2020. A total of 116 comments were received, with generally strong support for the draft master plan and the proposed improvements for the park.

The following items were included in the final master plan as a result of the consultation:

- More clarity around the proposed fencing upgrade along the boundary of the park interfacing with adjoining roads.
- Minor changes to the implementation priorities e.g. investigation of new walking trail connecting Mayer Park to the Beavers Road footbridge brought forward.
- Ensuring that old cricket nets are removed only when new nets are in place.
- Design considerations e.g. ensuring minimal disruption to tree lined views; considering softer and natural footpath materials such as compacted granitic gravel; adding distance markers along footpaths; and upgrading steps in the north-west park entry.

The Future Mayer Park master plan reflects these minor amendments.

### Recommendation

**That Council:**

- (1) Adopts the *Future Mayer Park Master Plan*
- (2) Thanks the Project Control Group for their work and commitment throughout the project and the community members and stakeholders for their feedback in developing this master plan.

### Motion

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

**That Council:**

- (1) Adopts the *Future Mayer Park Master Plan*
- (2) Thanks the Project Control Group for their work and commitment throughout the project and the community members and stakeholders for their feedback in developing this master plan.
- (3) Prior to determining the final perimeter treatment, conducts consultation with the community regarding the proposed detailed design, with a report to come back to Council within six months (subject to COVID restrictions) regarding the outcomes of the consultation, the proposed perimeter treatment solution, current and future budget implications and any changes required to the masterplan.

**Amendment**

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

**That Council:**

- (1) Adopts the *Future Mayer Park Master Plan*
- (2) Thanks the Project Control Group for their work and commitment throughout the project and the community members and stakeholders for their feedback in developing this master plan.
- (3) That funds from our 2020-2021 budget surplus be utilized to allow the urgent construction of a perimeter fence and for natural barriers and vegetation to be installed around Mayer Park, Thornbury, to stop balls, kids and dogs from running onto the very busy adjacent Normanby Avenue.

**LOST**

**For:** Crs Greco, Laurence and Williams (3)

**Against:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

**Procedural Motion**

**MOVED:** Cr. T McCarthy  
**SECONDED:** Cr. K Le Cerf

**That** the substantive motion before Council be put.

**CARRIED**

**For:** Crs Rennie, Newton, Amir, Le Cerf, McCarthy and Williams (6)

**Against:** Crs Greco and Laurence (2)

The substantive motion was put and carried unanimously.

**Council Resolution**

**MINUTE NO. 20-074**

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

**That Council:**

- (1) Adopts the *Future Mayer Park Master Plan*
- (2) Thanks the Project Control Group for their work and commitment throughout the project and the community members and stakeholders for their feedback in developing this master plan.

- (3) Prior to determining the final perimeter treatment, conducts consultation with the community regarding the proposed detailed design, with a report to come back to Council within six months (subject to COVID restrictions) regarding the outcomes of the consultation, the proposed perimeter treatment solution, current and future budget implications and any changes required to the masterplan.

**CARRIED UNANIMOUSLY**

## **7.2 PENDERS PARK - STAGE TWO PLAYSPACE DESIGN**

**Author:** Planning Landscape Architect

**Reviewed By:** General Manager City Sustainability and Strategy

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### **EXECUTIVE SUMMARY**

This report recommends that Council approve for construction the draft concept design for stage 2 of the new, all abilities playspace at Penders Park, Thornbury.

Following extensive community engagement, including the involvement of an active Project Control Group made up of community members, the Penders Park Master Plan was adopted by Council in November 2019.

The highest priority action of the master plan was the delivery of an all-abilities playspace. Stage 1 of the playspace began construction at the end of last financial year and is almost complete. Following Council budget approval for stage 1 in 2019-20, stage 1 of the playspace is nearing construction completion.

During early stage 1 works, it became clear that several trees, that were nearing end of life and were scheduled to be removed, were valued by parts of the local community. A working session was held in February with community members who had strong views about the trees, and those who were passionate about the playspace. Following this session, the designs were amended so that trees could be retained, whilst also delivering all pieces of stage 1 play equipment.

Given the high levels of community interest in the project, officers held two online webinars on Monday 27 July 2020 to allow interested community members to let us know their priorities for stage 2 delivery. Given the nature of custom-made design projects such as this one, it is likely that there will be variations as the project is delivered. The community webinars provided an opportunity for the community to provide feedback on the playspace priorities and discuss what the community aspirations are for stage 2.

The community feedback on priorities received during community engagement activities has informed an updated stage 2 concept design. Broader feedback outside the scope of this stage will inform future stages of master plan delivery.

The design intent of the concept is to prioritise the delivery of more adventurous accessible play elements with a focus on inclusivity, sharing experiences with peers, and movement. This design intent will be the touchstone throughout delivery, within the context of the available budget, as well as associated technical considerations which are typical to the design and delivery of an open space, public realm project.

<b>Council Resolution</b>
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**MINUTE NO. 20-075**

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

**That Council:**

- (1) Notes that Stage One of the all abilities playspace is in the final stages of delivery at Penders Park, based on community feedback received to date.
- (2) Endorse the Penders Park playspace Stage Two Engagement Report for delivery and construction and update the community with the approved design (**Appendix A**).
- (3) Thank the community for their continued involvement in shaping park improvements and the playspace priorities for the new playspace at Penders Park.

**CARRIED UNANIMOUSLY**

### **7.3 CAT CURFEW DECISION**

**Author:** Manager City Safety & Compliance

**Reviewed By:** General Manager City Sustainability and Strategy

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#### **EXECUTIVE SUMMARY**

This report outlines the results of the consultation undertaken in relation to a proposal to introduce a dusk till dawn cat curfew (7pm to 7am).

Community consultation has demonstrated strong community support for the cat the curfew as proposed. Having considered community feedback, officers recommend that Council adopt a dusk to dawn cat curfew as proposed. This is expected to address cases of cats trespassing and nuisance and to also limit the impact of cats on the environment and local wildlife.

<b>Recommendation</b>
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**That Council:**

- (1) Formally adopts a dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
- (2) Supports a community education program prior to the implementation date.
- (3) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew (7pm to 7am) to take effect from 1 January 2021.

**Procedural Motion**

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

**That** Council defer this report to the February 2021 Council meeting.

**LOST**

**For:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

**Against:** Crs Greco, Laurence and Williams (3)

**Motion**

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

**That** Council:

- (1) Formally adopts a dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
- (2) Supports a community education program prior to the implementation date.
- (3) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew (7pm to 7am) to take effect from 1 January 2021.

