



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 4 MAY 2009

RELEASED TO THE PUBLIC ON THURSDAY 7 MAY 2009

Table of Contents

Item Number	Page Number
1. PRESENT.....	1
2. APOLOGIES	1
3. DISCLOSURES OF CONFLICTS OF INTEREST.....	2
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	2
5. REPORTS BY MAYOR AND COUNCILLORS	3
5.1 REPORT OF CR. TIM LAURENCE.....	3
5.2 REPORT OF CR. VINCE FONTANA	3
5.3 REPORT OF CR. NICK KATSIKIS.....	3
5.4 REPORT OF CR. STANLEY CHIANG.....	3
5.5 REPORT OF GAETANO GRECO	4
5.6 REPORT OF CR. BEN MORGAN.....	4
5.7 REPORT OF CR. STEVEN TSITAS	4
5.8 REPORT OF THE MAYOR, CR. DIANA ASMAR.....	4
6. PUBLIC QUESTION TIME	5
7. REPORTS OF STANDING COMMITTEES	7
7.1 HEARING OF SUBMISSIONS COMMITTEE.....	7
8. CONSIDERATION OF REPORTS.....	8
8.1 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER	8
8.2 PRESTON CENTRAL MARKETING, MANAGEMENT AND DEVELOPMENT SPECIAL RATE SCHEME	13
8.3 STATION STREET, FAIRFIELD SHOPPING CENTRE MARKETING, MANAGEMENT AND DEVELOPMENT SPECIAL RATE SCHEME	21
8.4 IMPLICATIONS OF SEEKING INTERIM CONTROLS FOR WOOLTON AVENUE THORNBURY	28
8.5 AUSTRALIA DAY EVENT AND AWARD 2010.....	36
8.6 MAINTENANCE OF RENTED PROPERTIES IN DAREBIN.....	40
8.7 DAREBIN ENVIRONMENTAL REFERENCE GROUP ANNUAL REVIEW	46
8.8 MAIN DRIVE, MACLEOD – PARKING AND RELATED MATTERS	50
8.9 RESIDENTIAL PARKING – MOUNT COOPER DRIVE BUNDOORA	60
8.10 RIGHT OF WAY (ROAD) DISCONTINUANCE ADJOINING AND REAR 5 MCCARTEN STREET, RESERVOIR	64
8.11 VIOLENCE PREVENTION.....	70
8.12 DAREBIN NORTH EAST CORRIDOR SUBURB NAME REVIEW PROJECT	75

Table of Contents

Item Number		Page Number
8.13	MOTIONS TO THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT AND MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING.....	81
8.14	STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING	84
9.	URGENT BUSINESS.....	86
10.	GENERAL BUSINESS	86
10.1	CONDOLENCES – CATE KYNE	86
10.2	LOCAL AREA TRAFFIC MANAGEMENT STUDY – ROADS NEXT TO RESERVOIR VIEWS PRIMARY SCHOOL	86
10.3	LOCAL PURCHASING	87
10.4	LOCAL GOVERNMENT FORUM.....	87
10.5	STATE SPENDING AND FEDERAL STIMULUS SPENDING.....	88
10.6	TRAFFIC ISSUES – SHOWERS STREET AND RAILWAY PLACE WEST PRESTON	88
11.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	88
12.	CLOSE OF MEETING	88

**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 4 MAY 2009**

THE MEETING OPENED AT 7.00 P.M.

1. PRESENT

Councillors

Cr. Diana Asmar (Mayor)
Cr. Stanley Chiang
Cr. Vince Fontana
Cr. Gaetano Greco
Cr. Nick Katsis
Cr. Tim Laurence
Cr. Ben Morgan
Cr. Steven Tsitas

Council Officers

Michael Ulbrick – Chief Executive Officer
Bruce Dobson – General Manager Corporate Services
Jeff Saker – General Manager City Services
Jan Black – General Manager Communities and Culture
Geoff Glynn – General Manager Community Assets and Leisure
Libby Hynes – General Manager Environment and Amenities
Michael Ballock – Manager Urban Development
Ray McQuillen – Manager Customer and Civic Services
Ron Downes – Council Business Coordinator

2. APOLOGIES

An apology was lodged for the absence of Cr. T. McCarthy.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Katsis disclosed a conflict of interest in Report No. 8.2 (Preston Central Marketing, Management and Development Special Rate Scheme) – see page 13.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. B. Morgan

THAT the Minutes of the Ordinary Meeting of Council held on 20 April 2009 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 148

5.1 REPORT OF CR. TIM LAURENCE

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

- Bundoora Extended Care wreath laying ceremony.
- East Reservoir Neighbourhood Renewal meeting.
- Funding announcement by the Minister for Local Government – All Abilities Playground at Bundoora Park.
- Official Opening of Reservoir Views Primary School.
- Opened a new business enterprise in Murray Road Preston.
- Local Government Ministerial Forum hosted by the Minister for Local Government.

5.2 REPORT OF CR. VINCE FONTANA

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

- Funding announcement by the Minister for Local Government – All Abilities Playground at Bundoora Park.
- Northland Structure Plan meeting.
- Anzac Day football match – Northern Bullants vs Port Melbourne.

5.3 REPORT OF CR. NICK KATSIS

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

- Northland Structure Plan meeting.
- Darebin Enterprise Centre Ltd meeting.
- Discussions with local residents on various issues.

5.4 REPORT OF CR. STANLEY CHIANG

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

- Funding announcement by the Minister for Local Government – All Abilities Playground at Bundoora Park.
- Official opening of Reservoir Views Primary School.
- Consultation – Arts project.
- Official Launch of Walking and Cycling Link between Macleod Station and La Trobe University.

- Bundoora Homestead Board of Management meeting.
- Arts of Macedonia exhibition at Bundoora Homestead.

5.5 REPORT OF GAETANO GRECO

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

- Official Opening of Reservoir Views Primary School.
- Meeting with Principal of Reservoir Views Primary School.
- Official Launch of Walking and Cycling Link between Macleod Station and La Trobe University.
- Arts of Macedonia exhibition at Bundoora Homestead.
- Art exhibition at Bundoora Homestead showcasing works by Victorian artists with a disability.
- Northern Migrant Resource Centre Board meeting.
- Darebin Enterprise Centre Ltd meeting.
- Ethnic Communities Council of Victoria meeting.
- Meeting with President of Reservoir Lions Club.
- Darebin Interfaith Council Governing Committee meeting.

5.6 REPORT OF CR. BEN MORGAN

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

- Anzac Day Service – Edwardes Street Reservoir.
- Discussions with local residents on various issues.

5.7 REPORT OF CR. STEVEN TSITAS

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

- Meeting with Merri Stationeers Committee.

5.8 REPORT OF THE MAYOR, CR. DIANA ASMAR

The Mayor, Cr. Asmar, was pleased to announce that Darebin Council had won an excellence in asset management award from the Institute of Public Works for the development of the Northcote Aquatic Centre.

Darebin Council had also received a commendation in the public works engineering category for Works at Bundoora Park.

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

- Northcote RSL Anzac Day dawn service.
- Annual General Meeting – Northcote Swimming and Life Saving Club.
- Darebin Cup awards function at Northcote Golf Club.
- Ecoforum Conference and Exhibition 2009.

6. PUBLIC QUESTION TIME

MINUTE NO. 149

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

The following questions were submitted:

- Michael McAuliffe of Reservoir asked a question about provision in the 2009/2010 Council budget for lights for the Keon Park Stars Junior Football Club. The question was responded to by the Mayor, Cr. Asmar.
- Josephine Gambaro of Reservoir asked a question about proposed installation of solar panels and/or water tanks to particular buildings such as major business and apartment buildings. The question was responded to by the General Manager Environment and Amenity, Libby Hynes.
- Kerrin McGuinness of Reservoir asked a question about funding for soccer facilities at John Cain Memorial Park in contrast to Council funding for lights for the Keon Park Stars Junior Football Club. The question was responded to by the General Manager Community Assets and Leisure, Geoff Glynn, and the Mayor, Cr. Asmar.
- A Bundoora resident asked a question about the proposed renaming of those parts of the Bundoora and Macleod suburbs that fall within the City of Darebin. The question was responded to by the Mayor, Cr. Asmar.
- Sandra Blackford of Epping asked a question about funding provided by Council for sporting clubs in the City. The question was responded to by the Mayor, Cr. Asmar.
- Chantelle Guinelly of Reservoir asked a question about funding provided by Council for roads in Northcote since the City of Darebin was created. The question was responded to by the Mayor, Cr. Asmar, who indicated that a reply would be provided in writing.
- Sarah Guinelly of Reservoir asked a question about proposed provision in the 2009/2010 budget for roads in the Rucker Ward. The question was responded to by the Mayor, Cr. Asmar.
- John Nugent of Epping asked a question about provision in the 2009/2010 Council budget for roads in Rucker Ward and lighting for the Keon Park Stars Junior Football Club. The question was responded to by the Mayor, Cr. Asmar.
- Pauline Hunt of Reservoir asked a question about information provided by officers to Councillors to assist decision-making in relation to the budget. The question was responded to by the Mayor, Cr. Asmar.
- John Nugent of Epping asked a question about funding provision by Council for lights for the Keon Park Stars Junior Football Club having regard for the Sports in the North policy. The question was responded to by the Mayor, Cr. Asmar.

- John Nugent of Epping asked a question about consideration of factors including funding previously provided for facilities at John Cain Memorial Park and roadworks in the Rucker Ward in Council's deliberations in relation to requested provision of lights for the Keon Park Stars Junior Football Club. The question was responded to by the Mayor, Cr. Asmar.

After Public Question Time had concluded, one further question was submitted in writing.

7. REPORTS OF STANDING COMMITTEES**7.1 HEARING OF SUBMISSIONS COMMITTEE****MINUTE NO. 150**

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 27 April 2009. The minutes of the meeting have been circulated to Councillors and are available to the public.

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. G. Greco

THAT the Report of the Hearing of Submissions Committee meeting held on 27 April 2009 be received and the Committee Recommendations be adopted.

CARRIED

8. CONSIDERATION OF REPORTS

8.1 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER

MINUTE NO. 151

AUTHOR: Manager Customer and Civic Services – Ray McQuillen

MANAGER: General Manager Corporate Services – Bruce Dobson

BUDGET

IMPLICATIONS: Nil

SUMMARY:

The Local Government Act 1989 requires that all delegations made by the Council to Special Committees and to members of Council staff are required to be reviewed within 12 months of each general election.

This report provides an overview of the delegations framework at Darebin, the scope and progress of the statutory review of delegations and presents for Council approval a revised *Instrument of Delegation* to delegate Council powers, duties and functions to the Chief Executive Officer.

The *Instrument of Delegation* has been revised in accordance with section 98(6) of the Local Government Act 1989.

CONSULTATION:

Councillors
Executive Management Team
Chief Executive Officer
Maddocks, Lawyers
Other Councils

RECOMMENDATION

THAT in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached *Instrument of Delegation*, Darebin City Council (Council) resolves that:

- (1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the *Instrument of Delegation to the Chief Executive Officer* attached as **Appendix A** to this report, subject to the conditions and limitations specified in that Instrument.
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- (3) On the coming into force of the Instrument the previous delegation to the Chief Executive Officer, dated 21 November 2005, is revoked.

- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- (5) It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

COUNCIL RESOLUTION

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

THAT consideration of the matter be deferred to enable further consultation with Councillors.

CARRIED

REPORT

BACKGROUND

Under section 98(6) of the Local Government Act 1989, all delegations made by the Council to Special Committees and to members of Council staff are required to be reviewed within 12 months of each general election.

In the Darebin framework of delegations, the review needs to include:

- Delegations to Special Committees
- Delegations to the Chief Executive Officer
- Delegations direct to other members of Council staff under the provisions of certain Acts and Regulations which do not expressly authorise sub-delegation.

A Council is a legal entity which “consists of its Councillors who are democratically elected in accordance with the Local Government Act 1989”. Because it is not a ‘natural person’ the Council can only act (make decisions) in two ways – by resolution at a Council meeting or through others acting on its behalf (by delegation).

There are basically two forms of delegation:

- Delegation to a Special Committee
- Delegation to a member of the Council staff.

Councils have a raft of powers, duties and functions under the Local Government Act, Planning and Environment Act, Subdivisions Act, Building Act, Road Management Act, Health Act, Domestic Animals Act, Emergency Management Act and many (approximately 70) more. Most powers, duties and functions are therefore performed by members of Council staff with formal powers delegated by the Council.

CORE ISSUES

Delegation framework at Darebin

Darebin Council has established a framework of formal *Instruments of Delegation* to facilitate delegation of powers, duties and functions to the appropriate level of the Organisation. A 'delegate' must act in accordance with Council policies and any conditions, limitations and guidelines fixed including reporting requirements.

The framework of delegations at Darebin City Council is:

1. Delegations from Council to its Special Committees.
2. Delegations from Council to members of Council staff.
 - a. A broad delegation of powers from the Council to the Chief Executive Officer (CEO) including the power to sub-delegate to members of Council staff.
 - b. Delegation of (statutory) powers from the Council direct to other members of Council staff (where sub-delegation is not specifically authorised).
3. Delegation of powers from the Chief Executive Officer to members of Council staff.
 - a. Delegation of powers, duties and functions of the office of Chief Executive Officer to members of Council staff.
 - b. Sub-delegation of Council powers to members of Council staff.
4. Delegations from Council (as Preston Cemetery Trust) to Council (Cemetery) staff.

The framework and format of the *Instruments of Delegation* at Darebin is based on a model developed for Victorian councils by Maddocks, Lawyers.

A register of all these *Instruments of Delegation* is maintained by the Council and is available for inspection by the public.

Scope and progress of statutory review of delegations

The review of delegations required under the Local Government Act 1989 has three components:

- Review of delegations from Council to Special Committees
- Review of delegations from Council to the Chief Executive Officer
- Review of 'statutory' delegations from Council direct to members of Council staff.

Progress on the review of these and other delegations is outlined in the following paragraphs.

Delegation to Special Committees (see 1. above)

Delegations from Council to Special Committees are formally reviewed by the Council when the Committees are appointed or re-appointed each year.

Delegations to the Planning Committee, Hearing of Submissions Committee, Bundoora Homestead Board of Management and Darebin Aboriginal and Torres Strait Islander Community Council have all been reviewed and approved by the Council since the 2008 general election.

Council delegation to CEO (see 2a. above)

The delegation from the Council to the Chief Executive Officer is the focus of this report. The scope of the proposed delegation and the conditions/limitations which apply are detailed below.

Council delegation to Council staff (see 2b. above)

A review and update of delegations from Council direct to other members of Council staff is about to commence.

The package of delegations will be submitted to Council for formal consideration later in 2009 when the review is completed.

CEO delegation to Council staff (see 3. above)

Delegations from the Chief Executive Officer to members of Council staff will be reviewed once the delegation to the Chief Executive Officer is approved by the Council.

Preston Cemetery Trust delegation to Council (Cemetery) staff (see 4. above)

Delegations from Council (as Preston Cemetery Trust) to Council (Cemetery) staff were last reviewed in February 2008 and are not proposed to be reviewed again in this exercise.

Instrument of Delegation to Chief Executive Officer

The current *Instrument of Delegation* to the Chief Executive Officer was approved by Council resolution on 21 November 2005. A copy is attached as **Appendix B** to this report.

The *Instrument of Delegation* has been revised in accordance with section 98(6) of the Local Government Act 1989. The format and substance of the *Instrument* is based on the Maddocks model delegations used by the majority of Victorian Councils.

The proposed new *Instrument of Delegation* to the Chief Executive Officer is attached as **Appendix A** to this report.

The *Instrument* authorises the Chief Executive Officer to determine issues, take action and do acts or things arising out of, or connected with, any duty imposed, or function or power conferred on Council by or under any Act.

There are a number of restrictions and conditions specified in the *Instrument*:

- The Chief Executive Officer is not authorised to take action on the matters (borrowings, rates and charges, expenditure outside approved budget etc.) specifically exempted under the Local Government Act 1989.
- The Chief Executive Officer is not authorised to take action on key strategic and governance issues (local laws, budgets and Council plan, appointment of Council representatives etc.) specified in the *Instrument of Delegation*.
- The Chief Executive Officer is not authorised to award a contract exceeding the value of \$500,000.
- The Chief Executive Officer is not to determine any issue or take an action which:
 - Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council.

- Would be likely to be inconsistent with a policy or strategy adopted by the Council.
- The Chief Executive Officer is not to determine any issue, action or thing which involves major policy or strategic matters which will have an impact on the operation of Council.

The proposed *Instrument of Delegation* reflects the current practice at Darebin.

POLICY IMPLICATIONS

Environmental sustainability

Nil.

Social inclusion and diversity

Nil.

Other

The delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long established practice facilitated and regulated by the Local Government Act to enable day to day operational decisions to be made. Delegated authority is part of the good governance framework outlined in the *Governing Darebin 2008* policy statement. The proposed *Instrument of Delegation* is based on the model developed by Maddocks, Lawyers and used by a majority of Victorian councils.

FINANCIAL IMPLICATIONS

Nil.

FUTURE ACTIONS

- The signed copy of the *Instrument of Delegation to the Chief Executive Officer* to be included in the Register of Delegations available for inspection by the public.
- Other *Instruments of Delegation* will be presented to Council for consideration later in 2009 as outlined in this report

RELATED DOCUMENTS

- Proposed *Instrument of Delegation* to the Chief Executive Officer May 2009 – **Appendix A**
- Current *Instrument of Delegation* to the Chief Executive Officer November 2005 – **Appendix B**
- Delegations and Authorisations Service – Maddocks, Lawyers

Cr. Katsis disclosed a conflict of interest in the following item classifying the type of interest as an indirect interest by indirect financial interest and describing the nature of the interest as that he occupies commercial premises in the area affected by the Special Rate Scheme. He left the meeting prior to the matter being considered – 7.40pm.

8.2 PRESTON CENTRAL MARKETING, MANAGEMENT AND DEVELOPMENT SPECIAL RATE SCHEME

MINUTE NO. 152

AUTHOR: Economic Development Coordinator – Phill Loader

MANAGER: Manager Economic Development – Sue LaGreca

BUDGET

IMPLICATIONS: Within existing resources

SUMMARY:

At its meeting on 16 March 2009, Council resolved to give public notice of its intention to declare a special rate for Preston Central. Prior to the declaration of a special rate, Council must consider submissions and objections in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 and hear persons who wish to be heard in support of their submission or objection.

