



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 7 JULY 2008

RELEASED TO THE PUBLIC ON THURSDAY 10 JULY 2008

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT
THE DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 7 JULY 2008**

THE MEETING OPENED AT 7.01 P.M.

1. PRESENT

Cr. Peter Stephenson (Mayor)
Cr. Diana Asmar
Cr. Vince Fontana
Cr. Chris Kelly
Cr. Mendo Kundevski
Cr. Melissa Salata
Cr. Steven Tsitas

Council Officers

Michael Ulbrick – Chief Executive Officer
Kevin Breen – General Manager City Development
Mark Davies – General Manager Corporate Services
Jeff Saker – General Manager City Services
Libby Hynes – General Manager Environment and Amenity
Jan Black – General Manager Communities and Culture
Janice Lane – Acting General Manager Community Assets and Leisure
Sally Curran – Acting Manager Customer and Civic Services
Ron Downes – Council Business Coordinator

2. APOLOGIES

An apology was lodged for the absence of Cr. Chiang

3. DECLARATIONS OF INTERESTS AND CONFLICTS OF INTEREST

Nil.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. C. Kelly
SECONDED: Cr. V. Fontana

THAT the Minutes of the Ordinary Meeting of Council held on 16 June 2008 be confirmed as a correct record of business transacted.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr. C. Kelly
SECONDED: Cr. V. Fontana

THAT the Minutes of the Special Meeting of Council held on 23 June 2008 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 156

5.1 REPORT OF CR. MELISSA SALATA

Cr. Salata reported on her attendance at the following function/activity:

- Darebin Environmental Reference Group meeting.

5.2 REPORT OF CR. MENDO KUNDEVSKI

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

- 'Globalisation for the Common Good: An Interfaith Perspective' Conference at the University of Melbourne.
- Study Group meeting examining the Garnaut Climate Change Review Draft report.

5.3 REPORT OF CR. STEVEN TSITAS

Cr. Tsitas reported on his attendance at the following function/activity:

- Darebin Ethnic Communities Council meeting.

5.4 REPORT OF CR. DIANA ASMAR

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

- Several meetings involving residents and Council officers, and a number of fundraising events.

5.5 REPORT OF CR. VINCE FONTANA

Cr. Fontana reported on his attendance at the following function/activity:

- Timor-Leste – Australian Friendship Relationship Conference in Dili co-sponsored by the Victorian Local Governance Association and the Timor-Leste Ministry of State Administration, and visit to the District of Baucau.

5.6 REPORT OF THE MAYOR, CR. PETER STEPHENSON

The Mayor, Cr. Stephenson, reported on his attendance at the following function/activity:

- Flag raising ceremony at the Aborigines Advancement League, Thornbury, as part of NAIDOC Week.

6. PUBLIC QUESTION TIME

MINUTE NO. 157

The Mayor, Cr. Stephenson, invited questions from members of the public gallery.

The following questions were submitted:

- Brian Coffee of Fairfield asked a question about the opportunity for input from traders and residents into the Urban Design Guidelines being developed for the Fairfield neighbourhood activity centre. The question was responded to by the General Manager, City Development, Kevin Breen.
- Brian Coffee of Fairfield asked a question about the provision of open space in the Fairfield/Alphington Precinct as documented in Council's Open Space Strategy adopted in 2000 and in the new Open Space Strategy now proposed to be adopted. The question was responded to by the Mayor, Cr. Stephenson.
- Sandra Neri of Bundoora asked a question about the height of tree planting along the boundary of Bundoora Park and Oakden Drive and Parkview Crescent Bundoora. The question was responded to by the Mayor, Cr. Stephenson.
- Catherine Hristovski of Bundoora asked a question about consultation with residents in relation to tree planting along the boundary of Bundoora Park and Oakden Drive and Parkview Crescent Bundoora, and future opportunity for input into the types of plants proposed to be used. The question was responded to by the Mayor, Cr. Stephenson.
- Trent McCarthy of Thornbury asked a question about activities undertaken by individual Councillors to lobby local Members of Parliament in support of its opposition to the east-west road tunnel link proposed in the State Government's 'Eddington Report'. The question was responded to by the Mayor, Cr Stephenson.

At the conclusion of "Public Question Time", with the Mayor's acknowledgement, Catherine Hristovski of Bundoora tabled covering correspondence and a "petition" signed by various local residents, and associated documentation, expressing opposition to the height of tree planting along the Bundoora Park, Oakden Drive and Parkview Crescent Bundoora boundary.

7. REPORTS OF STANDING COMMITTEES**7.1 HEARING OF SUBMISSIONS COMMITTEE****MINUTE NO. 158**

The Hearing of Submissions Committee is a Special Committee appointed by Council to hear and report to Council on submissions received by Council in accordance with section 223 of the Local Government Act 1989.

A meeting of the Hearing of Submissions Committee was held on 19 June 2008 and was adjourned to 23 June 2008. The minutes of the meeting have been circulated to Councillors and are available to the public.

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. C. Kelly

THAT the report of the Hearing of Submissions Committee meeting held on 19 June 2008 and adjourned to 23 June 2008 be received and the Committee Recommendations be adopted.

CARRIED

8. CONSIDERATION OF REPORTS

8.1 TREE RETENTION POLICY

MINUTE NO. 159

AUTHOR: Coordinator Streetscape and Arboricultural Planning - Ashley Tenson

MANAGER: General Manager Community Assets and Leisure - Geoff Glynn

BUDGET

IMPLICATIONS: Within current budget.

SUMMARY:

The Tree Retention Policy has been developed to provide decision-making guidelines for tree assessments to facilitate consistency in the management of park, street and protected trees in the public and private realm within the City of Darebin.

CONSULTATION:

The following key stakeholders are involved in decision-making that has implications for tree retention/removal and were consulted in the preparation of this policy:

Open Space Planning

Urban Development

Risk Services

Darebin Parks

Capital Work Management

Asset Strategy

Roads Infrastructure

Transport Management and Planning

Amenity and Enforcement

COUNCIL RESOLUTION

MOVED: Cr. M. Salata

SECONDED: Cr. M. Kundevski

THAT the *Tree Retention Policy* attached as [Appendix A](#) to this report be adopted by Council.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The current one page “Tree Removal Policy” was adopted by Council on 1 July 1996, and requires review. Key principles behind tree retention and a set of assessment tools that assist in decision-making with tree removal requests have been developed, which need to be formalised and adopted by Council.

Trees are highly valued by the community. The value of trees reaches far beyond aesthetics and trees are duly recognised as having significant social, amenity and environmental values. Trees soften streetscapes, absorb CO₂ and produce oxygen, provide wildlife habitat and play a significant role in determining the urban character of our city.

As well as all the benefits of having trees in our urban environment, they also present significant maintenance and management challenges. It must be remembered that trees have a life cycle, and determining when and how a tree should be removed is all part of a healthy tree management program.

There are a number of departments within council that may request Darebin Parks or Open Space Planning to engage in a tree assessment process. This policy will assist when updating and defining systems and process for tree assessments.

Tree assessments may be required for:

- Crossover applications
- Building applications
- Planning permits
- General tree removal request
- Risk Services referrals
- Asset Protection permits
- Capital Improvements.

CORE ISSUES**Public Realm** (Council managed land)

The City of Darebin is responsible for the management of trees at Council facilities and in all public open space including streets, parks, and creek corridors. The adoption of the Tree Retention Policy will serve to strengthen several aspects of Council’s tree management practices.

Council has adopted strategies and policies for the ongoing protection of Council managed trees. Council’s Green Streets Strategy delivers a major capital program around the renewal of Darebin’s streetscapes and offers direction in regard to tree removals. The Tree Retention Policy sits under the Green Streets Strategy and strengthens the decision-making for tree removals within the capital program.

There is significant pressure on urban street trees with the increase of higher density living as advocated in the State Government Planning Policy 'Melbourne 2030'. Council has seen an increase in crossover applications for proposed developments and in turn has seen an increase in requests to remove street trees. The policy will formalise the Tree Assessment Guidelines currently used to assess these requests.

Council's Risk Services Branch refers all incident report assessments to Darebin Parks for consideration. The current reporting process will be strengthened with the endorsement of the policy.

Private Realm (Private open space)

The City of Darebin is the responsible authority for the protection of trees under the Statutory Planning scheme.

In recent years Council has endorsed a number of planning overlays that protect significant trees in public and private open space. These overlays include Vegetation Protection Overlays (V.P.O), Environmental Significance Overlays (E.S.O), and a Heritage Overlay (H.O.) There is a statutory requirement to protect these trees to ensure they are long term components in the urban environment.

Melbourne 2030 has also had an impact on private property trees with the increase of multi unit developments. Multi unit developments are subject to Council's planning process under the Residential Code 1. The Tree Assessment Guidelines will assist in the decision-making around appropriate tree retention and ensure the correct protection measures are put in place for successful outcomes.

All other trees on private property are not currently protected under planning or local law and are not covered by this policy. Tree preservation on private property will be considered in the future via a Council issues paper.

Policy Objectives

- Encourage the retention of trees in the urban environment.
- Create a document that can be used in day-to-day tree management decisions across Council.
- Adopt three key tools to assist with tree management decisions. Including a Tree Assessment Method, a Tree Risk Rating Methodology and a Tree Amenity Valuation Method.
- Protect trees located in an Environmental Significance Overlay (E.S.O), Vegetation Protection Overlay (V.P.O) or Heritage Overlay (H.O) and to ensure clear policy on removal requests.
- Recognise trees as a whole entity including trunk, branches, leaves and roots.
- Detail consultation requirements for tree removals within Council.
- Propose a crossover application formula that protects trees.

Other considerations

The policy includes a tree Amenity Valuation formula that, when required, can calculate a monetary value on its tree assets.

These include:

- Unauthorised damage to trees (fire, vehicle accidents)
- Illegal tree removal

- Insurance claims.

The policy clearly opposes the notion of removing trees in exchange for money. In the following circumstances, monetary value will be placed on trees, discouraging the removal of healthy trees:

- Requests for removal of tree to allow for construction of new crossovers or other infrastructure
- Urban forest protection and major developments, eg tree protection on private land
- Utility company removal requests.

Policy Implications

The policy aligns with Council's vision relating to the environment, social well-being and sustainability. In particular Council's commitment number 34 "We will maintain high standards of urban amenity in our community through the design and management of public spaces and streetscapes."

FINANCIAL AND RESOURCE IMPLICATIONS

The implementation of the policy, including minor procedural changes will be within the parameters of the current operational and capital budget. Key officers involved in the delivery of the policy are as follows:

- Coordinator Streetscape and Arboricultural Planning - Open Space Planning (Strategic and Capital works implementation).
- Arborist (Current Contract) - Open Space Planning (Planning referrals).
- Coordinator Arboriculture - Darebin Parks (Tree Maintenance).

Conclusion

It is recommended that Council adopt this policy as it will be a valuable document in the objective management of Council trees, and trees protected under planning overlay.

FUTURE ACTIONS

The Tree Retention Policy will be implemented and information sessions will be provided to all team members in the key Stakeholder Groups. Procedural documents that have not already been updated will be to reflect the Policy's Tree Assessment Guidelines

RELATED DOCUMENTS

Darebin City Council Briefing Paper 'Tree Retention Policy' 26 June 2008

The Green Streets Strategy 1995

Open Space Planning 'Best Value process and outcomes 2002'

The Open Space Strategy Draft 2008

8.2 OPEN SPACE STRATEGY 2007 – 2017**MINUTE NO. 160****AUTHOR:** Acting Manager Open Space Planning – Susan Hecker**MANAGER:** General Manager Community Assets and Leisure – Geoff Glynn**BUDGET****IMPLICATIONS:** Additional funds required in line with Council adopted Strategic Resource Plan.**SUMMARY:**

The Open Space Strategy 2007-2017 (OSS) is now complete. This comprehensive strategy was prepared by a cross departmental project team and external consultant. The existing Open Space Strategy 2000 is dated and a new strategy is required to address contemporary issues including Climate Change and the State Government planning document Melbourne 2030.