**Amendment**

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

**That** Council:

- (1) Formally adopts a voluntary dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
- (2) Supports a community education program prior to the implementation date.
- (3) Receives a Council report in December 2020:
  - (a) To inform Council of the scope, intent and effectiveness of the community education program and requirements for ongoing education.
  - (b) On how Council might be able to provide transitional financial and non-financial incentives/support to cat owners (especially low income residents), to improve responsible pet ownership, in view of the cost impacts of cat enclosures.
  - (c) With additional information from Council's Biodiversity Officer that can provide a more substantial evidence base assessment regarding the impact of cats on wildlife to help with future decision-making.
- (4) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew ( 7 pm to 7 am ) to take effect from 1 January 2021.
- (5) Seeks that a report be brought before Council on the implementation of the voluntary curfew and its effectiveness following 12 months of operation.

- 7.37pm Cr Greco left the meeting due to technical difficulties.
- 7.38pm The Council meeting was adjourned to address Cr Greco's technical difficulties
- 7.45pm The Council meeting resumed.

**Procedural Motion**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

**That** debate on Item 7.3 – Cat Curfew Decision be adjourned and be dealt with after Report 7.13 - Parliamentary Inquiry into Ecosystem Decline.

**CARRIED UNANIMOUSLY**

**Procedural Motion**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. S Amir

**That** Council change the order of the Reports in the Council Agenda and consider Reports 7.5 – Property Acquisition and Disposal Report, 7.6 – Delegations of Power, Duties and Functions to Council Staff, 7.7 – Declaration of a Special Charge Solar Saver Residential (Batch 4) and 7.8 – Intention to Declare a Special Charge Scheme : Solar Saver Residential (Batch 5).

**CARRIED UNANIMOUSLY**

## 7.5 PROPERTY ACQUISITION AND DISPOSAL REPORT

**Author:** Property Officer

**Reviewed By:** Acting General Manager Governance & Engagement

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### PURPOSE

This report seeks Council approval for various property matters. Specifically;

- (1) The discontinuance of the right-of-way/road adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir.
- (2) Report on the outcome of the statutory procedures for the proposed sale of a parcel of land from the discontinued right-of-way/road at the rear of 62 King William Street and 67 Southernhay Street, Reservoir).
- (3) Commence the statutory procedures for the proposed sale of a parcel of land from the discontinued right-of-way/road adjoining the rear of 17 Howard Street and 18 Delaware Street, Reservoir.

A new reporting format for Council property matters including acquisitions and disposals has been developed to enable Council to consider routine property items in a more efficient and timely manner.

There are no acquisitions for consideration in in this report.

<b>Council Resolution</b>
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MINUTE NO. 20-076

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

**Recommendation 1:****Road adjoining rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir****(1) That Council:**

- (a) 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 adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir, shown hatched in the statutory plan as **Appendix A**
- (b) Gives public notice under sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council's website and in such notice states 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.

**Recommendation 2****Road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir**

- (2) That Council** having given public notice of the proposal under section 189 of the *Local Government Act 1989* ("the Act") to sell the land from the discontinued road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir, and to transfer to itself and land that remains unsold, shown hatched on **Appendix C** to this report and shown as Lots 4, 5 and 7 on Title Plan TP896344C as **Appendix G:**
  - (a) Directs that the land be sold by private treaty to the adjoining property owners, in accordance with Council policy.
  - (b) Authorises the Chief Executive Officer to sign all documents relating to the sale of the land.
  - (c) Transfers to itself any land from the road not sold.
  - (d) Authorises the Chief Executive Officer to undertake all actions required to transfer any land not sold to Council.

**Recommendation 3****Road adjoining the rear of 17 Howard Street, Reservoir**

(3) **That** Council:

- (a) Commences the statutory procedures under Section 189 of the *Local Government Act 1989* ('the Act') to:
- (b) Sell the land from the discontinued road adjoining the rear of 17 Howard Street, Reservoir shown as Lot 32 on Title Plan TP10924D in **Appendix H**, to the owners of 17 Howard Street, Reservoir, in accordance with Council Policy.
- (c) Gives public notice under Sections 189, 82A and 223 of the Act of the proposed sale in the appropriate newspapers and on Council's website, and in such notice, state that Council proposes to:
- (d) Sell the land from the former road to the owners of 17 Howard Street, Reservoir by private treaty.
- (e) Transfer to itself any land that remains unsold.

**CARRIED UNANIMOUSLY**

7.53pm Cr Williams left the meeting.

7.56pm Cr Williams returned to the meeting.

7.58pm Cr Greco returned to the meeting.

## **7.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF**

**Author:** Governance Project Officer

**Reviewed By:** Acting General Manager Governance & Engagement

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### **EXECUTIVE SUMMARY**

To ensure the efficient and effective administration of a broad range of legislation and regulation for which councils are responsible, the *Local Government Act 2020* (the Act) enables councils to delegate certain powers, duties, functions and decision-making under any Act it administers to appropriate officers within the organisation.

As legislation is amended by Parliament, councils must constantly review their instruments of delegation to ensure they remain correct and current. The previous instrument of delegation was approved by Council on 14 October 2019.

This report takes into account recent legislative changes and seeks Council approval for the revised instrument of delegation. The amendments to the instrument of delegation are minor; examples include:

- a) Sections 46GY(2) and 46GZA(2) of the *Planning & Environment Act 1987* have been updated to reference the new Local Government Act.

- b) Sections 252, 262(1) and 263(3) of the *Residential Tenancies Act* 1997 have been repealed, while some new sections have been added.
- c) Update of *Residential Tenancies (Caravan Parks and Movable Dwellings) Regulations and Standards* including renumbering.

**Appendix A** contains the revised instrument of delegation.

To inform this process, Council relies on routine updates issued by Maddocks Lawyers. The latest Maddocks update recommends a new form of words for the CEO financial delegation to ensure that “expenditure” that falls outside the definition of a “contract” is specifically referenced in the instrument of delegation. This ensures all expenditure authorised by the CEO is subject to the specified limit and assures compliance with the sections of the new Local Government Act that relate to delegations.

<b>Council Resolution</b>
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**MINUTE NO. 20-077**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:
  - (a) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached instrument of delegation, to members of Council staff, the powers, duties and functions set out in that instrument attached as **Appendix A**, subject to the conditions and limitations specified in that instrument.
  - (b) The instrument comes into force immediately when the common seal of Council is affixed to the instrument.
  - (c) On the coming into the force of the instrument, all previous delegations to members of Council staff, other than the Chief Executive Officer, are revoked.
  - (d) The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- (2) In relation to the Instrument of Delegation to the CEO adopted on 20 July 2020, resolves to amend clause 4.1 to read:
  - 4.1 awarding a contract or making any expenditure exceeding the value of \$750,000 (including GST);

**CARRIED UNANIMOUSLY**

**7.7 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER RESIDENTIAL (BATCH 4)****Author:** Residential Program Officer**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

The Solar Saver program is a key action of the Council Plan and Council's *Climate Emergency Plan*. The report considers the declaration of a residential Special Charge Scheme. This is for Residential Special Charge batch 4, including 13 installations, adding **62.37kW** of solar capacity to Darebin.

