



# **MINUTES OF THE COUNCIL MEETING**

**HELD ON**

**MONDAY, 3 MAY 2010**

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RELEASED TO THE PUBLIC ON THURSDAY 6 MAY 2010

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**MINUTES OF THE ORDINARY MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH ST, PRESTON ON MONDAY 3 MAY 2010**

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THE MEETING OPENED AT 7.04 P.M.

## 1. PRESENT

### *Councillors*

Cr. Vince Fontana (Mayor)  
Cr. Stanley Chiang  
Cr. Nick Katsis  
Cr. Tim Laurence  
Cr. Ben Morgan  
Cr. Trent McCarthy  
Cr. Steven Tsitas

### *Council Officers*

Jan Black – Acting Chief Executive Officer  
Bruce Dobson – Director Corporate Services  
Geoff Glynn – Director Infrastructure  
Dean Griggs – Acting Director Communities and Culture  
Michael Ballock – Director Development and Amenity  
Libby Hynes – Executive Manager Environmental Sustainability  
Nick Mazzarella – Manager Major Projects and Transport  
Sally Curran – Manager Corporate Governance  
Ron Downes – Council Business Coordinator

## 2. APOLOGIES

An apology was lodged for the absence of Cr. Asmar.

It was noted that Cr. Greco is currently on leave of absence.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

The Mayor, Cr. Fontana, advised the meeting that he had received a written disclosure of conflicts of interest in Report No. 7.2 (Darebin Planning Scheme Amendment C92 (Australian Horizons Site) – Community Survey) from Cr. Asmar, who was not in attendance at the meeting and had lodged an apology for her absence – see Page 80.

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

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. N. Katsis

**THAT** the Minutes of the Ordinary Meeting of Council held on 19 April 2010 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 168

### 5.1 REPORT OF CR. STEVEN TSITAS

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

- Anzac Day Dawn Service at Fairfield/Alphington RSL.
- Council Briefing session.
- Local constituent matters.

### 5.2 REPORT OF CR. TIM LAURENCE

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

- Meeting with Reservoir Village traders also attended by the Mayor and local Federal Member for Batman, the Hon Martin Ferguson MP.
- East Reservoir Neighbourhood Renewal Steering Committee meeting.
- Jumper presentation – Keon Park Stars Youth Girls football team.
- Council Briefing session.
- Planning Committee meeting.

### 5.3 REPORT OF CR. NICK KATSIS

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

- Leisure Strategy Community Forum.
- Visit to Preston South Primary School.
- President's Luncheon – Northern Bullants Football Club.
- Premier's Sustainability Awards 2010 function.
- Planning Committee meeting.
- Council Briefing session.
- Local constituent issues.

### 5.4 REPORT OF CR. BEN MORGAN

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

- Anzac Day Dawn Service – Edwardes Street Reservoir
- Council Briefing session.
- Local constituent matters.

## 5.5 REPORT OF CR. STANLEY CHIANG

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

- Council Briefing session.
- Meeting with new Chief Executive Officer, Rasiah Dev.
- Participated in Green Travel Day 29 April 2010.

## 5.6 REPORT OF CR. TRENT MCCARTHY

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

- Darebin Aboriginal and Torres Strait Islander Community Council meeting.
- Planning Committee meeting.
- Launch of Victorian Code of Conduct for Community Sport.
- Premier's Sustainability Awards 2010 function.
- Meeting with residents of Ballantyne Street Thornbury.
- Council Briefing session.
- Consultation with residents in relation to Amendments C81 and C92 (Australian Horizons site).

Cr. McCarthy also commended the people involved with Council's Immunisation service following a recent positive experience involving his five month old daughter.

Cr. McCarthy also drew attention to the presence in the public gallery of Toni Meek and Tony Wood, members of the Darebin Environmental Reference Group, and he thanked them both for their respective contributions.

## 5.7 REPORT OF THE MAYOR, CR. VINCE FONTANA

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

- RoadSafe Inner Northern Community Road Safety Council meeting.
- Celebration of the Year of Women in Local Government Forum.
- Premier's Sustainability Awards 2010 function.
- Launched the Ride2School Professional Development Day for teachers.
- Local Government Ministerial Forum.
- Citizenship ceremony.
- Reservoir Village Traders Forum.
- Launched the Metlink Great Transport Race.
- Launch of Victorian Code of Conduct for Community Sport.
- Opened the Leisure Strategy Community Forum.
- Darebin Cup at Northcote Golf Course.
- Northcote Park v West Preston Lakeside Northern Football League match.

- Annual General Meeting – Northcote Swimming Club.
- Opening of Children’s Protection Society facility in Heidelberg.

## **6. PUBLIC QUESTION TIME**

### **MINUTE NO. 169**

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

The following questions were submitted:

- Geoffrey Toll of Preston asked a question about Preston East Primary School. The question was responded to by the Mayor, Cr. Fontana and the Acting Chief Executive Officer, Jan Black, who indicated that a written reply would be forwarded.
- Lionel Foster of Reservoir asked a question about road treatments involving Gremel Road Reservoir. The Mayor, Cr. Fontana, indicated that a written response would be forwarded.

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



## 7. CONSIDERATION OF REPORTS

### 7.1 APPLICATION FOR PLANNING PERMIT – 850 PLENTY ROAD, RESERVOIR

MINUTE NO. 170

**AUTHOR:** Team Leader Statutory Planning – Julie Smout

**DIRECTOR:** Director Development and Amenity – Michael Ballock

#### SUMMARY:

Application for Planning Permit D889/2009 to construct a mixed use development comprising 319 dwellings, shops, offices, child care centre, medical centre, gymnasium, contained within buildings ranging from two (2) to 12 storeys at 850 Plenty Road, Reservoir has been received by Council.

#### CONSULTATION:

Notice of the application was given by placing notices on site and sending notices in the mail to adjoining and surrounding owners and occupiers.

A consultation meeting was held on 17 February 2010.

Referrals were made to Council departments and to external authorities as required.

### RECOMMENDATION

**THAT** Application for Planning Permit D889/2009 be approved and a Notice of Decision to Grant a Planning Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Project, Mixed Use Development 850 Plenty Road, Bundoora, Drawn DG, date 04.12.09, Job no. 09474, Drawing Nos. TP-00 to TP-19 drawn by architecture hq) but modified to show:
  - (a) A minimum of 30 of the dwellings must be identified and utilised as social housing.
  - (b) Location and height of a single communal antenna for each of the apartment buildings.
  - (c) Privacy screens provided to the balconies of dwellings within the apartment buildings. Balconies must be treated to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling directly below. These screens are to be permanently fixed and durable external screens, no more than 25 percent transparent or be designed to restrict views to a maximum of 25 percent through the screen. A sectional plan of these screens

must be provided to show how these screens will restrict views onto adjoining balconies and other balconies within the development. These screens must restrict downward views into balconies below and sideways views into adjoining balconies.

- (d) All bicycle parking spaces and facilities compliant with Clause 52.34 of the planning scheme.
- (e) All external materials and finishes. The presentation of this information must include colour and sample boards and coloured elevations. Particular attention should be paid to colours and finishes. Materials that are durable, long lasting and low maintenance must be used.
- (f) All glazing in windows of the residential towers in the elevations noted as having low reflectivity levels.
- (g) Storage areas of a minimum of six (6) cubic metres must be provided for all dwellings.
- (h) All plant on the roof of the development required to be screened and appropriately sited to not be visible from the public realm.
- (i) Front fencing with a maximum height of one (1) metre and be permeable to allow views through into the front garden area.
- (j) Location of mail boxes for the apartment buildings.
- (k) Details of any partitioning to allow appropriate daylight to reach bedrooms that do not have external windows.
- (l) Either additional planting or shading devices to the main at grade car park to Plenty Road.
- (m) The car park designed with Water Sensitive Urban Design (WSUD – swales or similar) that enable the water runoff from the car park to water the trees and shrubs in that area.
- (n) Tanks in conjunction with WSUD to allow for the establishment and maintenance of the plants.
- (o) The access to Oulton Crescent to be constructed and formed to match existing levels to Council requirements.
- (p) The statutory cycle parking requirement for the site. (Any cycle parking provided as part of the Travel Plans must be provided in addition to the statutory requirement).
- (q) How the freight needs of residents will be addressed.
- (r) A high quality pedestrian link between Plenty Road and the Centre. This should be based on Australian Standards and provide a high level of pedestrian priority across the car park.
- (s) How pedestrians will be accommodated around the signalised intersections at Plenty Road and Loddon Avenue.
- (t) Bicycle access provided through the proposed residential and residential visitor car parking area.
- (u) Resident and resident visitor cycle parking located to facilitate convenient bicycle access via Oulton Crescent.
- (v) Plans, elevations and cross sections showing:
  - a. Pedestrian facilities.

- b. Cycle facilities.
  - c. Car parking spaces (1:100 scale).
  - d. Vehicle accessways.
  - e. Ramps.
  - f. Headroom (1:25 scale).
- (w) How parking in the parking area accessed via Oulton Avenue will be limited to residential and residential visitor parking and that access and parking arrangements will not negatively impact the residential amenity of properties to the south of the shopping centre.
- (x) Establish a clear vertical glazed break through the entire northern residential block in the form of a fully glazed lobby space presenting to both north and south.
- (y) Delete the top three (3) floors of the eastern end of the residential block on Gremel Road. The top floor of this section should be retained, as a 9th floor, to form a distinguishable roof form.
- (z) Simplify the presentation of the central element within the northern elevation of the residential form to Gremel Road elevation to provide distinction in the wider elevation:
- (aa) Delete the top two (2) levels of the Oulton Crescent block and reorganise access to ensure an entry presentation to the south.
  - (bb) Redesign of the office form to Plenty Road to increase depth and ensure activity on all sides and a connection to the rear with the shopping centre.
  - (cc) Ensure that there is an active frontage of the building to the car park with retail tenancies opening out onto this space.
  - (dd) Details of the public spaces within the development to ensure that the pedestrian routes are simple, direct and are clearly defined. This includes the pedestrian linkages across and around the site, particularly to the Summerhill Residential Park in the south and the La Trobe Retirement Village.
  - (ee) Details of the pedestrian spaces and pathways within the development which are accessible provide for safety, and seating in strategic locations. Weather protection is to be incorporated.
  - (ff) Details of the pedestrian link along the southern property boundary connecting Oulton Crescent with the commercial car parking area. A section of the link must be provided. The link must incorporate safety and security measures.
  - (gg) Appropriate lighting provided within the public areas.
  - (hh) External materials to be used that minimise the potential for graffiti.
  - (ii) Lighting to the basement car parking and car accessways and all public areas.
  - (jj) Details of security measures provided to the car parking areas.
  - (kk) The area of each balcony is required to be at least 8m<sup>2</sup> with a minimum dimension of 1.6 metres.

- (ll) The secluded private open space of the existing dwellings located along the western property boundary of the adjoining residential land to the east of the subject site (at the Summerhill Residential Park located at 2 Gremel Road, Reservoir) must comply with standard B21 of Clause 55 of the Darebin Planning Scheme.
- (mm) The loading bay facilities in accordance with the planning scheme requirements under Clause 52.07 of the Scheme.
- (nn) Floor plans that correspond with the elevation plans.
- (oo) Floor plans for the Medical Centre, Child Care Centre, Restricted Recreation Facility (Gym) and Office.
- (pp) Dimensions of carparking spaces and access ways in accordance with the Darebin Planning Scheme.
- (qq) Modifications in accordance with the Environmentally Sustainable Development Management Plan (refer to Condition No. 9 of this Permit).
- (rr) Any modifications in accordance with Yarra Valley Water, Jemena, VicRoads and the Department of Transport (refer to Conditions No. 49-60 of this Permit).
- (ss) A Landscape Plan in accordance with Condition No.10 of this Permit.

When approved, the plans will be endorsed and form part of this Permit.

2. Before the development and/or use starts, the owner of the land at 850 Plenty Road, Reservoir must provide a written undertaking to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
  - a) A minimum of 30 of the residential dwellings on the land must be designated and used for social housing.
3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
5. This Permit will expire if:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed and the use has not started within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

6. Before buildings and works or the use of 850 Plenty Road, Reservoir starts, a site assessment of 850 Plenty Road, Reservoir, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The site assessment must include:
- The nature of the previous land use or activities on the site;
  - An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
  - Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
  - Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before buildings and works start, either:

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

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before the development starts the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
  - A copy of the Certificate of Environmental Audit or Statement of Environmental Audit issued for the land will be provided to all prospective owners prior to the signing of a contract of sale. Where a Statement of Environmental Audit is issued, the copy provided to each party will include a covering letter which alerts the owner to any directions or conditions contained with the Statement.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

8. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
9. Before the development starts, an Environmentally Sustainable Development Management Plan (ESD Management Plan) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.
  - a) The ESD Management Plan must address:
    - Energy Management;
    - Stormwater Management;
    - Water Conservation and Re-use; and
    - Demolition and Construction Waste Management.
  - b) The ESD Management Plan must provide:
    - Details of how the development achieves the Four (4) Star Green Star rating for both the commercial and the residential.
    - Demonstrate at least a 20-25% improvement on the Building Code of Australia (BCA) Part J requirements.
    - Demonstrate how Best Practice Stormwater quality objectives will be achieved.
  - c) Where appropriate, the ESD Management Plan should:
    - Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards;
    - Document the means by which the appropriate target or performance will be achieved;

- Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring; and
- Demonstrate that the design elements, technologies and operational practices that comprise the ESD Management Plan can be maintained over time.

A schedule for implementing and monitoring the ESD Management Plan must be included.

The approved ESD Management Plan must be implemented to the satisfaction of the Responsible Authority.

10. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified
  - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants
  - c) Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel)
  - d) Street trees within the nature strip/s adjacent to the property
  - e) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc
  - f) Edge treatment between grass (lawn) and garden beds
  - g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown
  - h) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided
  - i) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers
  - j) A scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

11. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

12. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in

accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

13. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings and on the amenity of the communal open space area.
  - (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 45 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
  - (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
  - (d) Details of an acoustic common boundary fence (located along the eastern boundary of the site) to ensure that the dwellings on the adjoining site to the east at 2 Gremel Road, Reservoir are protected from noise associated with the operation of the development and the associated loading bays and facilities to the satisfaction of the responsible authority.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

14. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.



15. Prior to occupation of the development, the permit holder shall arrange for the removal of waste and recycled product from the development by a private contractor to the satisfaction of the Responsible Authority. A copy of the collection arrangements must be provided to the Responsible Authority prior to the occupation of the development.
16. The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
17. Before the development starts the applicant must develop and deliver a number of comprehensive Travel Plans for the site for each of the land uses included in the proposal. These Travel Plans must support the requested level of parking reduction for the site to be approved by the Responsible Authority. The Travel Plans must articulate how the developer intends to promote sustainable travel behaviour by individuals travelling to and from the site.
18. Before the development starts the applicant must submit a new version of the 'Transport Impact Assessment' as the 'Office' area shown in plans No. TP08 and TP09 was not included.
19. Before the development starts an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority. All buildings and works must be carried out in accordance with the approved EMP.
20. The owner must ensure that the materials and finishes as approved under this permit are incorporated into the construction of the building to the satisfaction of the Responsible Authority.
21. As part of the consultant team an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained.
22. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
23. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

24. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each unit (both commercial and residential), access to car parking areas, car spaces and all pedestrian walkways and communal areas must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
25. The number of practitioners operating from the Medical Centre at any one time must not exceed four (4).
26. The number of children on the premises at the Child Care Centre must not exceed 80 at any one time.
27. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.
28. Drugs of addiction must not be kept on the premises and signs to that effect must be displayed to the satisfaction of the Responsible Authority.
29. The amenity of the area must not be adversely affected by the use or development as a result of the:
- (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- and/or in any other way, to the satisfaction of the Responsible Authority.
30. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
31. Noise from the premises must not exceed the relevant limits prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.
32. No external sound amplification equipment or loudspeakers are to be used on the land.
33. Before the occupation of the development, an acoustic fence must be erected along the eastern boundary of the land in accordance with the design prepared in consultation with an acoustic engineer qualified to the satisfaction of the Responsible Authority.
34. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.

35. Before the development is occupied an automatic system of external lighting must be installed on the land to the satisfaction of the Responsible Authority. The lighting system must operate automatically between dusk and dawn and must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
36. Before the use starts, the exhausts on the premises must be provided with a filter system to ensure that the emission of cooking odours, fumes and smoke does not cause detriment to the amenity of the locality to the satisfaction of the Responsible Authority.
37. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority.
38. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
39. The land must be drained to the satisfaction of the Responsible Authority.
40. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
41. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
42. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
43. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.
44. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
45. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - a) Properly formed to such levels that they can be used in accordance with the plans;
  - b) Surfaced with an all weather sealcoat; and
  - c) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

46. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
47. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
48. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility: AS1428.1-1998, AS1428-2 1992, AS1428-3 1992 and AS1428-4 1992.

**Conditions Required by Yarra Valley Water (conditions no. 49-50)**

49. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of water supply.
50. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of Sewerage.

**Conditions Required by the Department of Transport (conditions no. 51-52)**

51. The existing bus stops and associated infrastructure along Plenty Road must not be altered without the prior consent of the Director of Public Transport. Any alterations including temporary works must be to the satisfaction of the Director of Public Transport at the cost of the permit holder.
52. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Plenty Road is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to the Director of Public Transport and bus operators one (1) week prior.

**Condition Required by Jemena (condition no. 53)**

53. The applicant must:
  - Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for supply of electricity to each lot shown on the endorsed plan.
  - Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for the rearrangement of the existing electricity supply system.
  - Ensure that any private electric line in the subdivision is rearranged to the satisfaction of Jemena Electricity Networks (Vic) Ltd.
  - Provide easements satisfactory to Jemena Electricity Networks, (Vic) Ltd for the purpose of "Power Line" in favour of 'Jemena Electricity Networks, (Vic) Ltd', where easements have not been otherwise

provided, for all existing electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- Obtain for the use of Jemena Electricity Networks, (Vic) Ltd any other easement required to service the lots.
- Adjust the position of any existing Jemena Electricity Networks, (Vic) Ltd easement to accord with the position of the electric line(s) as determined by survey.
- Set aside on the plan of subdivision reserves or easements, satisfactory to Jemena Electricity Networks, (Vic) Ltd for electric substations.

**Conditions Required by VicRoads (conditions nos. 54-60)**

54. Prior to the commencement of use of the development, the Applicant is required to undertake traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1, incorporating an extension of the u-turn lane on the northern approach to the intersection, and any other alterations as identified as part of the functional approval process. The Applicant is required to fund all works associated with the traffic signals remodel.
55. Functional layout plans shall be submitted to and approved by VicRoads prior to any works being performed in the Plenty Road road reserve, including:
  - a) Traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1. Detailed SIDRA analysis must also be submitted, that demonstrates the required improved works, and no impact to tram movements, to the satisfaction of VicRoads.
  - b) Proposed left-in/left-out access at site entry No. 2.
56. An amended plan shall be submitted for endorsement detailing:
  - a) Proposed access widths and gradients, in accordance with AS/NZS 2890.1;2004 Off-street car parking, to the satisfaction of VicRoads and the Responsible Authority.
  - b) Improved pedestrian pathways and facilities within the site to provide for safe and efficient pedestrian access to and from Plenty Road paths and public transport facilities, and which removes potential conflict associated with carparking and vehicle access movements.
57. To the satisfaction of VicRoads and Responsible Authority, an Integrated Transport plan shall be submitted including but not limited to:
  - a) Need and opportunity for improved bus routes to serve the local catchment, in consultation with the Department of Transport.
  - b) Identification of main cycle routes from the expected catchment around the site, and connections to the Principal Bicycle Network and trail network, as well as any works required to the surrounding cycle routes to facilitate access to the centre.
  - c) Safe and efficient pedestrian access.

58. All proposed road works and mitigating works shall be carried out, at no cost to VicRoads and to the satisfaction of the Responsible Authority.
59. Work site traffic management to be in accordance with "Road Management Act 2004 Worksite Safety Traffic Management – Code of Practice" and AS 1742.3-2009 Part 3 traffic control devices for works on roads. If traffic congestion becomes excessive at anytime, the contractor must undertake measures to ease congestion.
60. A traffic management plan is to be submitted to VicRoads for its consideration at least 14 days prior to the commencement of works on-site. No traffic management devices are to be erected on Plenty Road until VicRoads issues authorisation for the erection of those devices in accordance with the traffic management plan.

### NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design

Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

Before the use starts all relevant Health Department registrations, approvals or related licences must be obtained.

### **VicRoads Notation**

Please note that the approval covered under VicRoads consent covers only the works associated with the planning permit application and does not imply the right to:

- a) Connect to utilities, drainage, etc. within the road reserve, relocate services from the property into the road reserve, extend or alter existing utility arrangement within the road reserve.
- b) Carry out works within the road reserve which may impact roadside vegetation including vegetation removal, and works within the dripline of trees, (eg. Excavation, stockpiling of materials, etc.)

## **COUNCIL RESOLUTION**

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. B. Morgan

**THAT** Application for Planning Permit D889/2009 be approved and a Notice of Decision to Grant a Planning Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Project, Mixed Use Development 850 Plenty Road, Bundoora, Drawn DG, date 04.12.09, Job no. 09474, Drawing Nos. TP-00 to TP-19 drawn by architecture hq) but modified to show:
  - (a) A minimum of 51 of the dwellings must be identified and utilised as social housing.
  - (b) Location and height of a single communal antenna for each of the apartment buildings.
  - (c) Privacy screens provided to the balconies of dwellings within the apartment buildings. Balconies must be treated to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling directly below. These screens are to be permanently fixed and durable external screens, no more than 25 percent transparent or be designed to restrict views to a maximum of 25 percent through the screen. A sectional plan of these screens must be provided to show how these screens will restrict views onto adjoining balconies and other balconies within the development. These screens must restrict downward views into balconies below and sideways views into adjoining balconies.

- (d) All bicycle parking spaces and facilities compliant with Clause 52.34 of the planning scheme.
- (e) All external materials and finishes. The presentation of this information must include colour and sample boards and coloured elevations. Particular attention should be paid to colours and finishes. Materials that are durable, long lasting and low maintenance must be used.
- (f) All glazing in windows of the residential towers in the elevations noted as having low reflectivity levels.
- (g) Storage areas of a minimum of six (6) cubic metres must be provided for all dwellings.
- (h) All plant on the roof of the development required to be screened and appropriately sited to not be visible from the public realm.
- (i) Front fencing with a maximum height of one (1) metre and be permeable to allow views through into the front garden area.
- (j) Location of mail boxes for the apartment buildings.
- (k) Details of any partitioning to allow appropriate daylight to reach bedrooms that do not have external windows.
- (l) Either additional planting or shading devices to the main at grade car park to Plenty Road.
- (m) The car park designed with Water Sensitive Urban Design (WSUD – swales or similar) that enable the water runoff from the car park to water the trees and shrubs in that area.
- (n) Tanks in conjunction with WSUD to allow for the establishment and maintenance of the plants.
- (o) The access to Oulton Crescent to be constructed and formed to match existing levels to Council requirements.
- (p) The statutory cycle parking requirement for the site. (Any cycle parking provided as part of the Travel Plans must be provided in addition to the statutory requirement).
- (q) How the freight needs of residents will be addressed.
- (r) A high quality pedestrian link between Plenty Road and the Centre. This should be based on Australian Standards and provide a high level of pedestrian priority across the car park.
- (s) How pedestrians will be accommodated around the signalised intersections at Plenty Road and Loddon Avenue.
- (t) Bicycle access provided through the proposed residential and residential visitor car parking area.
- (u) Resident and resident visitor cycle parking located to facilitate convenient bicycle access via Oulton Crescent.
- (v) Plans, elevations and cross sections showing:
  - a. Pedestrian facilities.
  - b. Cycle facilities.
  - c. Car parking spaces (1:100 scale).
  - d. Vehicle accessways.
  - e. Ramps.
  - f. Headroom (1:25 scale).