This report provides a summary of the process, reports on the final consultation activities and outcomes and presents the OSS for adoption by Council.

CONSULTATION:

Extensive consultation has been undertaken during the development of the OSS including surveys, listening posts, public meetings, media releases, mailing list and stakeholder consultation. The consultation extended to the release of an Issues Paper, Position Paper, Open Space Achievements 1997-2007 and the release of a 1st and 2nd Draft Open Space Strategy and Background Paper.

The most recent consultation for the 2nd Draft received four submissions and some changes have been made to the final draft since last presented to Council. The Council response to submissions made for the 2nd Draft is attached in **Appendix B**.

COUNCIL RESOLUTION**MOVED:** Cr. S. Tsitas
SECONDED: Cr. M. Salata**THAT:**

- (1) Council adopt the *Darebin Open Space Strategy 2007-2017, July 2008* attached as [Appendix A](#) to this report as a document to guide public open space planning within the municipality over the next 10 years.
- (2) Officers provide Council with an annual report on the progress of the Open Space Strategy.

CARRIED

REPORT**BACKGROUND**

The current Darebin Open Space Strategy was adopted in 2000. Council determined in 2006 to review the current strategy and prepare a new Open Space Strategy to guide the planning, maintenance and development of Darebin's Open Space system over the next 10 years. Specific issues such as the impact of Melbourne 2030 and Climate Change were to be assessed and included in a new and revised Open Space Strategy.

Council was briefed in November 2006 outlining the consultants brief, project plan, consultation plan and the main issues for consideration in the new strategy. This material was noted in a Council report in November 2006. Further presentations to Council occurred in October and November 2007 and May 2008. These presentations included results of consultation and surveys, analysis, documents produced and general progress. Key issues including the state of the Open Space System and land acquisition and disposal recommendations were presented and discussed.

Process

The development of the Open Space Strategy 2007-2017 commenced with a thorough review of existing Council Policy and Strategy which influence and effect open space. An examination of current and future challenges was a major component of the process as was extensive community and stakeholder consultation.

A Project Working Group and a diverse organisational wide Project Control Group were established to guide the development of the OSS. A project plan including timeline and consultation plan were approved by the Executive Management Team and presented to Council.

Development of the OSS was undertaken by the Open Space Planning Branch and an independent Consultant was engaged to provide additional external expertise. Initial scoping work was undertaken including data collection, extensive mapping preparation and analysis, land ownership investigations and the collation of existing open space community consultation into a briefing paper.

The development of the OSS included a review of the existing strategy and benchmarking against neighbouring and other similar municipalities. A critique of existing standards were undertaken including the 500 metre walkability distance and Open Space Contributions and Planning Provisions; these proved to be robust and the existing framework was retained.

The City of Darebin has established relationships with other Councils and throughout the development of the OSS have had conversations with the Banyule, Yarra and Moreland City Councils. A presentation of the Draft OSS was given by Council to the Open Space Planners forum along with other Councils preparing Strategies. Overwhelming positive feedback was received and as a result Council has been asked to advise other Councils on the preparation of their Strategies.

Interviews were undertaken with the Friends Groups and the Merri Creek Management Committee. Further interviews were undertaken with representatives from State Government departments including:

- Parks Victoria
- VicTrack
- Sport and Recreation Victoria

- Melbourne Water
- Department of Sustainability and Environment.

Parks Victoria in particular were very complimentary of Council, acknowledging Darebin as having “Vision in connecting people through Open Space” and in being at the “forefront of encouraging bicycle use”. Parks Victoria also acknowledged their role in past and future funding for Darebin’s off-road cycling network along the Darebin and Merri Creek Corridors.

Consultation

Community consultation has occurred over a 15 month period contributing to the development of the strategy. A dedicated web page was developed within the Council web site providing updates on project progress and access to all documentation for the project. A dedicated email address was set up for the project and at all stages of the project interested residents were encouraged to join the mailing list with 185 people joining to date.

Advertising - The Communications and Public Affairs Branch assisted with Media releases throughout the process and the project was further promoted through the Darebin News and some Ward Newsletters. All information for public comment was advertised in the Preston and Northcote Leaders throughout the 15 month process. The Issues Paper, Position Paper and 1st and 2nd Draft were available to view at Darebin Customer Service Centres.

March - April 2007 - Council prepared an Issues Paper and questionnaire for the 1st stage of community consultation. An information session was held with internal staff. Five Listening Posts were held throughout the municipality - Bundoora Park, Reservoir Village, Fairfield Village, Preston Market and High Street, Northcote. Council spoke to 326 residents and Feedback Sheets were completed by 169 people throughout the Listening Post sessions. Fourteen submissions were received in response to the distribution of the Issues Paper. The release of the 1st Draft OSS was advertised in the Northcote and Preston Leader newspapers for three consecutive weeks. The OSS review featured in the Darebin News delivered to 57,000 households.

June 2007 - Parks and Open Space questions were included in the Annual Community Survey – 2nd Quarter (June 2007). 199 survey responses were received and contributed to the strategy development.

July 2007 - Eight interviews with key agencies and community stakeholders were held and further interviews with key Council staff regarding specific open space issues.

August 2007 - With the review of the existing Open Space Strategy 2000 completed, a Position Paper was developed and released to the public detailing direction. A second information session for Council staff was held with 33 in attendance. Council released a media statement on the Position Paper.

September 2007 - The Open Space Achievements Ten Years 1997-2007 document was produced during the review of the current strategy and released to the public in September. This document was advertised and used to further promote the strategy review. The OSS review featured in the Darebin News delivered to 57,000 households.

October 2007 - The OSS review featured in the Cazaly Ward Newsletter delivered to 7,021 households.

November – December 2007 - The 1st Draft Open Space Strategy and Background Paper were released for public comment. This round of consultation included 3 public meetings, a door-to-door survey of 110 people and a park user's survey at the Darebin Festival of a further 200 people. Resident responses to the 1st Draft included 17 submissions and 310 community surveys determining their level of agreement with the principles.

The OSS review featured in the November Latrobe Ward Newsletter delivered to 5,900 households and the December Clifton Ward Newsletter delivered to 6,850 households. The release of the 1st Draft OSS was advertised in the Northcote and Preston Leader newspapers for two consecutive weeks. A feature article appeared in the Preston Leader in response to the Council Media release for the 1st Draft OSS.

February 2008 - Consultation with Council staff including six information sessions to Darebin Parks operational staff and one session for Preston based staff. The OSS review featured in The Darebin News delivered to 57,000 households.

May 2008 - The 2nd Draft of the Open Space Strategy was released for public comment. The 2nd Draft contains few changes focusing on the polishing of the document and Council responses to public comment received from the 1st Draft consultation. A presentation was delivered to the Darebin Environmental Reference Group. The release of the 2nd Draft OSS was advertised in the Northcote and Preston Leader newspapers for two consecutive weeks.

- 4 submissions received in response to the 2nd Draft.
- 8 phone calls to discuss 2nd Draft.

CORE ISSUES

The Open Space Strategy 2007-2017 includes a Municipal and Precinct Summary section, a Ten year Works Program, a Vision and 12 Key Principles. The Strategy also details the following Strategic directions:

- Partnerships in the Provision of Open Space
- Open Space Contributions and Planning Provisions
- Acquisition and Disposal of Open Space
- Quality of Open Space
- Community Engagement in Open Space
- Play Spaces
- Use and Utilisation of Open Space
- Conservation and Environment
- Climate Change and Sustainability
- Waterways and Linkages
- Maintenance of Open Space.

The development of the Open Space Strategy 2007-2017 has established that the City of Darebin:

- Currently has 803ha of publicly accessible open space made up of 200 parcels of land managed by Council and other agencies including the Education Department, VicTrack and Melbourne Water;

- Currently has 530ha of Open Space which is used to calculate square metres provided per person. This calculates at 40.9 square metres per person in 2006 and 39.6 square metres per person in 2021 using projected population figures. This is a standard recreation planning method of measuring open space. This amount exceeds some neighbouring municipalities and is in line with other similar municipalities. Conservation Bushland, Wetlands, Amenity/Streetscapes and Urban Spaces are not included in the recreation planning calculation and are viewed as valuable additional open space for residents;
- Has areas of high quality open space including 13ha contemporary designed All Nations Park and grasslands of State significance, Central Creek Grasslands. The City of Darebin also has parks which do not meet the Strategy Vision or Development Standards and Capital improvements are required;
- Has a well distributed open space system which is diverse in size and character. However there are some areas where open space remains under utilised or there is a deficiency in open space. The strategy details recommendations for investigating disposal or acquisition of private land in strategic locations to improve access to and provision of open space;
- Continues to develop and implement Master Plans, Site Development Plans and Management Plans for key open space sites;
- Establishes improved open space opportunities in partnership with relevant state government agencies;
- Continues to upgrade play spaces throughout the City of Darebin; and
- Investigates traffic treatments that improve safe crossings and access to open space within neighbourhoods.

Final Draft for Council Adoption

The 1st Draft OSS received 17 submissions which were reviewed by the Project Control Group. Changes were made to the Strategy. A community survey was undertaken to test the principles and direction of the OSS. The survey results and changes to the draft were presented to Council prior to the release of the 2nd Draft OSS in May 2008.

The 2nd Draft OSS was advertised for two weeks and four submissions were received. Eight phone calls were received from residents asking questions and congratulating Council on the Strategy. The Council response to submissions is detailed in [Appendix B](#). Two submissions were from individual residents focusing on site specific, animal management and traffic issues. No changes were made to the Strategy in response to these two submissions. The submissions are being responded to and have been forwarded to the appropriate Managers for further response.

One submission was received from the Darebin Environmental Reference Group congratulating Council on the development of the Strategy and the inclusion of Climate Change and Sustainability as an additional Strategic Direction. Recommendations to the Strategy included the inclusion of a discussion on Community Gardens, and the addition of wording regarding the potential frequency and intensity of storm events due to climate change. Further clarification was requested to be included in the Executive Summary on the extent of Conservation sites within Darebin.

One submission was received from the Darebin Greens Rucker Ward Candidate who raised many questions covered in the following categories:

- Vision
- How do we measure up to Moreland and Yarra?
- Gaps in service provision

- Disability Audit
- Civic Space
- Disposal of Publicly Owned land
- Strategy Partnerships with Melbourne Water and VicTrack
- Community Gardens
- Biodiversity
- Lack of Deliverables
- Serious Lack of Performance Goals
- Lack of Short, Medium and Long Term goals
- No Substantive method of community consultation and community engagement.

All submissions received in response to the 2nd Draft OSS were thoroughly reviewed. As a result of the submissions the Project Control Group has confirmed that all issues have been considered in the final Open Space Strategy 2007-2017. The Project Control Group has approved a number of minor changes to the OSS as a result of the submissions. These changes are discussed in full in **Appendix B** and include the following:

- The Executive Summary has been amended to include additional reference to conservation sites within Darebin
- The Climate Change and Sustainability section has been amended to include the potential effects of frequency and intensity of storm events due to climate change
- The Exclusive Use of Open Space section has been amended to clarify 'Fenced' Community Gardens.