The value of the proposed Special Charge scheme is **\$78,218.90** (\$115,334.89 gross including GST and pre STC claim and pre rebates).

Council will pay upfront for installation and supply of the solar power systems as listed in **Appendix B**. Council will be repaid these costs, also as detailed in Appendix B. Around 30-40% of this cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years.

All participants are expected to be eligible for state government rebates and this would reduce the amount of the Special Charge that would be required to be raised, as well as the upfront cost to Council. Officers estimate that the total amount raised will be reduced by approximately \$22,000 after rebates are confirmed.

No interest is charged on Special Charge repayments. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants.

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on non-residential properties participating in the Solar Saver scheme. No objections were received in response to the public notification process.

<b>Council Resolution</b>
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**MINUTE NO. 20-078****MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T Laurence**That Council:**

- (1) Having complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* ("Act"), and otherwise according to law, declares a Special Charge ("Special Charge") under section 163 of the Act as follows:
  - (a) A Special Charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.

- (b) The Special Charge is declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on properties participating in the Solar Saver scheme, which:
- i. Council considers is or will be a special benefit to those persons required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
  - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- (c) The total:
- i. Cost of performing the function described in paragraph 1(b) of this resolution is \$78,218.90; and
  - ii. Amount for the Special Charge to be levied is \$78,218.90, or such other amount as is lawfully levied as a consequence of this resolution
- (d) The Special Charge is declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
- (e) The following list is specified as the criteria that form the basis of the Special Charge so declared:
- Ownership of any land described in paragraph 1(d) of this resolution.
- (f) The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
- i. A Special Charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Agreement has been executed, totalling \$78,218.90 for the residential batch, being the total cost of the scheme to Council
  - ii. To be levied each year for a period of 10 years.
- (g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, let it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
- i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
  - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Considers that there will be a special benefit to those required to pay the Special Charge *because* there will be a benefit to them that is over and above, or greater than, the benefit that is available to those who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) For the *purposes* of having determined the total amount of the Special Charge to be levied:

- (a) Considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
  - (b) Formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to those who are liable to pay the Special Charge is 100%.
- (4) Directs that notice be given to all owners and occupiers of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Charge are that:
- (a) There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers.
  - (b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
  - (c) All those who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.

Where a participant wishes to withdraw from the Scheme, agrees to such withdrawal where the participant has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the participant's solar system.

**CARRIED UNANIMOUSLY**

**7.8 INTENTION TO DECLARE A SPECIAL CHARGE SCHEME:  
SOLAR SAVER RESIDENTIAL (BATCH 5)**

**Author:** Residential Program Officer  
Coordinator Solar Saver

**Reviewed By:** General Manager City Sustainability and Strategy

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**PURPOSE**

To recommend that Council give notice of its intent to declare a Special Charge Scheme for the third batch of the residential Solar Saver program for the 2020-21 financial year (fifth batch for this round).

## EXECUTIVE SUMMARY

The Solar Saver program is a key action of Council's Climate Emergency Plan. The proposed Special Charge scheme relates to the 2020-21 program. The Declaration of this Special Charge is expected to be considered by Council on 28 September 2020, after the public advertising period has closed. Note that this advertising is considered routine business and is allowed to take place during the pre-election period.

The 27 households included in this batch have received and accepted quotes for their properties. The installations for this batch would add a total of 135.63kW of solar capacity in Darebin. In line with Council's focus for the Solar Saver Special Charge program in 2020-21 these are all residential and low-income households.

The proposed Special Charge scheme totals **\$170,951.77 (Special Charge Amount** - see also Appendices A and B) (The gross amount is \$251,789.75 including GST and before the Small-Scale Technology Certificate [STC] claim).

Council will pay upfront for installation and supply of the solar power systems as listed in **Appendix C**. Council will be repaid these costs, also detailed in Appendix C. Around 30% to 40% of this cost is returned to Council when works are invoiced and the STC credits generated by the solar systems are applied. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years.

All participants are expected to be eligible for state government rebates and will reduce the upfront cost to Council and Special Charges to be raised. Officers estimate that the total upfront cost will be reduced by around \$45,409.14 (exc GST) after rebates are confirmed.

No interest is charged to ratepayers on Special Charge repayments. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants from the outset.

<b>Council Resolution</b>
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**MINUTE NO. 20-079**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the *Local Government Act 1989 (Act)* as follows:
  - (a) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
  - (b) We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
    - i. Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and

- ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- (c) The total:
  - i. Cost of performing the function described in paragraph 1(b) of this resolution is \$170,951.77; and
  - ii. Amount for the Special Charge to be levied is \$170,951.77, or such other amount as is lawfully levied as a consequence of this resolution
- (d) We declare the Special Charge in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
- (e) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
- (f) The Special Charge will be assessed and levied as follows:
  - i. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$170,951.77, being the total cost of the scheme to Council;
  - ii. The Special Charge will be levied each year for a period of 10 years.
- (g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
  - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
  - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons or organisations required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) For the purposes of having determined the total amount of the Special Charge to be levied:
  - (a) Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and

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- (b) Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
- (4) Council will give public notice in The Age newspaper of Council's intention to declare, at its ordinary meeting to be held on 28 September 2020, the Special Charge in the form set out above.
- (5) Council will send separate letters, enclosing a copy of: this resolution; Appendix B to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- (6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear any persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- (7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

**CARRIED UNANIMOUSLY**

#### **7.4 DAREBIN LIBRARIES AND LEARNING STRATEGY 2020-24**

**Author:** Senior Coordinator Darebin Libraries

**Reviewed By:** Manager Recreation and Libraries

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#### **EXECUTIVE SUMMARY**

To consider the adoption of the *Darebin Libraries and Learning Strategy 2020-24* (Strategy) following the final round of consultation.

The draft Strategy was released on Your Say Darebin on 11 June 2020 and closed on 26 June 2020. Twenty-four responses were received from interested community members.

Feedback gathered through the consultation processes has influenced the final Strategy and will inform the future annual action plans throughout the life of the Strategy. Overall, the feedback expressed support for the goals outlined in the Strategy as well as the merger of the library strategy with the lifelong learning strategy.

The Strategy will influence and direct the operational focus of Darebin Libraries services, programs, technology and spaces over the next four years. Annual action plans will bring the Strategy to life, delivering on community priorities and responding to emerging issues and community feedback. These actions will be delivered collaboratively in partnership with other Council teams as well as community organisations and individuals to ensure effective impact, especially for communities at risk of exclusion.

<b>Recommendation</b>
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**That Council;**

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
- (2) Receive a report on progress and outcomes as part of the Council Annual Report.

<b>Motion</b>
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**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That Council;**

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
- (2) Receives annual Council reports on progress and outcomes of the strategy and ensures information is provided in the Council Annual Report.
- (3) Receives a report on the feasibility of establishing a branch of our Darebin Library network in the far northern part of Reservoir similar to our Fairfield Library establishment and services.