Council received three (3) letters of support, one petition objecting to the renewal of the special rate with 52 signatures and ten (10) objections. There was one (1) request to be heard by an objector, and the objector was heard by the Hearing of Submissions Committee at its meeting on 27 April 2009.

This report recommends that Council declare the special rate for the Preston Central Shopping Centre, raising \$110,000 per annum for the five year period commencing 1 July 2009.

CONSULTATION:

- Preston Business Advisory Committee
- Affected Preston Business Owners
- Affected Preston Property Owners

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. B. Morgan

THAT:

- (1) Council acknowledges having:
 - (i) Considered all submissions to the special rate in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 (the "Act"); there was one (1) request to be heard in support of a submission and that submitter was heard by Council's Hearing of Submissions Committee.
 - (ii) Decided to retain the subject properties in the area of the special rate scheme because Council is satisfied that each of the properties will receive a special benefit and that the distribution of the special rate is fair and reasonable amongst persons who are liable to pay the special rate.
- (2) Council declares the special rate in the following terms:
 - (i) The special rate is declared under section 163(1) of the Act for the purpose of defraying management, promotion, advertising, decoration, security, development and other incidental expenses associated with the encouragement and development of commerce and trade in Preston Central.
 - (ii) In declaring the special rate, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Darebin, particularly the encouragement of employment opportunities and commerce.
 - (iii) The total cost of the performance of the function and the exercise of the powers is \$550,000.00 which equates to the total amount of the special rate of \$110,000.00 per annum to be levied over a period of five years.
 - (iv) The special rate will raise \$110,000.00 per annum for the period commencing 1 July 2009 to 30 June 2014 (being a period of five years).
 - (v) The following land be specified as the land and area for which the special rate should be declared which is also shown on the plan attached as **Appendix A** to this report (within the area bordered). A list of the individual properties affected by the special rate is included as **Appendix B**. The area includes the following properties:
 - 317 – 509 High Street Preston inclusive
 - 274 – 444 High Street Preston inclusive
 - 241A – 251 Murray Road Preston inclusive
 - 330 – 342 Murray Road Preston inclusive
 - 1 – 26 Cramer Street Preston inclusive
 - 25 – 27 Preston Street Preston inclusive

- 14 – 32 The Centreway Preston inclusive
- 1 – 12 The Strand Preston inclusive
- 1 Cook Street Preston inclusive
- 19 – 29 Mary Street Preston inclusive
- 267 – 275 Gower Street Preston inclusive
- Preston Market (all land contained within the area known as the Preston Market and bounded by Murray Road, Cramer Street the Epping Railway Line and the rear of High Street) as shown in **Appendix A**.

- (vi) The special rate is to be assessed and levied on the basis of the rate in the dollar of 0.00057457 and is applied to the Capital Improved Value of the property. The special rate will be set at the Capital Improved Value of the property as it appears in Council's Rate Book and be fixed at this for the five years of the special rate.

Appendix C details the amount payable by each individual property affected by the proposed special rate.

- (vii) The criteria which forms the basis of the special rate is the ownership of rateable land used or zoned for commercial, retail or professional purposes within the geographical area in which the properties described in paragraph (v) of this declaration are included, as listed in **Appendix B**, and within the area indicated by the map in **Appendix A**.
- (viii) Council considers there will be a special benefit to the persons required to pay the special rate, because the viability of Preston Central as a retail and commercial area will be enhanced through increased economic activity, and the value of the properties included in the scheme and the use, enjoyment and occupation of the properties will be maintained or enhanced.
- (ix) In accordance with sections 163(2A) and (2B) of the Act, Council records that the total amount of the special rate equating to \$110,000.00 per annum to be levied will not exceed the amount calculated in accordance with the formula:

$$(R \times C = S),$$

Where R is the benefit ratio, C is the total cost of work and S is the maximum total amount that can be levied from all persons who are liable to pay the special rate.

The Benefit Ratio (R) is calculated at 1 (or 100%) and represents the total benefits of the scheme that will accrue as special benefits to all persons who are liable to pay the special rate.

“Community Benefits” has been assessed and equates to zero.

The ratio is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the special rate, all being for the purpose of marketing, management and development of the centre, will only benefit the specified commercial properties (all of which are rateable land) included in the scheme area.

- (x) The special rate will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under section 167 of the Act as being the dates for payment of general rates by four equal instalments.
 - (xi) Council will require interest to be paid in accordance with section 172 of the Act on any amounts of the special rate not paid by the specified dates for payment.
- (3) In relation to submissions received:
- (i) In accordance with section 223 of the Act, Council advises each person who lodged a submission in relation to the proposed special rate advising of Council's decision and the reasons for the decision as follows:
 - Council considers there will be a special benefit to the persons required to pay the special rate, because the viability of Preston Central as a retail, commercial area will be enhanced through increased economic activity and the value of the businesses and the commercial properties included in the scheme area will be maintained or enhanced.
 - The distribution of the special rate, having regard to the criteria adopted by Council in relation to the declaration of the special rate, and in the opinion of Council, is fair and reasonable amongst those persons who are liable to pay the special rate.
 - (ii) That those individuals who made submissions be also advised of the specific responses as outlined in this report to the issues raised in their submissions.

CARRIED

REPORT

BACKGROUND

The Preston Central special rate expires on 30 June 2009. The scheme collects \$110,000 per annum and commenced on 1 July 2004 for a period of five years.

At its meeting on 16 March 2009, Council resolved to give public notice of its intention to declare a special rate for Preston Central. The public notice was advertised in The Age newspaper on Monday 23 March 2009 and made available on Council's website. A letter and a copy of the public notice was sent to all property owners and occupiers on Monday 23 March 2009, advising of Council's intention to declare a special rate. A person affected by the special rate could make a written submission or an objection to Council within 28 days of the publication of the public notice.

Submissions Received

Submissions and/or objections were received from the following persons:

- Anita Broers for Savills (Vic) Pty Ltd
- Candida Browne for Snap Printing
- Tony De Felice for Preston Eye Care
- Eddie Ly for C Culture Seafood and BBQ – petition style letter with 52 signatures
- Theonia Mavromihalis for Theoargiro Pty Ltd
- Dr F. Esposito for F. Esposito Pty Ltd.
- S. Kurtz for Kurtz & Son (Investments) Pty Ltd
- Paul Koutoulas of Preston
- Robert Labiache for Royal Rooster & Seafood
- John and Glenda Crawford of Research
- Louise McCormick for Chesterton & Co. Real Estate Pty Ltd
- Samuel Katsambis of Preston
- Tony Perin for Perin Group

Mr Koutoulas requested to be heard in support of his submission. He was heard by Council's Hearing of Submissions Committee at its meeting on 27 April 2009. The objections received in relation to the proposal relate to 53 properties liable to pay the special rate.

Copies of the written submissions are forwarded separately to Councillors for consideration.

Consideration of Submissions and Objections**Objections Summarised**

1. The Global Financial Crisis has had an impact on the last quarter's takings of many businesses
2. Rising business costs such as stock, wages, rent and land tax are impacting on business
3. Growing unemployment will impact on business
4. Existing rates should cover the cost of marketing and promoting Preston Central
5. No evidence of the previous special rate being evaluated
6. No benefit to business services sector (offices)
7. Businesses undertake their own advertising
8. The northern boundary of the special rate area should be Beauchamp Street on the eastside.

Officer Comment on summarised objections

1. **The Global Financial Crisis has had an impact on the last quarter's takings of many businesses** - Many exterior factors influence business in Preston Central. The marketing and promotion undertaken using the special rate provides benefits to businesses that contribute to the continued success of businesses generally. As part of the review following consultation with traders, the contribution of each property has been fixed for the period of the special rate.
2. **Rising business costs such as stock, wages, rent and land tax are impacting on business** - It is considered that the special rate is an investment in the Preston Central area that in the long

term contributes to the revitalization that benefits both commercial property owners and business owners generally. Every effort has been made to minimise individual contributions, while ensuring that sufficient funds are raised for a viable marketing program. The amount of the special rate was reviewed in consultation with traders and has not been increased from the current rate.

3. **Growing unemployment will impact on business** - There is a variety of issues that influence trade in Preston Central. The proposed special rate provides for marketing and promotion activities that will address the negative impacts of these issues.
4. **Existing rates should cover the cost of marketing and promoting Preston Central** - The proposed special rate will cover marketing, management, promotion, decoration, and other incidental expenses that are not the responsibility of Council. The special rate allows for a coordinated approach that will provide a benefit to those businesses and property owners within the area of the special rate.
5. **No evidence of the previous special rate being evaluated** - It is considered that the special rate is an investment in the Preston Central area that in the long term contributes to the revitalization that benefits both commercial property owners and business owners generally. A review of the special rate was undertaken following consultation with the traders. Following this every effort has been made to minimise individual contributions, while ensuring that sufficient funds are raised for a viable marketing program
6. **No benefit to business services sector (offices)** - A special benefit normally accrues to business owners (traders) and commercial property owners through the marketing of Preston Central as a whole. It does not replace the individual marketing that can be undertaken by individual businesses. The special rate therefore allows for a coordinated approach that will provide a benefit to those businesses and property owners within the area of the special rate. One of the main promotional activities in Preston was the production and distribution of a professional services directory.
7. **Businesses undertake their own advertising** - A special benefit normally accrues to business owners (traders) and commercial property owners through the marketing of Preston Central as a whole. The special rate allows for a coordinated approach that will provide benefit to those businesses and property owners within the area of the special rate. It does not replace the advertising that is undertaken by individual businesses.
8. **The northern boundary of the special rate area should be Beauchamp Street on the eastside** - The boundaries of the special rate area reflect the general pattern of trade in Preston Central. The boundaries were developed in consultation with the Preston Traders Association.

Submissions in Support Summarised

1. The Preston Market has agreed to the renewal of the special rate. Preston Market pays the special rate on behalf of their 127 tenants.
2. The importance of continued marketing and promotion in an economic downturn.
3. The need to market and promote Preston Central with the increasing competition of nearby centres.
4. The current scheme has assisted in the development of strong ties between the business community and Council.

Method of Payment

Payment of the special rate will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under section 167 of the Act being the date for payment of general rates by four instalments.

POLICY IMPLICATIONS

Environmental Sustainability

Marketing and promotion of local shopping precincts encourages residents to shop locally. A number of campaigns have been run to highlight the benefits of shopping locally, including the Love Living Local campaign and Connex to emphasise the benefits of public transport in Preston Central. Local shopping reduces the need for car based travel, and a vibrant shopping centre provides local employment.

Social Inclusion and Diversity

Marketing and promotion of special rate schemes work to provide a shopping precinct that is welcoming and convenient to all members of the local community.

Other

Special rates are the result of a strategic planning process that produces business and marketing plans and provide the means by which these plans can be implemented. Council's Retail Activity Centre Strategy, 2005 details a number of policies that support the continuation of special rate charge schemes including:

- Council will pursue strategic partnerships with business and property owners towards the effective management of activity centres.
- Council will facilitate coordinated planning and monitoring of management programs by the establishment and administration of special rate schemes.

FINANCIAL IMPLICATIONS

Implementation and management of the special rate is reflected in officer time plus the costs of administration, advertising, mail-outs and legal advice. This is overseen by the Economic Development Unit of Council and is therefore within the Economic Development budget. In this instance, these costs are estimated to be in the order of approximately \$14,000.

FUTURE ACTIONS

Should Council resolve to declare the special rate, the following will occur:

- (1) In accordance with section 223 (e) of the Local Government Act 1989 a response will be prepared to those persons who lodged a separate submission about the special rate providing Council's decision and the reasons for the decision.
- (2) A notice levying the special rate will be sent to property owners and occupiers.
- (3) An owner of a property affected by the special rate may apply to the Victorian Civil and Administrative Tribunal for a review of Council's decision within 30 days of the date on the notice levying the special rate. If there are no successful appeals, the special rate will be included in the next municipal rate notice.

Cr. Katsis returned to the meeting – 7.43pm.

**8.3 STATION STREET, FAIRFIELD SHOPPING CENTRE
MARKETING, MANAGEMENT AND DEVELOPMENT
SPECIAL RATE SCHEME**

MINUTE NO. 153

AUTHOR: Economic Development Coordinator – Phill Loader

MANAGER: Manager Economic Development – Sue LaGreca

BUDGET

IMPLICATIONS: Within existing resources

SUMMARY:

At its meeting on 16 March 2009, Council resolved to give public notice of its intention to declare a special rate for Station Street, Fairfield Shopping Centre. Prior to the declaration of a special rate, Council must consider submissions and objections in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 and hear persons who wish to be heard in support of their submission and or objection.

Council received five (5) letters of support, one petition objecting to the renewal of the special rate with 12 signatures and six (6) objections. There were no requests to be heard by objectors or submitters.

This report recommends that Council declare the special rate for the Station Street, Fairfield Shopping Centre, raising \$50,000 per annum for the five year period commencing 1 July 2009.

CONSULTATION:

- Fairfield Trader Association
- Affected Fairfield Business Owners
- Affected Fairfield Property Owners

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas
SECONDED: Cr. V. Fontana

THAT:

- (1) Council acknowledges having:
 - (i) Considered all submissions to the special rate in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 (the “Act”) and that there were no requests to be heard in support of a submission.
 - (ii) Decided to retain the subject properties in the area of the special rate scheme because Council is satisfied that each of the properties will receive a special

benefit and that the distribution of the special rate is fair and reasonable amongst persons who are liable to pay the special rate.

- (2) Council declares the special rate in the following terms:
- i) The special rate is declared under section 163(1) of the Act for the purpose of defraying management, promotion, advertising, decoration, security, development and other incidental expenses associated with the encouragement and development of commerce and trade in Station Street, Fairfield.
 - ii) In declaring the special rate, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Darebin, particularly the encouragement of employment opportunities and commerce.
 - iii) The total cost of the performance of the function and the exercise of the powers is \$250,000 which equates to the total amount of the special rate of \$50,000 per annum to be levied over a period of five years.
 - iv) The special rate will raise \$50,000 per annum for the period commencing 1 July 2009 to 30 June 2014 (being a period of five years).
 - v) The following land be specified as the land and area for which the special rate should be declared which is also shown on the plan attached as **Appendix A** to this report (within the area bordered). A list of the individual properties affected by the special rate is included as **Appendix B**. The area includes the following properties:
 - 68 to 157 Station Street, Fairfield (inclusive – odd and even numbers)
 - 92 Arthur Street, Fairfield
 - 3 to 29 Railway Place, Fairfield (inclusive – odd numbers only)
 - 222 to 294 Wingrove Street, Fairfield (inclusive – even numbers only)
 - vi) The special rate is to be assessed and levied on the following basis.
 - Primary Benefit – A property that has direct street level exposure to Station Street, Fairfield and which in the opinion of Council receives a primary benefit will be subject to a special rate of 0.00094279 cents in the dollar of the Capital Improved Value of the property.
 - Secondary Benefit – A property that has indirect exposure to Station Street, Fairfield either operating above street level or other indirect exposure to Station Street and which in the opinion of Council receives a secondary benefit will be the subject of a special rate of 0.00070709 cents in the dollar of the Capital Improved Value of the property.
 - The special rate will be set at the Capital Improved Value of the property as it appears in Council's Rate Book and be fixed at this for the five years of the special rate.

Appendix C details the amount payable by each individual property affected by the proposed special rate.

- vii) The criteria which forms the basis of the special rate is the ownership of rateable land used or zoned for commercial, retail or professional purposes within the geographical area in which the properties described in paragraph (v) of this declaration are included, as listed in **Appendix B**, and within the area indicated by the map in **Appendix A**.
- viii) Council considers there will be a special benefit to the persons required to pay the special rate, because the viability of Station Street, Fairfield as a retail and commercial area will be enhanced through increased economic activity, and the value of the properties included in the scheme and the use, enjoyment and occupation of the properties will be maintained or enhanced.
- ix) In accordance with sections 163(2A) and (2B) of the Act, Council records that the total amount of the special rate equating to \$50,000 per annum to be levied will not exceed the amount calculated in accordance with the formula:

$$(R \times C = S),$$

Where R is the benefit ratio, C is the total cost of work and S is the maximum total amount that can be levied from all persons who are liable to pay the special rate.

The Benefit Ratio (R) is calculated at 1 (or 100%) and represents the total benefits of the scheme that will accrue as special benefits to all persons who are liable to pay the special rate.

“Community Benefit” has been assessed and equates to zero.

The ratio is calculated in circumstances where Council considers that the services and activities to be provided from the proceeds of the special rate, all being for the purpose of marketing, management and development of the centre, will only benefit the specified commercial properties (all of which are rateable land) included in the scheme area.

- x) The special rate will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under section 167 of the Act as being the dates for payment of general rates by four equal instalments.
- xi) Council will require interest to be paid in accordance with section 172 of the Act on any amounts of the special rate not paid by the specified dates for payment.

- (3) In relation to submissions received:
- (i) In accordance with section 223 of the Act, Council advises each person who lodged a submission in relation to the proposed special rate advising of Council's decision and the reasons for the decision as follows:
- Council considers there will be a special benefit to the persons required to pay the special rate, because the viability of Fairfield Central as a retail, commercial area will be enhanced through increased economic activity and the value of the businesses and the commercial properties included in the scheme area will be maintained or enhanced.
 - The distribution of the special rate, having regard to the criteria adopted by Council in relation to the declaration of the special rate, and in the opinion of Council, is fair and reasonable amongst those persons who are liable to pay the special rate.
- (ii) That those individuals who made submissions be also advised of the specific responses as outlined in this report to the issues raised in their submissions.

CARRIED

REPORT

BACKGROUND

The Station Street, Fairfield special rate expires on 30 June 2009. The scheme currently collects \$40,000 per annum and commenced on 1 July 2004 for a period of five years.

At its meeting on 16 March 2009, Council resolved to give public notice of its intention to declare a special rate for Station Street, Fairfield. The public notice was advertised in The Age newspaper on Monday 23 March 2009 and made available on Council's website. A letter and a copy of the public notice was sent to all property owners and occupiers on Monday 23 March 2009, advising of Council's intention to declare a special rate. A person affected by the special rate could make a written submission or an objection to Council within 28 days of the publication of the public notice.

Submissions Received

Submissions and/or objections were received from the following persons:

- Michael Tyrikos for Miysa
- Anton Harb for Alfios
- M/s Handley for Wrapped In It
- Domenic Biviano for Biviano & Sons
- Anastase Karamovralas for Fairfield Eyecare
- Alan Sterry for Fairfield – petition style letter with 12 signatures.
- Brien Power for BN Golden Builders Pty Ltd
- Paul Dellios for Dellios, West & Co.