- (w) How parking in the parking area accessed via Oulton Avenue will be limited to residential and residential visitor parking and that access and parking arrangements will not negatively impact the residential amenity of properties to the south of the shopping centre.
- (x) Establish a clear vertical glazed break through the entire northern residential block in the form of a fully glazed lobby space presenting to both north and south.
- (y) Delete six (6) dwellings on each of the top three (3) floors of the eastern end of the residential block on Gremel Road. The top floor of this section should be retained, as a 9th floor, to form a distinguishable roof form.
- (z) Simplify the presentation of the central element within the northern elevation of the residential form to Gremel Road elevation to provide distinction in the wider elevation:
  - (aa) Delete the two (2) eastern most dwellings from each of the top two (2) levels of the Oulton Crescent block and reorganise access to ensure an entry presentation to the south.
  - (bb) Redesign of the office form to Plenty Road to increase depth and ensure activity on all sides and a connection to the rear with the shopping centre.
  - (cc) Ensure that there is an active frontage of the building to the car park with retail tenancies opening out onto this space.
  - (dd) Details of the public spaces within the development to ensure that the pedestrian routes are simple, direct and are clearly defined. This includes the pedestrian linkages across and around the site, particularly to the Summerhill Residential Park in the south and the La Trobe Retirement Village.
  - (ee) Details of the pedestrian spaces and pathways within the development which are accessible provide for safety, and seating in strategic locations. Weather protection is to be incorporated.
  - (ff) Details of the pedestrian link along the southern property boundary connecting Oulton Crescent with the commercial car parking area. A section of the link must be provided. The link must incorporate safety and security measures.
  - (gg) Appropriate lighting provided within the public areas.
  - (hh) External materials to be used that minimise the potential for graffiti.
  - (ii) Lighting to the basement car parking and car accessways and all public areas.
  - (jj) Details of security measures provided to the car parking areas.
  - (kk) The area of each balcony is required to be at least 8m<sup>2</sup> with a minimum dimension of 1.6 metres.
  - (ll) The secluded private open space of the existing dwellings located along the western property boundary of the adjoining residential land to the east of the subject site (at the Summerhill Residential Park located at 2 Gremel Road, Reservoir) must

comply with standard B21 of Clause 55 of the Darebin Planning Scheme.

- (mm) The loading bay facilities in accordance with the planning scheme requirements under Clause 52.07 of the Scheme.
- (nn) Floor plans that correspond with the elevation plans.
- (oo) Floor plans for the Medical Centre, Child Care Centre, Restricted Recreation Facility (Gym) and Office.
- (pp) Dimensions of carparking spaces and access ways in accordance with the Darebin Planning Scheme.
- (qq) Modifications in accordance with the Environmentally Sustainable Development Management Plan (refer to Condition No. 9 of this Permit).
- (rr) Any modifications in accordance with Yarra Valley Water, Jemena, VicRoads and the Department of Transport (refer to Conditions No. 49-60 of this Permit).
- (ss) A Landscape Plan in accordance with Condition No.10 of this Permit.

When approved, the plans will be endorsed and form part of this Permit.

2. Before the development and/or use starts, the owner of the land at 850 Plenty Road, Reservoir must provide a written undertaking to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
  - a) A minimum of 51 of the residential dwellings on the land must be designated and used for social housing.
3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
5. This Permit will expire if:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed and the use has not started within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

6. Before buildings and works or the use of 850 Plenty Road, Reservoir starts, a site assessment of 850 Plenty Road, Reservoir, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The site assessment must include:
- The nature of the previous land use or activities on the site;
  - An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
  - Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
  - Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before buildings and works start, either:

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

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before the development starts the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
  - A copy of the Certificate of Environmental Audit or Statement of Environmental Audit issued for the land will be provided to all prospective owners prior to the signing of a contract of sale. Where a Statement of Environmental Audit is issued, the copy provided to each party will include a covering letter which alerts the owner to any directions or conditions contained with the Statement.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

8. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
9. Before the development starts, an Environmentally Sustainable Development Management Plan (ESD Management Plan) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.
  - a) The ESD Management Plan must address:
    - Energy Management;
    - Stormwater Management;
    - Water Conservation and Re-use; and
    - Demolition and Construction Waste Management.
  - b) The ESD Management Plan must provide:
    - Details of how the development achieves the Four (4) Star Green Star rating for both the commercial and the residential.
    - Demonstrate at least a 20-25% improvement on the Building Code of Australia (BCA) Part J requirements.
    - Demonstrate how Best Practice Stormwater quality objectives will be achieved.
  - c) Where appropriate, the ESD Management Plan should:
    - Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards;
    - Document the means by which the appropriate target or performance will be achieved;

- Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring; and
- Demonstrate that the design elements, technologies and operational practices that comprise the ESD Management Plan can be maintained over time.

A schedule for implementing and monitoring the ESD Management Plan must be included.

The approved ESD Management Plan must be implemented to the satisfaction of the Responsible Authority.

10. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified
  - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants
  - c) Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel)
  - d) Street trees within the nature strip/s adjacent to the property
  - e) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc
  - f) Edge treatment between grass (lawn) and garden beds
  - g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown
  - h) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided
  - i) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers
  - j) A scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

11. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

12. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in

accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

13. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings and on the amenity of the communal open space area.
  - (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 45 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
  - (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
  - (d) Details of an acoustic common boundary fence (located along the eastern boundary of the site) to ensure that the dwellings on the adjoining site to the east at 2 Gremel Road, Reservoir are protected from noise associated with the operation of the development and the associated loading bays and facilities to the satisfaction of the responsible authority.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

14. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

15. Prior to occupation of the development, the permit holder shall arrange for the removal of waste and recycled product from the development by a

private contractor to the satisfaction of the Responsible Authority. A copy of the collection arrangements must be provided to the Responsible Authority prior to the occupation of the development.

16. The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
17. Before the development starts the applicant must develop and deliver a number of comprehensive Travel Plans for the site for each of the land uses included in the proposal. These Travel Plans must support the requested level of parking reduction for the site to be approved by the Responsible Authority. The Travel Plans must articulate how the developer intends to promote sustainable travel behaviour by individuals travelling to and from the site.
18. Before the development starts the applicant must submit a new version of the 'Transport Impact Assessment' as the 'Office' area shown in plans No. TP08 and TP09 was not included.
19. Before the development starts an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority. All buildings and works must be carried out in accordance with the approved EMP.
20. The owner must ensure that the materials and finishes as approved under this permit are incorporated into the construction of the building to the satisfaction of the Responsible Authority.
21. As part of the consultant team an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained.
22. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
23. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

24. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each unit (both commercial and residential), access to car parking areas, car spaces and all pedestrian walkways and communal areas must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
25. The number of practitioners operating from the Medical Centre at any one time must not exceed four (4).
26. The number of children on the premises at the Child Care Centre must not exceed 80 at any one time.
27. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.
28. Drugs of addiction must not be kept on the premises and signs to that effect must be displayed to the satisfaction of the Responsible Authority.
29. The amenity of the area must not be adversely affected by the use or development as a result of the:
- (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- and/or in any other way, to the satisfaction of the Responsible Authority.
30. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
31. Noise from the premises must not exceed the relevant limits prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.
32. No external sound amplification equipment or loudspeakers are to be used on the land.
33. Before the occupation of the development, an acoustic fence must be erected along the eastern boundary of the land in accordance with the design prepared in consultation with an acoustic engineer qualified to the satisfaction of the Responsible Authority.
34. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.



35. Before the development is occupied an automatic system of external lighting must be installed on the land to the satisfaction of the Responsible Authority. The lighting system must operate automatically between dusk and dawn and must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
36. Before the use starts, the exhausts on the premises must be provided with a filter system to ensure that the emission of cooking odours, fumes and smoke does not cause detriment to the amenity of the locality to the satisfaction of the Responsible Authority.
37. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority.
38. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
39. The land must be drained to the satisfaction of the Responsible Authority.
40. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
41. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
42. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
43. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.
44. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
45. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all weather sealcoat; and
  - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

46. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
47. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
48. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility: AS1428.1-1998, AS1428-2 1992, AS1428-3 1992 and AS1428-4 1992.

**Conditions Required by Yarra Valley Water (conditions no. 49-50)**

49. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of water supply.
50. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of Sewerage.

**Conditions Required by the Department of Transport (conditions no. 51-52)**

51. The existing bus stops and associated infrastructure along Plenty Road must not be altered without the prior consent of the Director of Public Transport. Any alterations including temporary works must be to the satisfaction of the Director of Public Transport at the cost of the permit holder.
52. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Plenty Road is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to the Director of Public Transport and bus operators one (1) week prior.

**Condition Required by Jemena (condition no. 53)**

53. The applicant must:
  - Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for supply of electricity to each lot shown on the endorsed plan.
  - Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for the rearrangement of the existing electricity supply system.
  - Ensure that any private electric line in the subdivision is rearranged to the satisfaction of Jemena Electricity Networks (Vic) Ltd.
  - Provide easements satisfactory to Jemena Electricity Networks, (Vic) Ltd for the purpose of "Power Line" in favour of 'Jemena Electricity Networks, (Vic) Ltd', where easements have not been otherwise

provided, for all existing electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- Obtain for the use of Jemena Electricity Networks, (Vic) Ltd any other easement required to service the lots.
- Adjust the position of any existing Jemena Electricity Networks, (Vic) Ltd easement to accord with the position of the electric line(s) as determined by survey.
- Set aside on the plan of subdivision reserves or easements, satisfactory to Jemena Electricity Networks, (Vic) Ltd for electric substations.

**Conditions Required by VicRoads (conditions nos. 54-60)**

54. Prior to the commencement of use of the development, the Applicant is required to undertake traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1, incorporating an extension of the u-turn lane on the northern approach to the intersection, and any other alterations as identified as part of the functional approval process. The Applicant is required to fund all works associated with the traffic signals remodel.
55. Functional layout plans shall be submitted to and approved by VicRoads prior to any works being performed in the Plenty Road road reserve, including:
  - a) Traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1. Detailed SIDRA analysis must also be submitted, that demonstrates the required improved works, and no impact to tram movements, to the satisfaction of VicRoads.
  - b) Proposed left-in/left-out access at site entry No. 2.
56. An amended plan shall be submitted for endorsement detailing:
  - a) Proposed access widths and gradients, in accordance with AS/NZS 2890.1;2004 Off-street car parking, to the satisfaction of VicRoads and the Responsible Authority.
  - b) Improved pedestrian pathways and facilities within the site to provide for safe and efficient pedestrian access to and from Plenty Road paths and public transport facilities, and which removes potential conflict associated with carparking and vehicle access movements.
57. To the satisfaction of VicRoads and Responsible Authority, an Integrated Transport plan shall be submitted including but not limited to:
  - a) Need and opportunity for improved bus routes to serve the local catchment, in consultation with the Department of Transport.
  - b) Identification of main cycle routes from the expected catchment around the site, and connections to the Principal Bicycle Network and trail network, as well as any works required to the surrounding cycle routes to facilitate access to the centre.
  - c) Safe and efficient pedestrian access.

58. All proposed road works and mitigating works shall be carried out, at no cost to VicRoads and to the satisfaction of the Responsible Authority.
59. Work site traffic management to be in accordance with "Road Management Act 2004 Worksite Safety Traffic Management – Code of Practice" and AS 1742.3-2009 Part 3 traffic control devices for works on roads. If traffic congestion becomes excessive at anytime, the contractor must undertake measures to ease congestion.
60. A traffic management plan is to be submitted to VicRoads for its consideration at least 14 days prior to the commencement of works on-site. No traffic management devices are to be erected on Plenty Road until VicRoads issues authorisation for the erection of those devices in accordance with the traffic management plan.

### NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design

Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

Before the use starts all relevant Health Department registrations, approvals or related licences must be obtained.

### **VicRoads Notation**

Please note that the approval covered under VicRoads consent covers only the works associated with the planning permit application and does not imply the right to:

- a) Connect to utilities, drainage, etc. within the road reserve, relocate services from the property into the road reserve, extend or alter existing utility arrangement within the road reserve.
- b) Carry out works within the road reserve which may impact roadside vegetation including vegetation removal, and works within the dripline of trees, (eg. Excavation, stockpiling of materials, etc.)

**CARRIED**

## **REPORT**

### **INTRODUCTION AND BACKGROUND**

Application for Planning Permit D889/2009 (current application) was reported to Planning Committee at its meeting held on 9 March 2010. Planning Committee resolved that:

*Consideration of the matter be deferred to a future meeting of the Committee to enable Officers to discuss the following with the Applicant:*

- *More specific details relating to the social housing mix for the development.*
- *Detail of the development particularly relating to bulk and a visualisation of changes to plans as a result of conditions imposed.*
- *Detail relating to the environmental design standards of the development.*
- *Provision of a Site Assessment Report.*
- *Provision of the Applicant's traffic consultant report and further information from Council's Transport Management and Planning Branch justifying the proposed large reduction in car parking provision for the development.*
- *Consideration being given by the Applicant to providing open space between the development and abutting Retirement Village.*
- *Consideration being given by the Applicant to providing stormwater from the development to benefit Barling Reserve and/or surrounds.*
- *Access for the disabled.*

The following was provided in response:

More specific details relating to the social housing mix for the development.

The Applicant has advised that they have agreed to provide 30 dwellings for social housing within the development. In addition to these 30 dwellings, a further six (6) dwellings are dedicated and designed specifically to be accessible dwellings, suitable for people with disabilities.

In addition the Applicant has advised that their intention to provide housing within the development that is price pointed to be affordable to the general public.

The requirement for provision of social housing has been included in conditions no. 1(a) and 2.

Detail of the development particularly relating to bulk and a visualisation of changes to plans as a result of conditions imposed.

The recommended conditions of any approval require the proposal be modified to show:

1. The top three (3) floors of the eastern end of the residential block on Gremel Road deleted.
2. The presentation of the central element within the northern elevation of the residential form to Gremel Road elevation provides distinction in the wider elevation.
3. A clear vertical glazed break through the entire northern residential block in the form of a fully glazed lobby space presenting to both north and south.
4. Deletion of the top three (3) levels of the residential apartment building that faces Oulton Crescent.

In response to these conditions the Applicant has submitted a perspective to show these required alterations to the eastern end of the northern elevation of the apartment building facing Gremel Road. Discussions held with Council's Urban Design Consultant have concluded that whilst the elevation including a black central block does not provide the glazed effect desired it does sufficiently break the building into three (3) parts.

In addition to these changes the Applicant has agreed to delete the top two (2) floors of the residential apartment building that faces Oulton Crescent in the south west portion of the land.

Detail relating to the environmental design standards of the development.

The Applicant has provided additional information relating to Environmental Sustainable Design (ESD) response. The document identifies the Applicant's desire to achieve a four (4) Star Green Star Rating. Four (4) Star Green Star rating is a tool that targets the top 25% of all building performance measures. The Four (4) Star Green Star rating system is a more rigorous assessment technique and provides for a better Environmentally Sustainable Design outcome. The five (5) Star Rating system targets minimum performance standards and provides for a lower standard of building than Four (4) Star Green Star.

A condition of any approval would require that the building achieve a four (4) Star Green Star Rating. This will ensure that the development would meet best practice ESD objectives. This requirement is included in conditions no. 1(qq) and 8.

Provision of a Site Assessment Report.

The Applicant has provided Council with a report on land contamination assessment prepared by GHD with respect to the environmental conditions of the site. The conclusions of the report were that the site is fit for the proposed use and there is no methane gas present on the site.

Council had included condition no. 6 relating to a further current assessment/investigation of the site conditions. The Applicant has confirmed that they have appointed John Throssell of Parsons Brinkerhoff to conduct the review. Mr Throssell is an accredited environmental auditor.

In respect to ground conditions, the Building Code of Australia (BCA) sets out performance criteria with respect to structural design of a building. The structural design takes into account ground conditions which are determined through extensive testing. Prior to the issue of a building permit, the Building Surveyor requires an independent peer review of the structural drawings and calculation. These designs will be fully informed from testing conducted on site with respect to ground conditions. It is the Applicant's view that no further tougher conditions that Council could place on the development with respect to the structure that are not already embedded in the BCA itself.

Provision of the Applicant's traffic consultant report and further information from Council's Transport Management and Planning Branch justifying the proposed large reduction in car parking provision for the development.

An updated Traffic Consultant Report was provided to Council by the Applicant which included the car parking requirements for the office (attached as **Appendix B**). The report concluded that the office component of the development will have a negligible impact on the operation of the network.

Council's Transport Management and Planning Branch have provided further advice on why the Branch is supportive of a waiver of the statutory car parking requirement for the proposed redevelopment of 850 Plenty Road, Reservoir.

The Branch's comments are as follows:

Before a requirement for car spaces is reduced or waived, the applicant must satisfy the Responsible Authority that the reduced provision is justified due to:

- **The availability of car parking in the locality.** - Although we would not consider the availability of parking at the adjacent "Safeway" or "Aldi" sites in isolation, there is little doubt that some visitors to the applicant's site will park in the adjacent shopping centres in order to access the shops on multiple sites (see dot point 3 - consolidation of shared car spaces). In pre-application discussions, the applicant agreed to pursue discussions with adjacent property owners in order to deliver improved pedestrian connectivity between the adjacent shopping centres. We await a comprehensive Travel Plan for the site and revised drawings showing how this will be achieved.
- **The availability of public transport in the locality.** - This site is well serviced by both tram route 86 and bus routes 556, 563, 566, and 567. We hope that the applicant's Travel Plan will detail ways in which the applicant intends to promote the use of public transport to, from, and for the site.

- **Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.** - Demand for parking for different land uses within the site will vary over time. For example, demand for residential visitor parking (evenings and weekends) is unlikely to coincide with demand for office parking (9am-5pm weekdays). Consolidating shared car parking spaces for various land uses also means that fewer additional spaces need to be provided to facilitate the turnover of parking.
- **Local amenity including pedestrian amenity.** - In addition to pedestrian amenity improvements between the adjacent shopping centre sites, the Transport Management and Planning Branch has requested additional consideration of improved pedestrian facilities between the site frontage and the entrances to the shopping centre. This will encourage local patrons to walk to the shopping centre and use the public transport in the vicinity of the site instead of driving to the shopping centre.
- **An empirical assessment of car parking demand.** - The Transport Management and Planning Branch considers the comprehensive empirical assessment of car parking demand supplied by the applicant to be an accurate reflection of probable car parking demand for the proposed development.
- **Any other relevant consideration.** - The Transport Management and Planning Branch has requested a comprehensive Travel Plan for the applicant's proposals, which will help to address any shortfall in the statutory parking requirement by encouraging residents, employees, and patrons to use alternative modes of transport: walking, cycling, and public transport to travel to and from 850 Plenty Road, Reservoir. We are yet to have received/commented on a Travel Plan for this site.

It is the Transport Management and Planning Branch's belief that, according to Clause 52.06 of the planning scheme and the decision guidelines outlined above, the applicant has met the level of car parking required to meet parking demand for this development.

Consideration being given by the Applicant to providing open space between the development and abutting Retirement Village.

The Applicant has advised that there is already a landscape buffer between the proposed buildings and the adjoining site. In addition the Applicant has advised that the use of this area is not changing from what is currently conducted.

Consideration being given by the Applicant to providing stormwater from the development to benefit Barling Reserve and/or surrounds.

The Applicant has advised that it is their desire to achieve an ecologically sustainable development. Rain water harvesting is an important component of any ESD design. Should there be any excess capacity in the rain water catchment after providing potable water to the toilets and gardens of the development, then they would be happy to coordinate with Council on how this excess water may best be used.



Access for the disabled.

The Applicant has advised that they have included six (6) dwellings designed specifically to cater for disabled persons. They say that this reflects their commitment to ensure that they take every measure to ensure that the building and surrounds are Disability Discrimination Act (DDA) compliant.

In addition the Applicant says that they are conscious of the residents of the retirement village's safety and wish to ensure that any pedestrian route to the centre has significant passive surveillance. They advise that this cannot be achieved by providing another alternative route through the loading dock or car park areas. Their view is that the safest and direct route will be via the pedestrian footpath.

The Planning Committee subsequently resolved at its meeting on 22 March 2010 to refer the Application to Council for consideration and decision.

The matter was reported to Council at its meeting on 6 April 2010. Council at this meeting resolved that consideration of the matter be deferred until the Council meeting scheduled for 17 May 2010.

Council at its meeting on 19 April 2010 subsequently resolved that the matter be consideration at this meeting of the Council on 3 May 2010.

A letter was received on 26 April 2010 from the Applicant's Representative for the proposal.

In this letter the applicant states the following:

"I am aware of the strong desire for the inclusion of social housing within the area and have agreed to the provision of 30 dwellings within the development for such a purpose. This includes six (6) disabled dwellings. In addition, our aim is to produce an affordable residential product for the local area throughout the balance of the development..... In order to secure the support of Council we are prepared to provide an additional 21 social housing dwellings within the development, taking the total number to 51. We agree to do this on the understanding that Council approves the development by adding back 75% of the previously deleted levels five (5) and six (6) of the Oulton Crescent building and approximately 30% of the area deleted on the top three (3) floors of the Gremel Street building..... In effect, almost the total area added back will accommodate the offer to increase the social housing numbers to 51."

The recommendation in this report does not take into account the additional information provided by the Applicant on 26 April 2010.

**ISSUES AND DISCUSSION**

<b>SITE ADDRESS:</b>	850 Plenty Road RESERVOIR VIC 3073
<b>WARD:</b>	CAZALY
<b>APPLICATION NO.:</b>	D/889/2009
<b>PROPOSAL:</b>	Construct a mixed use development comprising 319 dwellings, shops, offices, child care centre, medical centre, gymnasium, contained within buildings ranging from two (2) storeys to 12 storeys.
<b>APPLICANT:</b>	Taylor's Development Stategists Pty Ltd

8/270 Ferntree Gully Rd  
NOTTING HILL VIC 3168

<b>ZONING:</b>	Business 1 Zone Abuts a Road Zone Category 1						
<b>OVERLAY CONTROLS:</b>	Development Contributions Plan Overlay						
<b>RESTRICTIVE COVENANTS:</b>	None that prohibit the proposal as declared by Applicant.						
<b>DEVELOPMENT CONTRIBUTION:</b>	A Development Contribution is required.						
<b>EXISTING USE:</b>	Coles Supermarket and Target Store.						
<b>NOTIFICATION:</b>	<table> <tr> <td>Sign/s on site</td> <td>yes</td> </tr> <tr> <td>Adjoining owners/occupiers</td> <td>yes</td> </tr> <tr> <td>Local Newspaper</td> <td>no</td> </tr> </table>	Sign/s on site	yes	Adjoining owners/occupiers	yes	Local Newspaper	no
Sign/s on site	yes						
Adjoining owners/occupiers	yes						
Local Newspaper	no						
<b>OBJECTIONS:</b>	Yes, 48 objections have been received.						
<b>CONSULTATION:</b>	Yes a consultation meeting was held on 17 February 2010. No common ground or resolution was reached.						
<b>OFFICER:</b>	Julie Smout						
<b>RECOMMENDATION:</b>	Notice of Decision to Grant a Permit with Conditions						

### PLANNING BACKGROUND

Numerous applications have been made for development on this site in the past however none are directly relevant to the current application.

### SUBJECT SITE AND SURROUNDING AREA:

- The site is irregular in shape with a frontage to Plenty Road of approximately 257 metres, a frontage to Gremel Road of approximately 113 metres, a western boundary measuring approximately 164 metres and an eastern boundary measuring approximately 269 metres. The total area of the site measures 4.245 hectares.
- The site is located on the south-eastern corner of the intersection of Plenty Road and Gremel Road.
- The site is currently occupied by a Coles supermarket and a Target store that are constructed on the rear half of the site. A large sealed at-grade carparking area is located between the building and both the Plenty Road and Gremel Road frontages occupying the balance of the land. Vehicle access to the loading bays at the rear of the building is provided via Gremel Road. Vehicle access is provided to the car park area via crossovers to Gremel Road and Plenty Road, one of which is a signalised intersection.
- The surrounding area to the south-west is occupied by the Summerhill Village Centre which contains a hotel, Woolworths Supermarket and other speciality shops. Further to the south-west are residential properties. The surrounding area to the south-east is occupied by the Summerhill Residential Village and the La Trobe Retirement Village.

Both complexes have vehicle access via Gremel Road. The land to the north-east is occupied by a chemist, medical centre and residential aged care facility. Further to the north is C. T. Barling Park. The land to the north-west is Plenty Road which is a divided road with three (3) lanes in either direction. On the opposite side of Plenty Road from the subject site are residential dwellings and the Reservoir District Secondary College and the Darebin Community Sports Centre.