**LOST**

**For:** Crs Greco, Williams and Laurence (3)

**Against:** Cr's Rennie, Newton, Amir, Le Cerf and McCarthy (5)

<b>Motion</b>
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**MOVED:** Cr. S Newton  
**SECONDED:** Cr. T McCarthy

**That Council;**

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
- (2) Receive a report on progress and outcomes as part of the Council Annual Report.

**Amendment**

**MOVED:** Cr. G Greco  
**SECONDED:** -

**That Council;**

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
- (2) Receives annual Council reports on progress and outcomes of the strategy and ensures information is provided in the Council Annual Report.

The mover and seconder consented to the amendment.

The amendment became the substantive motion, was put and carried unanimously.

**Council Resolution****MINUTE NO. 20-080**

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

**That Council;**

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
- (2) Receives annual Council reports on progress and outcomes of the strategy and ensures information is provided in the Council Annual Report.

**CARRIED UNANIMOUSLY****7.9 CONTRACT AWARD - CT201945 PROVISION OF INTEGRATED FINANCE SYSTEM**

**Author:** Project Manager Integrated Finance System

**Reviewed By:** Acting General Manager Governance & Engagement

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**EXECUTIVE SUMMARY**

The appointment of an expert supplier for the implementation of the Darebin Integrated Finance System (IFS) and associated support & maintenance works, was sought via a public tender process.

The IFS was initiated in 2019 to be run as a multi-year project. Council has allocated funds in the 2020/21 budget to meet the costs of the new IFS. The system implementation is proposed to be completed by July 2021.

The new Integrated Finance System (IFS) will replace the legacy system, Computron. The new system will replace the current obsolete business processes of Computron, with a contemporary financial services platform that facilitates automation and improves future business processes of the Council.

Most critically, the IFS will mitigate the imminent business risk of financial and procurement non-compliance due to lack of controls in the current system.

<b>Council Resolution</b>
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**MINUTE NO. 20-081**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Awards contract CT201945 Provision for the Integrated Finance System to **All About Xpert Pty Ltd** at an estimated cost of **\$1,876,235.30** over the five (5) year contract.
- (2) Authorises the Chief Executive Officer to exercise Council's option to continue the contract at the end of three (3) years, as a two (2) by one-year option, subject to the contractor's satisfactory performance of the service delivery as per the contract.
- (3) Authorises the Chief Executive Officer to exercise Council's option to extend the contract at the end of five (5) years, subject to the contractor's satisfactory performance of the contract and suitability of system licensing, maintenance and managed service.
- (4) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

**CARRIED UNANIMOUSLY**

**7.10 CT201995 - AWARDING OF CONTRACT FOR THE PROVISION OF PROACTIVE TREE MAINTENANCE SERVICES**

**Author:** Coordinator Tree Management

**Reviewed By:** General Manager Operations and Capital

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### **EXECUTIVE SUMMARY**

The City of Darebin plays an important role in managing an urban forest of street, park and bushland trees. There are more than 45,000 street trees that require regular maintenance to ensure ongoing resilience, provide essential canopy and amenity to the community and compliance with regulations.

Due to the specialised nature and amount of the work, there is a requirement to engage a suitably qualified and experienced contractor to provide proactive tree maintenance services on behalf of the City of Darebin.

The appointment of an experienced contractor for the redevelopment and associated works was sought via a competitive open tender process. The tender evaluation panel has evaluated the tenders and recommends awarding the contract to the preferred tenderer.

The proposed contract arrangement is a lump sum contract. Works are programmed to commence in October 2020 and are ongoing.

This report is a summary of the tender process inclusive of submissions, evaluation and recommendations.

<b>Council Resolution</b>
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**MINUTE NO. 20-082**

**MOVED:** Cr. S Amir  
**SECONDED:** Cr. K Le Cerf

**That** Council:

- (1) Awards contract CT201995 for the Provision of Proactive Tree Maintenance Services to **Tree Serve Pty Ltd** for the contract value of **\$6,222,184.40** GST inclusive) over the entire 6 year term of the contract (should the extension be exercised).
- (2) Enters into the initial contract term of 4 years commencing 1 October 2020 to 31 September 2024.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.
- (4) Authorises the Chief Executive Officer to approve the contract extension term of one (2) year option, subject to performance reviews.

**CARRIED UNANIMOUSLY**

## **7.11 NARC DESIGN AND PROCUREMENT UPDATE**

**Author:** Project Manager

**Reviewed By:** General Manager Operations and Capital

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### **EXECUTIVE SUMMARY**

The Northcote Aquatic and Recreation Centre (NARC) redevelopment project has progressed such that the detailed design phase is ready to commence. Council officers are now preparing the documentation for the construction tender and seeking Council's approval to proceed to procurement.

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The project quantity surveyor has prepared the cost plan for the construction of the new NARC facility and based on current design; the project is on target to be delivered on budget.

Legal and project management advice has been sought to inform the procurement process and assist officers to prepare the requisite documentation to deliver the construction of the NARC facility in the most efficient way that effectively shares risks with any future construction contractor and provides the flexibility in delivery required in these uncertain times.

The community engagement was completed in May 2020 and the internal Council stakeholder engagement has been ongoing throughout the design process. The design has been developed in accordance with the design brief and addresses valuable feedback received from the various stakeholders.

It is recommended that Council authorises officers to proceed to procurement for the construction of NARC. The procurement process will be a staged process, commencing with a market approach seeking expressions of interests from suitable contractors then shortlisting respondents and inviting them to provide detailed proposal.

In early 2021, Council will be asked to award a contract to construct the NARC.

### Recommendation

**That Council:**

- (1) Authorises that the Northcote Aquatic and Recreation Centre proceed to the construction contractor procurement stage.
- (2) Notes the design responses addressing community feedback.

### Motion

**MOVED: Cr. T McCarthy**  
**SECONDED: Cr. K Le Cerf**

**That Council:**

- (1) Authorises that the Northcote Aquatic and Recreation Centre proceed to the construction contractor procurement stage.
- (2) Notes the design responses addressing community feedback.

### Amendment

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

**That Council:**

- (1) Authorises that the Northcote Aquatic and Recreation Centre proceed to the construction contractor procurement stage to seek competitive marketplace bids up to the value of \$42 million.

**LOST**

**For:** Crs Greco, Laurence and Williams (3)

**Against:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

<b>Amendment</b>
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**MOVED:** Cr. T Laurence

**SECONDED:** Cr. J Williams

**That Council:**

- (1) Notes the design responses addressing community feedback and commits to a new round of post lockdown community consultation regarding the final detailed design and costings.

**LOST**

**For:** Crs Greco, Laurence and Williams (3)

**Against:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

The substantive motion was put and carried

<b>Council Resolution</b>
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**MINUTE NO. 20-083**

**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. K Le Cerf

**That Council:**

- (1) Authorises that the Northcote Aquatic and Recreation Centre proceed to the construction contractor procurement stage
- (2) Notes the design responses addressing community feedback.