The Project Control Group recognises that Community Gardens take many forms and exist on public and private land and that Council will need to develop policy and strategy to investigate opportunities and demonstrated need. A continuing interest in Community Gardens and the need for strategic planning relating to this use has resulted in:

- The inclusion of a section on Community Gardens in the Use and Utilisation section of the strategy
- The inclusion of an action within the Municipal Works Program to prepare Council policy for Community gardens.

The Darebin Open Space Strategy 2007-2017 has been developed over a period of 15 months in consultation with community and stakeholders. Council has spoken directly to over 700 people and have consulted with over 1200 people. The development of the OSS has been advertised to the entire municipality at eight stages throughout the project, three of those times in the Darebin News reaching 57,000 households. Council has made positive new relationships with neighbourhood groups whose opinions and local knowledge were invaluable in the development of the Strategy. Industry peers have commended Darebin on the Draft OSS as a comprehensive strategic and working document.

The OSS process has resulted in a robust planning document which has reviewed, critiqued and tested Council position on the future direction of the Darebin Public Open Space System. The project Control Group is satisfied with the final document and recommend Council adopt the Open Space Strategy 2007-2017.

FINANCIAL IMPLICATIONS

The City of Darebin provides funding in the Capital Works Budget for Open Space Planning. The Open Space Planning budget includes line items from the Open Space, Green Streets, Retail Activity Centre Streetscape, Playground and Sport in the North Strategies. The OSS identifies that we are not currently meeting our open space service requirements or asset renewal targets in this area. Council has allowed for additional capital works funding through the four year Strategic Resource Plan adopted in June 2008, aiming to increase the funding allocated to renewal expenditure. The additional projects associated with the Open Space Strategy and related documents have been prioritised in line with service and asset renewal requirements and will be considered as part of the annual budget process each year.

FUTURE ACTIONS

Two pieces of work are required to finalise the OSS. An implementation plan will be developed for inclusion into the Capital Works program. The Implementation Plan will give further details on what specific actions will be delivered in the first four years and will be based on the 'A' priorities in the Works Program. The Monitoring Plan will include targets and indicators to measure the progress of the OSS in meeting its Objectives. Both pieces of work are scheduled to be completed in 2009 and will be presented to Council for consideration at that time.

An annual report will be prepared for Council to monitor progress on actions, targets and performance indicators.

RELATED DOCUMENTS

Background Paper to Open Space Strategy 2007-2017

[Appendix A](#) – *Darebin Open Space Strategy 2007-2017, July 2008*

[Appendix B](#) – 2nd Draft Open Space Strategy submission responses

8.3 DAREBIN GRAFFITI MANAGEMENT POLICY

MINUTE NO. 161

AUTHOR: Community Health and Safety Project Coordinator - Natalie McGlone**MANAGER:** General Manager Communities and Culture - Jan Black**BUDGET****IMPLICATIONS:** There are no budget implications resulting from this report.**SUMMARY:**

The Darebin Graffiti Management Policy provides Council with the framework for managing unsightly graffiti across the municipality, in an effort to maintain urban amenity and public perceptions of safety. This policy formalises graffiti management procedures across Council to ensure that they comply with the requirements of the Graffiti Prevention Act 2007.

CONSULTATION:

The Darebin Graffiti Management Policy has been developed in consultation with internal Council staff from Facilities Maintenance, Local Laws, Parks and Roads Infrastructure Maintenance, and external stakeholders including Department of Justice staff.

COUNCIL RESOLUTION**MOVED:** Cr. M. Kundevski**SECONDED:** Cr. V. Fontana

THAT Council endorse the *Darebin Graffiti Management Policy* attached as [Appendix A](#) to this report.

CARRIED**REPORT****BACKGROUND**

The development of a Graffiti Management Policy for the City of Darebin has been instigated in response to the introduction by the State Government of the Graffiti Prevention Act 2007. The proposed Graffiti Management Policy aims to articulate and formalise Council's position in relation to the new legislation, reflect the City of Darebin's graffiti management programs, and clarify Council's approach to managing the problem of unlawful graffiti across the municipality.

The proposed Graffiti Management Policy will operate within the context of DAREBIN*safe: the Community Safety Plan* and its implementation will be the responsibility of the Community Health and Safety Unit. The policy will also be relevant to the work of a number of other areas across Council including Local Laws and departments with responsibility for graffiti clean up including Parks, Roads Infrastructure and Facilities Maintenance. The policy provides direction and guidelines for responding to the ongoing prevalence of graffiti in the local area, in an effort to reduce the impact of graffiti on community perceptions of public safety.

Graffiti and perceptions of safety

The term 'graffiti' derives from the Italian word 'graffito' meaning 'scratching', and refers to the deliberate act of destroying or defacing property without permission. Graffiti includes aerosol spray paint tagging, writing, or etching an identifying mark or symbol onto property. Legally graffiti is regarded as 'wilful damage' and is a criminal offence.

Although there is no direct link between graffiti and crime, under some circumstances, graffiti can contribute to negative perceptions of community safety. When residents feel unsafe within their environment this can lead to a lack of community participation, impacting on residents' quality of life and sometimes making them vulnerable to crime. In Darebin, some residents, particularly older residents, report feeling unsafe at the sight of illegal graffiti. However, the majority of residents do not regard graffiti as a priority safety concern.

Council's current graffiti management approach

Council endorsed a Graffiti Reduction Strategy for the City of Darebin in 2002. This strategy led to the development of a range of graffiti management programs at Darebin that are currently coordinated by the Community Health and Safety Unit. These include:

- ***The Darebin Graffiti Reduction Subsidy Program*** - assists private property owners and occupiers in Darebin in the removal of graffiti from property. Owners and occupiers can apply to Council for a voucher for a 4 litre tin of paint, a graffiti removal kit, or \$50 towards the cost of hiring a contractor to undertake graffiti removal. Property owners and occupiers may apply for a subsidy once in any 12 month period, unless the graffiti is deemed to be offensive, in which case a subsidy may be provided up to 4 times within 12 months. The Community Health and Safety Unit has an allocated budget of \$13,000 to assist private property owners with graffiti removal.
- ***The Reservoir Community Correctional Services Graffiti Removal Program*** - whereby low risk offenders in Darebin undertake graffiti removal on Council property 2 days a week. In the 2007/2008 financial year, the team involved in the Graffiti Removal program removed 14,273 square metres of graffiti (9928 square metres were removed by paint out, and 4345 square metres were removed by the use of a biodegradable chemical). Council's participation in the Reservoir Community Correctional Services Graffiti Removal Initiative assists minor offenders in their reintegration back into the Darebin community. The program therefore effectively performs a crime prevention function in the community, as well as a purpose in maintaining urban amenity.
- ***The Darebin Graffiti Reduction Working Group*** - established in early 2004 is comprised of Council staff and external stakeholders with an interest in graffiti reduction including Connex, Yarra Trams, Victoria Police, Trader Associations and VicRoads. In the past 4 years this group has worked on a variety of collaborative graffiti reduction projects including graffiti education programs in secondary schools, graffiti clean up events, and the development of improved graffiti reporting systems to assist residents in lodging a crime report to police and applying for a subsidy to Council.

-
- ***Graffiti Removal of Council property*** - Council's Parks, Road Infrastructure Maintenance, and Facilities Maintenance Units also undertake graffiti removal on an ongoing basis across the municipality as part of their routine maintenance services.

Legislative framework

The Graffiti Prevention Act 2007 which was introduced in November 2007 aims to reduce the incidence of graffiti in Victoria by creating new offences for:

- Marking graffiti;
- Possessing a graffiti implement;
- Selling spray paint cans to persons under the age of 18; and
- Advertising spray paint cans for sale where the advertisement is likely to incite or promote graffiti.

Restriction on the sale of spray paint cans to minors

Under the new legislation Councils are able to introduce new procedures for monitoring traders' compliance with the restriction on the sale of spray paint cans to minors and ensure that *authorised persons* are available to meet the requirements of new procedures. Councils will be expected to fine traders \$226.84 on the spot for failure to comply with the new legislation, and up to \$2268.40 should the matter proceed through the formal court system.

Removal of graffiti on private property

The Graffiti Prevention Act 2007 creates a new process for Councils to remove graffiti from private property where it is visible from a public place. Councils are able to serve notices on private property owners expressing an intention to undertake graffiti removal. Council's must take reasonable steps to consult with the owner or occupier regarding the graffiti removal and must ensure that the removal is carried out by an *authorised person with reasonable care* and to a reasonable standard. Where property owners object to Council's proposal to remove graffiti from property, Council can take no further action about the matter. The Act does not impose any obligation on Councils to remove graffiti from private property if they do not wish to do so.

CORE ISSUES

Policy guidelines

The Darebin Graffiti Management Policy provides a framework to assist Council in working alongside residents and community groups in a variety of ways, to assist with the management of unsightly graffiti. The policy employs an evidence based approach to graffiti management, incorporating preventative measures, graffiti clean up responses and an emphasis on enforcement, all of which are effective in ensuring the maintenance of the built and natural environment, as well as public perceptions of safety.

Key policy objectives

The aims of the Graffiti Management Policy are to:

- Provide the City of Darebin with a series of guidelines for managing unsightly graffiti vandalism.

- Formalise procedures regarding graffiti management at Darebin, ensuring that they comply with the Graffiti Prevention Act 2007.
- To build the capacity of the local community in responding to the problem of graffiti.
- To remove graffiti using environmentally sustainable methods to minimize harm to the environment.
- Reduce fear of crime, and enhance safety and perceptions of safety in the local community.

Policy Guidelines

The guidelines outlined in the Graffiti Management Policy can be categorised under three headings all of which signify a specific graffiti management approach: 1. *Graffiti prevention*, 2. *Graffiti clean up*, and 3. *Enforcement of the law*.

Graffiti Prevention

Under the Graffiti Management Policy Council will ensure that Crime Prevention Through Environmental Design (CPTED) and Victorian Government Safer Design Guidelines are incorporated into planning initiatives in an effort to prevent and reduce incidences of graffiti vandalism. Council staff will also support, and where appropriate, coordinate community education campaigns and public art projects as a graffiti prevention initiative.

Graffiti Removal

The policy specifies that Council will seek to build the capacity of the local community in responding to the problem of graffiti through continuing to operate programs including the Graffiti Reduction Subsidy Program and promoting residents' involvement in the Graffiti Removal Program at Reservoir Community Correctional Services. Furthermore, all solvents and chemicals used for graffiti removal in Darebin will be handled in accordance with ecologically sustainable development principles to minimise environmental harm.

Enforcement of the law

Council will encourage residents to report graffiti to the Darebin District Police to assist in the apprehension of graffiti offenders, and where appropriate enforce relevant restrictions under the Graffiti Prevention Act 2007 in relation to the responsible sale of solvents.

Council's response to the Graffiti Prevention Act 2007

1. Restriction on the sale of spray paint cans to minors

Relevant Council departments will educate traders, and especially young people, about their responsibilities in relation to the Graffiti Prevention Act 2007 in restricting the sale of aerosol spray paint cans to persons under the age of eighteen. The City of Darebin Local Laws Unit will take responsibility for enforcing relevant priorities under the Graffiti Prevention Act 2007.

2. *Removal of graffiti on private property*

Where graffiti is reported to Council that is on residential or commercial private property, private property owners will be encouraged to access Council's Graffiti Reduction Subsidy Program or the Graffiti Removal Program at Reservoir Community Correctional Services. The City of Darebin will only seek to enforce relevant priorities under the Graffiti Prevention Act 2007 in circumstances where a high volume of complaints are received concerning a piece of graffiti on private property, such as concerning graffiti that is deemed to be offensive.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report.