## PROPOSAL

- Mixed use development comprising dwellings, shops, offices, child care centre, medical centre and gymnasium.
- The site will accommodate 319 dwellings which are to be provided in two (2) separate buildings on the site. One building is to be located in the north-eastern corner of the site with frontage to both Plenty Road and Gremel Road. This building is to be 12 storeys in height with basement carparking. The second building is to be located in the southern portion of the site with access to Oulton Crescent. This building will be seven (7) storeys in height with car parking at ground level. Pedestrian access to the buildings are via Plenty Road and Gremel Road and Oulton Crescent respectfully. The dwellings are either one (1) or two (2) bedrooms and have access to private open space in the form of either a balcony or courtyard.
- The two (2) residential buildings are connected at the basement and ground floor levels with a structure containing the Coles Supermarket (4302.1m<sup>2</sup>) located towards the southern portion and the DDS (proposed – Kmart store, 5003m<sup>2</sup>) located to the northern portion. Another smaller supermarket (Aldi 1483.1m<sup>2</sup>), two (2) mini major shops (1002.3m<sup>2</sup> and 699m<sup>2</sup>, seven (7) speciality retail shops (ranging from 118.2m<sup>2</sup> to 2100m<sup>2</sup>) and a kiosk (184.4m<sup>2</sup>) are located within the area separating the two (2) large shops.
- A medical centre (678m<sup>2</sup>), a gymnasium (636m<sup>2</sup>) and a child care centre (711m<sup>2</sup>) are to be located over three (3) levels between the larger residential tower and Plenty Road at the north-western frontage of the site.
- Car parking for the commercial components of the site is to be provided over two (2) levels and will total 770 car spaces. The spaces are to be provided within a basement and at-grade car parking within the forecourt of the building to Plenty Road. Vehicle access to the car parking is provided via two (2) access point onto Plenty Road. The most southern access is the existing signalised intersection and a ramp will lead down to the basement car parking area. A second crossover to the north provides a ramp access up to the car parking at-grade within the front of the site. Internal ramp access is provided to link the basement and the at-grade car parking.
- Car parking for the residential components of the site is to be provided within two (2) discrete areas. One (1) within the basement of the residential building to the north-east of the site, the second at ground level of the residential building to the southern end of the site. The total number of car spaces for the residential component is 236. Separate vehicle access is to be provided to the basement car parking area from a new crossing onto Gremel Road and the vehicle access to the ground level car parking for the second building is via an existing crossing onto Oulton Crescent.
- Loading facilities for the commercial tenancies is provided via an existing separate vehicle accessway onto Gremel Road. Loading docks are provided at the rear of the commercial premises and are separated from the eastern property boundary by an accessway and a landscaping strip.
- Some information is provided in relation to concepts for advertising signs within the development however these are conceptual and do not provide the detail of the signs. Any signs would require separate planning approval to be obtained.

**REQUIREMENT FOR PLANNING PERMIT:**

- Clause 34.01 (Business 1 Zone) – Use of the land for the purpose of a dwelling as the frontage at the ground floor level exceeds two (2) metres.
- Clause 34.01 (Business 1 Zone) – Use of the land for the purpose of a child care centre as the frontage at the ground floor level exceeds two (2) metres.
- Clause 34.01 (Business 1 Zone) – Use of the land for the purpose of a medical centre.
- Clause 34.01 (Business 1 Zone) – Use of the land for the purpose of a restricted recreation facility.
- Clause 34.01 (Business 1 Zone) – Use of the land for the purpose of an office as the frontage at the ground floor level exceeds two (2) metres.
- Clause 52.06 (Car Parking) – Reduce the number of car parking spaces required by the table.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) – Create or alter access to a road in a Road Zone, Category 1.

**INTERNAL REFERRALS:**Community Services

No objection. The comments received are summarised as follows:

- There is little in the form of early years services in that part of the municipality so any additional ones are welcomed.
- It is anticipated that a child care centre would be well utilised.

Open Space Planning

No objection. The comments received are summarised as follows:

- Generally agree with the landscape concept plan.
- The car park should be designed with Water Sensitive Urban Design (WSUS – swales or similar) that enable the water runoff from the car park to water the trees and shrubs in that area.
- Tanks should be considered in conjunction with WSUD to allow for the establishment and maintenance of the plants.
- More detail should be provided in accordance with Council requirements for landscape plans.

Capital Works

No objection. The comments received are summarised as follows:

- The stormwater from the property is to be connected to the existing internal stormwater system to Plenty and Gremel Road to Council requirements.

- The access to Oulton Crescent is to be constructed and formed to match existing levels to Council requirements.

#### Transport Management and Planning

No objection. The suggested permit conditions are as follows:

- The Applicant must develop and deliver a number of comprehensive Travel Plans for the site for each of the land uses included in the applicant's proposal.
- The Applicant must deliver the statutory cycle parking requirement for the site. (Any cycle parking provided as part of the Travel Plans must be provided in addition to the statutory requirement).
- The Applicant must provide plans, elevations and cross sections showing:
  1. Pedestrian facilities.
  2. Cycle facilities.
  3. Car parking spaces (1:100 scale).
  4. Vehicle accessways.
  5. Ramps.
  6. Headroom (1:25 scale).
- The Applicant must submit a new version of the 'Transport Impact Assessment' as the 'Office' area shown in plans No. TP08 and TP09 was not included.
- The Applicant must show how the freight needs of residents will be addressed in these plans.
- The Applicant must provide a high quality pedestrian link between Plenty Road and the Centre. This should be based on Australian Standards and provide a high level of pedestrian priority across the car park. The developer must also provide additional information regarding how pedestrians will be accommodated around the signalised intersections at Plenty Road and Loddon Avenue.
- Pedestrian access must be provided along Oulton Crescent and through the proposed residential and residential visitor car parking area.
- Bicycle access must be provided along Oulton Crescent and through the proposed residential and residential visitor car parking area.
- Resident and resident visitor cycle parking should be located to facilitate convenient bicycle access via Oulton Crescent.
- The Applicant must demonstrate how parking in the parking area accessed via Oulton Avenue will be limited to residential and residential visitor parking and that access and parking arrangements will not negatively impact the residential amenity of properties to the south of the shopping centre.

Whilst pedestrian and bicycle access is required to be provided along Oulton Crescent, it is a public street and both pedestrian and bicycle access is available along the road reserve.

#### Strategic Planning

The comments received are summarised as follows:

- The redevelopment of the site for a mixed use development is both appropriate and desirable in a strategic sense for an activity centre. The Summerhill Centre is in need of revitalisation and this development will certainly kick start this, whilst remaining at a

scale (in terms of commercial role) that is appropriate to its neighbourhood activity centre designation. The proposed land uses for the site are welcomed, particularly the residential land use in the activity centre.

- We do have some concerns about the layout and design approach taken (in a broad sense), when considering the proposal against the recommendations of the recently completed Plenty Road Integrated Land Use and Transport Study (the study). This study has not yet been reported to or adopted by Council.
- The precinct plan developed for Summerhill Activity Centre under the study envisages the creation of a 'main street environment', with active frontages along Plenty Road and the other interfaces, including to the south where it meets the residential area. Although the precinct plan in the study would ideally be achieved through a comprehensive redevelopment of the entire centre, the principles can still be applied to the redevelopment of this site.
- In terms of building heights, the study recommends up to five (5) storeys, however it is highlighted and cautioned that this study is preliminary and recommends a more detailed urban design framework be done for the centres. The site is a large site which can accommodate a larger format building than smaller sites.
- Whilst these comments suggest that there are other alternatives that are envisaged within the study it should be highlighted and cautioned that the study is yet to be adopted by Council. The recommendations of the study should be used as a guide. It is expected that Council will be requested to adopt the study in late March/early April.

#### Environmentally Sustainable Development Officer

Advice is provided within the documentation that materials used will be chosen on the basis of their thermal qualities, both stand alone products and within built up systems, to ensure that in minimum BCA (Building Code of Australia) Part J compliance is achieved.

Council is seeking a higher level of environmental design for this development and to achieve this, the minimum requirement of the BCA Part J should be improved by at least a 20-25%.

A condition of any approval should require this.

#### **EXTERNAL REFERRALS:**

##### Melbourne Water

No objection. The comments received are summarised as follows:

- The subject site is not subject to flooding from Melbourne Waters drains or assets. Melbourne Water has no objection to the proposal.

##### Yarra Valley Water

No objection. The comments received are summarised as follows:

Water

- The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water supply.

### Sewerage

- The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of sewerage.

### Department of Transport

No objections. The comments received are summarised as follows:

- The existing bus stops and associated infrastructure along Plenty Road must not be altered without the prior consent of the Director of Public Transport. Any alterations including temporary works must be to the satisfaction of the Director of Public Transport at the cost of the permit holder.
- The permit holder must take all reasonable steps to ensure that disruption to bus operations along Plenty Road is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to the Director of Public Transport and bus operators one (1) week prior.

### Jemena

No objections subject to the following conditions:

The Applicant must:

- Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for supply of electricity to each lot shown on the endorsed plan.
- Enter into an agreement with Jemena Electricity Networks (Vic) Ltd and fulfil agreement obligations, for the rearrangement of the existing electricity supply system.
- Ensure that any private electric line in the subdivision is rearranged to the satisfaction of Jemena Electricity Networks (Vic) Ltd.
- Provide easements satisfactory to Jemena Electricity Networks, (Vic) Ltd for the purpose of "Power Line" in favour of 'Jemena Electricity Networks, (Vic) Ltd', where easements have not been otherwise provided, for all existing electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of Jemena Electricity Networks, (Vic) Ltd any other easement required to service the lots.
- Adjust the position of any existing Jemena Electricity Networks, (Vic) Ltd easement to accord with the position of the electric line(s) as determined by survey.
- Set aside on the plan of subdivision reserves or easements, satisfactory to Jemena Electricity Networks, (Vic) Ltd for electric substations.

### VicRoads

No objections subject to the following conditions:

- Prior to the commencement of use of the development, the Applicant is required to undertake traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1, incorporating an extension of the u-turn lane on the northern approach to the intersection, and any other alterations as identified as part of the functional

approval process. The Applicant is required to fund all works associated with the traffic signals remodel.

- Functional layout plans shall be submitted to and approved by VicRoads prior to any works being performed in the Plenty Road road reserve, including:
  - a) Traffic signal remodelling works at the intersection of Plenty Road and site entry No. 1. Detailed SIDRA analysis must also be submitted, that demonstrates the required improved works, and no impact to tram movements, to the satisfaction of VicRoads.
  - b) Proposed left-in/left-out access at site entry No. 2.
- An amended plan shall be submitted for endorsement detailing:
  - a) Proposed access widths and gradients, in accordance with AS/NZS 2890.1;2004 Off-street car parking, to the satisfaction of VicRoads and the Responsible Authority.
  - b) Improved pedestrian pathways and facilities within the site to provide for safe and efficient pedestrian access to and from Plenty Road paths and public transport facilities, and which removes potential conflict associated with carparking and vehicle access movements.
- To the satisfaction of VicRoads and Responsible Authority, an Integrated Transport plan shall be submitted including but not limited to:
  - a) Need and opportunity for improved bus routes to serve the local catchment, in consultation with the Department of Transport.
  - b) Identification of main cycle routes from the expected catchment around the site, and connections to the Principal Bicycle Network and trail network, as well as any works required to the surrounding cycle routes to facilitate access to the centre.
  - c) Safe and efficient pedestrian access.
- All proposed road works and mitigating works shall be carried out, at no cost to VicRoads and to the satisfaction of the Responsible Authority.
- Work site traffic management to be in accordance with “Road Management Act 2004 - Worksite Safety Traffic Management – Code of Practice” and AS 1742.3-2009 Part 3 traffic control devices for works on roads. If traffic congestion becomes excessive at anytime, the contractor must undertake measures to ease congestion.
- A traffic management plan is to be submitted to VicRoads for its consideration at least 14 days prior to the commencement of works on-site. No traffic management devices are to be erected on Plenty Road until VicRoads issues authorisation for the erection of those devices in accordance with the traffic management plan.

Please note that the approval covered under VicRoads consent covers only the works associated with the planning permit application and does not imply the right to:

- a) Connect to utilities, drainage, etc. within the road reserve, relocate services from the property into the road reserve, extend or alter existing utility arrangement within the road reserve.



- b) Carry out works within the road reserve which may impact roadside vegetation including vegetation removal, and works within the drip line of trees, (eg. excavation, stockpiling of materials, etc.).

These will be included on any approval issued.

Urban Designer (external appointed consultant)

In general terms, we consider the layout of the uses across the site and the mix of uses applied across the land to be acceptable. The arrangement and positioning of access to and from the site, principal frontages and internal connections appears to be sound. However, we wish to highlight a series of issues associated with the bulk and mass of the main residential element to the north and a series of other matters related to the southern residential form and the freestanding office building.

It is critical that the **primary** facade of the development – that is, the west elevation of the shopping centre which faces the car park adjoining Plenty Road – maintains an active interface. The lack of detail shown in the ground floor plans with respect to the relationship between the car park and the tenancies along this frontage needs to be clarified.

The inclusion of the **office building** and its location at the north-western corner of the site is supported as it has the potential to provide enclosure and create activity along Plenty Road. Its contribution could be greater if the form was more substantial in form and presence to the streetscape. For example, the building footprint should extend further into the car park to the east to form a stronger relationship with the new shopping centre.

The provision for **pedestrian linkages** across and around the site, particularly to the Summerhill Residential Park is appropriate. The success of these routes will depend on simple and direct connections. It is important that they are clearly defined and surveyed from adjacent spaces. In this regard, the development should improve ramped pedestrian links to the Summerhill Village Shopping Centre.

We support the inclusion of the proposed **residential accommodation** to the north and southern edges of the retail form as they provide an appropriate response to the challenge of screening big box retail elements in this context. In both instances, we consider the scale of these forms to be excessive when viewed from certain vantage points.

The visual mass and bulk of the proposed **12 storey form** (over 50m long to Plenty Road and 70m long to Gremel Road) presents an overwhelming singular boxed form, in particular when considered in the context of the eastern residential interface. The top three (3) floors of the eastern most part of the north elevation of this form should be removed.

Meaningful **spatial separations** should be introduced into the northern elevation of this form in order to break down its volume into a series of distinguishable parts. This will also assist in devising a relatable scale. Separation should be achieved through the provision of fully glazed lobby spaces extending from the northern to the southern elevation.

The lower reaches of the northern residential tower is hemmed by **high boundary fence** at ground level containing the private open space of ground level units. This is not an appropriate streetscape outcome and the fence should be reduced to 1m in height to allow for a fluid relationship with the adjoining public open space.

The scale of the **residential block on Oulton Crescent** at six (6) storeys to the south is of concern. Whilst this may be appropriate in the context of the shopping centre, this scale

does not achieve an appropriate transition to the suburban surrounds. A scale of four (4) storeys would be a more appropriate at this interface.

The **entrance and internal circulation** of the Oulton Crescent block is also of concern as it is concealed within the building. The entry to and access up this building should present to the south and be visible on entry to the precinct from Oulton Crescent. This will have the added benefit of much needed articulation to the facade of the building.

### **Urban Design Conditions**

In summary, we support the overarching principles of the proposed redevelopment of this site, in terms of general siting and configuration. The scale and modulation of the retail form and its corresponding residential and office forms are deemed to be generally acceptable in this context (following review of 3-dimensional material).

However, as outlined above, we recommend a series of modifications that will improve the relationship with its immediate context and enhance the appearance and 'fit' when viewed from the public realm. We believe that to achieve this fit, the following recommendations should be applied:

1. Establish a clear vertical glazed break through the entire northern residential block in the form of a fully glazed lobby space presenting to both north and south.
2. Delete the top three (3) floors of the eastern end of residential block on Gremel Road. The top floor of this section should be retained, as a 9th floor, to form a distinguishable roof form.
3. Simplify the presentation of the central element within the northern elevation of the residential form to Gremel Road elevation to provide distinction in the wider elevation.
4. Delete the top two (2) levels of the Oulton Crescent block and reorganise access to ensure an entry presentation to the south.
5. Redesign the office form to Plenty to increase depth and ensure activity on all sides and a connection to the rear with the shopping centre.
6. Ensure that there is an active frontage to the car park with retail tenancies opening out onto this space.

These requirements will be included as conditions on any approval.

The land is not within 60 metres of a major electricity transmission line (220 kilovolts or more) or an electricity transmission easement

A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required as the site has already been disturbed.

### **OBJECTIONS**

Forty eight (48) objections were received.

#### **Objections Summarised**

The objections can be summarised as follows:

- Overshadowing;
- Overlooking;
- Development will cause negative impact on the local residential amenity of area.

- Scale and look of development will be out of character with the existing streetscape;
- Decrease residential amenity of the area;
- Detrimental impact on the local character and neighbouring properties;
- Insufficient car parking provided for residents and visitors on site and within Gremel Road;
- Building is too tall it is an eyesore, six (6) storeys would be more appropriate;
- There is no direct pedestrian link from the La Trobe Retirement Village and Summerhill Park into the main shopping area of the site;
- No evidence of sustainable design;
- Elderly residents and those who use walking aids will find access to the shops more demanding and potentially hazardous given increased traffic volumes. In addition it will require them to walk further, previously they could walk through the car park, now they would be required to walk along the length of Gremel Road, along Plenty Road to the main pedestrian entrance. As a result they may become more socially isolated;
- Loss of supermarket whilst construction is occurring as Safeway/Woolworths is too far away for elderly people;
- Increase traffic and reduced safety in surrounding residential streets;
- Only one way in and out for both residential villages accessing Gremel Road; The additional traffic in Gremel Road will increase traffic movement difficulties and decrease safety for elderly drivers;
- The Summerhill residential park is located on a former tip site and ground movement occurs regularly. The proposed development, excavation and construction would cause more ground movement and damage to existing dwellings. The developer should monitor any damage and fix all damage to homes;
- Already sufficient homes, medical centres, gyms, child care centres and shops within the area;
- Construction noise before 9am and late into the night;
- Future residents should all have bins located so that the Council trucks can move off the main road to empty them;
- Increased public transport users which make it more difficult for the elderly;
- Increase noise levels;
- Security within the area will become a problem including underground car park;
- An increase in loading bay areas and associated heavy transport will impact on residential amenity of dwellings abutting the common boundary, should have buffer zone or solid fence/wall along the common boundary;
- Decrease in safety for residents accessing the shops, medical centre, chemist, aged care accommodation. Many residents confined to wheelchairs, walkers and scooters who will be forced to negotiate a very busy carriage way;
- Additional traffic affects passage way for emergency services to the residential areas;
- Loss of privacy;
- Loss of 'Red Rooster';
- High rise apartment blocks result in a sense of social isolation for residents, social problems, crammed dwellings;
- Preferred building setbacks and heights ignored;
- Increased violence;
- Decrease property values;

- The tower element should be developed closer to the commercial frontage along Plenty Road;
- It doesn't need to be so high as it is such a large site;
- Higher than any buildings in High Street, Preston; and
- Such a high building in a low rise area, building will overwhelm all surrounding residential buildings.

#### **Officer Comment on Summarised Objections**

- It is considered that the height and scale of the development would be supported on this site provided alterations are made that are generally consistent with comments provided by the appointed urban design consultant.
- Car parking size and demand are addressed in the body of the report.
- Providing development near facilities and services (eg. public transport) is appropriate and makes more efficient use of infrastructure (sewer and electricity).
- The increased pedestrian, cycle and vehicle traffic as a result of the proposal can be accommodated within the existing road network. It is also noted that VicRoads has not objected to the proposal. Any current issues that result from the existing road network would be addressed by Council's Transport Management and Planning Branch separately.
- Compliance and non compliance with the relevant provisions of the planning scheme are addressed in the body of the report.
- Privacy, overshadowing and the appropriate protection for existing residents is considered under the assessment of the proposal against relevant provisions of the Planning Scheme in the body of the report.
- The safety of the road network users including, pedestrians, cyclists, motorists and others is considered by Council's Transport Management and Planning Branch and VicRoads.
- There is no direct link between the proposed development and its residents causing an increase in crime within an area. Surveillance of the basement car park would be dealt with by the management of the facility.
- An assessment against Council's policy for residential and mixed use development of four (4) or more storeys and other relevant policies has been undertaken (refer to the body of the report).
- It is acknowledged that there may be some disruption due to construction, however, issues arising from construction (ie. noise, dirt/dust and disruption to business) are not a planning consideration. Additionally, it is considered that to uphold such an objection would prohibit construction and would be contrary to urban consolidation objectives. The building regulations deal with construction methods and any possible damage to buildings is managed by building regulations.
- Fluctuations in property prices are generally not considered to be a valid planning ground of objection.
- The residential amenity of the surrounding properties is assessed in the body of the report.
- Appropriate treatment to the windows and boundary walls to address overlooking and noise abatement would be addressed through conditions of any approval.

- The requirements for a waste management plan would be addressed through conditions of any approval.
- Resident parking is addressed through Council's Transport Management and Planning Branch rather than through the planning application process.
- Any impact of noise from the loading bay and the associated vehicle access ways could be minimised through investigations into appropriate acoustic wall treatments as a condition of any approval.
- The suitability of the substructure to support the building would be assessed prior to the issue of any building approval.
- Comparing this development to high rise public housing complexes of the past is a matter of opinion only.
- The Applicant has considered the possibility of accommodating a pedestrian accessway through the rear of the site and the lower levels of the building to facilitate a shorter route for the residents of the adjoining residential area. However, this has proven difficult because of potential conflict between pedestrians and heavy vehicles accessing the loading bays. To provide access ways within buildings issues with safety and security arise.

#### Darebin Planning Scheme and Policies

- State Planning Policy Framework (Clauses 12, 14, 15.12, 16.02, 16.05, 17.01, 18.06, 19.03)
- Local Planning Policy Framework (Clauses 21, 22.04, 22.10)
- Zone (Clause 34.01)
- Overlay (Clauses 45.06)
- Particular Provisions (Clauses 52.06, 52.07, 52.29, 52.34, 55)
- General Provisions (Clause 65.01)
- Neighbourhood Character Study (Not applicable)

#### **PLANNING ASSESSMENT:**

##### **Residential Development, Urban Design and Neighbourhood Character**

##### **State Planning Policy Framework**

In terms of Metropolitan Development (Clause 12), the State Planning Policy Framework (SPPF) has the primary objective of facilitating sustainable development that takes full advantage of existing settlement patterns and investment in transport and communication, water and sewerage and social facilities.

Of relevance to the assessment of the application is the related strategies of locating a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport by:

- Increasing the proportion of housing to be developed within the established urban area, particularly at activity centres and other strategic sites, and reduce the share of new dwellings in Greenfield and dispersed development areas.

- Encouraging higher density housing development on sites that are well located in relation to activity centres and public transport.
- Supporting opportunities for a wide range of income groups to choose housing in well-serviced locations.
- Identifying strategic redevelopment sites for large residential development that are able to provide ten (10) or more dwelling units, close to activity centres and well served by public transport.
- Ensuring that an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.
- Ensuring that all development appropriately responds to its landscape, valued built form and cultural context.

In addition the strategies in relation to Activity Centres encourage concentration of new development at activity centres near current infrastructure and in areas best able to cope with change. Neighbourhood Activity Centres should:

- Have a mix of uses that meet local convenience needs.
- Be accessible to a viable user population by walking and cycling.
- Be accessible by local bus services with public transport links to Principal or Major Activity Centres.
- Be an important community focal point.

In reference to planning for urban settlement, the SPPF (at Clause 14) identifies that in planning for urban growth, planning authorities should encourage consolidation of urban areas while respecting neighbourhood character and should also encourage higher density and mixed use development near public transport routes.

Clause 16.02 encourages the development of well designed medium density housing which respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

Affordable Housing is addressed at Clause 16.05, with the objective being to deliver more affordable housing closer to jobs, transport and services. Strategies to achieve this objective include:

- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites and Transit Cities projects.

The SPPF (at Clause 12.05) also promotes good urban design to make the environment more liveable and attractive by ensuring development improves safety, diversity, choice, quality of living environments, accessibility/inclusiveness and environmental sustainability and by ensuring development responds to its context in terms of urban character, cultural heritage, natural features and surrounding landscape.

Clause 17.01 encourages the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

Activity Centres should be planned to:

- Provide a range of shopping facilities in locations which are readily accessible to the community.
- Incorporate and integrate a variety of land uses, including retail, office, education, human services, community facilities, recreation, entertainment and residential uses where appropriate.
- Provide good accessibility by all available modes of transport (particularly public transport) and safe pedestrian and cycling routes, and to encourage multi-purpose trip-making to such centres.
- Facilitate ease of pedestrian movement between components of centres, public transport interchanges and parking areas.
- Maximise opportunities for the co-location, multiple use and sharing of facilities.
- Provide child care facilities to a level consistent with the role of the centres.
- Minimise the effects of commercial development on the amenity of residential and parkland areas, for example as a result of traffic congestion, noise or overshadowing.
- Provide attractive environments for community activities.