- Greg Rochlin of Fitzroy North
- Beverley Mussen for Ecology Australia
- Van Kaias for Vankas Nominees Pty Ltd
- Sean O'Carroll and Miranda Frankel of Fairfield

The objections received in relation to the proposal relate to 16 properties liable to pay the special rate.

Copies of the written submissions are forwarded separately to Councillors for consideration.

Consideration of Submissions and Objections

Objections Summarised

1. Location of security cameras
2. No demand or benefit from festivals, promotion and advertising
3. Residential occupants and sites included
4. Factory site used for storage only
5. The business operates from a second level in Station Street, Fairfield with street level access only.
6. No cost benefit analysis
7. No existing problem with trade and commerce in Station Street Fairfield Shopping Centre.

Officer Comment on summarised objections

1. **Location of security cameras** – The special rate provides funds for marketing and promotion. Other activities and initiatives undertaken by the Fairfield Trader Association such as the location of security cameras are developed and decided at meetings of the Association that are open to all traders.
2. **No demand or benefit from festivals, promotion and advertising** – the Fairfield Trader Association requested the special rate. It allows for a coordinated approach that will provide benefit to those businesses and property owners within the area of the special rate. The proposed special rate will cover marketing, management, promotion, festivals, decoration, and other incidental expenses associated with trade in the Station Street Fairfield Shopping Centre. Part of the special rate contributes to the running of the annual festival which attracts an estimated 30,000 people to Station Street.
3. **Residential occupants and sites included** – The declaration of the special rate does not include residential properties used for residential purposes.
4. **Factory site used for storage only** – A special benefit normally accrues to business owners (traders) and commercial property owners through the marketing of Station Street, Fairfield as a whole. It is considered that the special rate is an investment in Station Street, Fairfield that in the long term contributes to the revitalization that benefits both commercial property owners and business owners generally.

5. **The business operates from a second level in Station Street, Fairfield** – A special benefit normally accrues to business owners (traders) and commercial property owners through the marketing of Fairfield Central as a whole. The special rate allows for a coordinated approach that will provide benefit to those businesses and property owners within the area of the special rate. Every effort has been made to recognise the secondary benefit of some locations and to minimise individual contributions. Businesses operating from a second level premise in Station Street will have the secondary benefit applied.
6. **No cost benefit analysis** – The marketing and promotion undertaken using the special rate provides benefits to businesses that contribute to the continued success of businesses generally. As part of the review, traders were consulted to assess the benefit of the scheme.
7. **No existing problem with trade and commerce in Station Street Fairfield Shopping Centre** – It is considered that the special rate is an investment in Fairfield Central area that in the long term contributes to the revitalization and sustainability of the Station Street Fairfield Shopping Centre, that benefits both commercial property owners and business owners generally. The special rate allows for a coordinated approach that will provide a benefit to those businesses and property owners within the designated area.

Submissions in Support Summarised

1. Important to business because of competition from nearby shopping centres
2. Has increased the cooperation between Council and traders
3. Has helped improve the environment for customers

Method of Payment

Payment of the special rate will be levied by sending notices to the persons liable to pay the special rate and will be due and payable on the same date(s) under section 167 of the Act being the date for payment of general rates by four instalments.

POLICY IMPLICATIONS

Environmental Sustainability

Marketing and promotion of local shopping precincts encourages residents to shop locally. A number of campaigns have been run to highlight the benefits of shopping locally, including the Love Living Local campaign. Local shopping reduces the need for car based travel, and a vibrant sustainable economically viable shopping centre provides local employment.

Social Inclusion and Diversity

Marketing and promotion of special rate schemes work to provide a shopping precinct that is welcoming and convenient to all members of the local community.

Other

Special rates are the result of a strategic planning process that produces business and marketing plans and provide the means by which these plans can be implemented. Council's Retail Activity Centre Strategy, 2005 details a number of policies that support the continuation of special rate charge schemes including:

- Council will pursue strategic partnerships with business and property owners towards the effective management of activity centres.
- Council will facilitate coordinated planning and monitoring of management programs by the establishment and administration of special rate schemes.

FINANCIAL IMPLICATIONS

Implementation and management of the special rate is reflected in officer time plus the costs of administration, advertising, mail-outs and legal advice. This is overseen by the Economic Development Unit of Council and is therefore within the Economic Development budget. In this instance, these costs are estimated to be in the order of approximately \$14,000.

FUTURE ACTIONS

Should Council resolve to declare the special rate, the following will occur:

- (1) In accordance with section 223 (e) of the Local Government Act 1989 a response will be prepared to those persons who lodged a separate submission about the special rate providing Council's decision and the reasons for the decision.
- (2) A notice levying the special rate will be sent to property owners and occupiers.
- (3) An owner of a property affected by the special rate may apply to the Victorian Civil and Administrative Tribunal for a review of Council's decision within 30 days of the date on the notice levying the special rate. If there are no successful appeals, the special rate will be included in the next municipal rate notice.

8.4 IMPLICATIONS OF SEEKING INTERIM CONTROLS FOR WOOLTON AVENUE THORNBURY**MINUTE NO. 154****AUTHOR: Senior Strategic Planner - Rachel Haynes****MANAGER: General Manager City Development - Kevin Breen****BUDGET
IMPLICATIONS:**

A Planning Scheme Amendment to implement interim Heritage Overlay controls would result in the expenditure of an additional \$18,000 (approx.) which has not been specifically allowed for in the Budget.

SUMMARY:

Nos. 39, 41, 55, 57 and 58 Woolton Avenue Thornbury have been identified in the *Darebin Heritage Study 2007* (the *Study*) as forming a precinct of local heritage significance.

This is one of several new precincts and individual places identified in the *Study* that are not yet protected by the Heritage Overlay in the Darebin Planning Scheme.

A comprehensive Planning Scheme Amendment that will implement the findings of the *Study* by applying the Heritage Overlay to newly identified heritage places is currently being prepared and is likely to be exhibited early in the second half of this year.

At that time, it is possible for Council to seek interim Heritage Overlay controls for properties to safeguard their values while the permanent Heritage Overlay controls are being publicly scrutinised through the usual notification and review processes. However, the introduction of interim controls for individual cases, prior to the exhibition of the comprehensive Amendment, would only be considered by the Minister if an application to demolish a heritage identified building is received. Additionally, it is expected to be more unlikely that the Minister would grant interim controls for a *Contributory* building within a heritage precinct than for an individually *Significant* heritage building.

At present a planning application that would necessitate demolition of the dwelling at 55 Woolton Avenue is being considered by Council, however no application to demolish the building has been received.

This report examines the implications and requirements of bringing forward the application of an interim Heritage Overlay to Nos. 39, 41, 55, 57 and 58 Woolton Avenue Thornbury, as a discrete request, ahead of the comprehensive Planning Scheme Amendment to implement the findings of the *Study*.

RECOMMENDATION

THAT Council note implications and requirements of bringing forward the application of a heritage overlay to Nos. 39, 41, 55, 57 and 58 Woolton Avenue Thornbury.

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. S. Tsitas

THAT consideration of the matter be deferred until the next meeting of Council.

CARRIED

REPORT**BACKGROUND**

On 20 April 2009 Council considered a progress report on the *Darebin Heritage Study 2007* which is currently being prepared through the Strategic Planning Unit. In doing so it resolved:

“That:

- (1) Council note current progress on the Darebin Heritage Study.*
- (2) Officers prepare a report for the next Council meeting on the implications and requirements of bringing forward the Heritage Overlay to Woolton Avenue Thornbury.”*

This report is in response to that resolution.

Woolton Avenue Precinct: assessment, description and explanation

Section (4)(1)(d) of the *Planning and Environment Act 1987* (the Act) contains the objective *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

To achieve this objective, Councils as responsible and planning authorities for their planning schemes, undertake periodic heritage studies to understand, identify and conserve such places.

In the officer report of 20 April 2009 (**Appendix A**) Council was updated about the methodology for and progress of the *Darebin Heritage Study 2007* (the *Study*) currently being undertaken by Context consultants Pty Ltd.

In line with conventional heritage practice, Stage 1 of the *Study* involved preparation of a Thematic Environmental History (TEH) for the municipality. The Australian Heritage Commission’s (AHC) Historic Themes were used to provide a framework for understanding the historical development of the municipality.

In this regard, a TEH is quite different to a local history which uses a narrative rather than thematic approach.

Using the framework to understand how Darebin developed in the TEH, preliminary observations and the Australian Heritage Commission (AHC) assessment criteria (**Appendix B**), the second stage of the *Study* identifies previously unrecognised individual places and precincts of local, regional or state significance in the *“City of Darebin Heritage Study Volume 3 – key findings and recommendations Draft Stage 2 Report August 2008”* (the *Stage 2 Report*).”

The initial *Stage 2 Report* was delivered in August 2008. It provides a ‘citation’ or explanation about each place or precinct identified including its history and a ‘*statement of significance*’ which outlines what, why and how the place or precinct is significant.

Heritage practice seeks to conserve identified places by understanding why a place is significant and therefore how to minimise adverse impacts on that significance. The citation, and in particular its *statement of significance*, is a critical tool to both understand and respond to proposed re-development of a heritage place.

Each place is assessed on a site-by-site basis, and what is considered an appropriate development or design response varies depending on the nature of the place in question and its significance.

Nos. 39, 41, 55, 57 and 58 Woolton Avenue were identified in the *Stage 2 Report* as forming a precinct of local heritage significance for the reasons:

“...It is an early twentieth century residential precinct comprising groups of houses on both sides of Woolton Avenue, between the Melbourne to Whittlesea Railway Line and St George’s Road. Apart from Woolton at No. 58 the houses were built in the first decades of the twentieth century and are mainly substantial detailed double-fronted villas setback from their street boundaries behind mature gardens.

the houses at No. 54 and No.60 are [also] of individual significance and have separate citations....

The Woolton Avenue Precinct in Thornbury is of local historic and architectural significance to Darebin city...

Historically, the Woolton Avenue Precinct in Thornbury is significant as a representative example of an early twentieth century residential subdivision, which provides evidence of an important early phase in suburban development in Thornbury as the economic recovery in the first decades of the twentieth century. (AHC criteria A.4, D.2)

The houses at 55 and 57 are architecturally significant as fine examples of Victorian transitional-style villas in a garden setting, and have typical features of this style. The significance of these houses is enhanced by relatively high degree of external integrity. (AHC criterion D.2)”

The full heritage citation as contained in the *Stage 2 Report* forms **Appendix C**.

Interim vs Permanent Heritage Controls

Re-development of places of recognised local significance is managed through the Darebin Planning Scheme which is administered by Council under the *Planning and Environment Act 1987* (the Act). Development of places of State significance (ie. included on the Victorian Heritage Register), such as the Preston Tramway Workshops (VHR2031) is determined by the Heritage Council of Victoria under the *Heritage Act 1995*.

All places of local or State significance are identified in the planning scheme through the schedule to the Heritage Overlay (HO).

When a new comprehensive heritage study is completed, there is usually a need to prepare a major amendment to the planning scheme to apply the schedule to the HO to numerous new areas and sites.

For reasons of scale and complexity, heritage amendments can be problematic and resource intensive.

For this reason, the Department of Planning and Community Development (DPCD) have offered Councils the option of seeking interim controls by way of a Ministerial amendments to protect both site-specific and numerous places where:

- There is an immediate threat to a specific place ie. through a building demolition application; or
- The public exhibition of the amendment to introduce the permanent controls to a large number of properties will be exhibited upon introduction of the interim controls.

As outlined in the officer report of 20 April 2009 (**Appendix A**), Council's practice has been to check all building permit applications for demolition against the findings of the *Stage 2 Report*. Where there is a match, these are referred to the Consultants undertaking the *Study* for further comment.

Since the completion of the *Stage 2 Report*, Darebin has made several requests for interim controls, due to the immediate threat provided by building permit applications for demolition including:

- Queen Street Dairy;
- 418 Murray Road; and (more recently)
- The Northcote Bowl.

A Ministerial amendment is not subject to the usual public notification process. However DPCD makes approval of interim controls conditional upon the timely exhibition of amendments to introduce permanent controls. This ensures that controls are scrutinised in a separate but parallel amendment process while safeguarding newly identified heritage places during this process.

The present transitional situation will be remedied once permanent controls are introduced for the places identified in the *Stage 2 Report* through a major amendment to the Darebin Planning Scheme.

CORE ISSUES

Time-frames

Two factors are important when evaluating whether or not to request interim controls for an individual place or precinct as well as the likely way that DPDC will consider such a request:

1. The immediacy of any threat to the place; and
2. The timing of the exhibition any major heritage-based planning scheme amendment, where interim controls will be introduced.

55 Woolton Avenue

As noted in the report of 20 April (**Appendix A**), a Planning Permit Application (D723/2007) to construct a two (2) storey apartment building containing 12 apartments at 55 Woolton Avenue Thornbury is due to be presented to an upcoming Planning Committee meeting. It is the subject of six (6) objections and development in accordance with the planning permit application would necessitate demolition of the existing dwelling.

As there is currently no HO on the site, a building (rather than planning) permit is needed for demolition of the dwelling.

At present, the dwelling at 55 Woolton Avenue Thornbury is still in existence and no building permit application for demolition has been received.

Council's planners have been cross-checking any new or current planning applications against the findings of the *Stage 2 Report*. In the event that there is a match, the matter is referred to Context Consultants for comment. The planning application for 55 Woolton Avenue was therefore referred to Context Consultants.

Context Consultants responded with advice that the dwelling is of *Contributory* significance (see **Appendix A** for discussion about what this means) and that its loss would have a greater impact than would be the case in a larger precinct. This advice also recognised that it may be difficult for Council to protect it due to timing of the lodgement of the planning application and of the release of the *Stage 2 Report* and lack of support from the applicant for the dwelling's retention.

Approaches

The HO is not a 'preservation order' per se: it ensures that heritage values are examined in the statutory planning process. Specifically it requires the following considerations:

The significance of a heritage place and whether the proposal will adversely affect the natural and cultural significance of the place.

Any applicable heritage study; and any applicable conservation policy

It is still possible to apply to apply for a permit to demolish a heritage place listed in the planning scheme or the State Heritage Register. Victorian Civil and Administrative Tribunal (VCAT) have highlighted this in decisions that have both supported and opposed such applications.

55 Woolton Avenue is not considered individually significant and any interim controls would need to be applied to the whole precinct (ie. Nos. 39, 41, 55, 57 and 58).

Regardless of whether interim controls are brought forward in this case or not, due to timing, permanent controls would ultimately be introduced for the precinct through the greater heritage amendment. This is not planned to take place until the second half of 2009.

In the absence of cooperation from the owner, Council can seek a Ministerial Amendment to introduce interim controls for the precinct now and in doing so advise DPCD that permanent controls will be applied through the imminent permanent amendment.

An alternative would be to wait until the interim controls for the site are introduced during exhibition of the greater heritage amendment in the second half of the year which may result in the demolition of 55 Woolton Avenue, in the absence of controls and in line with the proposed redevelopment of the site.

The potential cost and benefits from each of these approaches merits examination.

Implications of bringing forward Interim controls specifically for the Woolton Ave Precinct

This approach would ensure that heritage considerations are taken into account in the consideration of the current planning application.

This would necessitate redeployment of resources within the Council's Strategic Planning Unit from other work such as preparation of the major heritage amendment to the ministerial amendment request. This may inadvertently delay exhibition of the larger amendment, and in doing so necessitate further interim requests.

In bringing forward site-specific Interim controls, the staff time required would be in the order of 3 – 4 days to prepare all of the amendment documentation and statutory documentation. Furthermore, based

on the experience of the application of Interim controls for the Queen Street and Murray Road sites, the expenditure required would involve the following:

- Request to Minister for Authorisation to prepare Amendment, Exhibition and Notification costs and Ministerial Approval and Adoption of Amendment: \$5,000 (approx.)
- Additional Consultant's work, including the provision of expert evidence to a Panel: \$8,000 (approx.)
- The employment and organisation of an Independent Planning Panel: \$5,000 (approx.)

The total expenditure required to pursue and implement the interim heritage controls is in the order of \$18,000.

It should be noted that the retention of *Significant* heritage places is generally considered to be more important than the retention of heritage places which are *Contributory* to a precinct (refer to **Appendix A** for a discussion of these terms). It is considered unlikely that the Minister would grant interim heritage controls for a *Contributory* building within a precinct and there are no known examples of this occurring for a site within the City of Darebin.

Implications of relying on Interim controls as part of the greater heritage amendment

Interim controls for all of the heritage places identified in the Stage 2 Report can be applied when the complete Planning Scheme Heritage Amendment is requested. However, as the HO does not currently apply, then it is not certain that the heritage significance of the place can be considered in the current planning permit application.

Council could refuse the application based on the heritage value of the place, but not based on any statutory controls, and argue that the Heritage Study is a seriously entertained document.

Such a decision would be highly contestable and it is likely that an application for review would be lodged at VCAT. Timing of any hearing would be critical:

- If the interim controls for the greater heritage amendment were in place prior to the hearing then the heritage values would be considered by VCAT as they have been by Council;
- If the interim controls were not in place, then VCAT could disregard the heritage values.

POLICY IMPLICATIONS

Environmental Sustainability

This matter does not have any current significant implications for environmental sustainability however this matter will be discussed further during the preparation of the planning scheme amendment to implement the *Stage 2 Report* findings and associated Council reports.

Social Inclusion and Diversity

This matter does not have any current implications for social inclusion and diversity. However tangible cultural heritage is an important part of expression of this and can assist to provide a sense of place to a community or communities. This matter will be discussed further during the preparation of the planning scheme amendment to implement the *Stage 2 Report* findings and associated Council reports.