FUTURE ACTIONS

- Council will consult broadly with internal and external stakeholders and the community, to develop a Graffiti Management Strategy for the City of Darebin for the period 2008-2011, which will support the Graffiti Management Policy.
- Community consultations regarding the development of the Graffiti Management Strategy will be undertaken in July 2008.
- The Graffiti Management Strategy document will be submitted to Council for consideration and endorsement in late 2008.

RELATED DOCUMENTS

- Crime Prevention Victoria (currently known as Crime and Violence Prevention) 2000. Graffiti: A tool kit for local organisations
- Municipal Association of Victoria. 2002. The Writing's on the wall
- City of Darebin. 2002, Darebin Graffiti Reduction Strategy (File reference: A44427)
- City of Darebin. 2005, Improving Perceptions of Safety in Darebin: a review of the evidence (File reference: A190234)
- City of Darebin 2006-07, DAREBINsafe Annual Strategy 2006-07 (File reference: A316709)
- City of Darebin 2006-2015, Public Art Strategy (File reference: A226841)

(Cr. Fontana left the meeting at the conclusion of the above item – 8.06pm)

**8.4 PRESTON BUSINESS ADVISORY COMMITTEE –
ADOPTION OF TERMS OF REFERENCE****MINUTE NO. 162****AUTHOR: Manager Economic Development - Sue La Greca****MANAGER: General Manager City Development - Kevin Breen****BUDGET****IMPLICATIONS: Within budget.****SUMMARY:**

At its meeting on 2 June 2008, Council resolved to adopt the trial model of management of the Preston Special Charge Scheme and other associated matters relating to the management, marketing and promotion of the Preston Special Shopping Centre, as the permanent model of management for Preston. This model is an advisory committee to Council, known as the Preston Business Advisory Committee (PBAC) comprising representatives of the Preston business community, other community representatives and Council. It also resolved that a further report be brought back to Council on the Terms of Reference following input from the Preston Business Advisory Committee.

This report presents the Terms of Reference, as adopted by the Preston Business Advisory Committee, for acceptance by Council.

CONSULTATION:

Preston Business Advisory Committee

COUNCIL RESOLUTION

MOVED: Cr. C. Kelly
SECONDED: Cr. M. Kundevski

THAT Council:

- (1) Accept the Terms of Reference of the Preston Business Advisory Committee attached as [Appendix A](#) to this report which were adopted by the Committee at its meeting on 1 July 2008.
- (2) Note the election of Mr. John Lacorcia as the Chairperson, and Mr. Leo Pye as the Vice Chairperson of the Preston Business Advisory Committee.

CARRIED

REPORT

BACKGROUND:

At its meeting on 2 June 2008, Council resolved the following:

THAT Council:

- (1) *Approve the adoption of the trial model of management of the administration of the Preston Special Charge Scheme and other associated matters relating to the management, marketing and promotion of the Preston Central Shopping Centre.*
- (2) *Recognise this model as an advisory committee to Council comprising members as follows:*
 - *1 Councillor*
 - *5 business representatives, liable for the special rate, made up of a representative mix of business types and locations within the centre*
 - *1 representative from the Preston Market*
 - *2 community representatives (associate members)*
 - *2 associate business representatives (associate members)*
 - *2 Council officers, being one from the Economic Development Unit and one from the Major Projects and Activity Centre Unit.*
- (3) *A further report be brought back to Council on the Terms of Reference following input from the Preston Business Advisory Committee.*

The Terms of Reference were discussed by the Preston Business Advisory Committee at its meeting on 1 July 2008 and it was resolved to adopt the Terms of Reference as provided in [Appendix A](#) to this report.

The Committee also elected a new Chairperson, being Mr. John Lacorcia, of the Old Fire Station Café in Preston, and Mr. Leo Pye, Branch Manager of the National Australia Bank in Preston.

RELATED DOCUMENTS

[Appendix A](#) - Preston Business Advisory Committee (PBAC) - Terms of Reference

8.5 VICTORIAN BIOSCIENCES RESEARCH CENTRE - TOWN PLANNING PROCESS**MINUTE NO. 163****AUTHOR: Coordinator Strategic Planning - Mei Lee****MANAGER: General Manager City Development - Kevin Breen****BUDGET****IMPLICATIONS: Nil.****SUMMARY:**

Major Projects Victoria, on behalf of the Department of Primary Industries and La Trobe University, has approached Council for town planning support and facilitation for the proposed establishment of a “state of the art” research and educational facility for agricultural biosciences at the La Trobe University Bundoora Campus. The Biosciences Research Centre (BRC) is a joint venture between the Department of Primary Industries (DPI) representing the State Government, and La Trobe University. It is expected to accommodate up to 450 scientists and support staff.

The land is within the Public Use Zone 2 (Education) and Schedule 1 to the Development Contributions Plan Overlay applies under the Darebin Planning Scheme. The proposed BRC facility is a permitted use in the zone. The requirement for a planning permit may only be triggered by:

- A reduction in the car parking requirement, and
- The removal of native vegetation.

A key requirement for a Partnerships Victoria (PV) delivered project is a town planning process which ensures a greater degree of certainty in respect to the applicable controls for the proposed BRC site whilst maintaining control of the process by the government for these controls. Due to the process and the timing of the procurement delivery, the town planning processes need to be confirmed well before September 2008 to enable the tendering processes. The Request for Proposal of the procurement delivery process needs to be taken through the appropriate government approval processes. This would mean that the town planning process must be confirmed before mid-July 2008.

Council has been given assurance by Major Projects Victoria that the BRC is a high quality major Melbourne public research facility, designed and sited to achieve high standards of ESD outcomes. It will be delivered via the PV process which can be best facilitated by the Minister’s amendment process. The assurance has also been given to Council that the Minister would consult with Darebin City Council when he prepares the amendment and exempts the amendment from public notification.

There are advantages with the proposed amendment process given that an Incorporated Plan detailing the requirements for the site will be prepared and provide a more comprehensive management of the siting and design process than an application for a planning permit (triggered by car parking reduction and native vegetation removal) would provide.

The Minister’s proposed amendment is supported by officers.

CONSULTATION:

None required due to the decision and action of the Minister for Planning under sections 8 and 20(4) of the Planning and Environment Act 1987.

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. M. Kundevski

THAT Council:

- (1) Support an amendment to the Darebin Planning Scheme undertaken by the Minister for Planning under section 8 of the Planning and Environment Act 1987 (“the Act”) and agree to the exemption of the amendment from public notification under section 20(4) of the Act, subject to Darebin City Council being consulted with under section 20(5) of the Act before the Minister exercises his powers under section 20(4) of the Act.
- (2) Accept the offer of Major Projects Victoria to facilitate the presentation, at a future date to be determined, of the amendment documentation and supporting report when they are finalized.

CARRIED

REPORT**BACKGROUND**

Major Projects Victoria, on behalf of the Department of Primary Industries and La Trobe University, has approached Council for town planning support and facilitation for the proposed establishment of a “state of the art” research and educational facility for agricultural biosciences at the La Trobe University Bundoora Campus. The Biosciences Research Centre (BRC) is a joint venture between the Department of Primary Industries (DPI) representing the State Government, and La Trobe University. It is expected to accommodate up to 450 scientists and support staff.

The land is within the Public Use Zone 2 (Education) and Schedule 1 to the Development Contributions Plan Overlay applies under the Darebin Planning Scheme. The proposed BRC facility is a permitted use in the zone. The requirement for a planning permit may be triggered by:

- A reduction in the car parking requirement, and
- The removal of native vegetation.

Major Projects Victoria has proposed to Council that an amendment to the Darebin Planning Scheme be prepared by the Minister for Planning, acting as the Planning Authority, under section 8 of the Planning and Environment Act 1987 (the Act) to facilitate the development of the BRC facility due to its significance, anticipated benefits to Victoria as well as the need for project certainty and procurement delivery timelines.

Council officers met with Major Projects Victoria on 21 May 2008 to discuss the planning requirements and facilitation of the project and a letter dated 6 June 2008 was received from Major Projects Victoria formally seeking Council support. The letter outlined:

- The project and scope;
- The benefits of the project;

- The requirement for clarity and certainty of the town planning process to enable the procurement delivery; and
- The proposed town planning process.

By letter dated 16 June 2008 Council officers responded in writing providing “in principle” support and requested that the Minister for Planning consult with the Council under section 20(5) of the Act. The letter also raised issues that needed to be included in a planning scheme amendment.

A subsequent letter from Major Projects Victoria dated 30 June 2008 has been received assuring Council that the issues raised in its letter dated 16 June 2008 are supported.

CORE ISSUES

The Site

The indicative site for the BRC project comprises approximately 35,200m² of land, located between the La Trobe University Ring Road and College Drive, in the south-east quadrant of the La Trobe University Bundoora Campus (refer to Figure 1 below). The indicative site currently comprises a gravel car park (described as “P4 car park”). It is important to note, as per the aerial photograph, that there are few trees and only on the perimeter of proposed site and a visual inspection reveals possibly only one tree of high significance. This car park will be relocated prior to the commencement of construction.

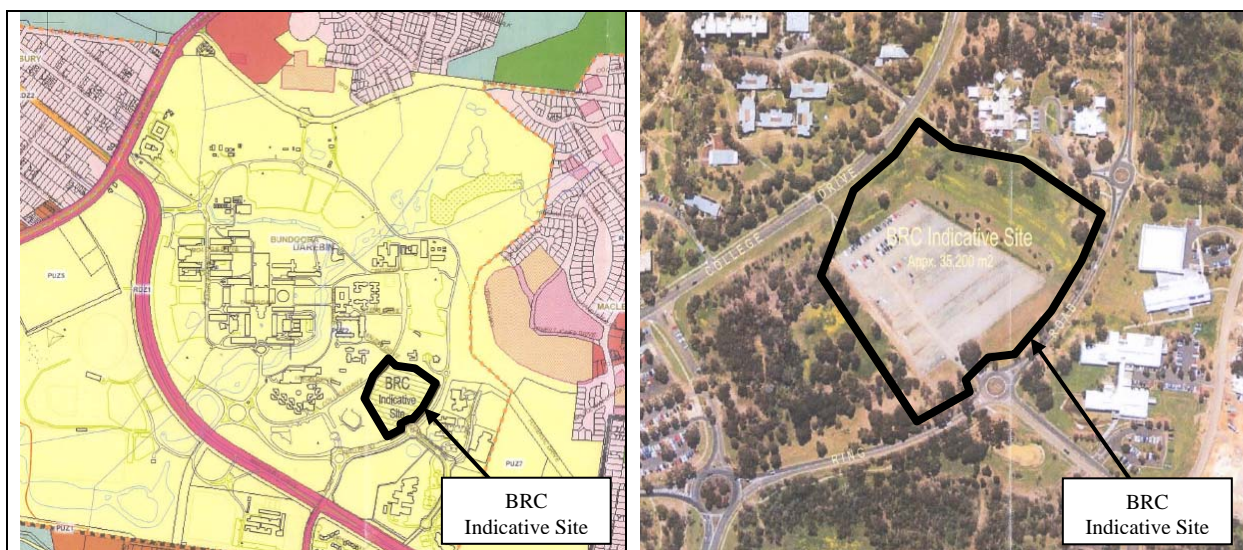


Fig 1: The indicative BRC site

Council is advised by Major Projects Victoria that the proposal has been sited with the following objectives:

- Encouraging collaboration synergies and connections with any adjacent complementary facilities and the campus in general;
- Preserving the existing ‘natural bush setting’ landscape character and amenity of the area with strong garden character;
- Locating the buildings within vegetated surrounds; and
- The development contributing positively to the local urban character.