### **Municipal Strategic Statement & Local Policy**

The Municipal Strategic Statement (MSS) at Clause 21.05-2 identifies the key issues in meeting the housing directions of Melbourne 2030 are:

- Accommodating the required increase in dwellings in locations with good public transport access;
- Conserving and enhancing the valued character and heritage qualities of the residential areas; and
- Achieving sustainability in housing.

With respect to multi level residential development, Clause 21.05-2 states:

*While residential or mixed use development of four or more storeys contributes positively to economic and social conditions in the City, care is required to ensure that impacts on existing uses are contained. This requires attention to overshadowing, privacy, acoustic separation, vehicle access, car parking arrangements and the relationship of new buildings to their surrounds in both visual and functional terms.*

*Residential or mixed use development of four or more storeys will generally be supported on sites displaying the following characteristics:*

- *Sites containing existing buildings of a height and bulk substantially greater than the prevailing height and bulk in then immediate locality.*
- *Sites of a size and shape, location and orientation where the potential for overshadowing and overlooking of neighbouring residential property is minimised.*

- *Sites located on a Road Zone Category 1 or 2.*
- *Sites with potential to provide a high level of amenity to residents of the development by virtue of the availability of attractive views or outlook.*
- *Sites within a comfortable walking distance (400 metres) of a railway station or a major or principal activity centre.*

*Residential or mixed use development of four or more storeys will generally not be supported on sites displaying the following characteristics:*

- *High Street between Westgarth Street/Merri Parade and Separation Street/ Arthurton Road in view of the late 19<sup>th</sup> century and early 20<sup>th</sup> century character and scale of buildings in this area and the potential value of this character and scale to the area as a location for retail and recreation services.*
- *Sites located in a Heritage Overlay or adjacent to properties of recognised heritage value in the Darebin Heritage Review.*
- *Sites located where residential or mixed use development would unreasonably diminish valued view from public parks, main roads or other significant vantage points.*
- *Sites located where development would unreasonably overshadow areas of public amenity including parks and other significant public spaces.*

The objectives and strategies of the MSS insofar as it relates to Housing within the municipality promote and facilitate:

- Housing that meets the diverse needs of the community
- Ecologically sustainable housing
- Housing that protects and enhances residential amenity and neighbourhood character
- Housing that contributes positively to the functioning of Darebin's retail and employment centres.

The objective of the MSS relating to promoting and facilitating housing that meets the diverse needs of the community can be supported by requiring the provision of social housing within this development. The proposed development provides for a total of 319 dwellings and it is considered appropriate due to the scale of the development that this site could accommodate social housing in the mix.

When considering its location close to public transport, open space and recreational areas, education, shops, healthcare facilities and others services it is a most appropriate location. This is also supported within the Activity Centre Policy, the Higher Density Housing Guidelines, Council's local policy relating to developments over four (4) storeys and safer design guidelines. Discussions with the Applicant have concluded that they agree to provide a minimum of 30 dwellings within the development for social housing this is approximately 10% of the dwellings on the site. As a result a condition of any planning approval would require that a minimum of 30 of the dwellings be social housing.

The MSS at Clause 21.05-3 promotes high quality urban design throughout the municipality, and specifically encourages development that displays urban design excellence. Also encouraged is development which contributes to and reinforces local identity and sense of place, promotes safety, achieves liveability, provides diversity and contributes to sustainable outcomes.

The MSS at Clause 21.05-5 promotes a sustainable and prosperous business, industrial and commercial environment that is reflective of the diverse local community, both as potential



employees and consumers, and which is governed in a flexible, proactive and innovative way.

The MSS at Clause 21.05-6 promotes the development of a vibrant and sustainable activity centre network through appropriate integrated and diverse land use planning, residential, community and business development, as well as centre management policies that focus investment in activity centres as key community focal points.

Clause 22.03 – Activity Centres Policy states that it is policy to:

- Encourage convenience shopping facilities that are supported by the surrounding residential neighbourhood and provide additional facilities such as speciality shopping, small office and micro-business premises, service business and the like.
- Ensure that new centres locate only to serve new urban growth areas and provide opportunity for a variety of transport access modes, including walking, cycling and public transport.
- Ensure that new centres will be designed in accordance with the Urban Design Policies contained within the Retail Activity Centre Strategy.
- Utilise opportunities for redevelopment at the fringe of the centres where appropriate through the consolidation of active retail uses within the centre.

### **Clause 12 - Metropolitan Development**

An objective is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

The scheme provides that a substantial proportion of new housing should be located in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

### **Clause 16.05 – Affordable Housing**

The objective of Clause 16.05 is “To deliver more affordable housing closer to jobs, transport and services”.

A strategy to achieve this includes increasing the supply of well-located affordable housing by:

- *Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.*
- *Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites and Transit Cities projects.*
- *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*

### **Clause 19.03 – Design and Built Form**

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the design principles of Clause 19.03. The application is also required to be assessed against the Guidelines for Higher Density Residential Development which has been undertaken.

### Objectives

To achieve high quality urban design and architecture that:

- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*

### Context

*Development must take into account the natural, cultural and strategic context of its location.*

*A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

- The site is located close to public transport routes, residential and open space facilities.
- In addition it is located within an existing commercial centre. The building is to be upgraded and the range of facilities are to be increased.

### The public realm

*The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*

- It is considered that the proposal is broadly acceptable, it provides pedestrian spaces and landscaped areas. Appropriate interfaces are generally provided to Plenty Road and Gremel Road.
- Council's Urban Design Consultant has advised that alterations are required to be made to the residential elements of the development both to the overall height and bulk of the development. This would be required as a condition of any approval.
- The main vehicular entrance to the site is via an existing signalised intersection on Plenty Road and a new secondary access is to be provided to Plenty Road. Vehicle access via two (2) crossovers will also be provided to Gremel Road for the residential access and the loading facilities for the commercial component.

### Safety

*New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

- The proposal maintains the surveillance of both streets with a number of pedestrian entry foyers, balconies and windows to the street façades.
- The development incorporates significant areas of glazing, the entrances to the building have been set back from the frontage and in most cases are recessed however they are visible from the front facades of the building.
- Glazing provides views over the commercial portion of the development and the car parking areas at grade. The basement residential car parking area can be appropriately secured.
- In addition the commercial areas provide large glazed area for surveillance.

### Landmarks, Views and Vistas

*Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*

- The new building will in fact create a landmark within the area. The subject site is a large commercial site that can accommodate the large building proposed without causing significant loss of views and vistas from surrounding residential properties.

### Pedestrian Spaces

*Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer.*

- The site has two (2) street abutments and the nature of the development's interface with each is different largely due to the different traffic and land use function.
- The resultant streetscape presentation of the complex is considered appropriate, given the large site and long street frontages.
- The prospect of anti-social behaviour or entrapment is reduced by providing good visibility.
- The publicly-accessible spaces within the development should be well-lit for the safety of occupants and visitors.

### Heritage

*New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

- The site is not in a Heritage Overlay and the building may be demolished.
- The contemporary design is appropriate for this location.

### Consolidation of Empty Sites

*New development should contribute to the "complexity" and diversity of the built environment.*

*Site consolidation should not result in street frontages that are out of keeping with the "complexity" and "rhythm" of existing streetscapes.*

- The redevelopment of the site has incorporated commercial premises facing Plenty Road and dwellings facing both Gremel Road and Oulton Crescent. The commercial frontage reflects the Plenty Road streetscape within this area. The Gremel Road streetscape comprises a short portion of road which has abutment to two (2) retirement villages, an aged care facility and a medical centre. The streetscape is varied and the contemporary apartment building to be located within the commercial portion of the street will positively contribute to the complexity and diversity of the built environment.

*The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.*

- An appropriate condition of approval will stipulate the commencement and completion period for the development. This condition will ensure that the site is not left in a neglected state for excessive periods.

### Light and Shade

*Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.*

*This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

- Although Plenty Road will be overshadowed at various times of the day, there is no unreasonable loss of sunlight/daylight to the public realm.
- The development provides for a large expanse of car parking within the front building setback. In order to improve the amenity of this area and reduce exposure to the sun a condition of any approval would require that either additional planting or shading devices be provided to the main at grade car park to Plenty Road.

#### Energy Resource and Efficiency

*All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.*

- The proposal provides a high density mixed use development in an appropriate area to take advantage of existing services. Additionally, the design provides adequate energy efficiency to the dwellings with shared walls, multi storey construction and internal stairs.
- Limited information is provided regarding sustainable development, this must be investigated and environmentally sustainable practices need to be included within the development.
- A number of the dwellings have an internal bedroom (usually the second bedroom) which relies on borrowed light rather than access to direct daylight and ventilation. This would only be considered acceptable if the bedrooms are provided with improved access to secondary daylight (as a condition of any approval).

#### Architectural Quality

*New development should aspire to the high standards in architecture and urban design.*

*Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

- The design once modified provides an appropriate level of architectural design, its overall height and bulk must be modified to sit comfortably within the general area.
- Rooftop plant must be appropriately sited and be treated as part of the overall design.

#### Landscape Architecture

*Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

- The site is located within an area which accommodates predominantly residential properties however there are also significant parklands, a school and commercial uses. The development provides some areas at ground level for landscaping.

#### **Assessment Against Guidelines for Higher Density Residential Development (Department of Sustainability and Environment)**

Clause 19.03 requires that responsible authorities should have regard to Design Guidelines for Higher Density Residential Development. The following is an assessment against this document:

### **Height and Massing**

#### Objectives

- *To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.*
- *To ensure new development is appropriate to the scale of nearby streets, other public spaces and buildings.*
- *To protect sunlight access to public spaces.*

The general form and configuration of the development is appropriate in terms of its overall design, massing and form subject to a series of refinements related to positioning, deletion of upper most levels and appearance. These refinements would notably improve the development when viewed from the public realm.

### **Street Setbacks**

#### Objective

- *To respond to existing or preferred street character.*

The existing street character on the eastern side of Plenty Road provides for large commercial buildings with setbacks to site frontages. On the opposite of Plenty Road are predominantly dwellings within landscaped gardens with setbacks to the front, side and rear. In addition there is a park and a school within the immediate area which have large open areas and large buildings.

The proposed building will have a range of setbacks to boundaries. The development provides for dwellings facing both Plenty Road and Gremel Road and facing Oulton Crescent which is designed to complement the existing streetscapes. In addition the height of the dwellings once modified will step down in height to the east to produce a suitable transition in scale with the existing streetscape.

The elevation of the shopping centre which faces the car park adjoining Plenty Road maintains an active interface. The use of glazing and the appearance of café type uses are positive.

The inclusion of the office building, along with the required modifications, provides enclosure over the car park area and creates activity along Plenty Road.

### **Relationships to Adjoining Buildings**

#### Objectives

- *To ensure building separation supports private amenity and reinforces neighbourhood character.*
- *To ensure areas can develop with an equitable access to outlook and sunlight.*
- *To ensure visual impacts to dwellings at the rear are appropriate to the context.*

The proximity of the proposed southern supermarket will impact on the sunlight access to the adjoining residential dwellings to the east. As a result a condition of any approval would

require that appropriate sunlight access to the private open space of these dwellings is maintained.

Appropriate separation is provided between the proposed buildings and existing buildings to maximise light, air and outlook whilst meeting strategic planning goals and respecting neighbourhood character.

### **Views to and From Residential Units**

#### Objectives

- *To maximise informal or passive surveillance of streets and other public spaces.*
- *To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.*

Windows and balconies are provided to the façade to promote passive surveillance.

The design provides for good visibility to discourage anti-social behaviour and allow for surveillance of public spaces.

Many of the living areas of the dwellings are sited fronting adjoining streets and other public spaces.

The upper floor balconies and windows facing Gremel Road and Plenty Road will not unreasonably overlook any residential properties. The dwellings facing Oulton Crescent are in excess of nine (9) metres away from the rear boundaries of adjoining residential properties.

The publicly accessible spaces adjacent to the street frontages should be well lit at night for safety of the building's occupants and visitors.

### **Wind Protection**

#### Objective

- *To ensure that new tall buildings do not create adverse wind effects.*

The stepped form of the design will reduce wind turbulence at ground level.

### **Roof Forms**

#### Objective

- *To treat roof spaces and forms as a considered aspect of the overall building design.*

The plans detail flat roof forms, which is acceptable.

The location of the rooftop plant and lift are required to be detailed on the plans and elevations. This will be required as a condition of any approval.

### **Street Pattern and Street Edge Integration**

#### Objectives

- *To create walkable areas within a safe and interesting public setting.*
- *To closely integrate the layout and occupation patterns of new development with the street.*

- *To ensure that parking does not dominate the street frontage.*

Active ground floor uses along the street perimeters are proposed which will increase the safety, use and interest of the street.

Ground level windows are maximised and two (2) main lobby entrances are provided to the larger apartment building. The entrances to the building are visible and encourage easy and accessible connection. Upper floor balconies have outlook to nearby streets. The main lobby entrance to the smaller apartment building requires modification to ensure that the residents and visitors are not drawn through the car park area to access the main lobby entrance. This would be required as a condition of any approval.

The common entry/accessways to the commercial premises are safe and interesting to the public.

There are no large blank walls facing the street network.

Access to the car parking is available from both Plenty Road and Gremel Road and Oulton Crescent. The majority of parking is provided within the basement. The number of access ways and their widths are not considered to dominate the street level of the development.

The inclusion of the proposed residential blocks, both the minor form on Oulton Crescent, and the more significant on Gremel Road, provides an appropriate transition when accommodating big box retail elements in residential areas.

## **Building Entries**

### Objectives

*To create street entrances with a strong identity that provides a transition from the street to the residential interiors.*

*To ensure that car park entries do not detract from the street.*

- The buildings provide for a number of entries. The residential entries are separate from the commercial entries and all have a sense of identity, connection to the street and shelter. Two (2) entries are provided to the larger apartment building one facing Plenty Road and the other facing Gremel Road. The entries to the commercial uses are gained from Plenty Road. The entry to the smaller residential building requires modification to ensure it is more appropriately sited and designed. The entries are clearly identifiable from the street network. They provide a direct transition from the street to the interior of the building.
- Clear sightlines are available between the street and entries and foyers.
- The entries and foyers are comfortable, sheltered, safe and convenient.
- The car park entrances have been designed to avoid ugly extensive gaps in the street frontage.
- The residential building and the office help to screen the car parking provided for on site at grade.

## **Front Fences**

### Objectives

*To avoid creating inactive frontages as a result of fencing private open spaces.*

*To ensure that front fences respect and contribute to the neighbourhood character.*

- The design of the front fencing has not been provided and care must be taken to ensure that the fence material and interaction between ground floor front gardens and the public space produces a good outcome. High quality materials for this interface and an appropriate treatment to ensure privacy for the apartments, maintaining a degree of openness so that the landscape strip can be surveyed and used would be required as a condition of any approval.

## **Parking Layout**

### Objectives

- *To provide adequate, safe and efficiently designed parking layouts.*
- *To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.*

The design of the proposed car parking area with some modifications is satisfactory.

The car parking area will be convenient to use and will provide adequate resident and visitor parking.

Bicycle parking has not been clearly detailed. This would be required as a condition of any approval to ensure that it is satisfactory.

Loading and unloading facilities are separated from the commercial car parking areas and the residential parking areas.

Within the car park entry points to the building (stairs or lifts) should be clearly visible and identified as serving particular buildings or parts of buildings, to assist orientation. This would be required as a condition of any approval.

## **Circulation Spaces**

### Objectives

- *To create shared internal spaces that contribute positively to the experience of living in higher density development.*

The size of the foyer and the corridor width allows adequate circulation and delivery/removal of large furniture items.

The lift size appears appropriate.

The entrance provides visibility and light into the front area.

Well proportioned foyer areas and adjoining corridors are provided.

## **Site Services**

### Objectives

- *To minimise running and maintenance costs.*
- *To minimise water use.*



- *To incorporate provision for site services in the building design to ensure good function and ease of service and maintenance.*

Space for the storage of garbage has not been provided within the basement for the apartment buildings. Further details and space must be provided for the adequate provision of garbage storage/collection areas within the basement. This would be required as a condition of any approval.

The collection of garbage may be addressed by an appropriate Waste Management Plan and required as a condition of any approval.

Bin storage for the dwellings facing Oulton Crescent is not detailed and would be required as a condition of any approval.

Natural irrigation should be used to water landscape areas. This would be required as a condition of any approval.

Mailboxes for the dwellings may be appropriately sited to the front and would be required to be detailed. This would be required as a condition of any approval.

The compliance of the development with relevant fire fighting requirements, including water supply and access, is assessed at the Building Approval stage.

### **Dwelling Diversity**

#### Objective

- *To provide a range of dwelling sizes and types in higher density residential developments.*

The development provides a mix of dwelling sizes and layouts.

### **Building Layout**

#### Objective

- *To optimise the layout of buildings in response to occupant's needs as well as identified external influences and characteristics of the site.*
- *To create functional, flexible, efficient and comfortable residential apartments.*
- *To ensure that a good standard of natural lighting and ventilation is provided to internal spaces.*
- *To provide adequate storage for household items.*

Two (2) lift cores have been incorporated within the apartment building. A travelator provides access to the commercial component of the building from the basement car parking area.

A lift core is also provided for the smaller apartment building.

Some dwellings have bedrooms that do not have direct access to light and ventilation. This would be required to be improved as a condition of any approval.

The lifts provide convenient access to the dwellings.

Details of storage for each dwelling have not been provided this would be required as a condition of any approval.

### **Design Detail**

#### Objective

- *To promote buildings of high architectural quality and interest.*

The development is considered to be generally of an appropriate architectural quality and interest. However, as noted by Council's Urban Design Consultant additional modification is necessary.

Conditions of any approval will require a number of alterations to be made to the development as identified.

### **Private and Communal Open Space**

#### Objectives

- *To ensure access to adequate open space for all residents.*
- *To ensure common or shared spaces are functional and attractive for their intended users.*
- *To allow solar access to the private and shared open spaces of new high density residential units.*
- *To integrate the design of shared and private open space into the overall building design and façade composition.*
- *To provide for greenery within open spaces.*

All dwellings are provided with private open space in the form of balconies, terraces or small garden areas. These are appropriately located adjacent to living areas and with access to sunlight.

Limited communal open space area is provided in the development.

Landscaping is provided to the ground level open spaces and front setback. A further detailed landscape plans would be required as part of any approval.

Further details regarding appropriate screening of balconies would be required as part of any approval.

### **Public Open Space**

A small area of open space is to be provided on the site. A condition of any planning approval would require that further details of the design of this area be provided. Whilst this is open space that the public can access it is not public open space managed by Council.

### **Safer Design Guidelines for Victoria**

Clause 19.03-3 states that responsible authorities should have regard to the Safer Design Guidelines for Victoria, prepared by the Department of Sustainability and Environment, in

assessing the design and built form of projects. The following comments respond to the relevant 'Safer Design Guidelines':

- The increased density and mix within the activity centre increases the presence of people in the street.
- Active uses are provided along the main road to ensure the street promotes a sense of safety for people during most hours of the day and night.
- The provision of shops at the ground floor level with dwellings above provide opportunity for natural surveillance of Plenty Road and the car parking area.
- All entries face Plenty Road and Gremel Road and a separate entry is provided for the residential component of the development. Weather protection is provided along the frontage.
- Surveillance of pedestrian areas is provided from balconies, living areas and bedrooms.
- The design avoids blank walls facing street frontages.
- Smaller retail premises are provided along the perimeter walls of the larger shops and the mall area.
- Additional detail must be provided with respect to the relationship between the car park in the front building setback and the adjacent tenancies facing the car park, to ensure that the interface is dealt with appropriately and is active. This would be required as a condition of any approval issued.
- The retail and office uses are at street level whilst dwellings are provided at levels above. This layout will provide activity to the immediate area beyond core business hours.
- Front privacy fencing is to be further detailed to ensure that it maintains visibility and at the same time allows natural surveillance of the public realm.
- There is limited use of blank walls within the development therefore the risk of graffiti has been limited. A condition of any planning approval will require that on those limited blank walls provided, appropriate surfaces are to be utilised to reduce graffiti.
- The small open space area provided is very visible from other public and private spaces.
- The development provides for some seating, pedestrian walkways and public spaces. Insufficient detail has been provided at this stage regarding these public spaces. It is important that pedestrian routes are simple and direct and are clearly defined and observed by adjacent public spaces. The potential for pedestrian linkages across and around the site, particularly to the Summerhill Residential Park in the south and the La Trobe Retirement Village is considered positive. A condition of any planning approval would require this to be further detailed.
- The landscaping of the site will be addressed through a condition of any approval.
- A condition of any approval will require that appropriate lighting be provided within the public areas.

### **Activity Centre Design Guidelines (Department of Sustainability and Environment)**

Clause 19.03-3 states that responsible authorities should have regard to the Activity Centre Design Guidelines, prepared by the Department of Sustainability and Environment, in

assessing the design and built form of projects. The following comments respond to the relevant 'Activity Centre Design Guidelines':

- The provision of direct links to surrounding neighbourhoods, particularly for pedestrians and cyclists will be required as a condition of any approval.
- The development provides a mix of uses within the centre. The centre includes dwellings, shopping, health services, office and recreation services.
- Additional detail is required regarding the open space to be provided within the front building setback to Gremel Road as a condition of any approval.
- Additional detail is required regarding environmental sustainability as a condition of any approval.
- The active frontages of the large building and the location of the office building over part of the car park assists in reducing the impact of at grade car parking to Plenty Road.. In addition, a requirement for provision of either additional planting or shading devices to the main at grade car park to Plenty Road will improve the visual amenity of the at grade car parking to Plenty Road.
- The development provides a mix of uses, allows surveillance, the residential buildings have separate entrances, good solar access is provided and once modified the interface with the existing residential areas will be of an appropriate scale for the Neighbourhood Activity Centre.

### Zoning:

The site is located in a Business 1 Zone where the purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.*

The zoning controls include decision guidelines when assessing planning permit applications for buildings and works and use of the land. The following is a summary assessment against the decision guidelines:

### Use

- The proposal complies with the SPPF and the LPPF including the MSS and local planning policies.
- Existing uses on surrounding land include residential, commercial, medical centre and public open space areas. The effect that these uses would have on the proposed use is minimal as they are in fact the same as those uses proposed within the redevelopment of the existing site.
- The drainage of the land has been assessed and is required to be to the satisfaction of the Responsible Authority.
- The availability of and connection to services has been considered and is considered to be satisfactory once the developer has satisfied the requirements of the appropriate service providers.
- The effect of traffic to be generated on roads is considered reasonable by both Council's Transport Management and Planning Branch and VicRoads.

- All of the land is required to be utilised in the redevelopment proposed.

In addition the use of the land must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

A condition of any planning permit would require that the use of the land does not detrimentally affect the amenity of the neighbourhood through any of these matters.

#### Buildings and Works

- The proposal complies with the SPPF and the LPPF including the MSS and local planning policies.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport has been considered and appropriately addressed on site.
- The provision of car parking is appropriate as advised by Council's Transport Management and Planning Branch.
- The development addresses the streetscape appropriately.
- Further details regarding storage of rubbish and materials for recycling are required to be provided as a condition of any approval to the satisfaction of the Responsible Authority.
- Maintenance of buildings, landscaping and paved areas will be the responsibility of the Owners Corporation and centre management of the buildings.
- Buildings have been designed for solar access and further environmentally sustainable design features must be included as a condition of any approval.

All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority. A condition of any approval would require this.

The development is considered with appropriate modifications to be generally acceptable in this location.

#### **Clause 22.10 – Residential and Mixed Use Development of Four or More Storeys**

Clause 22.10 provides assessment criteria for residential or mixed use development of greater than four (4) storeys in height. It is also noted that this policy requires the consideration of a number of objectives and standards of Clause 55.

Additionally, Clause 22.10-3 states that it is policy to consider:

- Clauses 55.04-3 and 55.04-6 to 55.04-8
- Clauses 55.04-1 and 55.04-4 to 55.04-5 in relation to adjoining dwellings in a Residential zone.

The following table is a summary of the assessment of the proposed apartment buildings against the provisions contained in the Policy.