Other

This report is consistent with the following commitments contained in the current *Council Plan*:

A sustainable city:

35. *We will maintain high standards of urban amenity in our community through the design and management of public spaces and streetscapes*
37. *We will address demand for changes to Darebin's neighbourhoods through place management projects and strategic planning policies underpinned by sound research and community consultation*
38. *We will protect Darebin's urban amenity in sensitive neighbourhoods through heritage controls, urban character studies and planning and building controls*

A vibrant city:

44. *We will celebrate Darebin's artistic and cultural vitality through a program of public arts, festivals and events and with the provision of a range of performance, gallery and workshop spaces*
46. *We will celebrate the contribution that Darebin's diversity brings to our neighbourhoods, and seek to nurture new and emerging communities as part of our city's diverse mix*
50. *We will acknowledge the role of local businesses in Darebin's communities and work with them to foster economic prosperity, local employment and active retail, commercial and industrial precincts*

It is also consistent with the strategies contained in *Element 4: Heritage, Culture and Arts* of the *Darebin Municipal Strategic Statement* including:

- *Identify and assess Darebin's cultural and natural heritage values and places of significance.*
- *Encourage and initiate further studies and research into additional aspects of Darebin's history and heritage.*
- *Protect cultural sites that have an identified significance and consult with the traditional landowners (Wurundjeri-willem) and peak indigenous bodies.*
- *Assess development proposals within heritage areas in terms of their sympathy with the character of the area and their likely impact upon integrity and composition of the area.*
- *Ensure that the City's cultural heritage is protected through the planning system, and that nearby development does not compromise the significance of places and areas.*

- *Ensure that redevelopment of heritage buildings and areas is visually compatible with existing forms, and generates a strong and positive contribution to the heritage area through innovative design.*
- *Promote new development that makes a positive contribution to the heritage place or area.*

FINANCIAL IMPLICATIONS

A Planning Scheme amendment to implement interim Heritage Overlay controls would result in the expenditure of an additional \$18 000 (approximately).

FUTURE ACTIONS

Major Planning Scheme Amendment

Council is required to seek authorisation from the Minister for Planning to prepare a major planning scheme amendment to implement the recommendations of the *Stage 2 Report*.

It is anticipated a detailed report on the *Stage 2 Report* findings and the proposed planning scheme amendment would be reported to Council later this year.

RELATED DOCUMENTS

- *“City of Darebin Heritage Study Volume 3 – key findings and recommendations Draft Stage 2 Report* Context Pty Ltd, August 2008
- *City of Darebin Heritage Study Stage 2 Citations* – Context Pty Ltd, August 2008
- *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications* (2007) prepared by the Heritage Council

Appendices

Appendix A Officer Report to Council of 20 April 2009: Darebin Heritage Study Update

Appendix B Australian Heritage Commission (AHC) Assessment Criteria

Appendix C Heritage Citation for Woolton Avenue Precinct from the *Darebin Heritage Study Draft Stage 2 Report*

8.5 AUSTRALIA DAY EVENT AND AWARD 2010

MINUTE NO. 155

AUTHOR: Civic Events Officer - Deborah Equid**MANAGER:** Manager Communications and Public Affairs - Trisha Love**BUDGET****IMPLICATIONS:** Within existing budget**SUMMARY:**

In 2009 Council reduced the number of Australia Day Award categories from four to one, following research that showed declining nomination and feedback from the community on how the Awards and event could be improved. Twenty nominations were received under the new system and 500 people attended, with both measures higher than achieved in the previous years, indicating the change was successful.

This report proposes that Council continue with this model in the future.

CONSULTATION:

Community groups

RECOMMENDATION**THAT** Council:

- (1) Note this report on the Australia Day event.
- (2) Continue to provide one Award, 'The Darebin Australia Day Award', in future years.
- (3) Continue to include the Award component and a Citizenship Ceremony as part of the Australia Day celebrations in January 2010.

MOTION**MOVED:** Cr. V. Fontana**SECONDED:** Cr. B. Morgan**THAT** Council:

- (1) Note this report on the Australia Day event.
- (2) Continue to provide one Award, 'The Darebin Australia Day Award', in future years.

- (3) Continue to include the Award component and a Citizenship Ceremony as part of the Australia Day celebrations in January 2010.

AMENDMENT

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

THAT Council:

- (1) Note this report on the Australia Day event.
- (2) Provide three Awards as follows
 - a. Citizen of the Year.
 - b. Young citizen of the Year.
 - c. Community Group of the Year.
- (3) Implement a comprehensive and culturally inclusive communication strategy to promote the three Awards.
- (4) Continue to include the Award component and a Citizenship Ceremony as part of the Australia Day celebrations.

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE MOTION.

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

COUNCIL RESOLUTION

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

THAT Council:

- (1) Note this report on the Australia Day event.
- (2) Provide three Awards as follows
 - a. Citizen of the Year.
 - b. Young citizen of the Year.
 - c. Community Group of the Year.
- (3) Implement a comprehensive and culturally inclusive communication strategy to promote the three Awards.
- (4) Continue to include the Award component and a Citizenship Ceremony as part of the Australia Day celebrations.

CARRIED

REPORT

BACKGROUND

In August 2009 Council adopted the following recommendations for Australia Day activities:

- To reduce the Darebin Australia Day Awards from four Awards to one Award, called the 'Darebin Australia Day Award'. The one Award is for an individual or group that has made an outstanding contribution to the Darebin community; and
- Increase the Citizenship Ceremony component of the event to 100 candidates for Citizenship attending to become Australian Citizens.

Research showed that over the last six years Darebin experienced a large decrease in the number of nominations for the four Awards. This also impacted on the number of people attending the event.

Nomination numbers over the last six years are shown below:

	2003	2004	2005	2006	2007	2008
Citizen of the Year	18	12	6	5	9	6
Young citizen of the Year	3	3	2	2	2	0
Community Group	12	9	3	4	4	4
Community Event	3	2	3	1	0	0

A change to implement one Award, the 'Darebin Australia Day Award', was made for 2009 and the number of candidates for Citizenship was increased to one hundred.

Council requested that Officers report back on the 2009 event with consideration to the new format and level of nominations received.

CORE ISSUES

A comprehensive communication strategy was used to promote the 'Darebin Australia Day Award' last year and twenty nominations were received in 2009. This is the highest number of nominations received since 2004 and ten more than were received in 2008.

Throughout the promotion of the Award, queries received from nominators indicated the one Award system was easier to use, compared to having multiple categories of Awards to select from.

With the high standard of nominees for the 2009 Award, the Australia Day Committee after their deliberations decided there were three noteworthy winners for the Award.

With the increased number of nominations received and the increase in candidates in attendance for the ceremony, the event attracted 500 people. This compares with 350 people at the 2008 event.

It is recommended that Council continue with the process adopted in 2009 in the future, including the presentation of one Award, 'The Darebin Australia Day Award' and holding an event each Australia Day that includes a Citizenship Ceremony for residents becoming Australian Citizens.

FINANCIAL IMPLICATIONS

The cost of the event is included in current budgets.

POLICY IMPLICATIONS**Environmental Sustainability**

The Australia Day event involves presenting candidates with an indigenous seedling, which supports the use of locally relevant flora. Promotions for nominations for the Award and event are mostly electronic, reducing the amount of paper used.

Social Inclusion and Diversity

The Australia Day Award recognises a person, group or organisation that has shown a noteworthy contribution to the Darebin community over the year or given outstanding service to the local community over a number of years. Our event on Australia Day includes a Citizenship Ceremony and celebrates Darebin's cultural diversity through entertainment, catering and audience attendance.

Other

The Australia Day Awards Policy and nomination form have been amended to reflect one award the 'Darebin Australia Day Award'.

FUTURE ACTIONS

Award promotion and planning for the 2010 event.

RELATED DOCUMENTS

- Darebin Australia Day Award and Event Policy 2008
- Darebin Australia Day Award nomination form 2009

8.6 MAINTENANCE OF RENTED PROPERTIES IN DAREBIN**MINUTE NO. 156****AUTHOR:** Manager Amenity and Enforcement - Michael Kennedy**MANAGER:** General Manager Environment and Amenity - Libby Hynes**BUDGET
IMPLICATIONS:****SUMMARY:**

On 22 December 2008 Council resolved that *“Council Officers submit a report to Council with a strategy to improve maintenance of rented properties in Darebin, the strategy to identify a communication strategy aimed at landlords and real estate agents maintaining their properties, and outline Council’s policies in relation to overhanging branches and fire danger caused by uncut and unkempt gardens and grass.”*

Council receives around 1000 complaints annually regarding property amenity issues, generally due to a lack of maintenance. Generally on first inspection it is unclear to Council Officers whether a property is rented or whether an owner occupier is present at the property. Council’s Local Laws Officers are authorised under Local and State legislation which gives them powers to deal with these issues through a number of methods depending on the nature of the issue. In general Local Laws Officers will require the owner of the property rather than the tenant to undertake any required improvement works.

This report outlines processes to improve maintenance of rented properties being a mix of education and effective enforcement.

CONSULTATION:

Waste and Water Strategy Coordinator
Local Laws
Street Cleansing
Environment Protection Authority
Local Laws Special Interest Group
Victorian Litter Action Alliance (VLAA)

COUNCIL RESOLUTION**MOVED:** Cr. T. Laurence**SECONDED:** Cr. B. Morgan

THAT Council note this report regarding the maintenance of rented properties within the municipality and the actions Council Local Laws Officers will implement aimed at improving the situation.

CARRIED

REPORT**BACKGROUND**

On 22 December 2008 Council resolved that *“Council Officers submit a report to Council with a strategy to improve maintenance of rented properties in Darebin, the strategy to identify a communication strategy aimed at landlords and real estate agents maintaining their properties, and outline Council’s policies in relation to overhanging branches and fire danger caused by uncut and unkempt gardens and grass.”*

This resolution covers a number of issues which are generally covered by State legislation and Council’s existing Local Laws. Some of these matters are able to be effectively resolved by Council officers upon receiving requests, whereas others require more effort in order to achieve an outcome and some are unable to be resolved satisfactorily through existing means. The volume of complaints and inspections required of Council’s three Local Laws Officers is the main limiting factor in improving outcomes in this area.

From Darebin household survey data, 22% of Darebin households are renting and 11% of households in Darebin are flats or apartments. Both rental properties and flats or units with unmaintained shared areas can give rise to amenity concerns. Amenity issues also arise in owner occupied homes. Whilst statistics are not currently kept on the residential status of amenity issues, anecdotally the former outweigh the latter.

Council’s Local Laws Unit, consisting of three on road officers, currently deals with approximately 4000 inspections annually. These range from goods on footpath patrols, asset protection and building site inspections, amenity issues, fire hazards etc. Due to the time required to appropriately deal with many of these issues, and the volume of requests, resourcing is the most restrictive issue in responding to amenity issues.

CORE ISSUES:

Council has enacted Local Laws aimed at improving the residential amenity of the streets within Darebin and also minimising issues such potential fire hazards and obstructions for pedestrians. The following outlines Council current policies and rules around these issues:

Fire Hazards (long dead grass and other woody material or piles of burnable material)

Fire hazards are generally resolved through use of the Metropolitan Fire Brigades Act which Council’s Local Laws Officers are authorised under. This Act requires Council Officers to issue notices to properties where they see a fire hazard exists which may pose “an immediate threat to life or property” and require an owner of the property to take action to remove the fire risk.

Where an owner fails to undertake this work the Act also provides Council authorisation to undertake the work to remove the fire risk, issue a fine to the property owner for failing to undertake the work and also recover the full cost of the work undertaken by Council. This process is undertaken by Council’s Local Laws Unit annually with 681 notices being sent out this summer, 52 fines issued for failing to do the work and 29 properties cleared by Council contractors.

Amenity Issues (including unkempt gardens, rubbish etc)

Council's General Local Law 2005 states:

- 11.1 An owner or occupier of land must keep that land, and anything on that land, in a condition that is not detrimental to the visual amenity of the neighbourhood. The following are examples of what may be detrimental to the visual amenity of the neighbourhood
- 11.1.1 Branches, materials or objects which may overhang the property;
 - 11.1.2 Weeds and excessive vegetation; and
 - 11.1.3 Accumulation of excessive materials and obstructions.

This provision is applied generally where Council has received a significant level of complaint and where Council's Local Laws Officers agree that a property needs to be maintained. This allows Council Officers to issue a notice to comply to the owner of a tenanted property which requires them to improve the part of the property which can be seen from the road. Failure to do so will result in a fine being issued to them.

This provision does not give Council any authority to enter on to the property to undertake works should the owner or tenant fail to do so. Action under this provision is generally undertaken with the owner due to the difficulty in obtaining tenants details and also due to the transient nature of tenants (and as such costs and difficulty in following up on fines which are unpaid).

Overhanging branches

On top of the amenity provisions provided above in particular section 11.1.1 which requires owners to clear properties, Council's Local Laws Officers have an extra program aimed at getting overhanging branches cleared. This includes issuing notices to streets at a time that have overhanging branches where these issues are raised with Council.

Where only small issues exist such as a branch or two overhanging a property, Local Laws Officers are provided with equipment and remove these obstructions, Council can also assist residents who are unable to clear properties by providing contractors or advising Council's homecare service where this is appropriate.

Maintenance of Rented Properties

There can be a number of different maintenance requirements on private land where there is more than one tenant and/or owner on a given block. Some areas such as blocks of flats will have little or no requirement on the tenant to maintain any land, where townhouses exist there may be a portion which each of the owners of the block are required to maintain independently as well as some common land which may be maintained by the owners or by a separate owners corporations.

Where unsightly properties or fire hazards are found it is the owners responsibility to attend to the issue and abide by the direction given by Council's Authorised Officers. Although some owners may try to pass this responsibility onto others, according to the legislation used to deal with these issues, this action is ultimately the owner's responsibility.

Under Council's General Local Law, notices can be issued to the tenant of a property as they are the occupier of the land. Council in general does not have access to the details of a tenant of a property but does, through the rates database, have access to the owner's details.

Recent experience also indicates that tenants are unlikely to undertake work directed by Council and where fines are issued and unpaid, Council often is unable to recover the fines due to the tenant moving on. As such action is generally taken with the owners of properties as in general Council Officers can ensure a satisfactory outcome is achieved.

Requirements of Landlords to maintain properties

A landlord or owner is required to maintain a rented property in the same manner as any other resident is required to maintain their property throughout the municipality. Council's Authorised Officers can compel owners to take certain action such as remove a fire hazard or amenity issue through issuing of Notices, Fines and Court action where required.

Common property generally includes car park areas, shared driveways and at times garden beds surrounding the property and is managed by an owners corporation. The Owners Corporation Act 2006 does not have any provisions relevant to local government. Owners Corporations are generally responsive to Council Officers requests however there is difficulty in enforcing Council Local Laws as they do not apply where they are inconsistent with State legislation. As such these incidences need to be dealt with on a case-by-case basis.

Requirements of Real Estate Agents

Real Estate Agencies (Property Managers) are often engaged by owners of properties who are wishing to place a tenant in the property and collect rent. The role of the property manager is to facilitate interaction between the tenant and owner and (at the owner's discretion) facilitate maintenance on the property.

There is no enforceable action Council can take to compel a Real Estate Agency to maintain a property of which they are not the owner. As previously stated this action is taken with the owners themselves. Where owners have requested that their property managers arrange the works as required by Council, Local Laws Officers work with them to ensure the relevant work is undertaken.

Implementation strategy

Council's Local Laws Unit investigated the most effective way of improving the maintenance of properties and discouraging dumping throughout the municipality. This has included site visits with other municipalities and attendance at a number of state-wide forums to ensure the information and tools our Officers have are the most up to date.

In summary the methods Council Officers currently use include:

- Educative programs to non complying tenants and owners via materials compiled by the Environment Protection Authority and Council which outline their responsibilities.
- Issuing official notices to owners of properties requiring remediation work (trimming trees, block clearing etc)
- Issuing notices which require owners or tenants to identify dumpers (if they are aware)
- Issuing of fines for failing to undertake work as directed by Council
- Use of contractors in limited circumstances to undertake improvement works and recover costs from owners
- Use of CCTV cameras in limited circumstances to deter or prosecute illegal dumping
- Physical investigation of dumped material including using "dumping tape" which indicates the material is under investigation showing Council's involvement and often inspiring dumpers to clear the material.

Education Strategy

Council has over time prepared a significant amount of educative materials and practices which inform land owners throughout the municipality of their obligations regarding maintaining their properties. There is an opportunity to target this material to the problem identified through this report and try to get a better understanding of the problems identified and possible solution for improving the maintenance of rented properties in Darebin. Education will include:

- Preparation of a letter to local Real Estate Agents asking them to notify new and potential tenants of their responsibilities.
- This same information will be prepared in a format to allow letter dropping of rented properties where amenity issues are located.
- Continuation of enforcement where possible while maintaining the improved timeframes for clean up which have been achieved recently.

Council currently has three Local Laws Officers who are authorised under Council's General Local Law and also the numerous pieces of State legislation which apply to their role. Consideration will need to be given in future to extending the number of Local Laws Officers to more effectively deal with the growing issues within the municipality including maintenance of private properties throughout the municipality.

POLICY IMPLICATIONS

Environmental Sustainability

Unmaintained properties are generally more of a visual amenity issue rather than an environmental issue. It is important however to note that dumped rubbish attracts further dumping and as such suitable maintenance of properties should be encouraged.

While it is crucial that wherever possible those responsible for dumping material are held accountable, it is important to ensure that dumped material is cleared in an appropriate timeframe as research indicates that people are more likely to dump if there is a high incidence in their area. Darebin's current procedures aim to balance these approaches and staff from both the collections and enforcement areas of Council meet to discuss this regularly.

Social Inclusion and Diversity

Council Local Laws Officers are required by law to ensure that certain clauses and information are contained in notices created when applying legislation within the municipality. We endeavour to simplify these as much as possible to overcome language, cultural and education issues. The Local Laws area has worked to ensure that wherever possible the details of Council's multi-lingual line are included on education and enforcement notices and regularly makes use of Council multi-lingual staff to interpret these notices for residents and also to translate correspondence. Council is also required under the Infringements Act to give appropriate consideration to this area during the appeals process and has policies which reflect this requirement.

By ensuring that access obstructions such as overhanging branches are removed, Council is working towards improving access for those within the community who may have difficulty negotiating these areas either through visual or physical impairment.

Other

DAREBINsafe: the Community Safety Plan represents Council's long term commitment to achieving safety and perceptions of safety within the Darebin community in partnership with residents, police and other community groups and includes policies relevant to this issue including the Graffiti Management Policy. Through this policy Council educates and enables private property owners to reduce and remove graffiti.

FINANCIAL IMPLICATIONS

Actions proposed within the report are within the current budget. Additional resourcing of this area would enable more proactive enforcement of local law and amenity issues.

FUTURE ACTIONS

Council's Local Laws Officers will continue to monitor improvements to enforcement of provisions which allow Council to encourage action to better maintain properties throughout the municipality.

Council Officers will also continue to provide educative material where appropriate and to provide advice to community groups to better inform them of both their responsibilities and opportunities to improve the amenity of Darebin's streets.