**CARRIED**

**For:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

**Against:** Cr Williams (1)

**Abstained:** Cr Greco and Laurence (2)

## **7.12 TRAM ROUTE 11 EXTENSION ADVOCACY**

**Author:** Senior Transport Planner

**Reviewed By:** General Manager City Sustainability and Strategy

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## EXECUTIVE SUMMARY

The purpose of this paper is to provide options for Council on the proposed advocacy approach for extending Tram 11 in response to the Notice of Motion 480 from 29 June 2020.

Council has been advocating - for decades - to extend the Tram 11 route to Edwardes Street at Reservoir Station.

The Suburban Rail Loop, and the need to generate jobs and economic activity through infrastructure projects to recover from COVID-19, presents a timely opportunity to reinvigorate Council's advocacy.

This report proposes an advocacy campaign for early 2021, to call for a Tram 11 extension, and to reengage the Darebin community in this campaign.

This approach also includes advocating for a connecting electric bus in the short-term, which will provide an immediate lift in service levels while gathering patronage data to support a tram extension business case.

### Recommendation

**That** Council:

- (1) Endorses advocacy in 2021 for an extension of Tram Route 11 to Reservoir Station as part of a comprehensive transport advocacy campaign in support of the following themes:
  - (a) To act as a feeder service for a future Suburban Rail Loop station at Reservoir, in accordance with Council's resolution of 29 June 2020
  - (b) To provide important community connections to reduce transport disadvantage in Darebin
  - (c) To stimulate the local economy by providing jobs through construction during a time of unemployment and underemployment during the COVID-19 Pandemic;
- (2) Advocates for a connecting electric bus to be implemented as an interim measure between the present Route 11 terminus in West Preston and Reservoir Station;
- (3) Writes to the Minister for Transport Infrastructure, Federal Member for Cooper, State Member for Preston and State Members for the Northern Metropolitan Region advising them of Council's decision and seeking support for Council's objectives.

### Motion

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

**That** Council;

Notes it is timely to renew advocacy efforts for three principal reasons:

- (a) Economic stimulus spending by the Federal and State Governments on major infrastructure projects to help stimulate the economy and create jobs in view of the COVID-19 economic recovery efforts; and
- (b) Council resolved at its 29 June 2020 meeting to support the construction of the Suburban Rail Loop, including new stations at Reservoir and Bundoora; the Route 11 would act as an important feeder service to this project.
- (c) Population growth projected for the Preston and Reservoir areas.

And therefore resolves to:

- (1) Undertakes a preliminary-feasibility study with the assistance of appropriate transport experts to scope out the engineering options and costings on extending Tram Route 11 to the new Reservoir Station.
- (2) Direct the CEO to immediately prepare a brief to engage transport experts and prepare a communications and advocacy strategy to promote the preliminary feasibility study amongst the appropriate state and federal government decision makers.
- (3) Advocate in 2021 for an extension of Tram Route 11 to Reservoir Station as part of a comprehensive transport advocacy campaign in support of the following themes:
  - (a) To act as a feeder service for a future Suburban Rail Loop station at Reservoir, in accordance with Council's resolution of 29 June 2020.
  - (b) To provide important community connections to reduce transport disadvantage in Darebin.
  - (c) To stimulate the local economy by providing jobs through construction during a time of unemployment and underemployment during the COVID-19 Pandemic.
- (4) Advocates for a connecting electric bus to be implemented as an interim measure between the present Route 11 terminus in West Preston and Reservoir Station.
- (5) Writes to the Minister for Transport Infrastructure, Federal Member for Cooper, State Member for Preston and State Members for the Northern Metropolitan Region advising them of Council's decision and seeking support for Council's objectives.

**LOST**

**For:** Crs Greco, Laurence and Williams (3)

**Against:** Cr Rennie, Amir, Le Cerf and McCarthy (4)

**Abstained** Cr Newton (1)

**Council Resolution**

**MINUTE NO. 20-084**

**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. S Newton

**That Council:**

- (1) Endorses advocacy in 2021 for an extension of Tram Route 11 to Reservoir Station as part of a comprehensive transport advocacy campaign in support of the following themes:
  - (a) To act as a feeder service for a future Suburban Rail Loop station at Reservoir, in accordance with Council's resolution of 29 June 2020
  - (b) To provide important community connections to reduce transport disadvantage in Darebin
  - (c) To stimulate the local economy by providing jobs through construction during a time of unemployment and underemployment during the COVID-19 Pandemic;
- (2) Advocates for a connecting electric bus to be implemented as an interim measure between the present Route 11 terminus in West Preston and Reservoir Station;
- (3) Writes to the Minister for Transport Infrastructure, Federal Member for Cooper, State Member for Preston and State Members for the Northern Metropolitan Region advising them of Council's decision and seeking support for Council's objectives

**CARRIED UNANIMOUSLY**

**Extension of Time**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

9.58pm **That** the Council meeting continue for a further 30 minutes

**CARRIED UNANIMOUSLY**

### **7.13 PARLIAMENTARY INQUIRY INTO ECOSYSTEM DECLINE**

**Author:** Senior Environment Officer - Biodiversity

**Reviewed By:** General Manager City Sustainability and Strategy

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#### **EXECUTIVE SUMMARY**

The Victorian Legislative Assembly Environment and Planning Committee is conducting a 'Parliamentary Inquiry into Ecosystem Decline'. The purpose of the inquiry is to examine and address Victoria's ecosystem decline and recommend solutions to improve the health of our state's ecosystems, recover our threatened flora and fauna, and preserve Victoria's unique natural heritage.

A submission to the Inquiry has been prepared with the support of expert community members from the Darebin Nature Trust and in consultation with the Darebin Creek Committee of Management.

The City of Darebin was the first to declare a climate emergency in 2016 and since then, over 100 local governments across Australia have declared a climate emergency.

In 2019, Darebin Council endorsed '*Breathing Space: Darebin's Open Space Strategy*' as a key component to addressing the climate emergency and to articulate of the importance of planning for biodiversity and increasing the conservation and improvement of habitat in Darebin.

It is recognised that local governments have a key role in working with communities to address ecosystem decline and biodiversity loss. However local government cannot deliver the change that is required alone. Therefore, Officers have drafted a submission for Council's consideration that includes the following:

1. That Council believes that protecting Victoria's threatened species and communities within and beyond Darebin's boundaries is important to ensure that we have a local area rich in biodiversity, clean air, healthy waterways and arable land for food production.
2. That the Victorian Government strengthen the legislative and planning framework to protect and enhance Victoria's environment, biodiversity and ecosystems.
3. That the Victorian Government show leadership in tackling biodiversity loss by recognizing threats to biodiversity through logging activities, duck hunting and catastrophic bushfire events.
4. That the Victorian Government recognise the weaknesses in threatened species legislation and fast track a review of the *Wildlife Act 1975*.
5. That the Victorian Government expand and improve government programs and funding to protect and enhance Victoria's environment and ecosystems.
6. That recommendations to changes to environmental legislation are adopted and not watered down under the guise of 'post-Covid-19 economic recovery'.
7. That Council is committed to climate action and recognises that we are in a state of climate emergency. Unless we restore a safe climate at emergency speed, there will be dramatic and negative impacts on our biodiversity.
8. That at the local government level, Council is committed to enhancing human health and wellbeing for current residents as well as preserving and enhancing our ecosystems for the benefit of future generations (of both wildlife and people).