The BRC Proposal

The proposal comprises a core facility of research laboratory, office and administration space of approximately 20,000m² and an external research environment of glasshouses, poly houses and shade houses of some 2000m² loading/unloading areas and associated car parking facilities.

It is proposed that the BRC facility will allow collaborative science, research and resource sharing between DPI and La Trobe University resulting in better bioscience research and educational outcomes. This facility gives DPI the opportunity to bring its dispersed facilities to one shared central, new and leading edge facility. The increased research capability of the BRC facility will enhance the attraction of national and international specialist scientists.

The project concept adds significantly to the role La Trobe University will play as a major contributor to the Darebin, regional and Victorian economy.

Major Projects Victoria has advised that the development of the BRC facility will bring the following benefits:

- Community and social benefits will be derived from the potential relocation of significant numbers of employees and their families to the region, specifically the Bundoora urban growth corridor.
- Economic benefits due to the BRC being a resource in protecting the rural sector and a strategic investment by the government in the future growth of Victoria. It has the potential to be an economic critical mass such that the La Trobe University precinct may become a biotechnology bioscience research hub, resulting in further beneficial economic flow on effect for the local community such as development, job creation and growth of the University.
- Research and education benefits due to the BRC placing Victoria at the forefront of biotechnology in Australia and will provide La Trobe University to position itself as a first tier university completing the Melbourne-Monash-La Trobe research triangle. The joint venture will provide a significant resource for both organisations to access Commonwealth research grants. Such outcomes represent the core values of the investment by the State and the University.

Timing – Procurement Delivery Timelines

Major Projects Victoria advises that expressions of interest have been sought from private sector consortia to register their interest, capacity and capability in procuring the design, construction, commissioning and facility management services, including maintenance of the facility for a service period of 25 years.

Due to the process and the timing of the procurement delivery, the town planning processes need to be confirmed well before September 2008 to enable tendering processes to proceed. Town planning processes must be confirmed before mid-July 2008 to enable the Request for Proposal to be taken through the appropriate government approval processes in a timely fashion.

Darebin Planning Scheme Provisions

The land is within the Public Use Zone 2 (Education) and Schedule 1 to the Development Contributions Plan Overlay applies under the Darebin Planning Scheme. It is important to note that the proposed BRC facility is a permitted use in the zone.

The requirement for a planning permit may only be triggered by:

- A reduction in the car parking requirement, and
- The removal of native vegetation.

Planning Scheme Amendment to be prepared by the Minister for Planning

Major Projects Victoria has proposed to Council that an amendment to the Darebin Planning Scheme be prepared by the Minister for Planning, acting as the Planning Authority, under section 8 of the Planning and Environment Act 1987 (the Act) to facilitate the development of the BRC facility.

The purpose of such an amendment to the Darebin Planning Scheme is to exempt the BRC site from the requirement of any planning permits. The Minister's amendment process will exempt the amendment from public notification under section 20(4) of the Act.

Under section 20(5) of the Act, the Minister may consult with Council prior to exercising his powers. Council officers have requested such consultation in the letter to Major Projects Victoria. Major Projects Victoria has confirmed in a letter dated 30 June 2008 to Council that the Minister will consult with Council, as the responsible authority, under section 20(5) of the Planning and Environment Act 1987 before exercising his powers under section 20(4) of the Act.

The proposed amendment will involve the BRC site being included in the Schedule to Clause 52.03 Specific Sites and Exclusions of the Darebin Planning Scheme. An Incorporated Plan will need to be prepared to contain specific controls for the proposed site, including the exclusion of any other control of the Scheme.

Council officer support for the Minister's amendment and associated planning processes of a BRC has been provided by letter dated 16 June 2008. The letter advises that Council supports ecologically sustainable development and would like appropriate Council officers to be involved in the completion of the Incorporated Plan to the extent of being able to raise and to be consulted on issues for inclusion in the Incorporated Plan prior to the amendment being finalised for approval by the Minister for Planning. The issues that are of interest to Council and therefore would like to see included in the Incorporated Plan are as follows:

- Active use of sustainable travel by occupants and visitors to the centre by the provision of:
 - Pedestrian and cycle paths which will connect with existing links;
 - Public transport stops;
 - Vehicular access;
 - Parking facilities for different transport modes; and
 - A sustainable transport display area at a visually prominent location which will include maps of walking and cycle routes to and from the site; appropriate public transport maps and timetables from the relevant public transport provider; and Darebin Access Guides.
- Architectural designs, built form and site layout plans appropriate to the site.
- Arborist Report concerning the potential removal and retention of existing vegetation and provision of a Landscape Plan.
- Stormwater management and water sensitive design plan.
- Potential adverse amenity issues, such as noise, buffering etc.
- Fencing.

- External lighting.
- Signages.

Major Projects Victoria in a letter dated 30 June 2008 has responded to Council's issues by advising that a report to support the amendment documentation will provide further detail on the BRC, including the following:

- A description of the BRC site and the surrounding area
- A description of the BRC, including the expected function, outputs, key features and relevant procurement and management arrangements
- A summary of the master plan siting and design parameters relating:
 - General urban design
 - Site layout
 - Built form and height
 - Building appearance
 - Signage
 - Landscape design
 - Transport
 - Vegetation
 - Engineering services.

Major Projects Victoria assures Council that:

- The Partnerships Victoria process enables the State to exercise a high level of control over the requirements of a development. At the request for proposal (RFP) documentation, a design brief for a master plan and design elements of the BRC. While the final design for the BRC will be prepared by the successful party, the main siting and design parameters are determined by the request for proposal, are enforceable for the PV service period of 25 years and are outlined in the report supporting the amendment documentation. The RFP specifies the requirement that the BRC must provide a quality urban design outcome for the site that contributes positively to the local character and enhancement of the public realm.
- The State recognises the importance of incorporating ESD outcomes in the project and through the competitive tendering process of the RFP, such ESD outcomes can be maximised to provide a suitable ESD response to a facility such as the BRC.
- The RFP requires that the BRC location, form and massing create an attractive sense of destination for staff and visitors fitting for a major Melbourne public facility. It must be of a consistent scale, massing and typology with the La Trobe University academic campus facilities and generally be in keeping with the adjoining commercial and research facilities.
- The BRC will consider the uses or projected uses of the adjacent site and must provide direct and legible pedestrian and bicycle connectivity to these areas, the main portion of the La Trobe University campus and surrounding pedestrian, bicycle and public transport networks.
- The scientific and environmental credentials of the BRC and its landscape response within the 'natural bush setting' of the La Trobe University must be apparent and communicated to the public and BRC users via its built form and landscape design.

- The project has undertaken exhaustive consultation with the La Trobe University, DPI to develop the siting and design parameters for the RFP, include requirements that in addition those outlined above, relate to minimum built form set backs, maximum building height, building appearance, signage, fencing, site vegetation, and any potential adverse amenity issues.

Planning Permit Process vs Minister's Planning Scheme Amendment Process

As stated above, the requirement for a planning permit may be triggered only for a proposal to reduce car parking and the removal of native vegetation.

The proposed use and development for the facility would otherwise not require a planning permit as it is consistent with the objectives of the Public Use Zone 2. It is considered unlikely that the proposal for car parking reduction and removal of native vegetation for buildings and works would have caused material detriment to trigger advertising of a planning permit application. The nearest abutting residential property is between 300 to 500 metres to the east and north-east of the proposed facility. In that buffer area between the residential buildings and the proposed BRC site are situated University buildings and vegetated campus grounds.

While it can be argued that Council has the capacity to deal with the proposal as the Responsible Authority under planning permits, the clear advantage of the Minister's proposed Planning Scheme Amendment is that an Incorporated Plan is to be prepared to provide an upfront plan for a quality development of the BRC site. Whilst details are to be worked through, it is considered that the Incorporated Plan will be prepared to reflect a holistic, well planned development on site. This has advantages over the planning permit application route where the reduction of car parking and the removal of native vegetation are the only triggers for planning consent and provide no further details and control on the overall development and use of the BRC on site.

Moreover, Council has been given assurance by Major Projects Victoria of the delivery of a quality Melbourne public research facility designed and sited to achieve high level ESD outcomes via the PV process which ensures high levels of control over the requirements of a development, such as the BRC facility. The assurance has also been given to Council that the Minister would consult with Darebin City Council when he prepares the amendment and exempts the amendment from public notification. On this basis, it is recommended that support be given to the Minister's planning scheme amendment to facilitate the BRC facility.

FINANCIAL IMPLICATIONS

There are no financial implications for Council.

FUTURE ACTIONS

Major Projects Victoria has advised that the amendment documentation and supporting report are being finalised and it offers to facilitate the presentation of this information to any relevant officers of Council when it is complete. It is recommended that Council accepts this offer.

RELATED DOCUMENTS

- Letter to Kevin Breen, General Manager City Development, Darebin City Council from Rob Johnson, Project Director, Partnerships Victoria, Major Projects Victoria, dated 6 June 2008.
- Letter to Rob Johnson, Project Director, Partnerships Victoria, Major Projects Victoria from Kevin Breen, General Manager City Development, Darebin City Council dated 16 June 2008.
- Letter to Kevin Breen, General Manager City Development, Darebin City Council from Rob Johnson, Project Director, Partnerships Victoria, Major Projects Victoria, dated 30 June 2008.

8.6 205-215 BELL STREET PRESTON (FORMER PRESTON AND NORTHCOTE COMMUNITY HOSPITAL) AND NOW KNOWN AS THE BELL CENTRE

MINUTE NO. 164

AUTHOR: Team Leader Statutory Planning – Julie Smout

MANAGER: General Manager City Development – Kevin Breen

**BUDGET
IMPLICATIONS:** Nil.

SUMMARY:

This report proposes that Council approve the amended Development Plan to allow minor changes to the development and flexibility in the way the ground floor (west wing) of the existing building on the land at 205-215 Bell Street Preston known as the Bell Centre is to be used.

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. C. Kelly

THAT Council approve the amended Development Plan to show or notate the following on plans:

- (1) Ground floor west wing: Option A – 542 square metres of office (as approved) or Option B – 300 square metres of shop and postal agency (combined area) and 242 square metres of office.
- (2) Minor external alterations at the western end of the ground floor west wing including a new door, window and canopy.
- (3) New external materials and finishes to the south wing stairs (fire escape).

CARRIED

REPORT

LAND

The subject land (the land) is located on the south side of Bell Street, Preston and is located approximately 125 metres east of the intersection of Bell Street and Plenty Road. The land has abuttal to Bell Street (north property boundary) of 190 metres and abuttal to Hotham Street (west property boundary) of 115 metres. The total site area of the land is 21,850 square metres.

The land was previously known as the Preston and Northcote Community Hospital (PANCH). The land is currently used in accordance with the approved Development Plan and associated Planning Permits.

The Development Plan allows the following combination of uses on the land:

- Residential Building (Student housing units and Serviced Apartments)
- Hotel and conference centre
- Offices
- Integrated health care facility
- Convenience restaurant
- Licensed restaurant
- Tavern
- Function centres
- Dwellings.

The student housing and hotel are currently operating from existing buildings on the land. Construction of Stage 2 is almost complete. Stage 2 will accommodate additional student housing, serviced apartments, dwellings, offices, licensed restaurant, tavern, function centres and a convenience restaurant. The medical centre is to operate from an existing building on the land but operation of this facility has not started.