RELATED DOCUMENTS

Case Studies (Various), Victorian Litter Action Alliance Website
Litter Prevention Toolkit, EPA (2007) www.epa.vic.gov.au

In introducing this item for consideration, the Mayor, Cr. Asmar, welcomed Toni Meek, a member of the Darebin Environmental Reference Group, to the meeting.

**8.7 DAREBIN ENVIRONMENTAL REFERENCE GROUP
ANNUAL REVIEW**

MINUTE NO. 157

AUTHOR: Environmental Strategy Coordinator - Michelle Bennett

MANAGER: General Manager Environment and Amenity - Libby Hynes

BUDGET

IMPLICATIONS: Within Current Budget

SUMMARY:

The Darebin Environmental Reference Group (DERG) is a community advisory group and has been operating since 2001. DERG provides valuable input to Council on policies, strategies and projects of environmental significance and plays an important role in building community engagement and participation in environmental issues. This report summarises DERG's key achievements in 2008.

CONSULTATION:

The Darebin Environmental Reference Group (DERG)

COUNCIL RESOLUTION

MOVED: Cr. T. Laurence

SECONDED: Cr. V. Fontana

THAT Council note this report regarding the 2008 achievements of the Darebin Environmental Reference Group and continue to support the Darebin Environmental Reference Group to improve environmental outcomes and participation.

CARRIED

REPORT

BACKGROUND

The Darebin Environmental Management Strategy (2000) recommended that as a sustainability promoting organisation Council work with the Darebin community and the widest possible range of interest groups. It also recommended that the Darebin community be involved in a vision building exercise to map out a shared vision of Darebin's environment.

To coincide with World Environment Day on 5 June 2001, Darebin Environmental Futures Day was held involving the participation of schools and community to develop a shared environmental vision for Darebin. Establishment of an Environmental Reference Group was regarded as the most suitable framework to engage with the community regarding environmental and sustainability issues on a regular basis. The Darebin Environmental Reference Group (DERG) was established as a community advisory group and the first DERG meeting was held in October 2001.

The purpose of DERG is:

- To facilitate community action and to assist in strengthening links and partnerships between the Darebin community and Council's contribution to environmental sustainability.
- To provide an avenue of community consultation regarding policy, strategies and matters pertaining to environmental sustainability in Darebin and to operate as a "sounding board" for key strategies and policies.
- To provide community feedback and assistance to Council regarding local environmental issues.
- To contribute to the content of environmental forums and events.

The group consists of ten community members and two Councillors. Council's current representatives are Cr Tim Laurence and Cr Trent McCarthy. Community members are appointed on a voluntary basis for a two year period. Half the committee retire at the end of each year providing a continuing balance of existing and new members - on retirement current members are eligible to re-apply. Positions are advertised through the local newspaper and to subscribers of *Sustainability News*.

The selection criteria for appointment to DERG are:

- Demonstrated knowledge of and commitment to environmental and sustainability issues, particularly issues relevant to local government and the Darebin community.
- Demonstrated commitment to community action/involvement.
- Understanding and interest in local government issues.
- A broad representation of the Darebin community is sought – based on location (home address) and diversity.

DERG consistently attracts a strong field of candidates with more applicants than positions available. This year saw an increase in applications for DERG membership with 30 applications received for six available places. Current and past DERG members have demonstrated a wealth of environmental expertise and commitment and have brought a diverse range of perspectives providing valuable input to Council in strategy development and effective community engagement on environmental issues.

The DERG Terms of Reference (**Appendix A**) outline the purpose, roles and responsibilities and operations and processes that the group observes.

CORE ISSUES

Climate Change Action was a priority theme for DERG in 2008. DERG provided guidance and input into the development of a Community Climate Change Action Plan in February and ongoing review and input into proposals throughout the year. The development of the Action Plan was endorsed by Council on 2 June and has been underway with DERG's ongoing input since then. An Adaptation Strategy for Climate Change and Peak Oil is also being developed this year.

The Community Climate Change Action Plan Reference Group established specifically to provide input and guidance into the development of the Community Climate Change Action Plan includes two DERG members as well as membership from across Darebin's diverse community. DERG also

contributed to the Focus Group consultation process which occurred in October 2008 and was well attended. DERG members frequently participate in other Council reference groups or consultation committees such as the Northcote Community Building Committee and the Northcote Streetscape Masterplan Committee.

The first year of implementation of Darebin's Climate Change Action Plan in which DERG also played a key role in providing guidance and input, was reviewed with very positive results. A 16% reduction in emissions compared to the previous year was achieved due largely to the purchase of GreenPower for the Preston site and the success of our energy efficiency program. Darebin is on track to achieve our 2010 reduction target this financial year.

DERG regularly receives presentations from Council staff as policies and strategies of environmental significance are developed or reviewed. Through these discussions DERG provides early input into the content and in some cases the consultation processes of these strategies. DERG made formal written submissions to the following strategies in 2008:

- Metropolitan Waste Management Strategy.
- Open Space Strategy Review (two submissions at different phases of the consultation process)..
- The Darebin Parklands Masterplan.

Key actions and contributions by DERG in 2008 include:

- **The Re-Useable Nappy Project.** This project which commenced in 2007 was further developed with great success. DERG members collated nappy research information and liaised with Darebin's Sustainability Education and Promotions Coordinator to finalise the Fact Sheets (attached as **Appendix B**) and display kits. A DERG member gave a presentation to Maternal and Child Health Centre staff and kits and fact sheets have been distributed to all centres. Staff are regularly reminded and encouraged to promote re-usable nappies and make use of the display kits.

Copies of the nappy fact sheets have been provided to Darebin's retailers of re-useable nappies - Chris Dial-a-Nappy and The Environment Shop. Articles and fact sheets have been promoted and made available through *Sustainability News* and the Sustainable Homes Program. Information sessions held by Dial-a-Nappy have been promoted by Council and have attracted good attendances. Dial-a Nappy is currently working directly with Maternal and Child Health Centres on designing a new re-useable nappy.

The fact sheets have also been made available to other Councils for their adaption and use.

- **Darebin's Solar Forum.** DERG was also instrumental in reviewing feedback from Darebin's Solar Forum held in June 2008 and instigating a Darebin Council submission to the Senate Solar Rebate Inquiry. Unfortunately, at its November meeting the Council of Australian Government (COAG) agreed to National Principles for a net feed in tariff recommendation rather than a gross feed in tariff as Darebin and others had advocated for. Darebin Council has continued to advocate on this issue.

Ongoing DERG business includes updates and consideration of the progress of key environmental projects including the Waste and Water Strategies, Environmentally Sustainable Design initiatives, the Sustainable Homes Program, Community Power and other Climate Change Action initiatives.

POLICY IMPLICATIONS

Environmental Sustainability

DERG's primary purpose is to provide input and advice to Council on issues relating to environmental sustainability. DERG members bring a diverse range of perspectives including significant professional expertise to their input and advice.

Social Inclusion and diversity

The DERG Terms of Reference include as a selection criteria that broad representation of the Darebin community will be sought based on home address and diversity. Through the Terms of Reference DERG continues to provide input and advice on effective means to consult and engage with Darebin's diverse community. Input from community members on effective engagement strategies is very valuable and DERG currently includes members with professional expertise in this area.

Other

No other policy implications.

FINANCIAL IMPLICATIONS

Within Current Budget

FUTURE ACTIONS

The Darebin Environmental Reference Group commenced meeting in March 2009 with an orientation session and eight regular meetings scheduled for the year.

It is anticipated that Climate Change Action and community engagement will continue to be high priorities for DERG in the coming years.

RELATED DOCUMENTS

Darebin's Environmental Management Strategy (2000)

Darebin's Environment Policy (2000)

DERG Terms of Reference – see **Appendix A**

Reusable Nappy Fact Sheets - see **Appendix B**.

8.8 MAIN DRIVE, MACLEOD – PARKING AND RELATED MATTERS**MINUTE NO. 158****AUTHOR:** Transport Engineer - Wal Cichocki**MANAGER:** Manager Transport Management and Planning - Daniel Kollmorgen**BUDGET****IMPLICATIONS:** Nil**SUMMARY:**

In July 2008 Council considered a report on parking and related amenity issues in Main Drive Macleod and requested a further report providing details of outcomes achieved as a result of the enforcement action and education initiatives proposed.

In summary, it is believed that the broad objective to make parking in the subject area more readily available for residents has been met. Demand for parking remains relatively high however the availability in front of the owner occupied residential dwellings has improved due to the increased turnover and the relocation of long term parking away from the concerned area.

Main Drive is situated in a relatively new residential development. Many issues raised by residents are beyond Council's direct control and require time, understanding and cooperation of stakeholders to settle.

CONSULTATION:

Manager Amenity and Enforcement
Traffic Services Officers
The Springthorpe Estate Committee and the Residents Group
Local residents
Student Housing Australia (SHA)
Manager Urban Development
Coordinator Strategic Planning

COUNCIL RESOLUTION**MOVED:** Cr. T. Laurence**SECONDED:** Cr. S. Chiang**THAT:**

- (1) This report be received and noted.
- (2) Officers continue enforcement and monitoring of parking, traffic and anti-social behaviour in Main Drive and Ernest Jones Drive, Macleod

- (3) Council regularly update Students Housing Australia (SHA) on relevant programs and initiatives related to sustainable travel and provide assistance with induction of new residents by providing new tenants with appropriate information.
- (4) Better servicing of the area by public transport be considered at the forthcoming review of the metropolitan bus services by the Department of Transport.
- (5) Delineation be improved at the traffic control device situated on Ernest Jones Drive at Evan Smith Close Macleod.

CARRIED

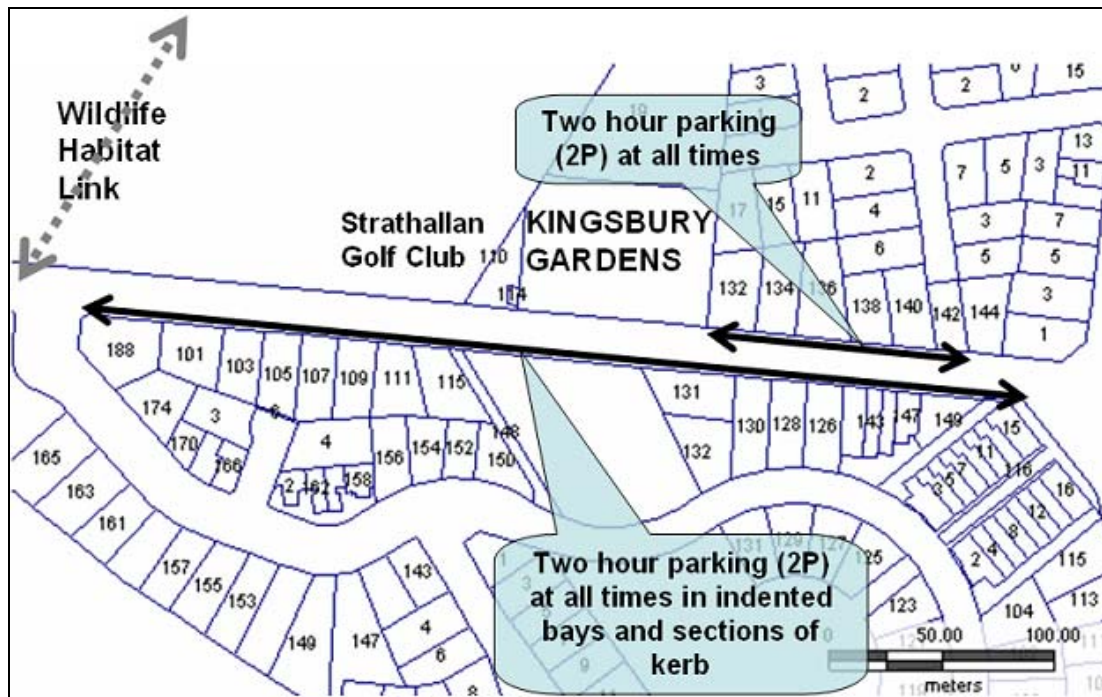
REPORT

BACKGROUND

In July 2008, following complaints from local residents, Officers prepared a report about parking and related amenity issues on Main Drive in the vicinity of Kingsbury Gardens students' accommodation units. On 21 July 2008 Council considered the Officer's report and resolved that:

- (1) *2-hour parking (to apply at all times) be introduced on the 13 parking bays on the north side of Main Drive, Macleod in front of property numbers 132-144, and along sections of the south side of Main Drive*
- (2) *Enforcement and education be increased.*
- (3) *Council continue assisting 'Kingsbury Gardens' with implementing the Sustainable Travel Plan and promoting the Love Living Local concepts.*
- (4) *Improvements to the pedestrian link between 'Kingsbury Gardens' and the Plenty Road corridor be further investigated by officers.*
- (5) *Council Officers continue to liaise with local residents and the Ward Councillor in an effort to allay residents' concerns.*
- (6) *A further report be submitted in six months time providing details of the outcomes achieved as a result of the enforcement action and education initiatives to be undertaken.*

The following parking changes were installed in mid August 2008.



In accordance with Council resolution (6) above, Officers have been monitoring effects of the measures undertaken and this report provides assessment of the remedial measures and their perception by local residents.

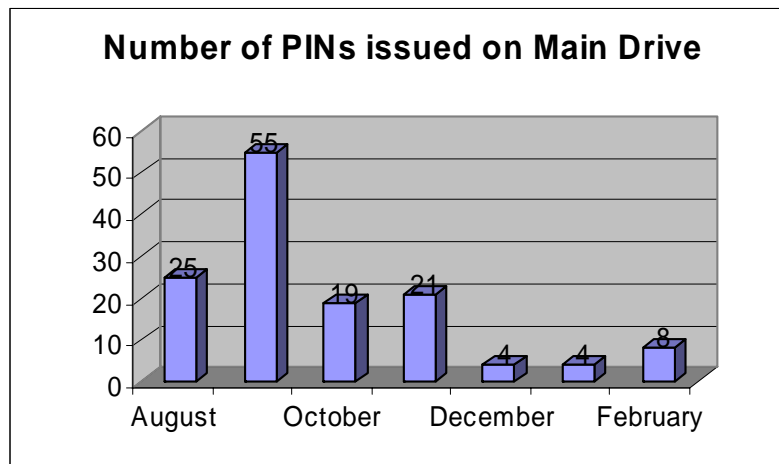
CORE ISSUES

Outcomes to Date

(1) *Compliance with parking controls*

After an initial 'teething' period when minor adjustments were made, Council Officers continued surveillance of the area. With consistent enforcement the numbers of parking infringement notices (PIN's) in the subject section of Main Drive have reduced significantly. The low PIN numbers in December and January coincide with the university term break and at this stage it is too early to fully quantify the compliance with the new parking controls. A more accurate assessment would be possible after surveying the area over a longer time period, say six months, and under the normal demand conditions.

The numbers of PIN's issued between August 2008 and March 2009 are shown on the following Graph.



Numbers of PIN's issued on Main Drive since installation of parking controls

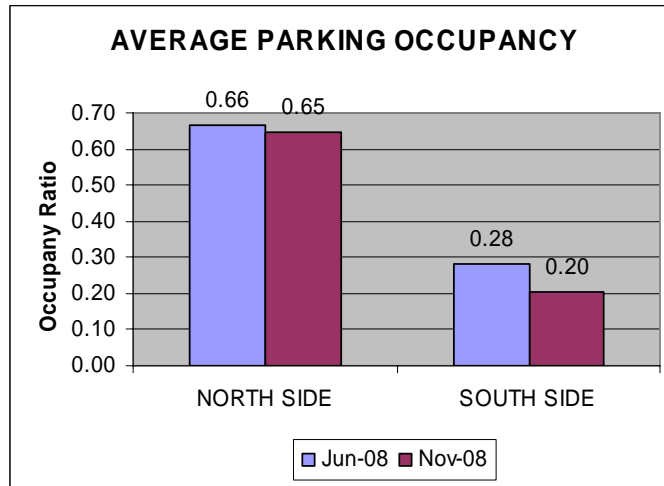
Indications so far are that compliance with Council's parking controls is improving and that the on-street parking in the sections adjacent to the residential properties is more readily available. This has been confirmed in discussions with individual residents in the area.

(2) *Parking Surveys*

Over recent months random parking inspections (during day and night time, including weekends) were carried out on Main Drive and Ernest Jones Drive Macleod. They indicate the following:

1. After the introduction of controls the availability of parking in front of many residential properties has improved with vacant parking spaces observed adjacent residential properties.
2. Long term parking on the north side of Main Drive is now observed in the area to the west of Strathallan Golf Club, adjacent to the wildlife reserve.
3. Individual cars were observed parking in the access driveway to Kingsbury Gardens, on many occasions obstructing the pedestrian path.
4. The private off-street parking on the Kingsbury Gardens grounds was under-utilised.

Surveys indicate a slight decrease in the average parking occupancy along the whole residential portion of Main Drive, between Springthorpe Boulevard and Ernest Jones Drive. The occupancy ratio along the north side was in the order of 66% and has not changed significantly while the occupancy on the south side has dropped slightly to 20%.



Average Parking Occupancy on Main Drive

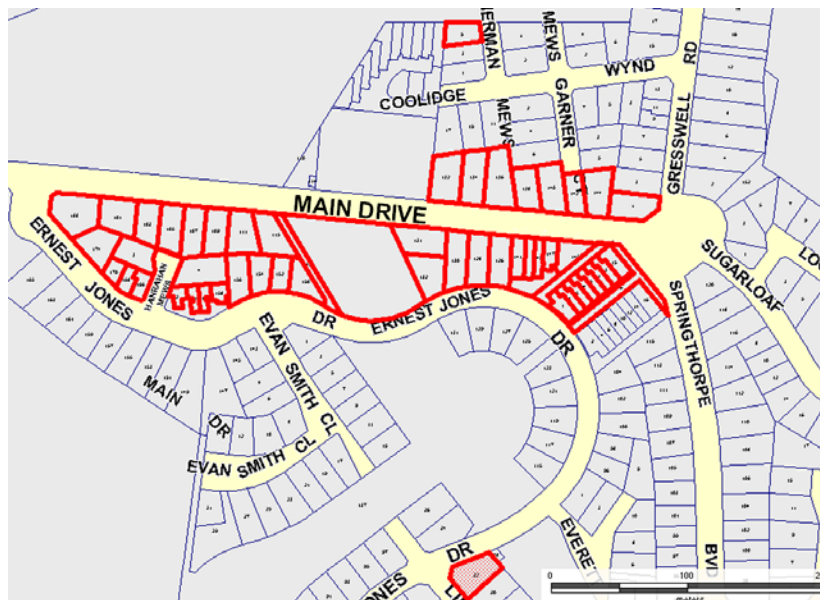
While the occupancy ratios have not changed significantly, there are indications that the turnover has increased and short term parking is generally available on Main Drive. It is now easier to find parking in front of the residential properties.