Element	Proposal	Compliance
<b>Sustainability</b>	<ul style="list-style-type: none"> <li>• Adequate natural light and ventilation is available to many of the rooms within the dwellings. However, it is noted that there are rooms within the development which will rely on borrowed light and ventilation. Appropriate internal alterations to layout would be required to ensure that bedrooms are provided with adequate daylight.</li> <li>• The larger apartment building has a significant exposure to the west and north. Balconies are located adjacent to the dwellings which will provide the dwellings and their secluded private open space areas with some protection from the western sun and weather.</li> <li>• The proposal takes advantage of the proximity to services. Additionally, the design provides energy efficiency to the dwellings with shared walls, multi storey construction and internal stairs. Additional details are required to be provided in respect to sustainability to determine compliance.</li> </ul>	Complies subject to condition
<b>Design &amp; Materials</b>	<ul style="list-style-type: none"> <li>• The general format of the development is acceptable subject to a series of design refinements such as reduction in the scale of the development.</li> <li>• The alterations to the design suggested by Council's Urban Design Consultant would be required as condition of any approval. In addition some modifications may be required to improve the internal amenity of some dwellings.</li> <li>• The proposal does not mimic the existing character of the area.</li> <li>• As noted above, the development is not acceptable in terms of mass and scale and the height of the apartment buildings.</li> <li>• External materials with modifications are generally acceptable.</li> <li>• The streetscape façades will provide for surveillance.</li> <li>• The location of plant has not been identified on the plans, however, further details will be required to be provided as</li> </ul>	Complies subject to conditions

	a condition of any approval.	
<b>Building Height</b>	<ul style="list-style-type: none"> <li>The overall height is to be approximately 39m.</li> <li>The bulk of the development does not respond to the existing urban context and neighbourhood character of the area. Modifications can be made as required by conditions of any approval to address this.</li> </ul>	Complies subject to conditions.
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>As discussed earlier in the report setbacks are considered to be appropriate.</li> <li>Whilst some of the setbacks do not comply with the policy they are however, considered satisfactory taking the following into account. The site is a large site with three (3) road abuttals. The adjoining site to the west is commercial, to the south is residential, to the north and east are also residential. The site is located within a Neighbourhood Activity Centre with large areas of open space and a school to the north. The surrounding sites accommodate buildings with a mix of setback. The building has been designed to minimise the impact on any surrounding residential premises.</li> </ul>	Complies
<b>Dwelling Diversity</b>	<ul style="list-style-type: none"> <li>The design provides a range of dwelling layouts and sizes and therefore provides a level of diversity in the area.</li> </ul>	Complies
<b>Car Parking &amp; Vehicle Access</b>	<ul style="list-style-type: none"> <li>Vehicle access is provided from Gremel Road and Oulton Crescent for the residential premises. This arrangement allows for the separation of the residential traffic from the commercial traffic within the site.</li> <li>The car parking provision is considered to be acceptable based on the Transport Engineer's assessment and proximity of the site to public transport.</li> <li>The development has the Plenty Road tram located in front of the site.</li> <li>Lighting must be provided to the basement car parking and car accessways.</li> <li>Adequate security must be provided to the car parking area.</li> </ul>	Complies subject to condition.
<b>Street Address</b>	<ul style="list-style-type: none"> <li>The proposal provides appropriate street</li> </ul>	Complies

	<p>address for both the residential and commercial components of the development.</p> <ul style="list-style-type: none"> <li>• The development provides an active frontage to the footpath with glazing and building openings to provide visibility and accessibility between the footpath and the building. Further details are required to be provided as a condition of any approval to ensure that any front fencing to dwellings allows an appropriate balance between privacy and surveillance.</li> <li>• The dwellings provide windows and balconies to the street.</li> <li>• Weather protection is provided to the entrances.</li> <li>• The development provides an attractively designed and finished interface between the building and the footpath.</li> <li>• Mailboxes can be located at the entry to the building. This would be requested as a condition of any approval.</li> <li>• The entry area can be adequately lit. This would be requested as condition of any approval.</li> </ul>	subject to conditions.
<b>Amenity Impacts Including Overshadowing and Overlooking.</b>	<ul style="list-style-type: none"> <li>• The views from habitable rooms and balconies facing existing residential properties are in excess of nine (9) metres away.</li> <li>• Glazing visible from the public domain could be reflective. This could be addressed via a condition of any approval.</li> <li>• Plant is to be located on the roof and is to be screened.</li> </ul>	Complies subject to condition.
<b>On-site Amenity and Facilities, including Private Open Space</b>	<ul style="list-style-type: none"> <li>• Lift access provided.</li> <li>• Adequate daylight is provided to many rooms, however many dwellings require modification to provide appropriate daylight access.</li> <li>• Balcony space is to be provided for all the dwellings. The area of each balcony is required to be at least 8m<sup>2</sup> with a minimum dimension of 1.6 metres. This change to the plans is to be requested via condition.</li> <li>• Insufficient storage has been provided.</li> </ul>	Complies subject to condition.



	<p>Storage provision is to be requested via condition of any approval.</p> <ul style="list-style-type: none"> <li>Communication devices, antennas, etc have not been detailed, however, would be required to be consolidated and rationalised wherever possible and not visible from the surrounding streets.</li> </ul>	
<b>Waste Management</b>	<ul style="list-style-type: none"> <li>A waste management plan which identifies that sufficient area has been provided on site for storage and arrangements for bulk storage and collection of refuse (including recyclable waste) would be required to be provided before any approval. A condition of any approval would require private rubbish collection.</li> </ul>	Complies subject to condition
<b>Equitable Access</b>	<ul style="list-style-type: none"> <li>The development is accessible to persons of limited mobility.</li> <li>Access to dwellings in the apartment buildings, including the basement, is available via lifts and stairs. Access to the commercial premises is via a travelator from the basement car park.</li> </ul>	Complies
<b>Utility Services</b>	<ul style="list-style-type: none"> <li>There are no known issues with provision of services to the site.</li> </ul>	Complies subject to condition

Clause 22.10 (Residential Development of four (4) or more storeys) requires the consideration of the proposal against a number of the objectives and standards of Clause 55:

- Clauses 55.04-3 and 55.04-6 to 55.04-8
- Clauses 55.04-1 and 55.04-4 to 55.04-5 in relation to adjoining dwellings in a Residential zone.

### Relevant Requirements of Clause 55 Assessment

#### STANDARD B17: SIDE AND REAR SETBACKS

- The taller apartment building is approximately 39 metres in height at its eastern portion where the site abuts adjoining dwellings in a residential zone. The standard requires a minimum setback of 34 metres and a setback of 35 metres is provided. A 30 metre high section of wall is also provided in this area which requires a setback of 25 metres under the standard and a setback of 30 metres is provided.
- The smaller apartment building is approximately 20 metres in height at its southern section where the site abuts adjoining dwellings in a residential zone.

The standard requires a minimum setback of 17 metres and a setback of 22 metres is provided.

- Complies.

#### **STANDARD B19: DAYLIGHT TO EXISTING WINDOWS**

- There are no buildings within three (3) metres of an existing habitable room window as buildings opposite habitable room windows are setback a minimum of 3.385 metres.
- The proposed wall to be located towards the eastern boundary ranges in height from approximately 11 metres at its southern end to 14 metres at the northern end. The wall has a setback of 3.385 metres from the property boundary at the closest point where the wall is approximately 11 metres in height and the dwelling on the adjoining residential land is setback from the common property boundary by approximately three (3) metres. The 11 metre high wall is required to be setback at least 5.5 metres from any habitable room windows. The wall is proposed to be setback approximately six (6) metres from the dwelling. Where the wall reaches 14 metres in height the setback required is seven (7) metres and a setback of nine (9) metres is provided.
- Complies.

#### **STANDARD B20: NORTH FACING WINDOWS**

- The smaller apartment building is proposed to be setback 16.08 metres for the 20 metre high wall. The building is to be setback 22 metres which is in excess of the requirements of the standard.
- The replacement Coles building will be setback a minimum of 20 metres from any dwellings to the south of the new wall. With a wall height of approximately 11 metres a setback of approximately seven (7) metres is required to satisfy the standard.
- The balance of the building to house the rear of the shops within the development is setback in excess of that distance required under the standard.
- Complies.

#### **STANDARD B21: OVERSHADOWING**

- It appears from the shadow diagrams submitted that two (2) existing dwellings within the Summerhill Residential Park will be impacted by shadows cast. The dwellings are located at the south-western end of the dwellings adjacent to the western property boundary (of the Summerhill Residential Park at 2 Gremel Road, Reservoir). A condition of any approval would require that the building be setback to comply with this standard.
- Complies subject to conditions.

#### **STANDARD B22: OVERLOOKING**

- All habitable room windows, balconies, terraces have been located in excess of nine (9) metres from secluded private open space associated with dwellings in proximity to the subject site.
- Complies.

**STANDARD B23: INTERNAL VIEWS**

- The balconies of all dwellings are located directly above or below the adjoining level. As a consequence the location of most of the balconies will protect the privacy of the balcony below. There are, however, balconies that are located at right angles to other balconies that cause overlooking. These balconies will be appropriately treated to prevent overlooking.
- Complies subject to conditions.

**STANDARD B24: NOISE IMPACTS**

- The plans do not detail treatment for dividing walls between dwellings and mechanical plant or other noise sources within the development. Dwelling walls or windows adjacent to lift access, adjacent to commercial premises and adjacent to Plenty Road must be treated to ensure that the residents are protected from noise. A condition of any planning permit would require this.
- In addition the development proposes to locate the loading areas and their access within the existing area identified for this purpose. It must be noted however that the scale of the loading bays, the number and the number of shops will increase. An acoustic fence is to be provided along the eastern property boundary that separates the loading areas from the dwellings on the adjoining sites.  
The details of this acoustic fence must be submitted to and be to the satisfaction of the Responsible Authority and will be required as a condition of any approval.
- Complies subject to conditions.

**CITY OF DAREBIN DRAFT MEDICAL CENTRES POLICY – AUGUST 1991**

Council has prepared a draft policy document to provide guidance for the location and detailed requirements of medical premises.

This policy states that Council encourages all new medical premises to locate on land which is either:

- Within the “PANCH” precinct,
- Within a “Business Zone” under the Planning Scheme.

The subject site is within a Business Zone.

The policy also states in relation to car parking that car parking must be provided at the following rate in all area zoned “Business”. Five (5) car spaces for the first suite/practitioner/provider and three (3) car spaces per additional suite/practitioner/provider. Council will permit this requirement to be reduced, provided Council is satisfied that:

- The site is incapable of accommodating any car parking.
- There is sufficient off street car parking in the vicinity.
- There is public transport nearby.

The development provides for four (4) practitioners which would require a total of 14 spaces. Both the Applicant’s Transport Impact Assessment and Council’s Transport Management and Planning Unit agree that the parking provided for the overall development on the site will be sufficient to meet the demand required.

The policy requires that the dimensions of all car spaces and access lanes must be provided in accordance with the planning scheme (This is required to be satisfied as a condition of any approval). All car spaces must be located so that no reverse manoeuvre onto or off a street is required (plans satisfy this requirement).

The draft policy requires that the hours of operation should be limited, however this medical centre will be situated within an activity centre where the business hours of the surrounding shops are not restricted.

The policy identifies suggested conditions to be included on any approval which have been included where appropriate.

## CAR PARKING

### Policy

The SPPF (at Clause 18.01-2) encourages higher land use densities and mixed use developments near railway stations, tramways and principal bus routes. Clause 18.02-1 has the objective of ensuring access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas. Particular note is made of protecting the amenity of residential precincts from the effects of road congestion created by on-street parking.

At the local level, the MSS (at Clause 21.05-9) promotes the improved operation, safety and attractiveness of public transport by encouraging higher density housing close to train stations and tram and bus stops to increase the proportion of residents who can access public transport easily.

The proposal provides 1066 car spaces, 770 spaces for the commercial component in the basement level and at grade, 236 spaces for the residential component in the basement level and at grade. As the development is more than three (3) storeys in height, the parking provisions of Clause 55 do not apply and therefore the parking requirement for the proposal is two (2) spaces per dwelling.

Under Clause 52.06 a new use must not commence until the required car spaces have been provided on the land. The table at Clause 52.06 sets out the number of car parking spaces required for certain uses. Those uses not specified in the table must have an adequate number of car spaces provided to the satisfaction of the Responsible Authority. The following table identifies those uses specified.

Use	Rate	Number/Area	Requirement
Dwelling	Two (2) per dwelling	319 dwellings	638
Office	3.5 spaces/ 100m <sup>2</sup> of net floor area	1560m <sup>2</sup>	55
Shop	Eight (8) car spaces to each 100m <sup>2</sup> of leasable floor area	17,292m <sup>2</sup>	1383
Medical Centre	Five (5) car spaces to each practitioner	Four (4) practitioners	20
<b>Total Requirement</b>			<b>2096</b>
<b>Total Number Provided</b>			<b>1006</b>

In determining the appropriateness of the car parking provision, Council must have regard to the decision guidelines in Clause 52.06-1. The following should be noted:

- There is no parking precinct plan for the area.
- Parking is available for visitors and employees in surrounding streets.
- Public transport is available in the nearby area with Tram Routes 86 (Plenty Road, tram stop 25 metres), 556, 563 and Bus Routes Nos 566 and 577.
- A reduction in car parking demand is justified as there will be sharing of car spaces by multiple uses, because of variation of car parking demand over time and because of efficiencies gained from the consolidation of shared car parking spaces.
- A condition of any approval would require that the pedestrian amenity of the site and surrounding area be provided to ensure that demand for on site car parking is reduced as more people are willing to walk to the centre because of the quality of the pedestrian experience.
- It is considered that the parking requirement of Clause 55 is a more equitable method of gauging parking demand for dwellings as it is based on dwelling size and thus probable demand. Therefore only one (1) car space each is required for the one (1) and two (2) bedroom dwellings (319 dwellings). This would reduce the overall parking requirement to 319 spaces for the dwellings. Additionally, 64 car spaces are required for visitors.
- The Transport Impact Assessment submitted by the applicant notes the following conclusions:
  1. The proposed development generates a statutory parking requirement of 2,041 spaces for those uses with nominated rates. It should be noted that the traffic consultants report appears to have excluded any reference to the office building. This would have required an additional 55 spaces which equates to a total of 2096;
  2. The empirical assessment estimates an overall expected peak demand of 824 parking spaces for the proposed development;
  3. The proposed supply of 1,006 spaces is considered to be appropriate having consideration to the relevant decision guidelines;
  4. The proposed parking layout is consistent with the dimensional requirements as set out in the City of Darebin Planning Scheme and/or Australian Standard/New Zealand Standard for Off Street Car Parking (AS/NZS2890.1-2004);
  5. The provision for 152 bicycle parking spaces (in the form of 88 employee/resident and 64 visitor/shopper spaces) and end of trip facilities are to be provided to meet requirements of Clause 52.34 of the City of Darebin Planning Scheme;
  6. The provision of loading facilities exceeds the statutory requirements and is considered satisfactory;
  7. The site is expected to generate up to 1,393 vehicle movements in the critical weekday PM peak hour and 1,657 vehicles movements in the Saturday peak hour;
  8. The intersection of Plenty Road and Gremel Road will be able to accommodate the anticipated increase in traffic from the development for the immediate post development and 2019 operating conditions; and
  9. The intersection of Plenty Road and the site access will also be able to accommodate the anticipated increase in traffic from the development for the immediate post development and 2019 operating conditions.

Council's Transport Management and Planning Branch has requested a number of items to be addressed listed below. These requirements can be addressed via condition of approval.

Plans and documents submitted are to be modified to the satisfaction of the Responsible Authority as follows:

- a. Pedestrian access must be provided along Oulton Crescent and through the proposed residential and residential visitor car parking area.
- b. Bicycle access must be provided along Oulton Crescent and through the proposed residential and residential visitor car parking area.
- c. Resident and resident visitor cycle parking should be located to facilitate convenient bicycle access via Oulton Crescent.
- d. The applicant must demonstrate how parking in the parking area accessed via Oulton Avenue will be limited to residential and residential visitor parking and that access and parking arrangements will not negatively impact the residential amenity of properties to the south of the shopping centre.
- e. The applicant must develop and deliver a number of comprehensive Travel Plans for the site for each of the land uses included in the applicant's proposals.
- f. The applicant must deliver the statutory cycle parking requirement for the site. (*Any cycle parking provided as part of the Travel Plans must be provided in addition to the statutory requirement.*)
- g. The applicant must provide plans, elevations, and cross sections showing:
  1. Pedestrian facilities
  2. Cycle facilities
  3. Car parking spaces (1:100 scale)
  4. Vehicle accessways
  5. Ramps
  6. Headroom (1:25 scale).
- h. The applicant must submit a new version of the 'Transport Impact Assessment' as the "Office' area shown in plans No.TP08 and TP09 was not included.
- i. The applicant must show how the freight needs of residents will be addressed in these plans.
- j. The applicant must provide a high quality pedestrian link between Plenty Road and the Centre. This should be based on Australian Standards and provide a high level of pedestrian priority across the car park. The developer must also provide additional information regarding how pedestrians will be accommodated around the signalised intersections at Plenty Road and Loddon Avenue.

The development has a shortfall of 1090 car spaces.

Council's Transport Management and Planning Unit support the reduction in the car parking requirement provided a number of items are addressed (these have been identified earlier in the report and would be included as conditions of any approval issued).

### **Clause 52.34 - Bicycle Facilities**

As the development is greater than four (4) storeys the proposal results in the following bicycle requirements:

Bicycle spaces:

**Dwellings**

- One (1) to each five (5) dwellings for residents ie. 64 spaces.
- One (1) to each ten (10) dwellings for visitors ie. 32 spaces.

**Minor Sports and Recreation Facility (Gym)**

- One (1) per four (4) employees ie. Two (2) spaces.
- One (1) to each 200m<sup>2</sup> of net floor area (visitors) ie. three (3) spaces.

**Office**

- One (1) to each 300m<sup>2</sup> of net floor area if the net floor area exceeds 1000m<sup>2</sup> for employees ie. five (5) spaces
- One (1) to each 1000m<sup>2</sup> of net floor area if the net floor area exceeds 1000m<sup>2</sup> for visitors ie. two (2) spaces.

**Medical Centre**

- One (1) to each 8 practitioners for employees i.e. 0.5 spaces.
- One (1) to each 4 practitioners for visitors i.e. two (2) spaces.

**Shop**

- One (1) to each 600m<sup>2</sup> of leasable floor area if the leasable floor area exceeds 1000m<sup>2</sup> for employees i.e. 29 spaces.
- One (1) to each 500m<sup>2</sup> of leasable floor area if the leasable floor area exceeds 1000m<sup>2</sup> for shoppers i.e. 35 spaces.

Showers:**Dwellings**

- One (1) shower for the first five (5) employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter, i.e. seven (7) showers.

**Office**

- One (1) shower for the first five (5) employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter, i.e. one (1) shower.

**Shop**

- One (1) shower for the first five (5) employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter, i.e. three (3) showers.

Change Rooms:**Dwellings**

- One (1) change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room, ie. seven (7) change rooms.

**Office**

- One (1) change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room, ie. one (1) change room.

**Shop**

- One (1) change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room, ie. three (3) change rooms.

The proposal provides areas within the development for bicycle spaces however the number is not noted on plans. In addition, separate showers and change rooms have not been provided therefore a condition of any approval would require these to be provided.

**Clause 52.07 Loading and Unloading of Vehicles**

The loading bay areas provided for on the plans appear to be sufficient however a condition of any approval would require that the details be shown on the plans confirming that the dimensions accord with the planning scheme requirements under Clause 52.07 of the Scheme.

**Darebin Transport Strategy**

Darebin's Transport Strategy is Council's plan for managing transport and traffic over the next 20 years. The policies in respect to land use and development are as follows:-

- The development of new key destinations, such as large employers and retail developments, will be directed to existing activity centres well served by public



transport. This will reduce the need for people to drive to them and enable multiple purpose trips.

- Greater housing densities will be encouraged within and close to activity centres and “higher order” public transport. This will reduce the need for their residents to travel by car.
- Integrated Travel Plans (ITPs) will be required as part of planning permit applications for significant developments. ITPs outline how a development is intended to be accessed and, in particular, how it supports access by “sustainable modes”—walking, cycling and public transport—including targets for each mode.
- Travel Plans will be a condition on relevant planning permits. Travel Plans will be required for commercial, residential, business and mixed-used developments meeting size thresholds and, where appropriate, when car parking waivers are requested.
- The development of large sites will be required to incorporate public pedestrian and cycle links where they can contribute to a desirable through route.
- New development will be required to contribute to a safe, attractive and comfortable pedestrian environment in abutting streets and public open spaces. This will be achieved through building orientation, site layout, minimising footpath crossovers, traffic management and the provision of facilities such as wide footpaths, verandahs, signage, dedicated pedestrian routes through car parks, good connections to public transport or the provision of public transport interchanges.

## **Potential Contamination**

### Policy

Clause 15.06 (Soil Contamination) has the objective of ensuring that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. As part of the implementation of this policy, in consideration of applications for the use of land known to have been used for industry, responsible authorities should require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use.

It is understood that part of the site may have been used in the past for the purpose of a tip. As a consequence a site assessment should be carried out to determine whether the land has contamination and what if any remedial works are required to be undertaken or whether the land is suitable for sensitive uses. A condition of any approval would require that a site assessment be carried out prior to the start of buildings and work on the site.

## **Conclusion**

Subject to conditions, the proposal complies with all relevant planning policies and planning scheme requirements. It is recommended that the application be approved.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Discussed earlier within report.

**Social Inclusion and Diversity**

Discussed earlier within report.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**FUTURE ACTIONS**

Nil.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

**Appendix A** – Plans

**Appendix B** – GTA consultants report titled “The Hub, 850 Plenty Road, Reservoir, Transport Impact Assessment

*The Mayor, Cr. Fontana, advised the meeting that Cr. Asmar, who was not in attendance at the meeting and had lodged an apology for her absence, had disclosed conflicts of interest in writing in this matter classifying the types of interest as indirect interests by close association and describing the nature of the interests as that her uncle resides in Elm Street Northcote affected by the proposed and is included in the area of properties to be surveyed and that her auntie who resides in Hawthorn Road Northcote is included in the area of properties to be surveyed as potentially being affected by the proposal.*

**7.2 DAREBIN PLANNING SCHEME AMENDMENT C92  
(AUSTRALIAN HORIZONS SITE) – COMMUNITY SURVEY**

**MINUTE NO. 171**

**AUTHOR:** Senior Research and Project Officer – Karin Linden  
Strategic Planner – Kris Shaw

**DIRECTOR:** Director Development and Amenity – Michael Ballock

**SUMMARY:**

Council resolved on 15 March 2010:

- To defer consideration of the report on Amendments C81 and C92 to allow officers to further consult with the community
- That the consultation process be overseen by the Planning Committee.

The Planning Committee considered a report on a draft Council survey on 27 April 2010.

The Planning Committee also received information from a residents' group that was planning to carry out a survey of residents in streets near the Australian Horizons site of their views on the proposed redevelopment. The residents' group was advised that Council was preparing to carry out a survey.

The Planning Committee resolved that officers consider whether the residents' survey and Council's draft survey could be amalgamated and that the matter be referred to Council for consideration.

This report recommends altering the Council survey to incorporate some of the residents' survey questions and to include some new questions.

**CONSULTATION:**

Strategic Planning Unit  
Business Improvement Branch

**RECOMMENDATION**

**THAT** Council endorse the consultation program outlined in this report in relation to the proposed redevelopment of the Australian Horizons site, and authorisation be given to officers to begin the consultation process.

**MOTION**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** –

**THAT:**

- (1) Council endorse the consultation program outlined in this report in relation to the proposed redevelopment of the Australian Horizons site, and authorisation be given to officers to begin the consultation process.
- (2) Council officers report back on what the attitude of the proponent of Amendment C92 is, and in light of the start of the major cases list at the Victorian Civil and Administrative Tribunal of proposals above \$5 million, what is the risk that the proponent may wish to take advantage of this new 'streamlined' process.

CR. TSITAS WITHDREW HIS PROPOSED MOTION IN FAVOUR OF THE FOLLOWING FURTHER MOTION, INDICATING THAT HE WOULD RAISE ITEM (2) ABOVE LATER IN THE MEETING UNDER 'GENERAL BUSINESS' (SEE MINUTE NO. 182):

**FURTHER MOTION**

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

**THAT** the Community Survey and consultation process be referred back to the Planning Committee for further drafting and final approval, and that the Planning Committee consider an expanded range of issues to be included in the survey.