BACKGROUND

Development Plan

On 13 May 1999, the Minister for Planning and Local Government approved Amendment L69 to the Darebin Planning Scheme (the scheme). The Amendment rezoned the (PANCH) site from Public Purpose (Hospital) to a Mixed Use Zone with a Development Plan Overlay and a Potentially Contaminated Land Overlay.

In November 1999, Asian Pacific Building Corporation Pty Ltd (the owner) submitted plans to Council to redevelop the subject land in accordance with the Development Plan Overlay.

The Development Plan Overlay was translated into Schedule 5 (Former Preston and Northcote Community Hospital) of Clause 43.04 (Development Plan Overlay) when the new format Planning Scheme was introduced on 2 December 1999.

In May 2000, Council resolved to approve the Development Plan subject to a number of conditions. However, Council's decision was subsequently reviewed and varied by the Victorian Civil and Administrative Tribunal (VCAT) on 31 October 2000.

The Development Plan was approved by Council on 5 December 2000. The Development Plan allowed the development of the land for residential building (student housing units), a hotel and function centre, offices, a medical centre and restaurant. The residential building (student housing units) and the hotel known as stage 1 are constructed and currently operate from existing building on the land. Stage 2 of the development is nearing completion.

The Development Plan has been amended five (5) times, allowing modifications to both development and uses on the land.

The first amendment to the Development Plan was approved 20 December 2002 and allowed the upper two (2) levels of the residential building (student housing units) to be used as a hotel.

The second amendment to the Development Plan was approved 5 June 2006 and allowed the following:

- Undercroft car parking for the medical centre;
- Re-alignment of the internal accessway;
- Alterations to the car parking layout; and
- Additional crossover to Hotham Street.

The third amendment to the Development Plan was approved 18 September 2006 and allowed the following:

- Addition of three (3) storeys to the south wing of the former hospital building;
- Re-configuration and reduction of floor space at ground floor level and use of the land for a convenience restaurant, restaurant, office and conference centre;
- Internal reconfiguration of existing approved levels 1-7 containing a total of 308 serviced apartments and 75 student accommodation units;
- Addition of a new plant area and flagpole on top of the former hospital building;
- Restaurant seating capacity reduced from 150 to 140 with 84 basement car parking spaces; and
- Revised car parking access and reconfiguration of car parking layout.

The fourth amendment to the Development Plan was approved 21 May 2007 and allowed the following:

- Reduction in the number of car parking spaces from 84 to 76 in the basement level 1 to the car parking area under the restaurant;
- Construction of new basement levels 2, 3 and 4;
- Relocation of the water tank to the north-west corner of basement level 1;
- Addition of a proposed vehicle link at basement level 1;
- Addition of a pedestrian link at basement level 1 to the existing basement of the former hospital building;
- Minor re-arrangement of the ground floor plan of the restaurant to accommodate a new lift and stair location; and
- Amend the condition of the development plan relating to the hours of operation of the conference centre. The current approved hours allows this facility to operate until 7pm on any night. The condition is to be amended to allow the facility to operate until 11pm on any night.

The fifth amendment to the Development Plan was approved 15 October 2007 and allowed the following:

- Additional level to the restaurant building to provide for a 200 seat licensed restaurant (operating until midnight every night), a tavern to accommodate 70 patrons (operating until midnight every night) and 300 seat conference/function centre (operating until 11 pm every night);
- Internal reconfiguration of approved former hospital building to provide 17 dwellings (Level 7), 291 serviced apartments, 74 student accommodation units, 80 seat café, 1,114 square metres of office floorspace and 120 person conference/function centre which can operate until 11pm every night;

-
- Addition of the hotel recreation room, hotel theatre room, hotel/student gymnasium, laundromat, hotel laundry and other associated hotel facilities within the basement level beneath the former hospital building;
 - Additional floor-space added to south wing of the former hospital building;
 - Additional roof-top garden adjacent to east façade of south wing at first floor level of the former hospital building;
 - New accessway through the site between the main car park and the area south of the medical centre building which is to be reflected in a new subdivision plan;
 - Reconfiguration of the at grade car parking near the restaurant building and south of the medical centre building with a total loss of eight (8) spaces across the site (Stage 1 car parking remains at 172 spaces) and the relocation of one loading bay from the east of the restaurant building to the west side of the restaurant building;
 - New landscaping works;
 - Revised fence detail surrounding the new restaurant building; and
 - Revised flagpole detail, as per planning permit D/229/2006.

PROPOSAL

Approval is requested for the following amendments to the Development Plan:

- Ground floor west wing: Option A – 542 square metres of office (as approved) or Option B – 300 square metres of shop and postal agency (combined area) and 242 square metres of office;
- Minor external alterations at the western end of the ground floor west wing including a new door, window and canopy; and
- New external materials and finishes to the south wing stairs (fire escape).

PLANNING CONTROLS

- State Planning Policy Framework (Clauses 12, 14, 17.01, 18.06 & 19.03)
- Local Planning Policy Framework (Clauses 21.05 & 22.03)
- Particular Provisions (Clauses 52.06 & 52.29)
- General Provisions (Clause 65.01)

Zoning

The land is in a Mixed Use Zone (Clause 32.04). The purpose of the Mixed Use Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To encourage residential development that respects the neighbourhood character.

Overlays

Development Plan Overlay

The subject land is within a Development Plan Overlay (DPO5) (Clause 43.04). The purpose of the Development Plan Overlay is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
- Identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- Exempt an application from notice and review if it is generally in accordance with a development plan.

Schedule 5 to the Development Plan Overlay specifies the requirements for the development plan as follows:

The development plan should address the elements of the Guiding Principles – PANCH Redevelopment Site, Development Principles Lot 1, Development Principles Lot 2, and Development Principles Lot 3, relevant to the site including a plan drawn to scale which shows:

- The layout of existing and proposed buildings and work;
- All buildings to be retained;
- Proposed uses on all parts of the land;
- The location of all open space areas;
- The staging of all development;
- The proposed subdivision of the development;
- A traffic management plan outlining traffic requirements both within and outside the site;
- Details of the treatment of all internal roads, road connections to the adjoining road network and the location and nature of other transport facilities to service the development;
- Details of vegetation retention enhancement and removal; and
- Urban design guidelines.

Under Clause 43.04-3, the development plan may be amended to the satisfaction of the Responsible Authority.

Environmental Audit Overlay

The subject land is within an Environmental Audit Overlay (Clause 45.03). The purpose of the Environmental Audit Overlay is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The Environmental Audit Overlay requires that:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The Planning Permits approved for the student and hotel accommodation included a condition requesting that a certificate of environmental audit, or an audit statement be provided to Council before the use or development commenced.

On 24 November 2003 Council was provided with a Statement of Environmental Audit in relation to the eastern portion of the subject land (that is, the land containing the student and hotel accommodation).

Development Contribution Plan Overlay

The subject land is within the Development Contribution Plan Overlay (Clause 45.06). Under Clause 45.06, any permit granted must be consistent with the provisions of the relevant development contributions plan, and must include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to the overlay.

The Development Contribution Plan Overlay does not affect this application as it relates to the amendment of the Development Plan.

PUBLIC NOTICE

Clause 43.04 (Development Plan Overlay) and the Planning and Environment Act 1987 (as amended) does not require the responsible authority to give public notice of amendments to a Development Plan.

In this instance informal notification was not given for the following reasons:

- The site is situated on a busy main arterial road (Bell Street);
- The site is large and the development changes are minor; and
- The shop and the postal agency floor area is limited.

EXTERNAL REFERRALS

Not applicable

INTERNAL REFERRALS

Not applicable

PLANNING ASSESSMENT

Land Use

It is proposed to introduce two (2) new uses ie shop and postal agency with a total combined floor area of 300 square metres.

The inclusion of shops and a postal agency on the land will provide appropriate service support for the residents of the diverse housing types provided on the site. It is envisaged that services like the postal agency, a newsagent, or other like uses will provide service to the office workers, the hotel guests, and the student or residents population. It is expected that the shops and postal agency will largely attract patrons from within the site.

Should the owner not be able attract shop or a postal agency tenants, this floor area could convert back to office floor space (as is currently approved) without further amendment to the Development Plan.

Under Clause 43.04 – Development Plan Overlay, Schedule 5 to the Development Plan Overlay provides guidelines for consideration of a development plan.

In assessing the amendment to the Development Plan, the responsible authority should consider the Guiding Principles – PANCH Redevelopment Site, Development Principles Lot1, Development Principles Lot 2, Development Principles Lot 3.

- Where practical reuse and appropriate refurbishment of the former hospital buildings and existing infrastructure.
- Opportunity to cater to diverse housing types to meet the needs of a variety of households including, students and the aged.
- Appropriate integration of land uses both within and external to the site.

The amended development plan does not contradict the above guiding principles.

Bell Street Strategy (the strategy)

The site is located within the Activate/Engage Precinct of the strategy. The land use strategy and urban design framework document is designed to assist in the guidance of the future development of land in Bell Street. The proposed amendments to the Development Plan are consistent with the direction of the strategy.

Built Form

The amendments to the Development Plan will not impact on built form. The changes proposed to the buildings on the land are minor.

Traffic and Parking

The car parking requirement for shop and office is shown in the table below:

Use – 300m ²	No. of required car parking spaces
Approved office at 3.5 spaces per 100m ²	11
Proposed shop at 8 spaces per 100m ²	24

The car parking shortfall based on the above figures is 13.

This shortfall is justified for the following reasons:

- Significant on-site car parking provision is expected. Car parking provision for Stages 1 and 2 will be 626 on-site car parking spaces. Upon the completion of Stage 3 the expected total on-site car parking provision will be 1088.
- The proposed shops and the postal agency are expected to provide services to the office workers, the hotel guests and student/resident population of the existing complex.

CONCLUSION

The proposed amendments to the Development Plan will facilitate an appropriate mix of uses envisaged by the mixed use zoning of the land.

Further to this, the proposed changes to the Development Plan will provide the owner of the land with adequate flexibility to attract appropriate tenants.

FINANCIAL IMPLICATIONS

Nil

RELATED DOCUMENTS

Darebin Planning Scheme

Municipal Strategic Statement

[Appendix A](#) - Plans

**8.7 AMENDMENT C73 TO THE DAREBIN PLANNING SCHEME
– JOHNSON STREET, RESERVOIR****MINUTE NO. 165****AUTHOR: Strategic Planner - Edwina Ryan****MANAGER: General Manager City Development - Kevin Breen****BUDGET****IMPLICATIONS: Council will request that the applicant cover the cost associated with the independent panel.****SUMMARY:**

Amendment C73 to the Darebin Planning Scheme proposes to:

- Rezone Crown Allotment 2032 in the Parish of Keelbundora; Lot 45 Johnson Street, Reservoir; and 49 Johnson Street, Reservoir from the Public Use Zone 4 (Transport) to the Mixed Use Zone.
- Apply a Design and Development Overlay (Schedule 12) to Crown Allotment 2032 in the Parish of Keelbundora; Lot 45 Johnson Street, Reservoir and 49 Johnson Street, Reservoir.
- Apply an Environmental Audit Overlay to Lot 45 Johnson Street, Reservoir and 49 Johnson Street, Reservoir.
- Rezone Crown Allotment 14B1 in the Parish of Keelbundora, Keon Parade, Reservoir from the Business 1 Zone to the Road Zone (Category 1).
- Rezone a small parcel of land adjacent to Keon Parade, Reservoir (identified on SP14269A) from the Public Use Zone 4 (Transport) to the Road Zone (Category 1).