Details of parking surveys on Main Drive are shown in **Appendix A**.

(3) *Public Opinion Survey*

In February 2009 Officers carried out a public satisfaction survey asking questions related to changed parking, access and amenity in the area shown on the following Map. The distribution area was established on the basis of:

- Properties most likely to have been affected by Council changes, and
- Specific complaints on file about relevant matters expressed by individuals in adjacent area



Public Opinion Survey – Distribution area

A total of 67 questionnaires were distributed to the residents of affected portions of Main Drive and Ernest Jones Drive and selected other properties. 18 responses were received which represents a good 27% response rate. Generally residents are not satisfied with the measures and would like Council to take more radical steps to provide more parking and enhance residential amenity in the area. Examples of preferred actions include more enforcement, provision of off-street parking on the grassed area in front of Kingsbury Gardens and addressing littering and undesirable behaviour in vicinity.

Overall, the level of residents' satisfaction was 0.83 on the scale between 0 and 5 and none of the responses ranked higher than 1.

Details of responses to Council's Public Opinion Survey are shown in **Appendix B**.

(4) *Culture change incentives for occupants of Kingsbury Gardens*

Behaviour change programs of improving tenants' awareness of transport solutions and reduced reliance on cars has limited effect in this instance as there is a high turnover of tenancies associated with student housing. During part of this assessment period many tenants were away on holidays.

In discussions with Student Housing Australia (SHA), who operate Kingsbury Gardens, it was agreed that SHA:

- Include sustainable travel material (provided by Council) in distribution to tenants;
- Make tenants aware of the local parking and amenity, etc. requirements; and
- Be willing to support Council with any parking and traffic control.

Officers also prepared a letter with information and supporting educational material about the 'green transport' options (Darebin Local Access Guide, Love Living Local, etc.) for the distribution amongst tenants.

While marked effects of the education campaigns will not be seen immediately, the recent PIN statistics suggest improvement in compliance with the parking controls in the area.

(5) *Public Meeting at the Springthorpe Country Club*

A public meeting was held on 19 November 2008 at the Springthorpe Country Club. It was attended by two Council Officers and 24 residents of the Springthorpe Estate. A number of matters related to parking, amenity, road traffic and safety were discussed. Questions from the public were answered by Officers. The following major points were raised:

- **Issue:** "Road width is of concern to residents"
Response: The road width is in accordance with Council's Guidelines and adequate for passage of vehicles within the local access classification. The width of Main Drive represents a typical road width in the municipality.
- **Issue:** "Pedestrian link west of the Kingsbury Gardens to be improved"
Response: The street lighting is now functional; however the footpath linking Kingsbury Gardens with the Plenty Road transport corridor is away from the street lights and only 1.4 metres wide. This is less than the standard width of 1.5 metres. It is preferred that it be upgraded to a Disability Discrimination Act compliant shared path standard within the future footpath improvement plans and with improved illumination as priority.
- **Issue:** "Parking congestion on Ernest Jones Drive"

- Response:** Inspections reveal that parking occupancy along Ernest Jones Drive was low (in the order of 10-35%, with higher occupancies observed in vicinity of Evan Smith Close and Cascade Walk). At this stage maintaining the current parking and traffic controls in the area under routine provisions is considered sufficient.
- **Issue:** It is claimed that the Kingsbury Gardens should not have been allowed in this residential area.
- Response:** The students' accommodation units are situated in the Residential R1 Zone. The R1 zone's characteristic is to 'provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'. The permit is valid and has been legally acted upon. Any modifications with respect to occupancy and control of parking on site are now outside Council's control as Kingsbury Gardens are now privately owned and managed by the Students Housing Australia (SHA).

Also, the following matters were considered:

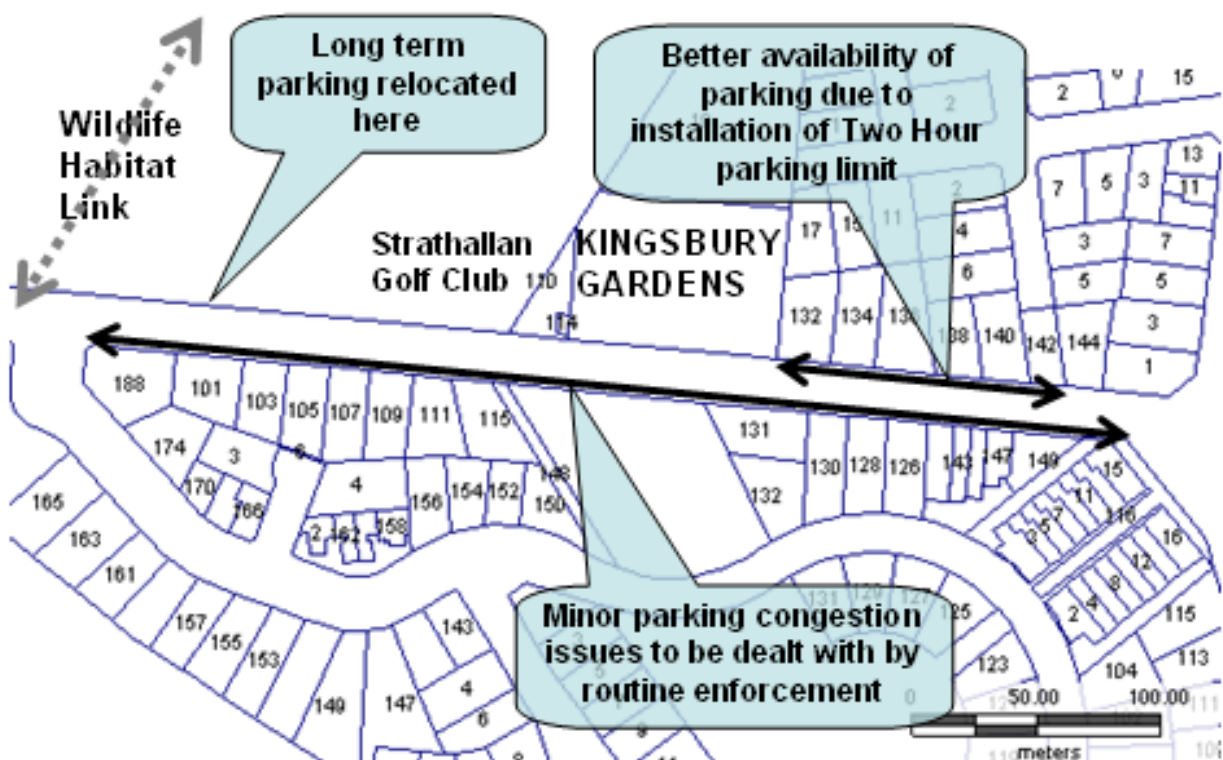
- The majority of occupants of Kingsbury Gardens are typically students of La Trobe University. A statement was made that the Students Housing Australia (formerly Body Corporate) were to provide the minibus service to service the Kingsbury Gardens. This did not eventuate, apparently due to insufficient patronage. Students' travel destinations vary significantly by nature therefore reliance on individual car is likely to continue to be high unless places of interest of all types are available in proximity of Kingsbury Gardens.
- Springthorpe Country Club offers free access to the Club's facilities for the tenants of Kingsbury Gardens.

(6) *Other*

Observations confirm reports about littering, undesirable behaviour and cars parked in the access drive to the Kingsbury Gardens. These were referred to the relevant Council departments.

Ivanhoe Bus Company contacted Council recently indicating difficulties with progression of buses due to illegal parking. The current parking arrangement allows for reasonable passage of vehicles through the area. It will be ensured by enforcement.

The following drawing summarises Officers' assessment of measures undertaken in the area.



EFFECTS OF COUNCIL CONTROL ON MAIN DRIVE PARKING

Summary

In summary, it is believed that the broad objective to make parking in the subject area more readily available for residents has been met. Demand for parking remains relatively high however the availability in front of the owner occupied residential dwellings has improved due to the increased turnover and the relocation of long term parking away from the concerned area.

Main Drive is situated in a relatively new residential development. Many issues raised by residents are beyond Council's direct control and require time, understanding and cooperation of stakeholders to settle.

Further Proposals

Two options for future actions in responding to resident concerns have been considered:

Option A: *To discourage use and reliance on private car and provide further amenity improvements*

- Council continue updating occupants of Kingsbury Gardens through Students Housing Australia (SHA) about sustainable travel incentives (Green Travel Plan, Love Living Local, etc) to reduce dependence on individual car.
- During the forthcoming public transport review Council discuss with the Department of Transport servicing the area better by public transport.

- Council encourage Kingsbury Gardens' management to ensure full utilisation of the existing designated on-site parking.
- Further investigate the possibility of providing a shared path along Main Drive between Grange Boulevard and Plenty Road to encourage safe walking and bicycle riding.
- Investigate the possibility of providing a pedestrian path along the nature reserve on the north side of Main Drive between Ernest Jones Drive and Kingsbury Gardens.

Advantages

- Consistent with the sustainability principles, Council strategies and long term goals
- Benefits to the general community.

Disadvantage

- May not immediately meet community expectations.

Option B: *Provide more parking in vicinity of Kingsbury Gardens:*

This can be achieved in one of two ways:

1. Constructing off street car park on the grassed area in front of the main Kingsbury Gardens building. This would provide approximately 25 parking spaces. The tentative cost could be in the order of \$100,000-\$200,000.
2. Constructing off street angle parking adjacent to Main Drive along the frontage of Kingsbury Gardens. This would increase the supply of parking by nine spaces. The tentative cost is in the order of \$40,000.

To do this Council would need to:

1. Ensure SHA provide funding for the on site parking, or
2. Fund a portion or a full cost of constructing the off street car park.

Advantages

- The factual demand for parking for tenants of Kingsbury Gardens will be significantly met
- Some residents will see their concerns addressed.

Disadvantages

- Additional significant allocation of funds required
- Will attract more visitors
- Will increase traffic movements
- In conflict with Council's Transport Strategy
- Little benefit to rate payers and general public.

In considering what actions have been implemented to date and the outcomes, **Option A** is preferred as it:

- Is sustainable and environmentally friendly.

- Accords with the broad Council's corporate sustainability goals and strategies.

This option is reflected in the recommendation.

POLICY IMPLICATIONS

Environmental Sustainability

The recommendations are consistent with the broad sustainability principles (minimise fuel consumption and greenhouse gas emissions, etc.) by discouraging avoidable use of individual motor vehicle and promoting sustainable travel.

Social Inclusion and Diversity

The change in parking restrictions is not seen as significantly affecting social inclusion and diversity rather they facilitate a more equitable use of the public resource.

Other

Nil.

FINANCIAL IMPLICATIONS

No specific expenditure is expected as a direct result of this report. Possible actions such as improvements to street lighting on the pedestrian link between Kingsbury Gardens and Plenty Road, public transport etc can be accommodated by routine programs, internal and external and Capital Works allocations.

FUTURE ACTIONS

Proceed with actions outlined in the recommendations.

RELATED DOCUMENTS

Officer Report to Council on parking on Main Drive – July 2008

Minutes of Public Meeting held on 19 November 2008 in the Springthorpe Country Club (A581892)

**8.9 RESIDENTIAL PARKING – MOUNT COOPER DRIVE
BUNDOORA****MINUTE NO. 159****AUTHOR:** Transport Engineer – Daniel Neave**MANAGER:** Manager Transport Management and Planning – Daniel
Kollmorgen**BUDGET****IMPLICATIONS:** Nil**SUMMARY:**

At its meeting on 2 February 2009, Council resolved that “*Council officers report back to Council with options for introducing resident parking in and around Mount Cooper Drive Bundoora where overflow from the Bundoora Extended Care Centre is causing major problems for residents*”.

This report summarises the issues and recommends that no further work be undertaken other than periodic monitoring of parking in the street.

RECOMMENDATION**THAT:**

- (1) This report in relation to residential parking in and around Mount Cooper Drive Bundoora be received and noted.
- (2) No alterations to on-street parking be undertaken due to recent public consultation and the high impact to amenity.

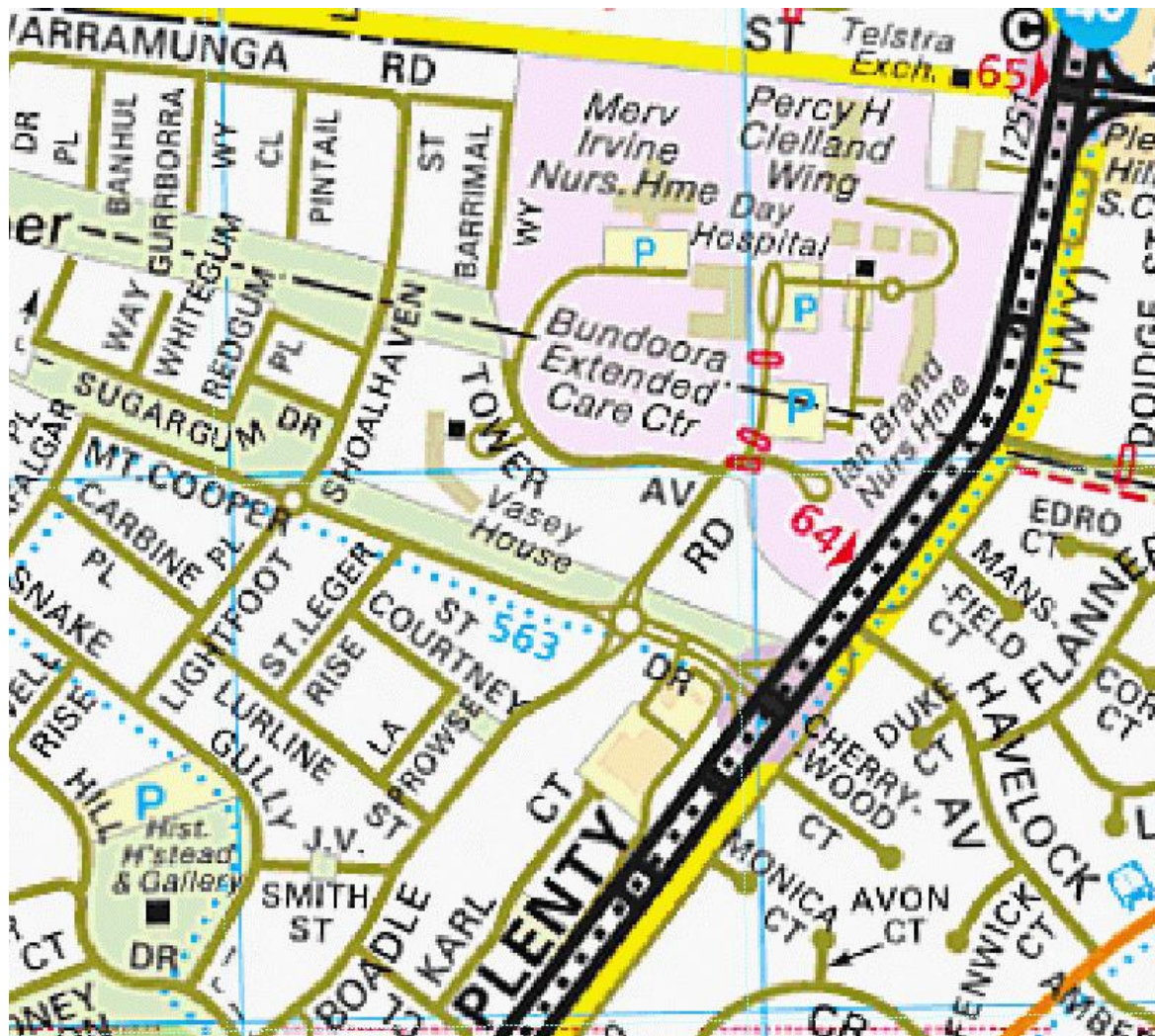
COUNCIL RESOLUTION**MOVED:** Cr. T. Laurence**SECONDED:** Cr. S. Chiang**THAT:**

- (1) This report in relation to residential parking in and around Mount Cooper Drive Bundoora be received and noted.
- (2) Officers consult with residents in Mount Cooper Drive Bundoora near the roundabout and the Bundoora Extended Care Management about a solution that does not include resident only parking.

CARRIED

REPORT**BACKGROUND**

At its meeting on 2 February 2009, Council resolved that “Council officers report back to Council with options for introducing resident parking in and around Mount Cooper Drive Bundoora where overflow from the Bundoora Extended Care Centre is causing major problems for residents”.



Vasey House first contacted Council in October 2006 informing us of the large increase in on-street parking along Tower Avenue. They informed us of difficulties in accessing their facility through Tower Avenue as the street is too narrow for parking on both sides and a trafficable carriageway. Vasey House is not associated with Bundoora Extended Care. In response to this request Council installed No Stopping signs staggered on both sides to allow for a trafficable carriageway to cater for delivery vehicles and more importantly emergency vehicles.

Residents first contacted Council in November 2006 when the on-street parking demand became higher along the residential streets in the Mount Cooper Estate. The initial requests came from residents of Boadle Road, Mount Cooper Drive and Warramunga Road. The initial requests were investigated with illegal parking found near intersections and vehicles parked on the nature strip. No Stopping signs and parking enforcement were used to deal with these instances of illegal parking.

Resident requests to Council continued to become more frequent through 2007 and in response the Transport Management and Planning Branch undertook public consultation in November 2007 to gauge the communities' thoughts on the introduction of an area wide parking scheme. This was seen at the time to be the most appropriate proposal as the distance from Mount Cooper Drive to Percy Clelland Wing of Bundoora Extended Care Centre was approximately 400 metres.

From December 2006 to December 2008 Council's Traffic Enforcement team visited the area regularly and issued 133 traffic infringement notices within the Mount Cooper estate. The majority of these were issued for parking on a nature strip, followed by parking in a No Stopping zone and parking not facing direction of travel.

The result of the public consultation to introduce an area wide residential parking permit scheme in November 2007 was 31% in favour of the proposal. Of the 562 properties consulted, 233 responded to the survey. As this result was not a clear majority in favour of the proposal, the residents were notified in February 2008 that Council will not be introducing an area wide residential parking permit scheme.