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

**COUNCIL RESOLUTION**

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

**THAT** the Community Survey and consultation process be referred back to the Planning Committee for further drafting and final approval, and that the Planning Committee consider an expanded range of issues to be included in the survey.

**CARRIED**

## REPORT

### INTRODUCTION AND BACKGROUND

At its meeting on 15 March 2010, Council resolved:

*That Council defer consideration of the report on Amendments C81 and C92 to allow officers to further consult with the community. This consultation should be overseen by the Planning Committee and should include a survey of residents within 200 metres of the Australian Horizons site. This survey should ask for residents' opinions on the C81/C92 Panel report recommendations from the independent Panel appointed by the Planning Minister the Hon Justin Madden and where these differ from Council's adopted Northcote Structure Plan. These issues include:*

- *The proposed zoning of the site (Business 2 or Mixed Use)*
- *The proposed reduction in office floor space provided as part of the development*
- *The recommended building height plan where it differs from the Structure Plan (the eight storey component in the centre of the Australian Horizons site)*
- *The lack of identified social housing and/or affordable housing in the development.*

*The results of the survey and consultations should be incorporated and reported back to Council.*

A report outlining the proposed method, timeline and draft survey was presented to the Planning Committee on 27 April 2010. The Planning Committee requested that:

- Council officers consider whether a draft community-authored survey on aspects of the proposed redevelopment of the Australian Horizons site could be amalgamated with the draft Council survey
- A report on the survey be presented to the Council meeting on 3 May 2010.

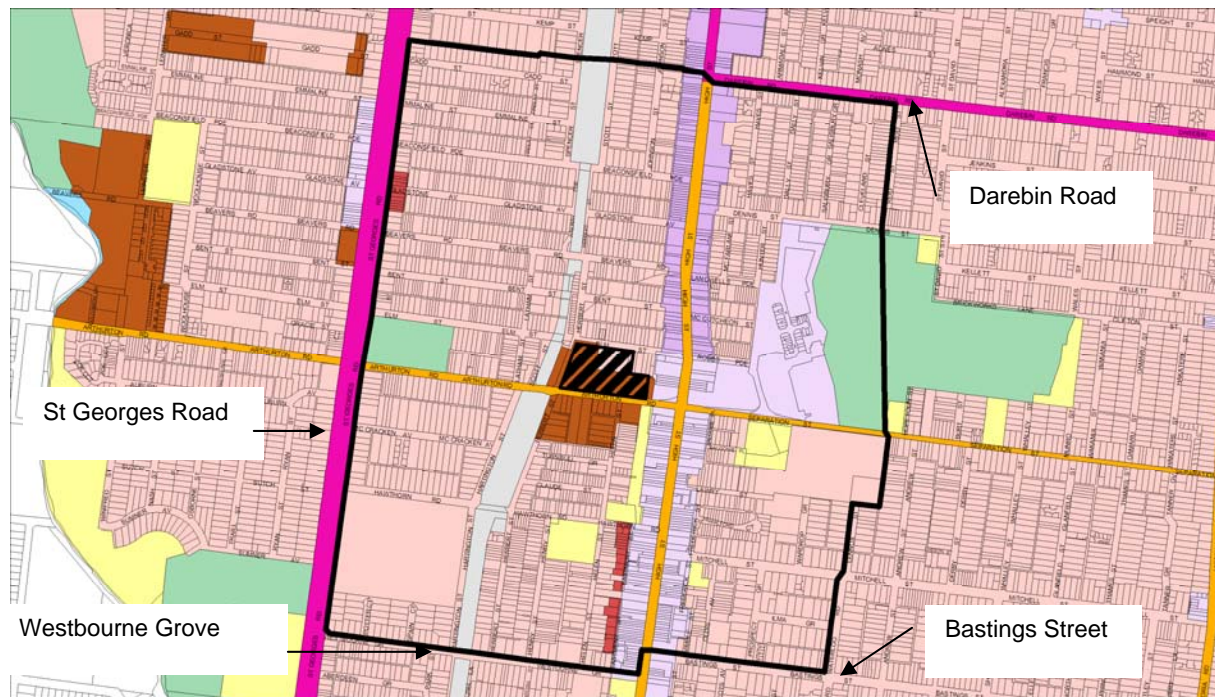
### ISSUES AND DISCUSSION

#### Survey Objective

The objective of the survey is to provide residents, visitors and people that work in the neighbourhood an opportunity to provide feedback on the C92 Amendment and other issues affecting the proposed development.

#### Survey Design and Area

The recommended survey area shown in Map 1 includes approximately 2,100 properties. Properties included in the survey are within a radius of approximately 600m-800m from the Australian Horizons site.

**MAP 1**

Council has requested that the consultation focus on the Panel recommendations that differ from the Council's adopted Northcote Activity Centre Structure Plan 2007. In addressing the objectives of the survey it is recommended that Council consider incorporating the following features in the design of the survey:

- The recommended survey area has been expanded to include all residential properties that could be directly affected by the proposal. The proposed development of the Australian Horizons site will potentially have positive and negative impacts on the local area. Limiting the survey to the immediate area of the site would likely result in survey responses that are focussed on the negative impacts of the development. Map 1 shows the survey area that was considered and agreed to by the Planning Committee on 22 March 2010.
- Traders should be included in the survey and responses from traders will be separated from the residents' responses.
- The survey should be made available on line to provide opportunities for visitors and other stakeholders to participate. These responses will also be analysed separately.
- The survey questions should be specific and focus on the perceived negative and positive aspects of the development. Respondents have to feel that the survey is balanced and does not include 'leading' questions.

It is recommended that the survey address:

- Zoning of the site
- Building heights
- Creation of a new north-south public accessway
- Installation of new pedestrian lights at the intersection of Arthurton Road and Herbert Street
- Wider footpaths in Arthurton Road
- Shops in Arthurton Road

- Provision of social/affordable housing
- Energy efficiency of buildings
- Traffic impacts.

The survey explores the level of importance placed on these aspects of the proposal and gives people the opportunity to comment on the recommendations of the independent Panel where they differ from the Northcote Structure Plan. It also provides an opportunity for general comments.

#### Survey Methodology

It is considered that a drop off/mail back survey to all properties within the area shown in Map 1 will be the best method to provide all residents, businesses and visitors to a large part of Northcote an opportunity to provide feedback on the proposed development.

The drop off/mail back package will include:

- A cover letter explaining the objective of the survey and the proposal
- A questionnaire printed on double-sided, A3 size, 100% recycled paper and folded into an envelope size.

The recipients will be asked to fill in the survey and mail it back to Council free of charge. The survey period will be limited to 2 weeks.

The survey will be made available on line, at Customer Service Centres and libraries. It will also be advertised through the local newspaper and on the Darebin website.

#### Amalgamation of residents' survey with Council's draft survey

A newly formed residents' group has provided Council with a copy of a survey that was developed to gauge the views of residents in streets near the Australian Horizons site about the proposed redevelopment of the site.

Because Council was planning to carry out a survey around the same time as the residents' group was planning to survey, the Planning Committee asked Council officers to consider amalgamating the residents' survey with Council's draft survey.

Council officers have considered the residents' survey and made the following recommendations:

- A number of questions in the draft Council survey were altered to incorporate questions in the residents' survey
- A number of new questions from the residents' survey were included in the Council survey
- A couple of questions were not included because they were too 'leading' or they open up for debate aspects of planning in Northcote that are dealt with by the Northcote Structure Plan.

#### **Conclusion**

It is recommended that Council adopt the consultation approach outlined in this report and authorisation be given to officers to begin the consultation process.

## POLICY IMPLICATIONS

### Environmental Sustainability

Nil.

### Social Inclusion and Diversity

Nil

### Other

A survey of community views supports the Council Plan objective for Leadership and Engagement and the following strategies:

- We will involve the community in our decision making, through consultation, public participation, community engagement and representation.
- We will advocate about issues affecting the Darebin community, backed up by informed and clearly articulated policy positions.

## FINANCIAL AND RESOURCE IMPLICATIONS

The cost of the survey is estimated to be approximately \$4,500 depending on the response rate.

## FUTURE ACTIONS

The survey will be formatted and printed.

The survey package will be delivered to approximately 2,100 properties.

The data will be recorded and analysed.

The Business Improvement Branch will prepare a report on the findings.

The survey findings will be reported back to the Planning Committee on 26 July 2010.

## DISCLOSURE OF INTERESTS

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

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

## RELATED DOCUMENTS

- Council report 15 March 2010
- Planning Committee report 27 April 2010
- **Appendix A** – Proposed Community Survey documentation



**7.3 MERRI CREEK MANAGEMENT COMMITTEE ANNUAL REPORT 2008/2009****MINUTE NO. 172****AUTHOR: Open Space Planning Project Officer – Flynn Hart****DIRECTOR: Director Infrastructure – Geoff Glynn****SUMMARY:**

The Annual General Meeting of the Merri Creek Management Committee (MCMC) was held on Thursday 3 December 2009. At this meeting an annual report and financial reports for the year 2008-2009 were presented and other business included the election of office bearers. The meeting normally held in December was held over so that Councils would have time to nominate delegates to the committee which is important for the election of office bearers.

The audited budget papers indicate a sound financial basis for the committee with net assets of \$243,628. The main income sources for MCMC are: Councils 36%, contracts 41% and grants 17%.

MCMC has had a very successful year and continues to work in the areas of Parkland Management, Planning and coordination and the Catchment Program.

**CONSULTATION:**

Manager Leisure and Open Space (Acting)  
Merri Creek Management Committee

**COUNCIL RESOLUTION**

**MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. N. Katsis**

**THAT:**

- (1) Council notes the reports presented at the Annual General Meeting of the Merri Creek Management Committee for the 2008-2009 financial year attached as **Appendix A** to this report.
- (2) Council acknowledges the important on-ground and planning works undertaken by the Merri Creek Management Committee and congratulates them on the achievements listed in the annual report.

**CARRIED**

## REPORT

### INTRODUCTION AND BACKGROUND

Darebin Council continues to be actively involved with the Merri Creek Management Committee. Annual contributions by member Councils provides core funding for the operation of the committee. The Committee continues to build on this core funding and is very successful in attracting grants to undertake works. The Committee is also highly regarded in waterway and catchment planning issues and continues to provide advice and comment on a wide range of issues throughout the Merri Creek catchment.

Darebin Council is currently represented by Councillor Trent McCarthy, Allan Wicks and Flynn Hart on the Management Committee and Council participates in the Planning Issues Sub-Committee and The Merri Creek and Environs Implementation Sub-Committee. Allan Wicks was elected as Vice President of the Merri Creek and Environs Implementation Sub-Committee.

### ISSUES AND DISCUSSION

The Merri Creek Management Committee continues to operate very successfully within the Merri Creek Catchment. The success of the Committee is due to the continued support and representation by member Councils and the Friends of Merri Creek and Friends of Wallan Creek.

The financial situation of the committee is outlined in the MCMC financial reports 2009, attached to this report. This includes the auditors report and financial statements for the year ended 30 September 2009. Total income for the year was \$1,444,997 and there was a small deficit of \$38,503. The committee has net assets of \$243,628.

The expenditure on particular programs within the organisation shows that the Parkland Management Program generated 63% of expenditure, and the other two programs include Catchment Community Engagement, Planning and Coordination (inclusive of Administration) each accounting for expenditure of around 15% each.

In 2009 Merri Creek Management Committee:

- Planted **33,270** plants,
- Organised **91** community involvement events,
- Facilitated **3,800** hours of volunteer labour for on-ground works,
- Provided stream health & biodiversity programs to **9,450** students and general community,
- Supported **8** community based Waterwatch monitoring groups,
- Commented on **30** planning matters in the creek environs, and
- Produced the **Merri Creek & Environs Strategy 2009-2014**.

A copy of the Annual report including President's Report is attached to this report – see **Appendix A**.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Council has adopted the Merri Creek and Environs Strategy 2009 – 2014. *The Strategy is a key vehicle for coordinating the policies, works and activities of member groups. It provides an overview of important issues along the waterway corridors of the Merri Creek and its tributaries. It documents agreed objectives, targets and actions to achieve resolution of issues. (www.mcmc.org.au - Merri Creek Management Committee website April 2010)*

### **Social Inclusion and Diversity**

The Merri Creek is a major environmental and recreational asset of Darebin. The preservation and rehabilitation of the creek benefits the whole community.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

- Darebin Council contribution to the Management Committee for 2008-2009 was \$142,861 listed as part of the recurrent budget in the Open Space Planning Branch.
- The audited budget papers indicate a sound financial basis for the committee with net assets of \$243,628. The main income sources for MCMC are: Councils 36%, contracts 41% and grants 17%.
- Council continues to make an annual contribution to the operation of the Merri Creek Management Committee.

## **FUTURE ACTIONS**

A report outlining the 2009/2010 Merri Creek Management Committee Annual Report will be presented for Council's consideration in 2011.

## **DISCLOSURE OF INTERESTS**

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

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

## **RELATED DOCUMENTS**

- MCMC Annual Report 2008-2009 – see **Appendix A**
- MCMC Financial Reports 2009 – see **Appendix A**
- Merri News February 2010

**7.4 DAREBIN CREEK MANAGEMENT COMMITTEE ANNUAL REPORT 2008-2009****MINUTE NO. 173****AUTHOR: Coordinator Open Space Planning – James Dickson****DIRECTOR: Director Infrastructure – Geoff Glynn****SUMMARY:**

This report summarises the main issues documented in the Darebin Creek Management Committee (DCMC) Annual Report 2008 to 2009 which was tabled at the DCMC Annual General Meeting in late 2009. It provides an outline of activities undertaken by Darebin Creek Management Committee staff and the financial status of the organisation.

**CONSULTATION:**

All consultation in preparing the Darebin Creek Management Committee (DCMC) Annual Report 2008 to 2009 was undertaken at the last DCMC General Meeting.

**COUNCIL RESOLUTION**

**MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. N. Katsis**

**THAT** Council note this report regarding the 2008/2009 Darebin Creek Management Committee Annual Report.

**CARRIED****REPORT****INTRODUCTION AND BACKGROUND**

- The Darebin Creek Management Committee Incorporated (DCMC) has a record of nearly three decades of community involvement to improve the environmental, recreational, amenity and social values of the Darebin Parklands and the Darebin Creek Corridor. The Parklands and Coordination Divisions were created in 1973 and 1984 respectively and in 2001 merged to form the DCMC. Prior to 2001 there were two committees. The Darebin Creek Coordination Committee and the Darebin Parklands Management Committee.
- The Darebin Creek Management Committee is made up from representatives from Banyule, Darebin, Whittlesea and Yarra Councils, La Trobe University and the community. The committee is funded by contributions of Councils with the length of creek corridor used to determine the size of the contribution. La Trobe University makes a small contribution which is commensurate with the size of the land holding in the creek corridor.

**ISSUES AND DISCUSSION**

- The Darebin Council contribution to the management committee for 2008-2009 was \$191,500 listed as part of the recurrent budget in the Open Space Planning Branch.
- 2008-2009 saw a trading surplus of \$32,223 which followed a similar surplus in 2007-2008 preceded by trading deficits in the previous four years.
- This year's surplus has continued the trend from previous years in stabilising its financial position.

Darebin Creek Management Committee (DCMC) has two divisions: Coordination of Creek Corridor and Darebin Parklands. Items highlighted for each division include:

Darebin Creek Coordination of Creek Corridor Division:

- This year the Coordination Division made a lengthy submission to the State Government regarding the expansion of the Urban Growth Boundary. Increased expansion to the north would have serious ramifications to the Darebin Creek Corridor. The submission included a request to expand on its terms of reference to include all Council lands particularly land that abuts the Darebin Creek Corridor and consider in their investigation the context of the Darebin Creek corridor.
- The Coordination Division has worked closely with Councils on a number of infrastructure projects notably a new footbridge at Greenhills Road by Whittlesea Council.
- The Coordination Division continues to work towards and advocate for the completion of the Darebin Creek Trail. In March 2009, the Darebin Road underpass was constructed and opened to the public and there are now only a few gaps existing along the trail. In July 2009, the Victorian Civil and Administrative Tribunal approved the application from Parks Victoria to construct the shared trail in Banyule, Yarra and Boroondara Councils. DCMC played a minor role throughout this process by assisting Parks Victoria with its case and supporting the community coalition who lobbied for its completion.
- DCMC has facilitated a major revegetation project for the creek with over 90,000 native tubestock being planted in middle reaches of the creek.

Darebin Parklands Division:

- The Darebin Parklands Master Plan was completed and adopted by Banyule and Darebin Councils. The first works to be undertaken in co-operation with both Councils was the implementation of a new signage strategy throughout the parklands. This has assisted in the ongoing management of dogs within the parklands.
- In co-operation with Melbourne Water, contractors have proceeded with the removal of woody weeds along the Darebin Creek within the parklands. This major undertaking was conducted over two month period at a cost of over \$50,000.

- The management of leachate at the Parklands continues as one of the major tasks undertaken by staff. The ongoing project of improving the quality of the leachate continued with the completion of the Commonwealth Water Grant (CWG) providing new aerator and mixer equipment to assist in the treatment of leachate on site.
- The Darebin Parklands Association (DPA) in association with Melbourne Water has completed Stage 2 planting of the Ivanhoe Wetlands with over 6,000 plants planted over 3 park-care days.
- DCMC's education program continues to expand and reach a greater number of schools with over 25 schools located in Darebin being visited during the year.
- The Darebin Parklands Association (DPA) continues to support the on-going development of the Darebin Parklands by assisting parklands staff with managing grants used for environmental works within the parklands. DPA also provide additional assistance through hosting events, training days and works carried out on the day.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Darebin Creek Management Committee (DCMC) plays an important role in catchment management issues in the Darebin Creek Corridor. One of their main objectives is to facilitate creek restoration works along the Darebin Creek involving the removal of woody weed material in conjunction with Melbourne Water followed by planting of riparian vegetation along eroded banks by local DPA and school groups. These combined works are expected to enhance the creek environs by minimising erosion caused during flood events and improve conditions for fauna and flora within these newly planted sections of the creek corridor.

Management of leachate on site is an environmental issue that if poorly managed can result in leachate leaking into the Darebin Creek. On-going management containing and treating leachate on site is critical to the protection of the environmental values of the creek corridor.

### **Social Inclusion and Diversity**

Staff at the Darebin Parklands and co-ordination team are heavily involved in a range of environmental programs catering for school children through to an array of many festival activities and park care days. These programs and events are becoming increasingly popular in the community.

The Darebin Parklands Association continues its close partnership and participation in environmental and community events within the Darebin Parklands.

### **Other**

The Darebin Parklands Master Plan, completed in October 2008, has identified a series of recommendations aimed at improving the quality and management of the parklands.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Darebin City Council contribution to the management committee for 2008-2009 was \$191,500 listed as part of the recurrent budget in the Open Space Planning Branch. DCMC had a trading surplus of \$32,223 in 2008-2009 and has continued the trend from previous years in stabilising its financial position.

**FUTURE ACTIONS**

Nil.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Darebin Creek Management Committee Annual Report 2008-2009

**7.5 ANNUAL REPORT – DAREBIN ENVIRONMENTAL REFERENCE GROUP****MINUTE NO. 174****AUTHOR: Environmental Strategy Coordinator – Michelle Bennett****DIRECTOR: Executive Manager Environmental Sustainability – Libby Hynes****SUMMARY:**

Darebin's 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 2009.

**CONSULTATION:**

Darebin's Environmental Reference Group is a key platform for consulting and engaging with the community on environmental issues. Throughout 2009 DERG considered presentations on the following issues: Council Plan 2009 - 2013; Community Climate Change Action Plan; Adaptation Plan Climate Change and Peak Oil; Transition Darebin; Community Health and Wellbeing Plan; Community Grants Program Review; and Tram Route 86 Consultation. DERG prepared a range of submissions to Council consultation processes as outlined in this report and provided input into Council's consultation processes including the Community Climate Change Action Plan.

Consultation around promoting minimisation of bottled water use included the Bottled Water Alliance, other Councils, Economic Development staff, Managers of Bundoora Park and Reservoir Leisure Centre as well as the Coordinator of Festivals and Cultural Events.

**COUNCIL RESOLUTION**

**MOVED: Cr. N. Katsis**  
**SECONDED: Cr. T. Laurence**

**THAT** Council:

- (1) Note this report regarding the 2009 achievements of Darebin's Environmental Reference Group and continue to support Darebin's Environmental Reference Group to improve environmental outcomes and participation.
- (2) Join the Bottled Water Alliance and promote alternatives to bottled water through leadership and educational activities as outlined in this report.

**CARRIED**



## REPORT

### INTRODUCTION AND BACKGROUND

Darebin's 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. Darebin's 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 Trent McCarthy and Cr Nick Katsis. 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, environmental community groups 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. Eight applications were received for the 2010 - 2011 term, which was a reduction on previous years possibly due to more limited newspaper advertising and/or the use of a new on-line application form. 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

## ISSUES AND DISCUSSION

### Climate Change Action

Climate Change Action continued to be a priority theme for DERG in 2009. DERG provided ongoing guidance and input into the development of the Community Climate Change Action Plan via:

- Two members' participation in the Community Climate Change Action Plan Reference Group that provided ongoing guidance on the Plans development
- Ongoing feedback and input at meetings
- Members' participation in the consultation process including the Community Leaders Forum and public meetings
- Attendance at the launch.

The Community Climate Change Action Plan was adopted on 15 June 2009 and DERG continues to provide input into key priority initiatives under the Plan.

The Adaptation Plan Climate Change and Peak Oil was adopted by Council on 30 November 2009 and also benefited from input from DERG members.

### DERG Submissions

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 2009:

- Council Plan
- Tram Route 86 Consultation (two submissions at different stages of the consultation process)
- Community Grants Program Review (two submissions at different stages of the consultation process)
- The Walking Strategy
- Community Health and Wellbeing Plan.

## Bottled Water

DERG's youngest member instigated investigation into the potential for promoting and encouraging the avoidance of purchased bottled water in Darebin due to the range of environmental impacts from drinking bottled water.

The environmental impacts of bottled water are significant and include greenhouse gas emissions, resource use and waste generation and impacts on ground-table water. Australia's annual use of bottled water generates more than 60,000 tonnes of greenhouse gas emissions - the same amount that 13,000 cars generate over the course of a year and currently only 36% of PET plastic drink bottles are recycled.

Influencing community change to reduce use of bottled water and support the use of tap water and reusable bottles was discussed at a number of DERG meetings and is not straight forward. Issues include:

- The implications of targeting bottled water only and the health, economic and environmental issues related to other bottled drinks
- Mechanisms and infrastructure needed to support a change to alternatives eg. reusable bottles and water fountains
- Council's capacity to influence change
- Council's other environmental priorities.

Environmental Sustainability staff investigated opportunities for working with a Traders Association and consulted with key Council staff around the potential for avoiding bottled water at Council venues and events. A paper presented to DERG at the November 2009 meeting recommended that due to a number of issues (including those outlined above) that it was not currently practical to pursue a program with a Traders Association nor to take an absolute stance on banning or avoiding bottled water sales or provision at Council facilities and events. The recommended proposal around Council demonstrating leadership and promoting the issue via a number of avenues was supported by DERG at the November meeting. The table below demonstrates the types of actions that could be undertaken to promote the avoidance or minimisation of bottled water.

Component	Action	Implementation
<b>Communication Messages</b>	Develop key education and communication messages around bottled water eg: "Your choice" (informed decision making focus) "How much water is in your bottle?" (relaying environmental impact showing water content and greenhouse gas emissions etc) "At work, at home, at play, use your head not your wallet..." (encouraging staff to not purchase bottled water in all aspects of life) Etc.	Tested with internal focus group.  To be rolled out as part of education campaign.
<b>Staff</b>	Develop Bottled Water Fact Sheet	Liaise with EAT.