The Amendment was on public exhibition from 1 November 2007 to 6 December 2007. A total of nine (9) submissions were received during and subsequent to the public exhibition process including two (2) submissions which objected to the Amendment.

A one (1) person panel was appointed to consider submissions to the Amendment and prepare a report making recommendations about how Council should proceed with the Amendment.

Council received the Panel Report on 6 June 2008. The Panel recommended that the Amendment should be adopted as exhibited.

Since the release of the Panel Report, it has been noted that one (1) of the sub-headings in the Design and Development Overlay (Schedule 12) which was exhibited as part of the Amendment needs to be changed to conform to the standard terminology used in the Victoria Planning Provisions. The change does not affect the original intent and meaning of the overlay.

This report recommends that Council resolve to:

- Accept the Panel Report and its recommendations in relation to the Amendment.
- Adopt the Amendment with one (1) change to a sub-heading in the Design and Development Overlay (Schedule 12) to conform to the standard terminology used in the Victoria Planning Provisions.
- Submit the adopted Amendment to the Secretary of the Department of Planning and Community Development for certification.

In the event that the Amendment is certified by the Secretary of the Department of Planning and Community Development, the Amendment will be approved by Council's delegate (Manager of Urban Development) under section 35B of the Planning and Environment Act 1987 (the Act) and forwarded to the Minister for Planning.

CONSULTATION:

Amendment C73 to the Darebin Planning Scheme was on public exhibition from 1 November 2007 to 6 December 2007 in accordance with section 19 of the Act.

A meeting was held with the two (2) submitters who objected to the Amendment on 16 January 2008. The purpose of the meeting was to discuss the submissions in further detail and outline the next steps in the planning scheme amendment process.

Discussions were also undertaken with Council's Transport Management and Planning Branch, Melbourne Water and Environment Protection Authority (EPA).

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. M. Salata

THAT Council:

- (1) Accept the Panel Report and its recommendations in relation to Amendment C73 to the Darebin Planning Scheme.
- (2) Adopt Amendment C73 to the Darebin Planning Scheme under section 29 of the Planning and Environment Act 1987 with one (1) change. The change is as follows:
 - In the Design and Development Overlay (Schedule 12) replace the sub-heading "Exemption from notice and appeal" with the sub-heading "Exemption from notice and review" to conform to the standard terminology used in the Victoria Planning Provisions.
- (3) Submit the adopted Amendment to the Secretary of the Department of Planning and Community Development for certification.

CARRIED

REPORT

BACKGROUND

In July 2006, Council received a request from Meredith Withers & Associates Pty Ltd, on behalf of the Department of Treasury and Finance, to rezone a parcel of surplus land described as Crown Allotment 2032 in the Parish of Keelbundora from the Public Use Zone 4 (Transport) to the Mixed Use Zone and apply a Design and Development Overlay.

Following this initial request, Council decided to also rezone land at 49 Johnson Street, Reservoir from the Public Use Zone 4 (Transport) to the Mixed Use Zone and apply a Design and Development Overlay and an Environmental Audit Overlay.

In April 2007, Council received a further request from Meredith Withers & Associates Pty Ltd, on behalf of VicTrack, to rezone their surplus land described as Lot 45 Johnson Street, Reservoir from the Public Use Zone 4 (Transport) to the Mixed Use Zone and apply a Design and Development Overlay and an Environmental Audit Overlay.

In June 2007, the Department of Sustainability and Environment recommended that Council include Crown Allotment 14B1 in the Parish of Keelbundora, Keon Parade, Reservoir as part of the Amendment. Following discussions with VicRoads, it was determined that Crown Allotment 14B1 should be rezoned from the Business 1 Zone to the Road Zone (Category 1). VicRoads also requested that Council rezone a small parcel of land adjacent to Keon Parade, Reservoir (identified on SP14269A) from the Public Use Zone 4 (Transport) to the Road Zone (Category 1).

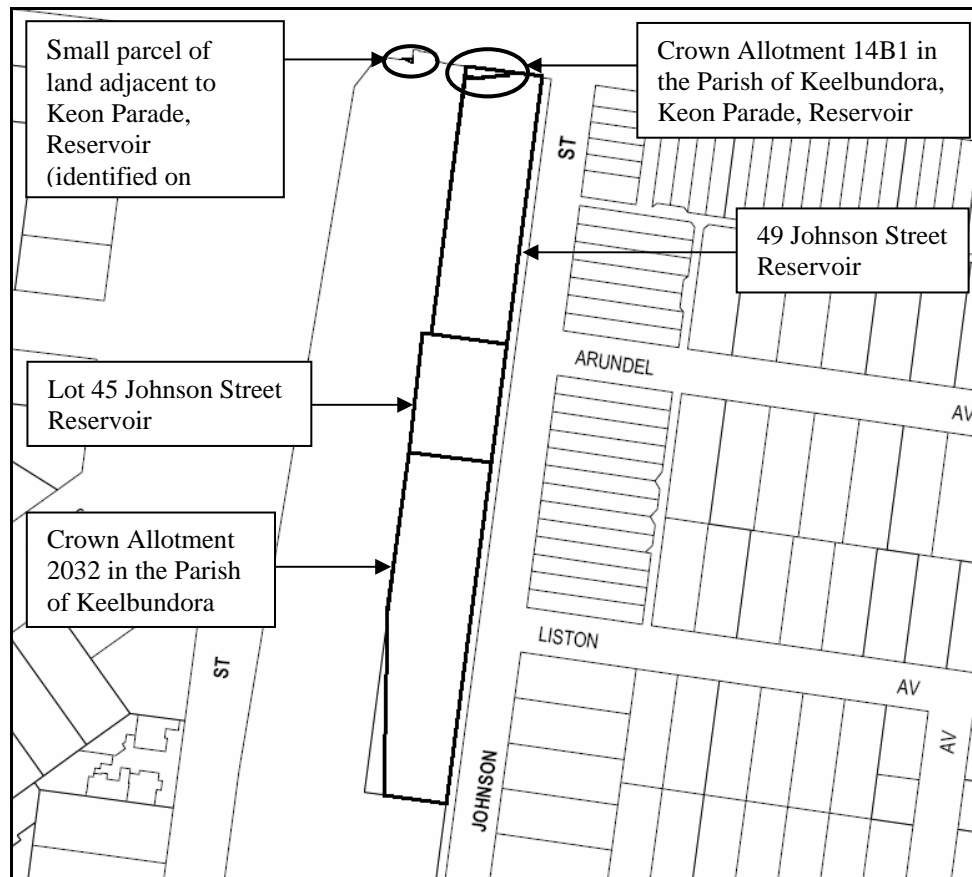
On 27 August 2007, Council received authorisation from the Minister for Planning to prepare and approve Amendment C73 to the Darebin Planning Scheme.

The Proposal

In particular, the Amendment affects five (5) parcels of land described as:

- Crown Allotment 2032 in the Parish of Keelbundora
- Lot 45 Johnson Street, Reservoir
- 49 Johnson Street, Reservoir
- Crown Allotment 14B1 in the Parish of Keelbundora, Keon Parade, Reservoir
- A small parcel of land adjacent to Keon Parade, Reservoir (identified on SP14269A).

The land affected by the Amendment is illustrated on the following map:



The Amendment proposes to:

- Rezone Crown Allotment 2032 in the Parish of Keelbundora; Lot 45 Johnson Street, Reservoir; and 49 Johnson Street, Reservoir from the Public Use Zone 4 (Transport) to the Mixed Use Zone.
- Apply a Design and Development Overlay (Schedule 12) to Crown Allotment 2032 in the Parish of Keelbundora; Lot 45 Johnson Street, Reservoir; and 49 Johnson Street, Reservoir.
- Apply an Environmental Audit Overlay to Lot 45 Johnson Street, Reservoir and 49 Johnson Street, Reservoir.
- Rezone Crown Allotment 14B1 in the Parish of Keelbundora, Keon Parade, Reservoir from the Business 1 Zone to the Road Zone (Category 1).
- Rezone a small parcel of land adjacent to Keon Parade, Reservoir (identified on SP14269A) from the Public Use Zone 4 (Transport) to the Road Zone (Category 1).

Why the Amendment is required?

Rezoning from the Public Use Zone 4 (Transport) to the Mixed Use Zone

Crown Allotment 2032 is currently zoned Public Use Zone 4 (Transport). The land is former VicTrack land that was surplus to their requirements and is no longer needed for transport purposes.

Lot 45 Johnson Street is also currently zoned Public Use Zone 4 (Transport). The land is owned by VicTrack but is surplus to their requirements and is no longer needed for transport purposes.

A planning scheme amendment is required to facilitate the use and development of Crown Allotment 2032 and Lot 45 Johnson Street. The Mixed Use Zone will allow a mix of land use activities which will complement the Johnson Street Shopping Centre and capitalise on existing services and infrastructure.

The land at 49 Johnson Street is also currently zoned Public Use Zone 4 (Transport), however, the land is in private ownership and is used as a squash centre/fitness centre. The ownership and use of the land are inconsistent with the purpose of the Public Use Zone 4 (Transport). A planning scheme amendment is required to ensure the land is included in an appropriate zone. The Mixed Use Zone is consistent with the existing use of the land as a squash centre/fitness centre and will also provide opportunities for the land to be used for a mix of land use activities which will complement the Johnson Street Shopping Centre and capitalise on existing services and infrastructure.

Design and Development Overlay (Schedule 12)

Crown Allotment 2032, Lot 45 Johnson Street and 49 Johnson Street are located adjacent to the Epping railway line. The Amendment proposes to apply a Design and Development Overlay (Schedule 12) to these three (3) parcels of land to ensure that development achieves appropriate noise attenuation levels for a proposed use having regard to the proximity of the Epping railway line.

Environmental Audit Overlay

The Amendment proposes to apply an Environmental Audit Overlay to Lot 45 Johnson Street and 49 Johnson Street to ensure that the environmental conditions of the land are suitable for any future use and development of the land for sensitive uses (defined as residential, child-care centre, pre-school centre or primary school).

A Certificate of Environmental Audit has been issued for Crown Allotment 2032. The environmental audit indicated that the land is suitable for any beneficial use (including residential) and that there is no restriction on the use of the land due to its environmental condition. This satisfies the requirements of Ministerial Direction No.1 – Potentially Contaminated Land and, therefore, it is unnecessary to apply an Environmental Audit Overlay to Crown Allotment 2032.

Rezoning from the Business 1 Zone to the Road Zone (Category 1)

Crown Allotment 14B1 is identified as a 'road' on a certified plan and is located adjacent to Keon Parade which is included in the Road Zone (Category 1). The Amendment proposes to rezone Crown Allotment 14B1 from the Business 1 Zone to the Road Zone (Category 1) to reflect the classification of the land as a 'road'.

Rezoning from the Public Use Zone 4 (Transport) to the Road Zone (Category 1)

The small parcel of land adjacent to Keon Parade is owned by VicRoads and was declared as part of Epping Road in the Victoria Government Gazette on 26 April 1979. The Amendment proposes to rezone the land from the Public Use Zone 4 (Transport) to the Road Zone (Category 1) to reflect the classification of the land as a 'declared road'.