CORE ISSUES

Investigations were carried out by Council officers where a more targeted public consultation was undertaken. In March 2009 Officers conducted occupant/resident questionnaires for Boadle Road, Mount Cooper Drive and Tower Avenue in order to gauge public support for a targeted residential parking scheme in these streets. Responses to the questionnaires are below in the following table.

Location	Response Rate	In Favour	Against	No Opinion
Boadle Road	6/18=33%	2	4	0
Mount Cooper Drive	7/11=64%	3	4	0
Tower Avenue	1/1=100%	1	0	0

Boadle Road was consulted on whether a residential parking scheme is supported along the east side (Plenty Road side) with 33% of respondents in favour of this proposal. Of the respondents against the proposal, most residents were not willing to have the parking controls in front of their property.

Mount Cooper Drive was consulted on whether a residential parking scheme is supported along the residential side of Mount Cooper Drive with 43% of respondents in favour of the proposal. Of the respondents against the proposal, most residents were not willing to have the parking controls in front of their property.

Vasey House is the only property along Tower Avenue, and during consultation it was made clear no permits will be available as Vasey House is a business and their employees and residents will not be eligible for a residential parking permit. Vasey House voted in favour of introducing short term parking along their frontage.

POLICY IMPLICATIONS

Environmental Sustainability

The recommendations are consistent with the broad sustainability principles (minimise fuel consumption and greenhouse gas emissions, etc.) by discouraging avoidable use of individual motor vehicle and promoting sustainable travel.

Social Inclusion and Diversity

The change in parking restrictions is not seen as significantly affecting social inclusion and diversity rather they facilitate a more equitable use of the public resource.

Other

Nil.

FINANCIAL IMPLICATIONS

Nil, within current budgets.

FUTURE ACTIONS

To increase vehicular accessibility to Vasey House, officers recommend the introduction of short term parking directly adjacent to Vasey House.

Due to the two public consultations undertaken (November 2007 and March 2009) without majority support for residential parking, officers recommend that no further action be undertaken in all other locations in Mount Cooper.

RELATED DOCUMENTS

Going Places – Darebin Transport Strategy 2007 - 2027

**8.10 RIGHT OF WAY (ROAD) DISCONTINUANCE ADJOINING
AND REAR 5 MCCARTEN STREET, RESERVOIR****MINUTE NO. 160****AUTHOR: Property Officer – Kristie Berry****MANAGER: Manager Asset Strategy – Nerina Di Lorenzo****BUDGET****IMPLICATIONS: Net income from this scheme during 2008/2009 is estimated at \$6,000.****SUMMARY:**

Council has given public notice of a proposal to discontinue the section of right of way (road) rear and adjoining 5 McCarten Street, and sell the land from the road to the owners of 5 McCarten Street by private treaty.

Statutory procedures under the Local Government Act 1989 have been completed and two submissions have been received. Following consideration of the submissions this report recommends that the road be formally discontinued and sold by private treaty.

CONSULTATION:

Macquarie Lawyers and Strategists
Statutory Authorities and Council Departments
Owners of adjoining properties

RECOMMENDATION

THAT Council, having given public notice of a proposal to discontinue the road adjoining the rear and side of 5 McCarten Street, the rear of 23 and 23A Southernhay Street and the side of 25 Southernhay Street, Reservoir, shown hatched on the plan enclosed as **Appendix A** to this report, and having considered submissions received in relation to the proposal in accordance with section 223 of the Local Government Act 1989:

- (1) Discontinues the road in accordance with section 206 and Schedule 10, Clause 3 of the Local Government Act 1989;
- (2) Advises the submitters who lodged a submission in relation to the proposal, of Council's decision and the reasons for the decision as follows:
 - The section of road proposed for discontinuance is considered to be not reasonably required for public use.
 - The land from the discontinued road will be sold to the owners of the adjoining property at 5 McCarten Street, Reservoir, by private treaty in accordance with Council policy guidelines.

- The formal discontinuance and sale of the road is consistent with the current physical status of the land and formalises actions taken in the past by owners of the property at 5 McCarten Street, Reservoir, in exclusively occupying, maintaining and using the section of road.
 - The remainder of the road leading out to McCarten Street is still required for access to both adjoining properties and as such cannot be discontinued and will remain as a road on title for public use.
- (3) Directs that a notice be published in the Victoria Government Gazette;
 - (4) Directs that the land from the road be sold by private treaty to the owner of the adjoining property at 5 McCarten Street, Reservoir, for the sum of \$14,000 in accordance with Council's previous decision on this matter on 6 October 2008;
 - (5) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Ltd in the road in connection with any sewers, drains or pipes under the control of that Authority in or near the road;
 - (6) Approves of the installation of a No Standing sign in the open section of road at the rear of 21 Southernhay Street and adjoining 5 McCarten Street; and
 - (7) Signs and seals all documents relating to the sale of any land from the discontinued road to the owner of 5 McCarten Street, Reservoir.

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana
SECONDED: Cr. T. Laurence

THAT

THAT Council, having given public notice of a proposal to discontinue the road adjoining the rear and side of 5 McCarten Street, the rear of 23 and 23A Southernhay Street and the side of 25 Southernhay Street, Reservoir, shown hatched on the plan enclosed as **Appendix A** to this report, and having considered submissions received in relation to the proposal in accordance with section 223 of the Local Government Act 1989:

- (1) Discontinues the road in accordance with section 206 and Schedule 10, Clause 3 of the Local Government Act 1989;
- (2) Advises the submitters who lodged a submission in relation to the proposal, of Council's decision and the reasons for the decision as follows:
 - The section of road proposed for discontinuance is considered to be not reasonably required for public use.
 - The land from the discontinued road will be sold to the owners of the adjoining property at 5 McCarten Street, Reservoir, by private treaty in accordance with Council policy guidelines.

- The formal discontinuance and sale of the road is consistent with the current physical status of the land and formalises actions taken in the past by owners of the property at 5 McCarten Street, Reservoir, in exclusively occupying, maintaining and using the section of road.
 - The remainder of the road leading out to McCarten Street is still required for access to both adjoining properties and as such cannot be discontinued and will remain as a road on title for public use.
- (3) Directs that a notice be published in the Victoria Government Gazette;
 - (4) Directs that the land from the road be sold by private treaty to the owner of the adjoining property at 5 McCarten Street, Reservoir, for the sum of \$14,000 in accordance with Council's previous decision on this matter on 6 October 2008;
 - (5) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Ltd in the road in connection with any sewers, drains or pipes under the control of that Authority in or near the road;
 - (6) Signs and seals all documents relating to the sale of any land from the discontinued road to the owner of 5 McCarten Street, Reservoir.

CARRIED

REPORT

BACKGROUND

Council had originally received a request from the owner of 5 McCarten Street, Reservoir, for the proposed discontinuance and sale of the road adjoining the side and rear of the property.

Initially two sections of the road adjoining the side of 5 McCarten Street were being considered for discontinuance and sale, as follows:

1. *Section of road at the rear of 21 Southernhay Street and adjoining the side of 5 McCarten Street (shown cross-hatched on the plan attached as [Appendix A](#).)*

This section of the road is open and partially constructed. It appears that the road has been used as part of the driveway to 5 McCarten Street over the years. It also provides access to a roll-a-door currently located towards the eastern boundary of the rear of 21 Southernhay Street. The roll-a-door provides direct access to McCarten Street from the rear of 21 Southernhay Street.

2. *Section of road adjoining the side and rear of 5 McCarten Street and 23, 23A and 25 Southernhay Street (shown hatched on the plan attached as [Appendix A](#)):*

This section of the road appears to have been enclosed and used exclusively by successive owners of 5 McCarten Street for a long period of time.

To ensure continued access to the roller door located on the eastern boundary of 21 Southernhay Street the initial proposal was to discontinue the section of road shown both hatched and cross-hatched on the plan attached as **Appendix A**.

A letter and questionnaire was subsequently circulated to all property owners adjoining both sections of road.

In response, the legal advisors on behalf of the owners of 21 Southernhay Street objected to the proposed discontinuance of the section of road behind their clients' property. The grounds of the objection related to the fact that their clients had made application to Council for a permit to construct a new garage at the rear of the property (with access to McCarten Street). The garage was to be located further west from the current roller door, towards the middle of the property (the proposed location of the roller door is marked on the plan attached as **Appendix A**).

In view of the objection and the revised access requirements for 21 Southernhay Street, the proposal was pared back to only include the hatched section of road on the plan attached as **Appendix A** (ie. the section which had been physically enclosed as part of 5 McCarten Street for many years).

The legal advisors for the owners of 21 Southernhay Street however advised that their clients were still strongly opposed to any proposed discontinuance and sale of any part of the road to the owner of 5 McCarten Street. The owners of 21 Southernhay Street were concerned that any discontinuance may encourage the owner of 5 McCarten Street to utilise the remainder of the road for their own exclusive use at the expense of their clients.

An alternative proposal was also suggested by the legal advisors. It was proposed that Council consider discontinuing the entire road and selling the section at the rear of 21 Southernhay Street to their clients. This proposal would have denied access to 5 McCarten Street and, as such, was not supported.

Council departments and all necessary Service Authorities were consulted in respect to the proposal and no objections were received.

Yarra Valley Water Ltd has an asset in part of the road at the rear of 5 McCarten Street and will require an easement to be saved over this asset upon discontinuance of the road.

At its meeting held on 6 October 2008, Council then directed that the statutory procedures be commenced for the discontinuance and sale of the road.

CORE ISSUES

Public notice of the proposed discontinuance and sale was given in the Preston Leader and The Age newspapers on 28 October 2008. Owners and occupiers of adjoining properties were also notified in writing advising that submissions received in writing would be considered in accordance with Section 223 of the Local Government Act 1989.

Two (2) written submissions were received and both submitters requested to be heard in support of their submissions:

- Mr F and Mrs I Villella of Reservoir via their legal advisors (Ladbray Consortium, Lawyers and Consultants)
- Mr T Mitsinikos of Reservoir .

Copies of the two (2) written submissions received are circulated separately for Councillors information.

Council is required under section 223 of the Local Government Act 1989 to take into consideration all of the submissions received. After a decision is made, Council must notify each of the submitters of the decision and the reasons for the decision.

Presentations in support of the submissions were heard at the meeting of Council's Hearing of Submissions Committee held on 10 March 2009. The committee heard verbal presentations made by Mr R Paoli from Ladbray Consortium, Lawyers and Consultants (acting on behalf of Mr and Mrs Vilella) and Mr T Mitsinikos.

A key issue of concern was that the proposed discontinuance and sale of the remainder of the road may compromise access requirements to the property at 21 Southernhay Street Reservoir. It was suggested as an option, that conditions be placed upon the proposed discontinuance which would ensure that access to the property is maintained. This would include construction of a fence across the northern boundary of 5 McCarten Street property and the Council installing signage in the "open" section of road to either prevent or strictly limit parking in the road.

Outcome

It is considered that there should be no requirement for the owner of 5 McCarten Street to construct a fence along the northern boundary of the property following the discontinuance and sale of the road. The status of the "open" section of road is not in dispute in this instance and its use as a road for access to adjoining properties is not proposed to be altered.

However, in light of the concerns that the road may be used for parking from time to time, which could compromise access to the property at 21 Southernhay Street Reservoir, it is recommended that Council use its powers under schedule 11 of the Local Government Act 1989 to approve of the installation of No Standing signage in the open section of road. The installation of such parking restrictions in the road may require ongoing enforcement and maintenance, however would assist in rectifying the situation.

POLICY IMPLICATIONS

Environmental Sustainability

There are not factors within this report that impact on environmental sustainability.

Social Inclusion and Diversity

There are no factors within this report that impact on social inclusion and diversity.

Other

This report is in accordance with Council's "Right of way and road closure policy".

FINANCIAL IMPLICATIONS

The purchase price of the land is \$14,000. Excluding the costs associated with the discontinuance, the net income from this scheme during 2008/2009, is estimated at \$6,000.

FUTURE ACTIONS

Arrange for:

- The submitters to be advised of Council's decision and the reasons for the decision.
- A notice to be published in the Victoria Government Gazette.
- The sale and transfer of the land to the owner of 5 McCarten Street.
- The installation of a No Standing sign in the open section of road at the rear of 21 Southernhay Street and adjoining 5 McCarten Street.

RELATED DOCUMENTS

Appendix A showing the section of road proposed to be discontinued is attached.

8.11 VIOLENCE PREVENTION

MINUTE NO. 161

AUTHOR: Northern Interfaith Preventing Violence Against Women Project Officer - Kellie Nagle**MANAGER:** Manager Family Youth and Community Support - Dean Griggs**BUDGET****IMPLICATIONS:** Consideration through New Initiatives budget process to fund a Preventing Violence Against Women Officer position.**SUMMARY:**

There is always a cost to prevention efforts before benefits are measurable and apparent. Council invests in violence prevention in a myriad of ways to support a safe and connected community – our Graffiti Management Strategy, Transport Strategy and Preston Civic Precinct and Northcote Streetscape Master Plans, to name just a few examples. In recent years, thanks to philanthropic and VicHealth funding, we have had the opportunity to develop expertise in the field of preventing violence against women, and are recognised for our leadership and innovation in this area. Council is now in a position to capitalise and add value, build capacity and increase efficiency across the whole of Council business, partner neighbouring northern Councils, other tiers of government and community, to coordinate delivery of innovative and mutually reinforcing strategies to help prevent violence against women and their children before it occurs.

CONSULTATION:

- Darebin Domestic Violence Network
- Gender Equity Working Group
- White Ribbon Action Team
- Family, Youth and Community Support Branch
- Social Inclusion and Diversity Branch.

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

THAT a dedicated Preventing Violence Against Women Position be referred as an initiative to the 2009/2010 Budget, where the Officer would work across the whole of Council, with neighbouring Councils, other tiers of government and the community, to coordinate delivery of a suite of mutually reinforcing strategies to help prevent violence against women and their children before it occurs.

CARRIED

REPORT**BACKGROUND**

Historically, violence against women (primarily family violence) has been the domain of the tertiary end of the service system, receiving a reactionary response at the time of crisis. The issue has been shrouded in silence, largely hidden from public discourse as a major public health and human rights issue, and too often characterised as an ‘individual’ problem.

The evidence demonstrating the magnitude of the issue is compelling:

- Darebin Police attended 429 incidents of family violence in 6 months (July - December 2008)
- Violence against women is the leading preventable contributor to death, disability, and illness in Victorian women aged 15-44 years, far higher than smoking, high blood pressure or obesity
- 46% of all homicides in Australia last year were family violence related
- 1 in 3 women experience physical or sexual violence in their lifetime
- Women are most at risk of violence when they are pregnant or have just ended the relationship
- 26% of 5000 Australian teenagers surveyed reported witnessing their mother or stepmother being physically assaulted in the home.
- Exposing children to violence in the home is itself a form of abuse (and a crime) and has a clear and negative impact on children and young people’s behavioural, cognitive and emotional functioning and social development
- Children’s and young people’s education and later employment prospects are harmed by exposure to family violence
- KPMG estimate violence against women will cost the Australian economy 13.6 billion this year (2009).

Thanks to research and legislative reform at National and State levels in recent years, violence against women and their children is beginning to receive the attention for too long denied.

Prime Minister Rudd recently described it as “the great silent crime of our time” and has established a National Council to Reduce Violence against Women and their Children.

Since 2005, the Victorian Government has worked earnestly to introduce the *Police Code of Practice for Responding to Family Violence* coupled with significant legislative and service system reform. Attorney General Rob Hulls said in November 2008 we face an issue at “epidemic levels” with deep, long lasting impacts on individuals, families and communities.

Yet violence is fundamentally preventable. VicHealth, amongst others, has undertaken research to build the evidence base and has developed a *Framework to guide primary prevention of violence against women*.

VicHealth funded 29 small primary prevention projects in 2007, including the *Darebin Interfaith Council Respect and Responsibility – Preventing Violence Against Women* Project, for faith leaders to undertake family violence training and develop a Declaration Against Family Violence.

In 2008, VicHealth funded 5 of the 29 projects for a further three years, and Council was again successful with our submission. This scaled-up project, launched on White Ribbon Day 2008, extends the catchment to working with faith communities across the northern region.

In addition to these faith-based projects, from February 2007 to December 2008, Council employed a Family Violence Coordinator through a philanthropic grant from Helen Macpherson Smith Trust. Many good initiatives were undertaken, including the development of Northern Region Family Violence Help Cards, convening a highly successful Darebin Domestic Violence Network, and active participation in the White Ribbon Campaign. The \$11,000 remaining of this grant is funding 1 day per week for 12 months of a temporary Community Health and Safety Officer to continue support of the Darebin Domestic Violence Network (March 2009/2010).

CORE ISSUES

In 2002 Council established and resourced the Darebin Family Violence Working Group to build partnerships between support, police and court systems. This groundbreaking work positioned Council to secure the Helen Macpherson Smith Trust grant and VicHealth projects outlined above, to broaden our focus to prevention.

Over the past 2 years Council has consolidated and grown our reputation for innovation in this area and is recognised as a leading Council. This is evidenced by Officers being invited to speak at conferences, present to newly elected Mayors, represent local government on strategic networks, participate on expert panels, join the working group for the Victorian Prevention Plan, and the steering committee for development of the VicHealth preventing violence against women short-course utilising the VicHealth Primary Prevention Framework.

The VicHealth framework recognises “*when it comes to integrated violence prevention the local government scale is most appropriate at involving and coordinating relevant actors, ensuring equity... and promoting civic awareness and engagement to the issue*” (Whitzman 2008:144).

The building momentum and emphasis on preventing violence against women places local government at the forefront to demonstrate leadership, innovation, advocacy and partnership development, to deliver a suite of mutually reinforcing strategies. Darebin Council is well positioned to work internally, with neighbouring Councils, with other tiers of government and community partners to share leanings and resources to progress our primary prevention efforts.

Appendix A to this Report lists some existing violence interventions undertaken at primary, secondary and tertiary level.

Appendix B lists ideas for some potential initiatives using the same continuum of intervention.

Both Appendices highlight the need and our capacity to focus on the primary prevention end of the spectrum, acknowledging the chronic need of women and their children to access already stretched tertiary intervention services. This reality provides Council the opportunity for demonstrating leadership and innovation to invest in initiatives that work to prevent violence before it occurs.