Strengthening the protection of biodiversity and the environment will assist council and our community with mitigating the adverse impacts of biodiversity loss and ecosystem decline locally and will also contribute to environment protection across the state.

<b>Council Resolution</b>
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**MINUTE NO. 20-085**

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

**That** Council endorses Darebin Council's submission to the Victorian Legislative Council Environment and Planning Committee's Parliamentary Inquiry into Ecosystem Decline included at **Appendix A**.

**CARRIED UNANIMOUSLY**

The meeting returned to continue debate on Report 7.3 – Cat Curfew Decision (refer page 19 and 20 of these Council Minutes). The debate recommenced on the amendment moved by Cr Greco seconded by Cr Laurence viz;

**Amendment**

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

**That Council:**

- (1) Formally adopts a voluntary dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
- (2) Supports a community education program prior to the implementation date.
- (3) Receives a Council report in December 2020:
  - (a) To inform Council of the scope, intent and effectiveness of the community education program and requirements for ongoing education.
  - (b) On how Council might be able to provide transitional financial and non-financial incentives/support to cat owners (especially low income residents), to improve responsible pet ownership, in view of the cost impacts of cat enclosures.
  - (c) With additional information from Council's Biodiversity Officer that can provide a more substantial evidence base assessment regarding the impact of cats on wildlife to help with future decision-making.
- (4) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew ( 7 pm to 7 am ) to take effect from 1 January 2021
- (5) Seeks that a report be brought before Council on the implementation of the voluntary curfew and its effectiveness following 12 months of operation.

**LOST**

**For:** Crs Greco, Laurence and Williams (3)

**Against:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

The substantive motion was put and carried.

**CARRIED**

**Council Resolution**

**MINUTE NO. 20-086**

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

**That Council:**

- (1) Formally adopts a dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
- (2) Supports a community education program prior to the implementation date.
- (3) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew (7pm to 7am) to take effect from 1 January 2021.

**CARRIED**

**For:** Crs Rennie, Newton, Amir, Le Cerf and McCarthy (5)

**Against:** Cr Greco (1)

**Abstained:** Crs Laurence and Williams (2)

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

Nil

<b>Extension of Time</b>
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**MOVED:** Cr. G Greco

**SECONDED:** Cr. J Williams

10.28pm **That** the Council meeting continue for a further 30 minutes.

**CARRIED UNANIMOUSLY**

## 9. NOTICES OF MOTION

### 9.1 FUTURE USE OF THE FORMER RESERVOIR POLICE STATION

**Councillor:** Gaetano GRECO

**NoM No.:** 486

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<b>Council Resolution</b>
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**MINUTE NO. 20-087**

**MOVED:** Cr. G Greco

**SECONDED:** Cr. T Laurence

**That** Council receives a Council report before the 31 December 2020 on the future use of the former Reservoir Police Station. The report should consider the potential purchase or transfer of parts of the land not owned by Council and options on how the site could be used to further enhance the Edwardes Street Shopping precinct. In preparing the report Officers should seek the input the Reservoir Traders Associations.

**CARRIED**

**For:** Crs Rennie, Newton, Greco, Laurence, Le Cerf and McCarthy (6)

**Against:** Cr Williams (1)

**Abstained:** Cr Amir (1)

**9.2 OPTIONS TO UPGRADE THE OLD RESERVOIR LIBRARY BUILDING**

**Councillor:** Gaetano GRECO

**NoM No.:** 487

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**Council Resolution**

**MINUTE NO. 20-088**

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

**That** Council notes the old Reservoir Library building has remained idle for a number of years now and that Council receives before the 31 December 2020 on options to upgrade the building for use by community members, especially young people and local community artist.

**CARRIED UNANIMOUSLY**

**9.3 ENGAGEMENT OF LOCAL ARTIST TO PAINT SLOGANS ON COUNCIL FOOTPATH NEAR MANTRA BELL**

**Councillor:** Gaetano GRECO

**NoM No.:** 488

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**Council Resolution**

**MINUTE NO. 20-089**

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

**That** Council receive an urgent report on initiatives to raise community awareness of the detention of refugees in the Mantra Bell Hotel including the option to engage local artists to paint large bold slogans on the Council footpath around the Mantra Bell Hotel and in the street surface in Hotham Street in support of the men being held in prison like detention at the Mantra Bell Hotel.

**CARRIED UNANIMOUSLY**

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**9.4 100TH ANNIVERSARY OF THE OPENING OF EDWARDES PARK LAKE AND THE BOATHOUSE****Councillor: Gaetano GRECO****NoM No.: 489****Council Resolution****MINUTE NO. 20-090****MOVED: Cr. G Greco**  
**SECONDED: Cr. T McCarthy****That Council:**

- (1) Notes Edwardes Park Lake was officially opened in 1920, a 100 years ago, after the land was accepted as a gift from the Thomas Dyer Edwardes on behalf of the citizens of Preston. Notes the current Boathouse was officially opened 50 years ago on the 10<sup>th</sup> October 1970 replacing the original wooden boathouse which was destroyed by fire.
- (2) Receives a Council report in November 2020 on options to mark the 100<sup>th</sup> anniversary of the opening of the lake park and the 50 year old boathouse. The report should take into consideration Covid-19 restrictions and appropriate means and timing of mark these two important anniversaries including consultation with local RSL clubs

**CARRIED UNANIMOUSLY****9.5 FUTURE BUDGET IMPACTS OF ANY INCREASES OR FALLS IN DAREBIN COUNCIL'S WORKCOVER PREMIUMS****Councillor: Tim LAURENCE****NoM No.: 490****Council Resolution****MINUTE NO. 20-091****MOVED: Cr. T Laurence**  
**SECONDED: Cr. G Greco**

**That** Officers report back to Councillors before the 31 December 2020 with a report in relation to our past and current Council budget periods that details current trends and future budget impacts of any increases or falls in Darebin Council's WorkCover Premiums.

**CARRIED****For:** Crs Rennie, Newton, Greco, Laurence, McCarthy and Williams (6)

**Against:** (0)

**Abstained:** Cr Amir and Cr Le Cerf (1)

## 10. URGENT BUSINESS

<b>Procedural Motion</b>
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**MOVED:** Cr. T McCarthy

**SECONDED:** Cr. K Le Cerf

That an Item of Urgent Business regarding the proposed intervention by the Minister for Planning in relation to public housing projects in Reservoir be admitted and considered as an item of Urgent Business.