Strategic justification for Amendment C73 to the Darebin Planning Scheme

The Amendment is consistent with the relevant Ministerial Directions and objectives of Melbourne 2030, the State Planning Policy Framework and the Local Planning Policy Framework as follows:

- The rezoning of Crown Allotment 2032, Lot 45 Johnson Street and 49 Johnson Street will:
 - Provide opportunities for a mix of land use activities, including residential and retail/commercial uses, opposite a local convenience centre and in a location with access to existing services and infrastructure.
 - Facilitate residential land use and development and provide opportunities for a variety of housing options (particularly in terms of dwelling size) in an established urban area with access to public transport (including the Epping railway line which is part of the Principal Public Transport Network), bicycle paths, local convenience shops and public open space.
- The land is located in close proximity to public transport and has access to bicycle paths and local convenience services which will encourage sustainable travel behaviour and contribute to a reduction in green house gas emissions.
- The Design and Development Overlay (Schedule 12) will ensure that development achieves appropriate noise attenuation levels for a proposed use having regard to the proximity of the Epping railway line.
- The Environmental Audit Overlay will ensure that the environmental conditions of Lot 45 Johnson Street and 49 Johnson Street are suitable for any future use and development of the land for sensitive uses.
- The Amendment will include two (2) small parcels of land in the Road Zone (Category 1) which is the most appropriate zone for the land and will improve the effectiveness and efficiency of the planning scheme.

Public exhibition of Amendment C73 to the Darebin Planning Scheme

The Amendment was on public exhibition from 1 November 2007 to 6 December 2007 in accordance with section 19 of the Act. In particular, notice of the Amendment was provided as follows:

- A notice was sent to:
 - The owners and/or occupiers of land affected by the Amendment.
 - The owners and/or occupiers surrounding the land affected by the Amendment.
 - Relevant Ministers, public authorities and municipal councils.
- A public notice was published in the Preston Leader and the Whittlesea Leader on 30 October 2007.
- A notice was published in the Victoria Government Gazette on 1 November 2007.
- Amendment documentation was available for download on the Darebin Website and the Department of Planning and Community Development Website.

- Amendment documentation was available for inspection at the Preston Customer Service Centre of the Darebin City Council and at the Planning Information Centre of the Department of Planning and Community Development.

Submissions

A total of nine (9) submissions were received in relation to Amendment C73 to the Darebin Planning Scheme during and subsequent to the public exhibition process:

- Two (2) of the submissions objected to the Amendment.
- Seven (7) of the submissions had no objection to the Amendment – three (3) of these submissions included additional comments about the future use and development of the land.

Details of the submissions are summarised as follows:

- Two (2) residents objected to the Amendment based on the impact of future use and development of the land on the traffic and car parking conditions in Johnson Street.
- Yarra Valley Water, EPA and Melbourne Water had no objection to the Amendment but provided additional comments about the future use and development of the land.
- VicRoads had no objection to the Amendment but noted that there may be future consideration for a grade separation at the rail level crossing in Keon Parade.
- SPI PowerNet (SP AusNet), the Department of Sustainability and Environment on behalf of the Minister for Environment and the Director of Public Transport had no objection to the Amendment and provided no additional comments.

CORE ISSUES

Panel Hearing process

Appointment of a Panel to consider submissions

Council received submissions during and subsequent to the public exhibition process which could not be accommodated by changes to the Amendment. In this situation, Council is required to request the Minister for Planning to appoint an independent panel to consider the submissions.

At its meeting on 18 February 2008, Council resolved to request the Minister for Planning to appoint an independent panel to consider the submissions received in relation to the Amendment.

A one (1) person panel was appointed under delegation on 20 March 2008 in accordance with sections 153 and 155 of the Act to consider submissions received in relation to the Amendment.

Directions Hearing and Panel Hearing

In most circumstances, the Panel Hearing process is delivered in two (2) stages - commencing with a Directions Hearing which is then followed by a Public Hearing where people are given an opportunity to be heard in support of their submission.

A Directions Hearing was held at the Preston Offices of the Darebin City Council on 14 April 2008.

The Panel did not receive any correspondence from the submitters requesting an opportunity to be heard at the Public Hearing. Consequently, the Panel proceeded to consider the submissions 'on the papers' rather than conduct a Public Hearing.

The Panel considered all written submissions and all other material presented in relation to the Amendment and its own observation from an inspection of the area.

Panel Report

Council received the Panel Report on 6 June 2008 (refer to **Appendix A** for a copy of the Panel Report). The Panel recommended that the Amendment should be adopted as exhibited.

In summary, the Panel made the following comments in relation to the Amendment:

- The current application of the Public Use Zone 4 (Transport) to Crown Allotment 2032, Lot 45 Johnson Street and 49 Johnson Street is inappropriate as the land is either vacant surplus land or land in private ownership.
- The current application of the Public Use Zone 4 (Transport) to the small parcel of land adjacent to Keon Parade is inappropriate.
- The current application of the Business 1 Zone to Crown Allotment 14B is inappropriate.
- The rezoning is supported by both the State and Local Planning Policy Framework.
- The Mixed Use Zone is appropriate to achieve the strategic objectives of the State and Local Planning Policy Framework. The zone provides for a range of uses other than residential development which will consolidate the role of the local convenience centre and also allow for a planning process for the assessment and consideration of matters at the development stage.
- The application of the Design and Development Overlay (Schedule 12) is appropriate to ensure that future development and the amenity of future occupants is protected from railway noise.
- The application of the Environmental Audit Overlay to Lot 45 Johnson Street and 49 Johnson Street is appropriate to ensure that the land has been adequately treated before any sensitive uses commence on the land. A Certificate of Environmental Audit has been issued for Crown Allotment 2032 and the application of the Environmental Audit Overlay is not required.
- The rezoning of Crown Allotment 14B and the small parcel of land adjacent to Keon Parade to the Road Zone (Category 1) is appropriate.

In summary, the Panel also made the following comments in response to the issues raised in the submissions:

- Traffic and car parking issues
 - The Amendment proposes to rezone three (3) parcels of land to the Mixed Use Zone. A planning permit application for the development of the land has not been lodged in conjunction with the Amendment. The concerns relating to traffic and car parking issues are outside the scope of the consideration of the Amendment and are specific issues that may require consideration of a planning permit application. The consideration of traffic and car parking issues would have been different if a combined planning permit application/planning scheme amendment was lodged with Council.
 - Traffic and car parking issues are likely to require consideration under both the provisions of the Mixed Use Zone and the car parking provisions at Clause 52.06 of the Darebin Planning Scheme.
 - Clause 52.06 of the Darebin Planning Scheme requires consideration of the number of car spaces to be provided for a particular use. Council, in making a decision about a use or development, will consider the relevant decision guidelines including the availability of car parking in the locality, availability of public transport and car parking demand.

- A range of uses will require a planning permit and Council may be required to give notice of a planning permit application.
- Melbourne Water
 - There are adequate existing tools within the State and Local Planning Policy Framework to ensure that development encourages the implementation of water sensitive urban design.
- Environment Protection Authority (EPA)
 - The concerns of the EPA are addressed by the application of the Environmental Audit Overlay and the Design and Development Overlay (Schedule 12).

Minor change to the Design and Development Overlay (Schedule 12)

Since the release of the Panel Report, in preparing the final documents for adoption and approval, it has been noted that one (1) of the sub-headings in the Design and Development Overlay (Schedule 12) which was exhibited as part of the Amendment needs to be changed to conform to the standard terminology used in the Victoria Planning Provisions.

In particular, the Design and Development Overlay (Schedule 12) which was exhibited as part of the Amendment includes the following sub-heading:

“Exemption from notice and appeal”

This sub-heading in the Design and Development Overlay (Schedule 12) needs to be changed to read:

“Exemption from notice and review”

This change does not affect the original intent and meaning of the overlay.

Conclusion

It is recommended that Council adopt Amendment C73 to the Darebin Planning Scheme with one (1) change to a sub-heading in the Design and Development Overlay (Schedule 12) to conform to the standard terminology used in the Victoria Planning Provisions.

Refer to [Appendix B](#) for a copy of the Amendment documentation.

FINANCIAL IMPLICATIONS

Council will request that the applicant cover the cost associated with the independent panel.

FUTURE ACTIONS

- Make the Panel Report available to interested parties.
- Submit the adopted Amendment to the Secretary of the Department of Planning and Community Development for certification.
- In the event that the Amendment is certified by the Secretary of the Department of Planning and Community Development, the Amendment will be approved by Council’s delegate (Manager of Urban Development) under section 35B of the Act.

- The approved Amendment and a notice of approval will then be forwarded to the Minister for Planning.
- The Minister will publish a notice of approval in the Victoria Government Gazette and will also advise Council if further notice of approval is required (ie a notice of approval in a local newspaper).

RELATED DOCUMENTS

- City of Darebin Retail Activity Centres Strategy 2005
- Council Delegate's Report – 5 July 2007
- Darebin Planning Scheme
- Amendment documentation (attached – see [Appendix B](#))
- General Practice Note, Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments, April 2008
- Melbourne 2030 – Planning for Sustainable Growth
- Ministerial Direction No. 1 – Potentially Contaminated Land
- Ministerial Direction No. 9 – Metropolitan Strategy
- Planning and Environment Act 1987
- Panel Report – Amendment C73 to the Darebin Planning Scheme, June 2008 (attached – see [Appendix A](#))
- Report to Council on 19 February 2007
- Report to Council on 7 May 2007
- Report to Council on 18 February 2008

8.8 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING

MINUTE NO. 166

AUTHOR: Council Business Coordinator – Ron Downes**MANAGER:** General Manager Corporate Services – Mark Davies**BUDGET
IMPLICATIONS:** Nil**SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at June 2008.

CONSULTATION:

Executive Management Team

COUNCIL RESOLUTION**MOVED:** Cr. D. Asmar**SECONDED:** Cr. M. Salata

THAT the status report on Reports and 'General Business' items outstanding as at June 2008, attached as [Appendix A](#) to this report, be received and noted.

CARRIED**REPORT**

The status of outstanding reports and actions requested by Council resolution is reported to Council monthly.

A schedule of the reports and actions outstanding as at June 2008 is attached as [Appendix A](#).

The list of reports requested includes items raised by Councillors under 'General Business'.

Items are deleted from the list once the report or action has been completed and the completed status has been noted by the Council.

9. URGENT BUSINESS

Nil.

10. GENERAL BUSINESS**10.1 TRAFFIC MANAGEMENT ISSUES – THAMES STREET
NORTHCOTE**

MINUTE NO. 167

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. M. Kundevski

THAT Council officers submit a report to Council regarding traffic management issues in Thames Street Northcote, with a view to addressing the concerns raised by residents.

CARRIED

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

MOVED: Cr. M. Kundevski
SECONDED: Cr. M. Salata

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

11.1 Former Northcote Police Station, 43 James Street, Northcote.

CARRIED

The meeting was closed to members of the public at 8.20pm.

The Council considered and resolved on Report Item 11.1 (Former Northcote Police Station, 43 James Street, Northcote) which had been circulated to Councillors on Thursday 3 July 2008 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. M. Salata

SECONDED: Cr. D. Asmar

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

CARRIED

The meeting was re-opened to members of the public at 8.25pm.

CONFIDENTIAL

11.1 FORMER NORTHCOTE POLICE STATION, 43 JAMES STREET, NORTHCOTE

MINUTE NO. 168

AUTHOR: General Manager City Development – Kevin Breen

MANAGER: Chief Executive Officer – Michael Ulbrick

BUDGET IMPLICATIONS: Outlined in the confidential report

SUMMARY:

This report relates to the future use and ownership of the former Northcote Police Station.

CONSULTATION:

Outlined in the confidential report.

RECOMMENDATION

THAT the Council Resolution and the report remain confidential.

COUNCIL RESOLUTION

MOVED: Cr. C. Kelly
SECONDED: Cr. D. Asmar

THAT the Council Resolution and the report remain confidential.

CARRIED

12. CLOSE OF MEETING

The meeting closed at 8.26pm