Component	Action	Implementation
<b>Education Campaign</b>		Distribution- intranet, all staff email, Toilet Talk
	Develop Signage	For internal events (where rooms hired)
	Develop information/training package in conjunction with site managers	With staff at key sites (Bundoora Park / RLC) and events in conjunction with site managers
<b>Community Education Campaign</b>	Develop Bottled Water Fact Sheet	Distribution- website; Customer Service Centres;
	Darebin News Article	Article to link with World Water Day
	Media Release	To link with World Water Day
	Developed Bottled Water Posters/info for Darebin Kite Festival	Display at Darebin Kite Festival
	Sustainability News Article	Based on fact sheet, encouraging action
	Develop Signage for key Council facilities	Targetted signs and education materials for RLC and Bundoora Park; Specific signage for events to be established as events occur)
<b>Data Collection</b>	Monitor bottled water sales and sales of other drinks.	On going monitoring at RLC and Bundoora Park to assess effectiveness of education campaign at these sites

Additionally further work on the following actions will be pursued:

- Continue to explore need and locations for water fountains in Darebin via Masterplans for Open Space and Streetscapes etc and in line with the Climate Change and Peak Oil Adaptation Plan
- Investigate the life cycle analysis of reusable plastic bottles
- Sale of reusable plastic drink bottles at Council facilities and encourage use of refillable bottles based on results of life cycle assessments (eg: sports bottles, Brita filtered water bottles)
- Conduct further research with other Councils
- Work with Coordinator of Festivals and Cultural Events to promote alternatives to purchased bottled water for events.

## 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**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Within current budget and staff resourcing.

### **FUTURE ACTIONS**

Darebin's Environmental Reference Group commenced meeting in February 2010 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.

### **DISCLOSURE OF INTERESTS**

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

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

### **RELATED DOCUMENTS**

Darebin's Environmental Management Strategy (2000)

Darebin's Environment Policy (2000)

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

Darebin Community Climate Change Action Plan.

7.6 **ESSENTIAL SERVICES COMMISSION LOCAL  
GOVERNMENT PERFORMANCE MONITORING  
FRAMEWORK**

**MINUTE NO. 175**

**AUTHOR:** Manager Business Improvement – Rhys Thomas

**DIRECTOR:** Director Corporate Services – Bruce Dobson

**SUMMARY:**

On 6 April 2010, the Chairperson of the Essential Services Commission released a 42 page Draft Report and five accompanying Background Papers, presenting a proposal for a sector wide performance monitoring and reporting framework. This report examines the issues raised and presents a proposed response to the Commission.

**CONSULTATION:**

Executive Management Team

**COUNCIL RESOLUTION**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. T. Laurence

**THAT** Council endorse the proposed response to the Essential Services Commission Issues Paper attached as **Appendix B** to this report.

**CARRIED**

**REPORT**

**INTRODUCTION AND BACKGROUND**

On 12 August 2009, the Premier announced that the Essential Services Commission (the Commission) was to be charged with the responsibility of developing and implementing a performance monitoring framework for Local Government.

On 15 October 2009, the Minister for Finance released the Terms of Reference for this process and formally tasked the Commission with beginning the process.

On 23 October 2009, The Chairperson of the Commission made a presentation at the LGPro Local Government CEO Forum, followed shortly afterward by the release of an 84 page Issues Paper.

On 30 November 2009, Council endorsed a submission to the Commission providing detailed feedback on the 22 questions posed in the Issues Paper.

In December 2009, the City of Darebin was unsuccessful in its request that the CEO or a Councillor be invited to participate in the project's Steering Committee. However, the Manager Business Improvement was invited by the Commission to participate in a series of working group discussions designed to provide expertise to the staff charged with the responsibility of developing a draft indicators program. These discussions were held in February and March 2010.

On 6 April 2010, the Commission released a draft report outlining a series of proposals for the establishment of the Performance Monitoring Framework, including a list of 65 proposed performance indicators. Appendix D of this report is enclosed as **Appendix A** to this report.

Feedback on this proposal is sought by 7 May 2010. A Draft submission for Council's consideration is enclosed as **Appendix B** to this report.

## ISSUES AND DISCUSSION

In the Council Plan 2009-2013, Council makes a commitment to transparency in governance and to provide accurate and meaningful performance reports:

*"We will govern the municipality in a transparent and accountable manner, and provide regular and accurate reporting to the community"*

In general terms, the Commission's proposal is for a series of indicators of performance for services that most (but not necessarily all) Councils provide. They do not intend for the indicators to be exhaustive, nor tailored to the information needs of every local Council and their communities.

In terms of relevance at Darebin, the proposal outlined by the Commission does not go far enough if it were to be relied upon as the only mechanism for public reporting of the City of Darebin's performance in service delivery or the achievement of our stated policy objectives. However, the Framework as proposed can form a useful component of a broader accountability and performance monitoring framework (see below).

### The Essential Services Commission's proposal

As was to be expected, in developing a Performance Monitoring Framework for the entire Victorian Local Government sector, the Commission has been unable to accommodate the wishes of every interested party. In developing a response, the focus has been both to examine the Commission's proposals in relation to the implementation of the Framework itself as well as review the specific indicators in the proposal.

In general terms, the following proposals are worthy of our support:

- The Commission proposes to leave the establishment of targets to individual local Councils. This will enable the City of Darebin to determine priorities that are consistent with our stated policy objectives and the wishes of our local communities.
- The reporting of results will include a provision to allow Council to provide explanatory commentary. The City of Darebin's submission to the Commission in 2009 highlighted the importance of providing qualitative responses and contextual information. This has been supported by the Commission.
- The Commission will collect data directly from Government Departments and other agencies where possible. This will reduce the reporting burden on Council staff.

- The Commission proposes a further review to reduce Council's reporting obligations and duplications. The City of Darebin will seek to participate in this review where possible, with a view to streamlining the reporting obligations currently imposed by funding bodies and government agencies.

The following elements of the proposal give cause for concern:

- Detailed definitions of the proposed performance indicators have not been released, nor will they be released ahead of the final report. This makes it impossible to respond meaningfully to the application of specific indicators, and is contrary to the Commission's otherwise consultative approach.
- The proposal plans to report each municipality's results alongside what the Commission considers to be 'like Councils'. These comparisons are based solely on the size and geographic location of each Council. This overly simplifies the nature of Council service delivery. However, the proposal is to release the full data set to Councils, enabling us to develop comparisons based on our own criteria where appropriate.
- The proposal does not include any meaningful indicators of operational efficiency, such as unit cost measures or productivity measures. This has the potential to compromise the completeness and usefulness of the indicator set.
- The proposal makes little allowance for the differing priorities of Councils, and appears to assume that all Councils will set similar service standards for comparable services. The ability for Councils to set different targets goes some way to offset this shortcoming, although there does not appear to be a mechanism for including Council targets in the Commission's annual report.
- The future of the Department for Planning and Community Development's Annual Community Satisfaction Survey has been under a cloud for some time, with the State Government withdrawing its funding in recent years. The Commission proposal draws heavily on the results of this survey, without resolving future funding issues.

Despite these reservations, the overall proposal of the Essential Services Commission appears to have responded to the concerns of the City of Darebin and the sector more generally, and is likely to make a valuable and meaningful contribution to performance monitoring in Victorian Local Government.

### **Performance Monitoring at the City of Darebin**

As raised earlier, the Essential Services Commission's proposal forms just a part of our broader effort at the City of Darebin to foster improved monitoring and reporting of performance, not just in service delivery but more broadly in the achievement of our stated policy goals.

This effort includes:

- The annual development of business plans for every Council service, linked to the shared goals of the Council Plan.
- The annual publication of a detailed section of the Council Budget, outlining the major Council activities and initiatives planned for the coming year (it is proposed that from 2010/2011 this will also be published as a stand alone document called the Council Plan Action Plan).
- The annual reporting on the achievement of business plans in Council's Annual Report.



- The development of a quarterly progress report to Councillors on the achievement of those major activities and initiatives outlined in the Council Plan Action Plan (proposed to commence in 2010/2011).
- The review of performance indicators both for the organisation overall and for every individual Council service, including measures of quality, effectiveness and efficiency (this project commenced in late 2009 and will supplement the service performance indicators already in place).
- The ongoing monitoring of Council budgets, with monthly budget review meetings for all Managers and monthly progress reporting to Council.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The inclusion of measures of environmental performance in the Draft Framework is encouraging, and supports Council's existing efforts in publicly reporting both our own environmental performance, but also that of the community. Some improvements to the proposed environmental indicators can be made, and these are outlined in the proposed submission (attached – see **Appendix B**).

### **Social Inclusion and Diversity**

The Essential Services Commission proposes to include a range of contextual information alongside the performance reports, and also to make provision for Councils to include explanatory information where required. Both these measures will allow the City of Darebin to identify and explain some of the challenges confronting service delivery in our diverse community.

One potential issue with the Draft Framework is the difficulty in adequately explaining where Council has made a deliberate policy decision to allocate funding based on policy objectives to focus on one service ahead of another. This has the potential to confuse an intentional shift in priorities with an unintentional decline in service levels. This issue has been raised in the proposed submission (**Appendix B**).

### **Other**

Council makes a commitment in its Council Plan to accountable and transparent performance reporting. In general terms, the establishment of a state-wide performance reporting framework supports this policy objective. However, there are some concerns that some of the indicators could be counter-productive and hinder this effort. These concerns are detailed in the proposed submission (**Appendix B**).

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Costs relating to preparing a submission to the Essential Services Commission and participating in the review process comprise officer time and other minor expenses and can be met within the Business Improvement Branch operational budget.

**FUTURE ACTIONS**

- Following Council's endorsement, Council's formal response to the Issues Paper will be lodged with the Essential Services Commission on 4 May 2010.
- The final Local Government Performance Monitoring Framework will be presented to Council upon its expected release by the Essential Services Commission in June 2010.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

- Essential Services Commission 2010, *Local Government Performance Monitoring Framework, Draft Report, March 2010*, Melbourne (an extract is enclosed as **Appendix A**)
- City of Darebin 2009, *A Response to the Local Government Performance Monitoring Framework Draft Report, Essential Services Commission, March 2010* (**Appendix B**)
- Essential Services Commission 2010, *Local Government Performance Monitoring Framework, Background Papers 1 -5* (available at [www.esc.vic.gov.au](http://www.esc.vic.gov.au))
- City of Darebin 2009, *A Response to the Local Government Performance Monitoring Framework Issues Paper, Essential Services Commission, October 2009* (adopted by Darebin City Council 30 November 2009)

**7.7 NON RESIDENT OVERSEAS INVESTMENT IN DOMESTIC REAL ESTATE****MINUTE NO. 176****AUTHOR: Manager, Social Inclusion and Diversity – John Smith****DIRECTOR: Acting Director Communities and Culture – Dean Griggs****SUMMARY:**

This report responds to a resolution of Council at its meeting on 19 April 2010 calling for a report on a policy position requesting the Federal Government to reintroduce investment limits for non-resident overseas investors and to establish more realistic limits.

Since that meeting the Federal Government has a new policy to address the issue through a range of measures outlined in this report.

**CONSULTATION:**

Director, Corporate Services  
Director, Development and Amenity

**COUNCIL RESOLUTION**

**MOVED: Cr. T. Laurence**  
**SECONDED: Cr. S. Tsitas**

**THAT** Council refer the matter of non resident investment in residential property to the Darebin Housing Advisory Committee for ongoing monitoring in the light of the recent Federal Government policy announcement.

**CARRIED****REPORT****INTRODUCTION AND BACKGROUND**

In late 2009 the Rudd government changed rules to remove restrictions related to non resident overseas investments – allowing non resident property investment and removing the \$300,000 cap for foreign students. The removal of these limitations exposed a new segment of the local market to pressure from foreign buyers.

The changes meant that the 200,000 foreign students enrolled in Australian education institutions in any given year, along with the 50,000-60,000 people in Australia on business visas, could be eligible to buy property. It has also meant this activity would not be monitored by the Foreign Investment Review Board (FIRB) and that therefore data and information about these buyers has not been collected in the period.

In the year leading up to the decision to remove the restrictions, the FIRB dealt with 4,028 applications from foreign investors attempting to buy property, representing a 35% increase from the 2006-2007 year.

There have been widespread complaints since regarding high volumes of local sales to non resident overseas investors taking advantage of these relaxed investment laws. While the removal of the restrictions has meant that no data has been collected on non resident overseas investment, a survey conducted by *The Age* of 20 leading agents found foreign buyers now account for 30 to 40 per cent of property sales. Before the changes in March last year, overseas buyers comprised 15-25 per cent. However, most of the agents acknowledged that it is sometimes difficult to determine genuine overseas buyers from dual citizens and new migrants.

Under the reintroduced rules all temporary residents looking to purchase existing property in Australia must now be brought in with a notification, screening and approval processes through the Foreign Investment Review Board. Temporary residents will be subject to the same compulsory notification and screening processes as non residents, mandating they sell established property when leaving Australia and be required to commence construction on undeveloped land within twenty four months or have the land compulsorily sold.

In addition, regulations attached to the reintroduction will ensure:

- A new civil penalties scheme that will apply to recapture any capital gain made through the illegal purchase and sale of property.
- A new data matching compliance monitoring program.
- A new 1-800 community hotline to measure compliance by real estate agents.
- New civil penalties for real estate agents going against the new rules.
- Sanctions for purchasers, sellers and agents involved in transactions in breach of the rules.
- Compulsory divestment requirements where property has been purchased in breach of new rules.

## ISSUES AND DISCUSSION

The housing market in Darebin, and in Melbourne generally, is highly competitive at present, with auction clearance rates topping eighty percent recently.

Council has very little control or influence over the dynamics of the housing market, but is committed to employing land use and social policy wherever possible as levers to achieve more affordable housing generally, and an adequate supply of social housing in the City.

Around twenty five percent of renters are in housing stress in Darebin and there is an estimated need for an additional 3,200 to 4,000 affordable rental properties. Older people, especially Aged Pensioners, single parents and young people are particularly vulnerable to housing stress. Local house prices mean that housing purchase is beyond the means of many Darebin residents.

Council is in the process of preparing a policy response to housing stress as a part of the Integrated Housing Strategy. A policy paper *Responding to Housing Stress* is currently out for consultation. A draft policy will be presented to Council in early June 2010.

Federal Government policy is aimed at ensuring that foreign investment in residential property is not speculative, but instead is focussed on ensuring that funds are directed into the creation of new housing through investment in new developments. The newly re-introduced rules seek to direct foreign investment away from speculation in the current overheated property market. In line with this, the Foreign Investment Review Board requires that continuous substantial building must take place on purchased vacant land within twenty months.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The development of housing close to transport and employment is a key long term factor in the development of sustainable cities. The issue of non resident investment does not directly relate to environmental sustainability, but it can be seen that higher housing prices make it more difficult to achieve a sustainable housing mix in activity centre.

### **Social Inclusion and Diversity**

Housing affordability is perhaps the driver of greatest influence in terms of maintaining a socially diverse community. Higher housing prices caused by speculative investment force people on low incomes out of the local community.

### **Other**

Non resident investment is one aspect of the current housing and financial regulatory system that may fuel speculation. There is no indication to what extent this contributes to increased house prices compared with other mechanisms, such as negative gearing opportunities through the tax system for Australian residents.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

## **FUTURE ACTIONS**

- The Darebin Housing Advisory Committee will meet again on 25 May 2010 to consider a draft policy response to housing stress.
- A housing stress policy response will be provided to Council by early June 2010.
- Information from the housing stress policy process will be included in the Integrated Housing Strategy.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

*Responding to Housing Stress – A draft action strategy*

**7.8 STREETS AHEAD PROJECT UPDATE****MINUTE NO. 177****AUTHOR: Streets Ahead Project Officer - Sarah Edwards****DIRECTOR: Acting Director Communities and Culture – Dean Griggs****SUMMARY:**

In response to decreasing numbers of children being active in their local neighbourhoods, and a shift towards car reliance for children's travel to school, VicHealth have developed the Streets Ahead Program. Streets Ahead aims to increase children walking and cycling to and from school and within their communities through a place-based neighbourhood approach. The program is currently funded in six Local Government Areas across Victoria, with Darebin one of three metropolitan Councils implementing the initiative. The approach sees Councils working in partnerships with schools, families and local service providers to develop locally tailored travel solutions to travel issues.

Council has implemented Darebin Streets Ahead in local neighbourhoods in East Reservoir and Preston since September 2008. Over the past 19 months, Council has developed and implemented many active travel initiatives, events and activities to support the achievement of Streets Ahead aims. The project has enjoyed many successes including high participation rates in local schools and the development of a diverse and representative Community Action Team. This report outlines some of the achievements made to date, whilst also providing a context to children's active travel in Darebin through results of recent research conducted by Council and the Australian Council for Educational Research (ACER).

**CONSULTATION:**

VicHealth  
Australian Council for Educational Research (ACER)  
Streets Ahead Community Action Team  
Streets Ahead Steering Committee  
Participating Streets Ahead Primary Schools

**COUNCIL RESOLUTION****MOVED: Cr. B. Morgan****SECONDED: Cr. S. Chiang**

**THAT** Council promote active travel to children in the Darebin community by sharing the learnings and preliminary evaluation results of the Streets Ahead Project with the community and schools outside the Streets Ahead target area.

**CARRIED**

## REPORT

### INTRODUCTION AND BACKGROUND

In September 2008, Council received funding to implement a VicHealth Streets Ahead Project. This initiative, developed to replace the Walking School Bus, is VicHealth's flagship project to promote physical activity in children through active transport. The program is being trialled as a demonstration project across six Local Government Areas in Victoria between 2008 and 2011.

The Streets Ahead program takes an innovative place based approach to facilitate travel behaviour change in children, similar to the Love Living Local Project which was implemented in Darebin between 2006 -2009. Love Living Local trialled this approach to work with residents in Reservoir, Preston and Thornbury to encourage behaviour change from car travel to walking or cycling for short local trips. Streets Ahead focuses particularly on promoting walking and cycling to children between the ages 4 to 12 years old.

### ISSUES AND DISCUSSION

#### Streets Ahead Aims

Darebin Streets Ahead builds on the work of *Going Places: The Darebin Transport Strategy 2007-2027*. The project also supports objectives of Darebin's *Community Health and Wellbeing Plan 2009-2013*. Specifically, Streets Ahead aims to promote community safety and increase health and wellbeing amongst residents in the municipality.

In alignment with VicHealth funding objectives, the Streets Ahead project specifically aims to:

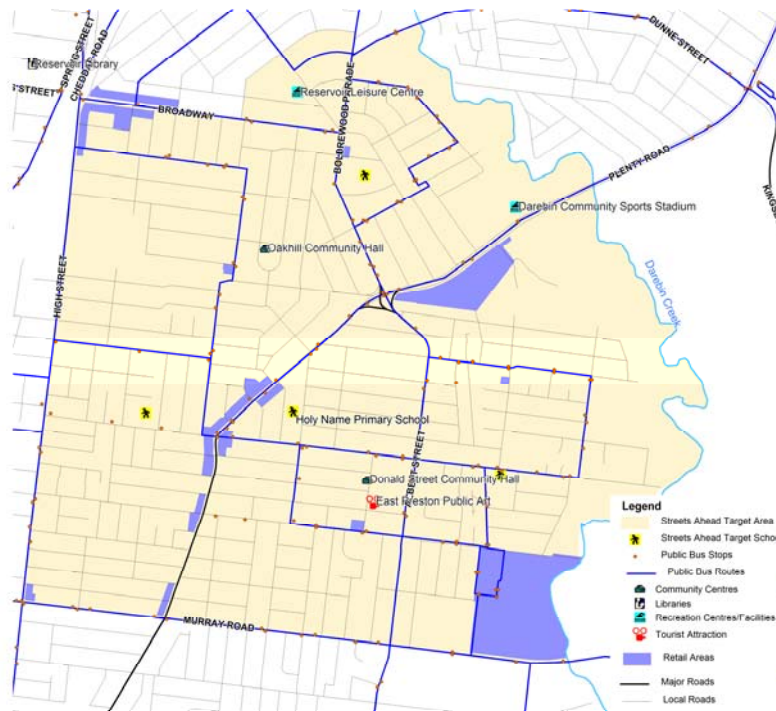
- Understand the actual, perceived and physical barriers to children walking and cycling in the community
- Increase the proportion of children within the target area who walk and cycle to and from school, and for older children to do so independently
- Increase the rate of children using active transport to get around their local neighbourhoods; to be out in the parks and other public places; and for older children to do so independently.

#### Streets Ahead Target Area

Diagram 1 illustrates the Streets Ahead target area in East Reservoir and Preston. This area covers 6.84 square kilometres and has a population of approximately 18,590 (1947 of those children aged between 4-12 years).

Diagram 1- Map of Streets Ahead Target Area in East Reservoir and Preston





### Local Partners

Four local primary schools participate in Streets Ahead activities:

- Holy Name Primary School
- Preston Primary School
- Preston East Primary School
- Reservoir East Primary School.

In addition, partnerships have been developed with:

- Darebin Community Health
- East Reservoir Neighbourhood Renewal
- Darebin Best Start
- Bicycle Victoria
- Reservoir Leisure Centre
- Active East Reservoir
- Victoria Police.

## **Project Management**

A part-time Project Officer implements Streets Ahead within the Community Access, Health and Safety Unit at Council, working closely with Council's Transport Management and Planning Unit to draw on their expertise with travel behaviour change initiatives.

The Project Officer attends quarterly meetings at VicHealth and reports annually to VicHealth and Council on the progress and budget of the project.

### *Project Steering Committee*

A Project Steering Committee at Council oversees the implementation of the Streets Ahead. The role of the committee is to bring together the skills, experiences and ideas of a range of Council officers and external partners who as part of their work are involved with children's physical activity, active travel and/or road safety. The Committee meets quarterly to provide collaborative and strategic support for the achievement of the Streets Ahead Project aims and objectives.

### *Community Action Team*

A crucial element of Streets Ahead, is the Community Action Team. This group, formed in February 2009, assists Council to achieve Darebin Streets Ahead Project initiatives.

The Streets Ahead Community Action Team meets bi-monthly to:

- Identify local barriers to children walking and cycling in the Streets Ahead target area
- Assist in the development of School Travel Plans in participating schools
- Assist in organising events and initiatives to support School Travel Plans and other objectives of the Streets Ahead project
- Identify local priorities for map development of the Streets Ahead area.

Membership is mainly made up of parents from children from participating Streets Ahead schools and local residents. Other members include representatives from:

- School Councils
- Darebin Bicycle Users Group
- Darebin Community Health
- East Reservoir Neighbourhood Renewal.

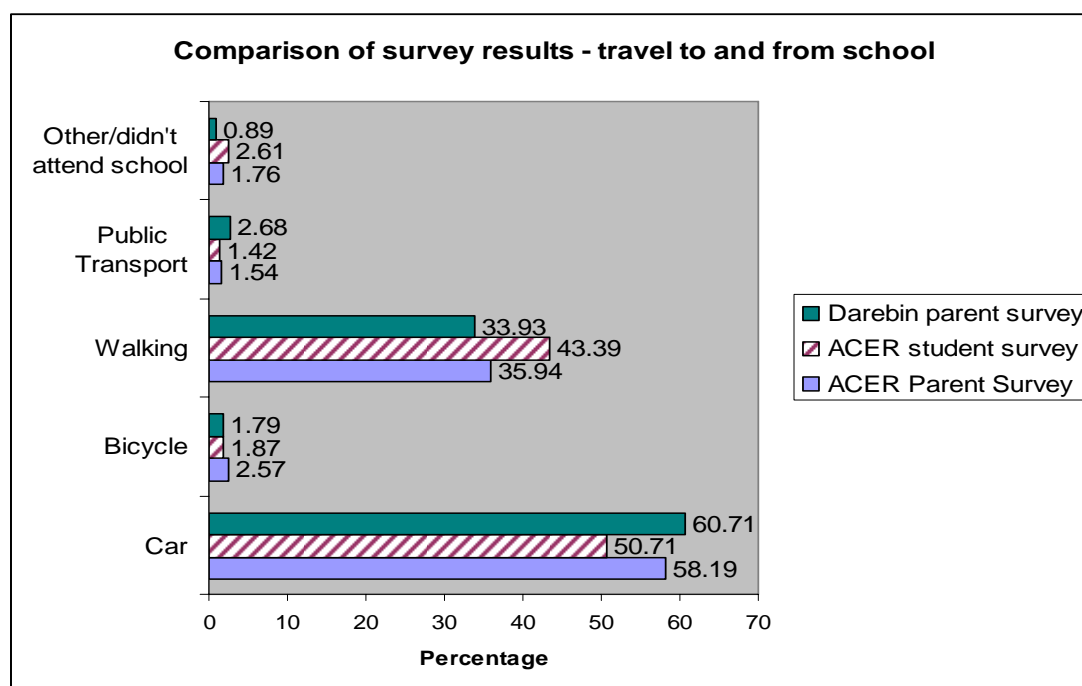
## **Data Collection**

In December 2009, Council developed the Streets Ahead Consultation Report. This report includes research undertaken by ACER and Council's Business Improvement Branch. The Report focuses on patterns of children's travel behaviour, active transport enablers and barriers within local neighbourhoods and key changes residents would like to see to improve safety in the Streets Ahead target area.