**CARRIED UNANIMOUSLY**

### 10.1 PROPOSED INTERVENTION BY THE MINISTER FOR PLANNING IN RELATION TO PUBLIC HOUSING PROJECTS IN RESERVOIR

#### EXECUTIVE SUMMARY

This report seeks an urgent decision of Council in response to proposed Ministerial intervention in multiple planning matters. The Minister for Planning is considering preparing, adopting and approving two (2) draft Amendments under Section 20(4) of the *Planning and Environment Act 1987* (the Act). The Minister for Planning is requesting Council's views as Responsible Authority under Section 20(5) of the Act.

Clause 8 of Councils Governance Rules make provision for Council to consider an item of Urgent Business *if it involves a matter that has been determined by the Chief Executive Officer as being required to be dealt with as Urgent Business and which the Chief Executive Officer admits to the agenda.*

Given Council's response to these matters must be provided to the Minister for Planning by 20 August 2020 for draft Amendment C193 and 24 August 2020 for the second draft Amendment, the Chief Executive has determined that these matters comply with the Governance Rules.

**Council Resolution****MINUTE NO. 20-092**

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

**That Council:**

- 1) Object to both draft amendments for the following reasons:
  - a) Draft Amendment C193 (5-9 Nisbett Street and 29-31 Clingin Street, Reservoir)
    - i) The conditions imposed by Council are considered to meet the common law tests of validity i.e. relevance, certainty and reasonableness.
    - ii) The conditions imposed by Council will protect and enhance the amenity of existing Darebin residents in proximity to the development sites.
    - iii) The conditions imposed by Council will ensure that the developments are appropriately designed and liveable for future residents.
    - iv) Some of the conditions imposed by Council were in direct response to concerns raised by neighbouring residents, and issues of procedural fairness arise if these are removed.
    - v) The conditions are relatively minor in nature.
  - b) Second draft Amendment (37-45 Nisbett Street and 48-50 Clingin Street, Reservoir)
    - i) The planning merits of the application have not been assessed and the views of the community have not been sought.
- 2) If the Minister for Planning does decide to proceed with either of the amendments despite Council's objection, that:
  - a) the objectors in relation to draft Amendment C193 be consulted with,
  - b) that neighbouring residents in relation to the second draft Amendment be notified and given opportunity to comment on the proposal.
  - c) the second draft Amendment require that any development incorporate good quality design including appropriate ESD and landscaping features, including incorporating draft permit conditions to be provided by Council.
- 3) Write to the Minister for Planning to advise of Council's decision, and call on him to ensure that there is a significant increase in public and social housing to meet housing need including by:
  - a) Significantly increasing state government investment, including as a focus for any economic recovery investment in infrastructure
  - b) Introducing mandatory inclusionary zoning which requires private developers to incorporate social housing.

**CARRIED UNANIMOUSLY**

**Procedural Motion**

MINUTE NO. 20-093

**ADJOURNMENT OF MEETING DUE TO INSUFFICIENT TIME TO COMPLETE THE BUSINESS ON THE AGENDA**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. T McCarthy

11.00pm **That** Council adjourn the Meeting to 6.00pm on Tuesday 18 August 2020 and the remaining business be dealt with at this time.

**CARRIED UNANIMOUSLY****RESUMPTION OF ADJOURNED MEETING – TUESDAY 18 AUGUST 2020 AT 6.02 PM**

The virtual Council meeting recommenced and the Mayor acknowledged the traditional owners and Aboriginal and Torres Strait Islander Communities in Darebin and noted the attendance of the following Councillors and Officers

***Councillors***

Cr. Susan Rennie (Mayor) (Chairperson)  
Cr. Susanne Newton (Deputy Mayor)  
Cr. Steph Amir  
Cr. Gaetano Greco  
Cr. Tim Laurence  
Cr. Kim Le Cerf (arrived at 6.14 pm)  
Cr. Trent McCarthy (in attendance 6.28 pm – 6.35 pm)

***Council Officers***

Sue Wilkinson - Chief Executive Officer (arrived 6.36 pm)  
Lenny Jenner – Acting General Manager Governance and Engagement  
Sam Hewett - General Manager Operations and Capital  
Kerry McGrath - General Manager Communities  
Rachel Ollivier - General Manager City Sustainability and Strategy  
Steven Sagona – Acting Manager Corporate Governance  
Sunny Hayes – Manager City Futures  
Melanie McCarten – Senior Coordinator Darebin Libraries  
Stephen Mahon - Coordinator Council Business  
Lisa Thomas-Bates - Governance Project Officer

Apologies were received from Cr. Lina Messina and Cr Julie Williams for the resumed Council Meeting on Tuesday 18 August 2020

**Procedural Motion**

MINUTE NO. 20-094

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

6 00 pm That the Council meeting be resumed and the remaining business dealt with.

**CARRIED UNANIMOUSLY****Procedural Motion**

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

That an Item of Urgent Business regarding the review of Council's Covid-19 response be admitted and considered as an item of Urgent Business.

**CARRIED UNANIMOUSLY****Council Resolution**

MINUTE NO. 20-095

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

**That Council:**

Receives a report at the next Council meeting on adjustments to Council's current Covid-19 response in view of the second wave of restrictions and their impact on residents and businesses in Darebin.

**CARRIED UNANIMOUSLY****11. REPORTS OF STANDING COMMITTEES**

Nil

**12. RECORDS OF ASSEMBLIES OF COUNCILLORS****12.1 ASSEMBLIES OF COUNCILLORS HELD**

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Section 80A of the Local Government Act 1989 which outlined the requirements to be observed in respect to Assemblies i.e.

*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.*

was repealed on the 1 May 2020 by the *Local Government Act 2020*.

An Assembly of Councillors was defined in the Act 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.

Officers anticipate that the issue of public transparency and accountability in relation to forums involving Councillors previously defined as Assemblies of Councillors will be addressed in the Councils Governance Rules which must be adopted by the 1 September 2020.