FINANCIAL IMPLICATIONS

Whilst Council enjoys the opportunity through VicHealth funding (2008/2011) to continue working with faith leaders across the North to build their capacity to prevent violence against women in their faith communities, Council currently faces a critical juncture where philanthropic project funding has ended, so no longer have access to an Officer with the mandate or capacity to coordinate this next stage of integrating targeted violence prevention initiatives in Council business, nor providing leadership for community agencies to participate in this endeavour.

In budget discussions, Council may consider funding a dedicated Preventing Violence Against Women Officer to work across the whole of Council, partner neighbouring Councils, other tiers of government and the community, to coordinate delivery of a suite of mutually reinforcing strategies to help prevent violence against women and their children before it occurs.

FUTURE ACTIONS

- A proposal for a Preventing Violence Against Women Officer has been included in New Initiatives to be considered as part of the 2009/10 budget discussions.
- Women's Health in the North to present at Councillor Briefing Session on 25 May 2009 as part of ongoing strategies in relation to *Safe, Well and Connected Plan* and *Local Government Capacity Building Project*.
- Members of the Gender Equity Working Group to continue to work closely with relevant Council officers around application of a gender-lens framework within the Municipal Community Health and Wellbeing Plan 2009-2012 and the Darebin Diversity Policy.
- Continued research to build evidence of women's disadvantage and wellbeing in Darebin to inform planning.
- The Gender Equity Working Group to commence planning community workshops in partnership with key stakeholders as part of Council's community engagement strategy to increase women's participation on key decision making forums in both government and community. This includes conducting a forum to explore the role and composition of a Women's Advisory Committee.

POLICY IMPLICATIONS

Environmental Sustainability

Women who feel unsafe in their home are more likely to feel disconnected from their community, therefore difficult and reluctant to participate in environmentally sustainable activity.

Social Inclusion and Diversity

Aligns with Human Rights Checklist, Darebin Social Inclusion Framework, Darebin's Diversity Policy; and Council's broader commitment to respect, social justice and community wellbeing.

Other

Demand on services is likely to increase with history showing that traumatic triggers, such as bushfires and uncertain economic times, can result in an increase in the incidence of violence against women.

RELATED DOCUMENTS

- **Appendix A:** Examples of violence prevention activity presently undertaken by Council and others in the community
- **Appendix B:** Examples of how Council might progress its violence prevention activity and opportunities to work in partnership with others in the community
- Council Meeting report 20 April 2009: Women's Policy and Gender Equity
- Council Briefing Paper 14 April 2009: Preventing Violence Against Women; Ref: A686470
- Council Minutes 2 February 2009: requesting Report of violence prevention initiatives
- An Assault on Our Future: The impact of violence on young people and their relationships; White Ribbon Foundation (2008)
- Preventing Violence Before It Occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria; VicHealth (2007)
- The GLOVE project: Gender, violence prevention, and local governance in Victoria; Whitzman (2006)
- Council Plan: 4 Years 50 Commitments 2005-2009
- Council Municipal Public Health Plan 2005-2009
- Darebin Family Violence Working Group Background Paper: Partnerships for a Safer Darebin (January 2004)

**8.12 DAREBIN NORTH EAST CORRIDOR SUBURB NAME
REVIEW PROJECT****MINUTE NO. 162****AUTHOR:** Social Inclusion and Diversity Research Assistant - Sarah-Jade
Chung**MANAGER:** Manager Social Inclusion and Diversity - John Smith**BUDGET****IMPLICATIONS:** Within budget**SUMMARY:**

This report presents the results from the consultation process which was undertaken for the proposed renaming of the Darebin parts of Macleod and Bundoora. The report also provides background information and lists a range of other issues raised during the consultation process. Based on the findings of the consultation process the report recommends that Council do not proceed with the renaming process.

CONSULTATION:

Darebin residents living in Bundoora and Macleod
Relevant emergency services providers
Australia Post

COUNCIL RESOLUTION**MOVED:** Cr. T. Laurence**SECONDED:** Cr. S. Chiang**THAT:**

- (1) Council note the results of the consultation process.
- (2) Council take no further action with regard to the renaming of those parts of Bundoora and Macleod suburbs that fall within the Darebin municipal district.
- (3) Council undertake a program of consultation with the community concerning the Lancaster Gate Community Centre.

CARRIED

REPORT**BACKGROUND****The evolution of suburb names and boundaries in North East Darebin**

Development of the North Eastern Corridor began in February 1993, when the City of Preston, considered a Committee report regarding a proposed new suburb on land adjacent to Bundoora Park and La Trobe University. In 1998 the Darebin City Council resolved to adopt the Darebin North East Corridor Strategic Plan as 'a statement of aspirations for the area, specifically in terms of the nature of development to be promoted'. As a result of the development process for the North Eastern Corridor, four separate estates are enclosed or intersected by Bundoora and Macleod suburb boundaries in a way that is not congruous either with Municipal boundaries nor the boundaries of the estates themselves.

On June 16 Darebin City Council resolved to investigate the relevance and appropriateness of re-naming parts of Macleod and Bundoora suburbs. Council also approved a recommended consultation process as a way of informing that investigation. The aim of the consultation was to seek community views about four key questions:

- Whether a more rational naming of the area is required or desired
- Whether such a renaming would promote a more cohesive sense of identity and community
- If so, what name might be appropriate
- Whether the current placement of the Municipal boundaries have any effect on residents in terms of access to facilities and services, and if so, what are the effects.

A suburb name change could affect many different groups. In addition to consulting local residents most likely to be affected by a suburb name change, Council is also seeking the views of Emergency Services, Police and utility providers, neighbouring Councils and Australia Post in order to identify any potential issues.

The process for changing suburban names and boundaries

Suburb name changes are undertaken pursuant to the State's *Geographic Place Names Act 1998*. Under this legislation, Councils are responsible for determining place names of local significance. However, a range of factors need to be taken into account when considering a suburb name change. These factors include:

- Changes to the boundaries to suburbs, town or rural districts must be in the public interest, and not for any private interest
- It is critical that the extent of the 'suburb' must be clearly identifiable
- Decisions made by the naming authority should receive significant support, including support from emergency services (ie. police, ambulance service, fire authority, State Emergency Service)
- The extent of the area surveyed whether within the area affected or outside should be left to the discretion of the naming authority
- The naming authority to decide who within the survey area is surveyed ie. should the consultation include property owners and/or tenants and/or occupiers

- The survey document should clearly indicate how a 'non-return' will be treated. For example, it will be accepted that those who do not vote in a consultation survey are in favour of the status quo.

CORE ISSUES

Community Consultation Results

Community Focus Groups

- The application process to participate in focus groups opened at the start of November 2008
- Over a hundred application forms were received
- Forty people were selected and 38 participated in the focus groups conducted during the first week of December 2008.

Information Sessions

- Information sessions were held on 17 and 31 January 2009
- In total around 20 residents attended each information session.

Submission Process

- The submission process opened on 1 February and closed on 28 February 2009
- There were 105 submissions received from Darebin North East residents, comprising 88 emails, 11 telephone calls, and 6 mails (post)
- A number of submissions represented more than one person. Two in particular represented many people: a submission from the Springthorpe Retirement Village from 47 residents, and a survey of 164 Springthorpe residents which sought views on the specific question "Do you support a suburb name change from Macleod to LaTrobe?".

Public Forum

- A public forum of 32 residents was held on 28 March 2009 to provide residents with feedback from the submission process.

Current resident involvement

- To date there have been 160 residents involved in the name changing process.

Consultation Results – Four Key Issues (see Appendix A)

This section provides details about the responses from community members regarding each of the four key questions posed during the consultation process.

1) *Whether a renaming is required or desired*

The majority of the residents (68%) do not believe a name change is required or desired, and only 30% do believe it is.

2) *Whether a renaming would promote a more cohesive sense of identity and community*

The majority of the residents either did not comment or do not believe that a renaming would promote a more cohesive sense of identity and community, and only 21% believe it would be beneficial.

3) *What name might be appropriate*

A total of 36 names were suggested however the most common one was 'Springthorpe' being suggested 21 times.

4) *Whether the current placement of municipal boundaries have any effect on residents in terms of access to services and facilities, and if so, what are the effects*

The majority of the residents either did not comment or do not believe that the current placement of Municipal boundaries have any effect on them. However, 28% do perceive that the current placement of Municipal boundaries have an effect on them, and consequently some have chosen to use Banyule services.

5) *Other issues – a change in municipal boundaries*

There were other issues raised from the consultation process, including 41 submissions suggesting a change in municipal boundaries to include all of Macleod in Banyule. Thirty seven of these submissions were from Macleod, and the majority were Springthorpe residents.

6) *Other common comments*

Additionally, there were other issues raised as well, and the four most common ones were:

- 1) The funds used for this process should be used on more important services or activities
- 2) This process is a waste of time, money and effort
- 3) The Springthorpe estate area should be recognised as a suburb in itself, and separated from the other estate areas
- 4) More services and facilities from Darebin should be provided in the area as soon as possible.

Conclusions

- The majority of the residents are opposed to the proposal of a name change
- A number of residents (29) perceive that the current placement of Municipal boundaries do have an effect on them as they are experiencing lack of access to services and facilities in their area.
- Consultation with residents has emphasised the perception that there is a need for improved services within the area, particularly the following services which were suggested by residents:
 - Maternal Health
 - Child Care/Child Health Centre
 - Early Education
 - Community Centre
 - Services for the elderly
 - Craft and Education classes for adults
 - Car parking provision
 - Kindergartens/Preschools
 - Libraries

- Schools
 - Sporting Clubs
 - Mothers Group
 - Youth Clubs
 - Shops/Retail facilities
 - Scouting facilities
 - Leisure facilities
 - Parks
 - IT access
 - Community Halls
 - Senior clubs/activities
 - Rooms for playgroups.
- Residents supported the development of the Lancaster Gate Community Centre and requested further consultation on this as the next step.

Council has recently applied for Federal Government funding of \$4.9 million under the 'Regional and Local Community Infrastructure Program' to build the Lancaster Gate Community Centre. If the application is successful, the total available funds for the Centre will be \$6.1 million, with the developer contributing \$1.2 million.
 - A recently completed feasibility study assessing the need for early childhood services on the former La Trobe Secondary College site will be used to inform the Lancaster Gate Community Centre consultation, and as a basis for further discussion with the community on this issue.

POLICY IMPLICATIONS

Environmental Sustainability

Consultation about the development of the Lancaster Gate Community Centre will seek community views and solutions to ensure an environmentally sustainable building design.

Social Inclusion and Diversity

The *Darebin North East Corridor Suburb Name Review Project* specifically investigated issues around place, identity and community cohesion. The consultation which forms part of this report was undertaken in such a way to maximise participation and community building outcomes. The consultation process around the Lancaster Gate Community Centre will continue this approach.

Other

Nil.

FINANCIAL IMPLICATIONS

The development of the Lancaster Gate Community Centre is expected to cost over \$6 million. The success of a current application to the Regional and Local Community Infrastructure Program will be an important determinant of the future of the Centre.

FUTURE ACTIONS

- Information session to inform residents of Council's decision in regards to the renaming process to be held subsequent to the decision being made about the funding submission for the Lancaster Gate Community Centre.
- Information products and advertisements to be developed to advise residents of the process for Community Centre consultation.

RELATED DOCUMENTS

Report to Council 16 June 2008 – Creation of a New Suburb in Darebin's North East Corridor

**8.13 MOTIONS TO THE NATIONAL GENERAL ASSEMBLY OF
LOCAL GOVERNMENT AND MUNICIPAL ASSOCIATION
OF VICTORIA STATE COUNCIL MEETING**

MINUTE NO. 163

AUTHOR: Manager, Social Inclusion and Diversity – John Smith

MANAGER: General Manager, Communities and Culture – Jan Black

BUDGET

IMPLICATIONS: Nil

SUMMARY:

This report presents motions to be tabled at the Australian Local Government Association (ALGA) National Assembly and the Municipal Association of Victoria (MAV) State Council. The report recommends that Council endorse these motions.

CONSULTATION:

The Municipal Association of Victoria (MAV)

COUNCIL RESOLUTION

MOVED: Cr. V. Fontana

SECONDED: Cr. B. Morgan

THAT Council endorse the motions submitted for consideration at the 2009 National General Assembly of Local Government and the Municipal Association of Victoria State Council Meeting provided in **Appendix A** attached to this report in relation to the following matters:

- Establishing a Federal Community Infrastructure Fund.
- Treatment of Voluntary Measures in the Carbon Pollution Reduction Scheme.
- Federal Government Investment in Early Childhood Services.

CARRIED

REPORT

BACKGROUND

The 2009 National General Assembly of Local Government theme is *Rising to the Challenge - Infrastructure, Financing, Climate Change* and the Australian Local Government Association (ALGA) Board has called for resolutions on the three themes.

To be eligible for inclusion in the National General Assembly Business Papers motions need to be relevant to the work of local government nationally, and complement or build on the policy objectives of state or territory association.

The closing date for lodgement of motions was Friday, 24 April 2009.

The Municipal Association of Victoria (MAV) State Council meeting will be held on 27 May 2009. The closing date for motions for this meeting was Wednesday, 29 April 2009.

CORE ISSUES

In consultation with relevant Councillors, officers developed the three motions attached relating to:

- Establishing a Federal Community Infrastructure Fund;
- Treatment of voluntary measures in the Carbon Pollution Reduction Scheme (CPRS) and
- Federal Government investment in Early Childhood Services

and lodged them within the set timelines to ALGA. These three motions were also sent to the MAV as motions for the State Council. A further motion relating to a recent Council recommendation regarding International Students was also sent to the MAV. This motion has already been endorsed by Council as it is a Council resolution and is included for information purposes in **Appendix B**.

It is more than likely that the motions will be amalgamated with similar motions lodged by other Councils and put to the ALGA Assembly or MAV State Council as an amalgamated motion.

POLICY IMPLICATIONS

Environmental Sustainability

Advocacy to State and Federal Governments relating to environmental sustainability issues is an important local government role. The motion relating to *Treatment of voluntary measures in the Carbon Pollution Reduction Scheme (CPRS)* advocates for an important environmental sustainability issue.

Social Inclusion and Diversity

In line with Human Rights Check List; Social Inclusion Frameworks; Diversity Policy and Council's commitments to respect, community diversity and wellbeing.

Other

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

FUTURE ACTIONS

The MAV and the ALGA will be notified that the motions are endorsed by Council.

Motions will be put the vote at the ALGA National Assembly of Local Government and the Municipal Association of Victoria.

RELATED DOCUMENTS

Council Minutes 6 April, 2009
Climate Change Action Plan

8.14 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**MINUTE NO. 164****AUTHOR:** Council Business Coordinator – Ron Downes**MANAGER:** General Manager Corporate Services – Bruce Dobson**BUDGET****IMPLICATIONS:** Nil**SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at April 2009.

CONSULTATION:

Executive Management Team

COUNCIL RESOLUTION**MOVED:** Cr. T. Laurence**SECONDED:** Cr. B. Morgan

THAT the status report on Reports and 'General Business' items outstanding as at April 2009, attached as **Appendix A** to this report, be received and noted.

CARRIED**REPORT****CORE ISSUES**

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 April 2009 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.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL IMPLICATIONS

Nil.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 1 June 2009.

RELATED DOCUMENTS

Minutes of previous meetings of the Council.

9. URGENT BUSINESS

Nil.

10. GENERAL BUSINESS**10.1 CONDOLENCES – CATE KYNE****MINUTE NO. 165**

COUNCIL RESOLUTION

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

THAT Darebin Council publicly acknowledge the recent and sorry passing of Cate Kyne and that Council send formal condolences and a wreath (or a donation to her charity of choice) to her funeral to be held later this week.

CARRIED**10.2 LOCAL AREA TRAFFIC MANAGEMENT STUDY – ROADS
NEXT TO RESERVOIR VIEWS PRIMARY SCHOOL****MINUTE NO. 166**

COUNCIL RESOLUTION

MOVED: Cr. G. Greco
SECONDED: Cr. S. Chiang

THAT Darebin Council conduct a Local Area Traffic Management Study in relation to the roads next to Reservoir Views Primary School at 110 St. Vigeons Road Reservoir.

CARRIED

10.3 LOCAL PURCHASING**MINUTE NO. 167****COUNCIL RESOLUTION**

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

THAT officers report back to Council immediately after the adoption of the 2009/2010 budget with a reviewed policy and operational framework to maximise local purchasing and contracting in the Darebin Plus area* in relation to material and contracts in both the operational and capital works budget in 2009 and 2010 and subsequent budgets.

Specifically the new policy framework outline should include the following measures:

- An in principle pledge by Council to increase local purchasing and help develop local suppliers
- An increase to the weighting in tenders for “Darebin Plus” firms and suppliers.
- Outline actions to encourage former local suppliers, and new businesses in the local area to supply goods and services to Darebin.
- Strong ‘local first’ guidelines for both Council and for Council officers.
- Any other actions that can lift the total amount Council spends in our economic region with both private sector and community sector enterprises.
- Local purchasing and local economic development become a key KPI in Council operations.
- Encouragement to adjoining northern suburbs Councils to adopt similar measures.

* eg. Darebin Plus Area means Darebin plus immediately adjacent municipal areas.

CARRIED**10.4 LOCAL GOVERNMENT FORUM****MINUTE NO. 168****COUNCIL RESOLUTION**

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

THAT Council write to the Minister for Local Government and congratulate him on the recent successful local government forum held by him and express our strong support for his whole of government approach to the local government forum with presentations by a number of relevant Ministers.

CARRIED

10.5 STATE SPENDING AND FEDERAL STIMULUS SPENDING**MINUTE NO. 169****COUNCIL RESOLUTION****MOVED: Cr. T. Laurence****SECONDED: Cr. G. Greco****THAT** officers report back to the next Council meeting on:

- Both current projects and potential projects within education and housing sector 'stimulus Package' and other State spending; and
- Any actions, consultation or planning that Council can take to maximise State and Federal spending in our area over the next 18 months.

CARRIED**10.6 TRAFFIC ISSUES – SHOWERS STREET AND RAILWAY PLACE WEST PRESTON****MINUTE NO. 170****COUNCIL RESOLUTION****MOVED: Cr. N. Katsis****SECONDED: Cr. S. Tsitas**

THAT Council officers assess traffic safety issues and concerns raised regarding the corner of Showers Street and Railway Place West Preston where St. John's Greek Orthodox College is located and provide a report proposing feasible options to improve the area. Consultation to occur with the Principal of the College and residents.

CARRIED**11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

Nil.

12. CLOSE OF MEETING

The meeting closed at 8.50pm.