Until the Governance Rules are developed and adopted by Council the 'regime' previously followed will continue in the interests of good governance.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 27 July 2020
- Darebin Interfaith Council – 6 August 2020
- Councillor Briefing – 10 August 2020

<b>Council Resolution</b>
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**MINUTE NO. 20-096**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. S Newton

**That** the record of the Assembly of Councillors held on 27 July and 6 & 10 August 2020 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

**CARRIED UNANIMOUSLY**

### 13. REPORTS BY MAYOR AND COUNCILLORS

<b>Council Resolution</b>
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**MINUTE NO. 20-097**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. K Le Cerf

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

**REPORT OF CR. SUSAN RENNIE, MAYOR**

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

- MAYORAL/EXEC daily check in
- Salvation Army Volunteer with Tara McGuigan
- Mayoral Briefing - Bell Preston/Level Crossing
- Bell Preston Level Crossing - Minister Briefing
- Active and Healthy Ageing Advisory Committee Meeting
- Councillors catch up
- One on One with the Deputy Mayor
- One on one meeting Cr Le Cerf
- DIVRS discussion meeting
- 3knd - Breakfast Radio interview
- One on One with Cr Amir
- Pender's Park Online Workshop
- CEO/Mayor catch up
- Councillor Briefing
- VLGA 2020 Candidate Information Session and LGV Mandatory Training
- One on One with Cr McCarthy
- Minister Leane & Melb Mayor's - coronavirus response meeting
- Black Lives Matter Protest discussion
- One on One with Cr Messina
- MAV Mayoral Forum
- CEO Performance Review Meeting
- One on One with the Deputy Mayor
- Interview with Work Logic
- Mayor Cr. Susan Rennie & Ged Kearney MP Briefing
- CEO/Mayor catch up
- Council Briefing
- Interview with Work Logic
- NBAA Breakfast meeting
- MAYORAL BRIEFING - Fight for Planet A: Our Climate Challenge
- Pitch it Grand Final – Host and Present
- Councillors Catch up
- One on One with Deputy Mayor
- MAV Metro Central Regional Mini Catch up
- Minister Leane & Melb Mayor's - coronavirus response meeting

- CEO/Mayor Catch up
- One on one with Cr Amir
- CEO/Mayor Catch up
- Councillor Briefing
- Record Northern Council Alliance Message
- One on one with Cr McCarthy
- Refugee Welcome Zone Leadership Group meeting – August
- Meet with CEO Women’s Health in the North (WHIN)
- "Fight for Planet A: Our Climate Challenge" - Energy Forum
- One on one with Cr Messina
- Joy FM Radio Interview
- Meet with Ged Kearney MP - COVID - 19 Response
- One on One with Deputy Mayor
- Pender’s Park - Stage 2 play space concept design update
- Lord Mayors – Neighbouring Mayor’s Meeting
- CEO/Mayor Catch up
- Council Meeting

#### **REPORT OF CR. STEPH AMIR**

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

- Councillor wellbeing webinar
- Site visit (pre-lockdown) of West Preston laneways with residents
- Hearing of budget submissions
- Councillor briefings 6th July, 13th July, 27th July, 3rd August, 10th August
- Regular councillor catchups (fortnightly)
- Regular meeting with the Mayor (fortnightly)
- Planning Committee meeting
- Budget adoption
- Introductory chat with Rachel Eddie (The Age)
- Employment Matters Committee meeting
- Informal councillor meeting
- Phone conversations with residents regarding pollution, tree maintenance, dangerous traffic, the council budget, dumped rubbish and other matters.

#### **REPORT OF CR. GAETANO GRECO**

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

- Councillor briefings
- Meeting with CEO

- Attended to community concerns:
- Mantra Refugees
- COVID - 19 Grants program
- Road management
- Parking
- Planning
- Wood fire laws

**REPORT OF CR. TRENT MCCARTHY**

Report not submitted.

**REPORT OF CR. KIM LE CERF**

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

- Regular Councillor catch up (fortnightly)
- Climate Emergency Darebin catch up
- Councillor Briefing session, 27 July, 3 August and 10 August
- Darebin Interfaith Council Meeting
- Council Meeting

**REPORT OF CR. LINA MESSINA**

Report not submitted.

**REPORT OF CR. SUSANNE NEWTON**

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

- Insights into campaigning panel session with Juliana Addison MP and Bridget Vallence MP for the Pathways to Politics for Women program
- Weekly meetings with Mayor Rennie
- Fortnightly meetings with Councillors
- Fight for Planet A: Our Climate Challenge - Energy Forum
- Councillor Briefing x3
- La Trobe College Australia Academic Board Meeting
- Meeting with CEO
- Active and Healthy Ageing Advisory Committee Meeting

**REPORT OF CR. JULIE WILLIAMS**

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

- CEO Committee Mid - Year Performance Review
- Council Briefing
- Council meeting

- Planning committee
- Residents meeting regarding council elections, Northcote plaza, Cat Curfew, rate rise, dumped rubbish

#### **REPORT OF CR. TIM LAURENCE**

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

- Attended online council budget meeting
- Attended online Council meeting
- Attended online briefing
- Phone consultation on resident issues

**CARRIED**

## **14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

### **CLOSE OF MEETING**

<b>Council Resolution</b>
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**MINUTE NO. 20-098**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. S Newton

**That** in accordance with Clause 66 of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items designated confidential by the Chief Executive Officer:-

- 14.1 Level Crossing Removal Project Asset Management
- 14.2 Mantra Bell City Planning Permit
- 14.3 Contractual Matter

**CARRIED UNANIMOUSLY**

The meeting was closed to the members of the public at 6.14pm.

***The Council considered and resolved on Report Items 14.1, 14.2 and 14.3 which had been circulated to Councillors with the Council Agenda Paper.***

- 14.1** Level Crossing Removal Project Asset Management
- 14.2** Mantra Bell City Planning Permit
- 14.3** Contractual Matter

**RE-OPENING OF MEETING**

<b>Council Resolution</b>
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**MINUTE NO. 20-099**

**MOVED:** Cr. K Le Cerf  
**SECONDED:** Cr. G Greco

7.44 pm **That** the meeting be re-opened to the members of the public.

**CARRIED UNANIMOUSLY****14.2****MANTRA BELL CITY PLANNING PERMIT**

<b>Council Resolution</b>
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**MINUTE NO. 20-100**

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

**That** Council

- (1) Note the Report.
- (2) Immediately writes to the Minister for Planning requesting an urgent amendment to the Victoria Planning Provisions that specifies the definition of 'hotel accommodation' to not allow a residential hotel to be used as a refugee detention centre.
- (3) That Council urgently obtain a second legal opinion to determine if the refugees at the Mantra Bell Hotel are considered to be in "rooms away from their usual place of residence" within the definition of hotel accommodation.
- (4) Reconfirms its call for the humane treatment of refugees and asylum seekers detained at Bell City and to ensure the provision of vital health and medical services and other supports addressing the significant physical and mental health concerns of detainees. This includes enabling these vulnerable people to have freedom of movement, access to education, training and employment opportunities, and use of health, community and recreation facilities and services such as those that have already been offered by Darebin Council and other local organisations.
- (5) Notes its decision of 20 July 2020 and its comprehensive work and advocacy campaign on this matter.
- (6) Includes items 2, 3, 4 and 5 of Council's resolution in the public minutes of this meeting.

**CARRIED**

**For:** Crs Rennie, Greco, Laurence and Le Cerf (4)

**Against:** Cr Newton (1)

**15. CLOSE OF MEETING**

The meeting closed at 7.45pm.

**CITY OF  
DAREBIN**

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