*Travel Behaviour*

Within Australia over the past three decades, there has been a major shift in how parents transport children to school. Specifically, within Melbourne, VicHealth have reported that the proportion of students walking to school between 1974 and 2003 fell from 45% to 15%, while car travel to school increased from 23% to 70%. These statistics, support recent data collected by the Australian Council for Educational Research (ACER) for VicHealth, about children’s travel behaviour in Darebin. This research shows that the car is the most frequently used form of transport for children to travel to and from school in Darebin. The following graph illustrates this:

Graph 1: Survey Children’s Travel Behaviour in Darebin



*Active transport enablers and barriers*

Research in Australia and overseas, highlights many reasons for parents’ reliance on cars and shift away from allowing their children to walk and cycle to school. The main reasons often include:

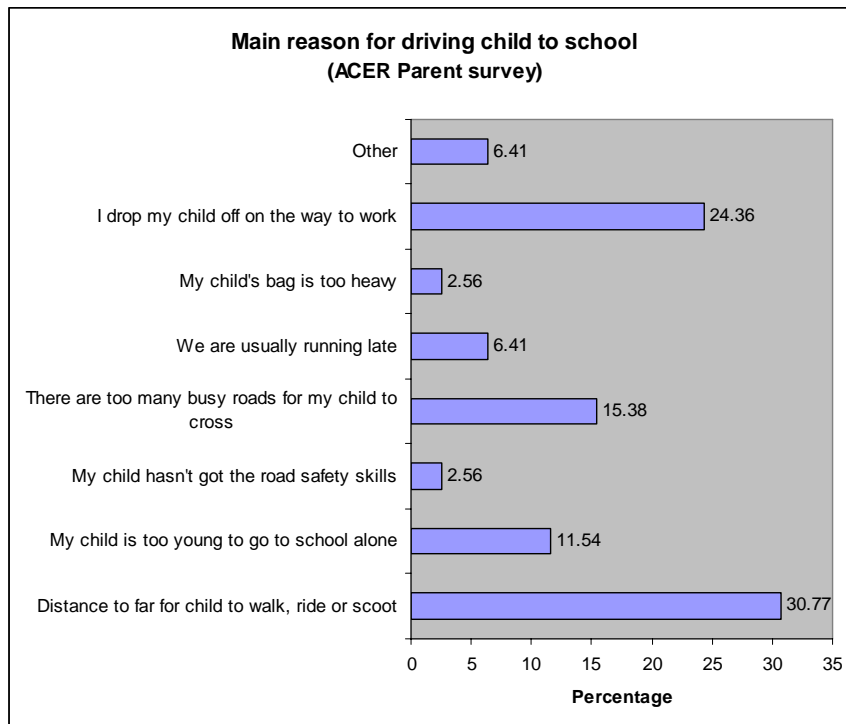
- Parental fears of road safety
- Parental fears of ‘stranger danger’ and increased personal safety risk for their children
- Parents under more economic pressure and working longer hours
- Parents perceiving the car to be the quickest and easiest option to transport their children to school.

Within Darebin, ACER research indicates the two main reasons for parents driving their children to school are:

- They perceive the distance to be too far for their children to walk
- They drop their children off on the way to work.

These results are outlined below:

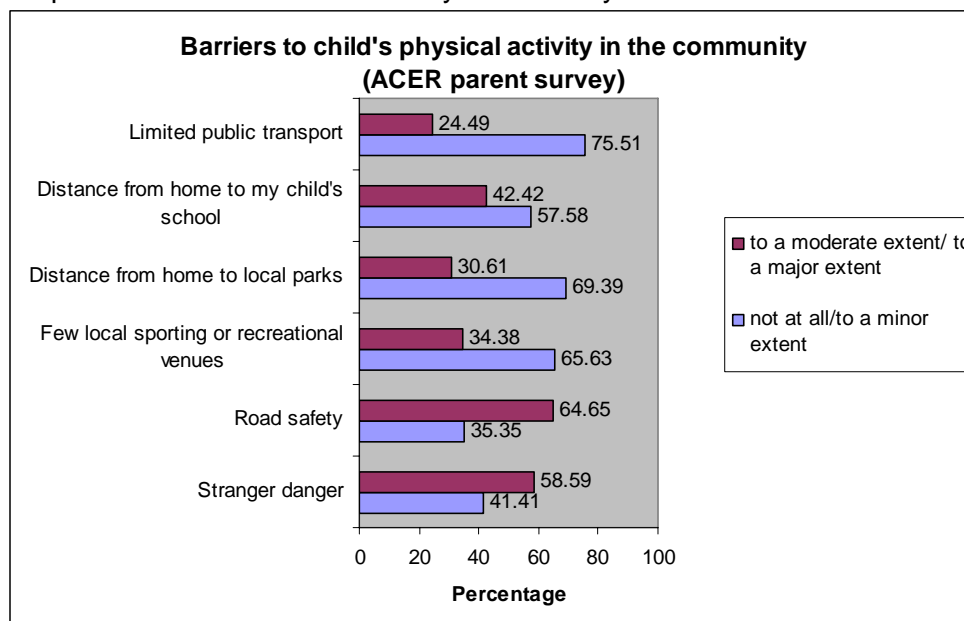
Graph 2: Survey Results Reason for Parents Driving Their Children to School in Darebin



Curiously, although most parents perceive that they live too far for their children to walk, statistics show that most Darebin children, live within a 2km radius of the school they attend.

To this end, ACER further investigated what the barriers might be for parents to letting their children walk and cycle in local neighbourhoods in Darebin, through their research. Parents were asked “What makes it difficult for children to be active in their community?” Sixty six per cent of parents indicated that ‘road safety’ concerned them, whilst ‘stranger danger’ was seen to be the second biggest barrier to children being active in the community with fifty eight per cent of parents highlighting it as a concern. ‘Distance to school’ was a barrier for 42 per cent of parents. These results are illustrated in Graph 3.

Graph 3: Barriers to Children’s Physical Activity in Darebin



Discussions at Community Action Team meetings in both February 2009 and May 2009, further support these findings, with members at both meetings expressing concern about road safety and the fear of 'stranger danger.' These concerns were explained as barriers that might have, or did, prevent members allowing their children to be active in local neighbourhoods.

It is important at this point to note that leading research on the issue of parental fear and children's active travel suggests that increases in negative perceptions of safety are at odds with 'real' risk in local communities regarding these issues. Further research to explore these issues is currently being undertaken by research team for VicHealth, with a report on parental fear and children's physical activity scheduled for release in May, 2010.

In terms of the impact that this travel behaviour change has on children, emerging findings suggest:

- Increases in the levels of childhood obesity
- The loss of children's road safety skills and increases in the risk of children being at risk of more severe accidents
- The loss of children's neighbourhood navigation and problem solving skills and connections with their local community.

### **Government Action**

The results of research undertaken in Darebin reflect state and national trends in the area of children's active travel. In response, Local, State and Federal Governments through the health, transport, environment and planning sectors have seen significant policy shifts in the support of sustainable transport alternatives and the promotion of walking and cycling initiatives.

The Federal Government's major travel behaviour change program aimed at children is *TravelSmart* which has been operating since 2001. State Government programs including Bicycle Victoria's *Ride2School Program* funded by *Go For Your Life* and VicHealth's *Walking School Bus Program* have been operating since as early as 2002. These programs have been implemented with varying levels of success within many Darebin primary schools by Council and the local community.

More recently, Darebin's Love Living Local Initiative, co-funded by the Victorian Government's TravelSmart Program has taken an innovative place based approach to travel behaviour change, the first of its kind in Victoria. Love Living Local which was implemented in Darebin between 2006 and 2009 and encouraged residents to live, work, play and shop in their local neighbourhoods. Streets Ahead in Darebin will build on this work, aiming to be inclusive of the community in developing innovative, locally tailored active transport solutions, whilst importantly providing a new and unique opportunity for Council to encourage behaviour change in children.

### **Streets Ahead Objectives**

To increase active travel and children's independent mobility in the target area through Streets Ahead, Council has committed to:

- Developing a Streets Ahead Community Action Team
- Developing a Streets Ahead Steering Committee

- Engage Schools and assist with the development of School Travel Plans at participating schools
- Conduct Community Safety and Pedestrian accessibility audits of the target area
- Facilitate Road Safety and Bike Education courses for parents and children
- Develop a travel incentive program with supporting 3D Child Friendly maps highlighting local neighbourhood attractions.

### **Key Achievements**

#### *Work of the Community Action Team*

The Darebin Streets Ahead Community Action Team has a membership of 20 community representatives. The Team has:

- Assisted in the planning and implementation of active travel events for children within schools and the community.
- Worked to highlight barriers within local neighbourhoods that may prevent or reduce active travel by attendance at Pedestrian Safety Audits and regular meetings.
- Advocated successfully for infrastructure changes through Council's Capital Works Program allocated for Streets Ahead improvements, to be made in areas of high need in the target area.

#### *Capital Works Improvements*

Darebin is the only Council currently implementing a VicHealth Streets Ahead Project which has committed to infrastructure improvements through its Capital Works Program to support the achievement of Streets Ahead objectives. To date, two contributions have been made by way of Capital Works improvements to support active travel in Streets Ahead target area. The first improvement consisted of the installation of pram ramps at Strathmerton Street roundabout. This safety concern was highlighted through a pedestrian safety audit of the roundabout in March 2009 attended by Council officers and Streets Ahead Community Action Team Members. The second contribution by the Transport Management and Planning Unit has seen further improvements to this roundabout with the installation of pram ramps and footpath improvements at Gisborne Crescent, which shares the Strathmerton Street roundabout intersection.

#### *Active Travel Events*

There has been a great commitment by schools to work with Council to encourage and promote active travel to their students by holding events and themed days. One particular event, Holy Name Primary School's "*Walk Across Australia Program*" was notably successful. This program developed by a parent at the school (also a Streets Ahead Community Action Team member) ran throughout October and November 2009 at the school. Children registered to receive a free pedometer and 'Travel Passport.' For every trip that children travelled to school without being driven, they received a stamp on their passports. The kilometres that the children at the school walked were logged until they had walked a combined total of 4,000kms (the approximate distance between the east and west coast of Australia). The participation rate was very high, at 90 per cent, with the school reaching its goal of 4,000kms in the first three weeks. The winning grade enjoying skateboarding lessons with individual winners receiving sports equipment prizes.

**Recent Activities**

The following activities and events have been undertaken as part of the Streets Ahead Project to increase active travel in the target area in the past 19 months:

- Active Travel Passport Activity, Reservoir East Primary School, December 2009
- National Walk Safely to School Day, Preston Primary School, May 2010
- Walktober Walk to School Day, Preston Primary School, Holy Name Primary School and Reservoir East Primary School, October 2009
- Skateboarding Lessons, Holy Name Primary School, December 2009
- PARK(ing) Day, Preston Primary School, September 2009
- Walk Across Australia Travel Incentive Program, Holy Name Primary School, October 2009
- Ride2School, "Walk and Wheel to Kinder Day," Oakhill Pre-School, March 2010
- Ride2School Active Travel Day Competition, Preston Primary School, March 2010.

**Upcoming Activities**

In the coming 15 months, Streets Ahead will work with schools to embed these types of activities in the School Travel Plans. Streets Ahead will continue to build on the objective of increasing rates of active travel in children, whilst broadening its aim to increase children's independent travel within local neighbourhoods. The following activities will be undertaken to support the achievement of this aim:

- Schools Walking and Cycling campaign within schools, April – December 2010
- National Walk Safely to School Day Events, May 2010
- School Skateboarding Lessons, May – November 2010
- Bike Ed and Bike Repair Workshops, May 2010
- School Carnival Sports Days, August 2010
- Walktober Walk to School Events, October 2010

**POLICY IMPLICATIONS****Environmental Sustainability**

Increasing active travel modes for children in Darebin supports the key objectives related to sustainable transport as part of the Darebin Transport Strategy. This in turn supports Council's Climate Change Action Plan through the reduction of greenhouse gas emissions.

### **Social Inclusion and Diversity**

In line with the VicHealth funding policy, Streets Ahead targets neighbourhoods within Darebin that face the greatest health inequalities and risk of chronic disease in the municipality. This targeted approach sees Streets Ahead work with residents in East Reservoir and Preston. Streets Ahead provides Council an opportunity to build on other initiatives: East Reservoir Neighbourhood Renewal, Love Living Local, and TravelSmart, which aim to increase and active travel for residents in these neighbourhoods.

Research has indicated that active travel not only enhances health but also enhances connections with local communities and neighbourhoods. This supports the key directions of the Community Health and Wellbeing Plan and Social Inclusion Agenda.

### **Other**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

VicHealth contribute \$80,000 per year for Council to develop Darebin's Streets Ahead project. Council contributes \$15,000 per year to the project, with an additional amount of \$20,000 per year allocated for Capital Works for pedestrian and road infrastructure improvements through the Transport Planning and Management Branch.

### **FUTURE ACTIONS**

- Continue developing School Travel Plans - launch June 2010
- Finalise 3D Child Friendly Streets Maps - launch June 2010
- Provide annual updates to Council and VicHealth throughout the course of the project.

### **DISCLOSURE OF INTERESTS**

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

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

### **RELATED DOCUMENTS**

- Streets Ahead Funding Application to VicHealth April 2008, Objective Reference A478146
- Council Briefing Paper Streets Ahead Project Update, February 2009, Objective Reference A599191
- Streets Ahead Consultation Report December 2009, Objective Reference A808050
- *Darebin Community Health and Wellbeing Plan 2010-2014*
- *Going Places: The Darebin Transport Strategy 2007-2027*



*Prior to consideration of the following report, the Acting Director Communities and Culture, Dean Griggs, advised the meeting that there is a disclosable interest in the relation to the report to be considered in that the author of the report has a direct interest in the matter, and that the nature of the interest is that Council's decision in relation to the matter will have implications for the East Timor Project Officer's position.*

**7.9 FRIENDSHIP RELATIONSHIP WITH BAUCAU, TIMOR-LESTE**

**MINUTE NO. 178**

**AUTHOR: East Timor Project Officer – Fiona Young**

**DIRECTOR: Acting Director Communities and Culture – Dean Griggs**

**SUMMARY:**

This report updates Council on the progress of the Friendship Relationship with Baucau, Timor-Leste and recommends changes to the project.

This report proposes that the Friends of Baucau becomes an independent incorporated community organisation. It is proposed that Council support a transition to these new arrangements via initial project officer support and subsequently transitional grants amounting to \$30,000 over two years.

It also proposes that Council undertakes the signing of a new Friendship Agreement with Baucau, Timor-Leste and undertaking activities within this relationship which support the transition in Timor-Leste to municipal democracy. The proposal commits funds to scoping out how such an intention could be realised and reporting this to Council.

The proposed changes would mean a greater degree of community involvement in the Friends of Baucau project and as a result community capacity building and greater understanding between communities

**CONSULTATION:**

The recommendations in this report were developed in consultation with the Manager, Social Inclusion and Diversity and Director Communities and Culture, as well as with equivalent staff at the City of Yarra and the joint Darebin and Yarra Friends of Baucau Committee including community members, Councillors and staff from each Council.

The Friends of Baucau Coordinating Committee resolved at a workshop on 25 November 2009 to focus on three priorities:

- (a) Support Friends of Baucau Melbourne to become an independent incorporated body - allowing for a more appropriate governance structure for the Friends of Baucau activities;
- (b) Formalise a new Friendship Agreement between Councils and Baucau - providing certainty for the future of the friendship and provide a framework for a focus on supporting the development of democratic local governance in Baucau; and

- (c) Support the leadership in Baucau to support Baucau Buka Hatene (BBH) towards self-management - finalising the first phase of the project, and result in a sustainable centre for the benefit of the community in Baucau.

### COUNCIL RESOLUTION

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

**THAT** Council endorse Option 3 as detailed in this report to support the transition of the Friends of Baucau to become an incorporated community based organisation.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

This report provides an update on the status of the Friendship Agreement with Baucau, Timor-Leste and recommends changes to the Friends of Baucau Project.

#### Background

##### History - Timor-Leste in crisis

In 1999 the people of Timor-Leste (the official name for East Timor now) participated in a referendum of self-determination. The vote determined that Timor-Leste would become independent from Indonesia, which had occupied the territory since 1975; a period in which between 100,000 and 250,000 people were killed.

In the weeks and months following this vote widespread violence was perpetrated by Indonesian-backed militias. The United States Central Intelligence Agency (CIA) World Factbook reports that:

*“The militias killed approximately 1,400 Timorese and forcibly pushed 300,000 people into western Timor as refugees. The majority of the country's infrastructure, including homes, irrigation systems, water supply systems, and schools, and nearly 100% of the country's electrical grid were destroyed.”*

Public pressure on the Federal Government in Australia resulted in the deployment in late September 1999 of an Australian led military peace-keeping exercise that ended the violence. Timor-Leste was declared an independent state in May 2002.

In 1999 City of Yarra had the largest expatriate East Timorese community in Victoria. In the period following independence, the Yarra City Council became involved in the advocacy campaign ‘Common Sense for East Timorese - Let Them Stay’ to stop the Federal Government’s proposed forced repatriation of East Timorese asylum seekers to Timor-Leste. (In 2002, the City of Yarra won a United Nations award - The Golden World United Nations Award against 6 other international nominees).

It is in the context of this horrific violence and the local connections with East Timorese communities that, with their communities, the Cities of Darebin and Yarra sought to develop a Friendship relationship with Baucau, Timor-Leste.

#### History - Beginnings of the Friendship Relationship

On 30 March 2001 Darebin and Yarra City Councils signed a Friendship Agreement with the District of Baucau in Timor-Leste to work towards reconstruction through initiatives that would:

*“aim to build capacity and advance the self-sufficiency of the people of Baucau, and should be consistent with the principles of environmental, social and cultural sustainability”.*

The agreement was based on the following principles:

- (a) It would be long term – a minimum of 10 years;
- (b) Any assistance would be sustainable;
- (c) The process would support Timor-Leste-led decision making; and
- (d) Ratepayer funds would not be provided directly to the people of Timor-Leste (but used to raise funds in the community for that purpose).

Yarra and Darebin developed the Friends of Baucau Committee (FoBC) to oversee the relationship. FoBC is a joint-committee between the two Councils and their communities. There was initially also a “Friends of Baucau” community group that met on a regular basis but this no longer meets. The major activity of the Friends of Baucau has been to conduct fundraising activities to support projects in Timor-Leste.

In 2008-2009, Friends of Baucau raised \$19,570 across both Councils although this was the lowest figure in recent years. Total fundraising for 2001-2009 is \$229,982.

30 March 2011 is the 10 year anniversary of the signing of the original Friendship Agreement that formalised the friendship relationship. It is therefore an opportune time to review the achievements of the relationship and consider what options there are to develop the relationship into the future.

#### Achievements – In Baucau

Over the last 10 years the focus of fundraising has been to support the Baucau Buka Hatene Friendship and Learning Centre (BBH). Friends of Baucau fundraising paid for the reconstruction of a burnt-out building which then opened as the BBH. The building is owned by the District Administration in Baucau.

Through a partnership with Australian Volunteers International (AVI), BBH has been supported by Australian Volunteers, which the Friends of Baucau fundraising efforts have partially funded. The work of the volunteers has supported the refurbishment of the building and the establishment of programs at the Centre, as well as demonstrating best practice at the Centre. The most recent Volunteer, Lois Pratt, spent 18 months supporting the District Administration offices and also supporting the staff at BBH in developing basic processes and procedures such as regular staff meetings, accountability protections and governance structures.

The BBH centre is a vibrant and lively community centre. BBH has provided community education in Baucau in the areas of English language classes, a youth program and computer classes. BBH has also supported Women's development programs, a library and has also housed an internet café.

In 2009:

- (a) BBH received 2089 local and international visitors.
- (b) 114 people 'graduated' from the BBH English classes.
- (c) 20 people participated in the Computer classes.

The recurrent funding for the running of the Centre comes from Friends of Baucau fundraising. This is a commitment in 2010 of \$3,150 USD per quarter. The BBH has also attracted funding from international development agencies to undertake specific projects including World Vision, Caritas and the International Womens Development Agency to name the most recent supporters.

Friends of Baucau support for a second building for the BBH is still a major priority as is continuing support for appropriate management and governance structures into the future.

#### Development in Timor-Leste

Timor-Leste is one of the world's poorest nations and ranks very low on human development indicators such as child mortality, access to clean water and sanitation, life expectancy and literacy. Unemployment amongst young people in Baucau is close to 40%.

Yet there are also positive signs for Timor-Leste's future. In a recent public lecture, world renowned economist Professor Jeffrey Sachs argued that there was rising confidence that growth in Timor-Leste was "on the verge of a major economic take-off".

The reasons for this positive outlook are Timor-Leste's:

- (a) Oil and gas revenues
- (b) High rate of growth (7.9% in 2009) despite difficult economic times internationally
- (c) Security (currently experiencing the longest period of stability since independence).

Of course it is important to recall the total nature of the devastation that faced Timor-Leste in 1999. The growth in Timor-Leste is working from an extremely low base, and the country is still playing 'catch-up' on the infrastructure that was destroyed a decade ago. Political stability, after many years of conflict, is still fragile.

Professor Sachs stressed the importance of paying attention to higher education by establishing what he termed as centres of excellence and research which "will be the engine of economic growth and political stability for generations to come."

In a country where there is a 51% adult illiteracy rate, it is places like BBH that bridge the gap between what skills are available and the capacity needed for entry to higher education. The role of organisations such as BBH in supporting skill and capacity development in Timor-Leste is still vital at this crucial stage of development.

### Local Governance in Timor-Leste

Legislation is currently before the National Parliament in Timor-Leste to enable the development of democratically elected municipal governments. The transition to democratic municipalities is a major change and requires significant training around democratic practices and principles.

Whilst the exact timeframe for the elections is not known, it is expected that they could take place as early as this year (2010) or at some stage over the next few years.

Friends of Baucau have developed a positive relationship with the Baucau District and are well regarded by the Victorian Government, Municipal Association of Victoria, Victorian Local Governance Association and the agencies working in Timor-Leste. There is a focus amongst these groups on supporting the development of municipal democracy in Timor-Leste.

As the FoB Friendship Agreement approaches the end of its time frame, and with significant changes in Timor-Leste (a move to establish local governments) and Baucau (changes in the BBH management) it is timely to review Darebin's involvement in this project to ensure it is achieving its original aims and is still meeting our Councillors' objectives.

During 2009 the FoB Committee discussed its strategic direction and in the process realised that there was a need to evaluate the overall project rather than just tinker with the existing strategy as was originally planned.

## **ISSUES AND DISCUSSION**

### **Sustainability**

Sustainability is a key principle of the Friendship Agreement. Currently the BBH Centre is dependent on Friends of Baucau fundraising to run general programs and maintain the centre.

Friends of Baucau has so far been able to run as a joint committee of Darebin and Yarra City Councils but recently there are only a few community members and the committee is largely driven by Councillors and Council Officers.

The BBH Centre and Friends of Baucau need to become sustainable in their respective communities and not dependent on a single source of funding, nor be governed by Council Officers.

The Friends of Baucau project has been a successful partnership between the Councils of Yarra and Darebin and their communities. As with other partnerships one of the outcomes should be self-management.

Much of the literature about partnerships and community participation suggests that an essential requirement of any initiative is to develop the knowledge, experience and abilities of community groups so that they become self-managing (Joseph Rowntree Foundation, 2007).

### **Suitability of activities to Local Government**

Local government is not ideally placed to undertake substantial fundraising and to manage an international relationship on a daily basis. Council systems, policies and processes are an ongoing challenge to delivering a project such as this.

It is appropriate for Darebin and Yarra City Councils to focus more on the skills and experience that can be transferred to an emerging local government sector in Timor-Leste, particularly in Baucau.

### **Options**

These options are contingent upon Yarra City Council adopting a similar approach to Darebin City Council.

#### Option 1 – Continue with the project at current funding levels

This option would involve retaining the full support of a project officer and resource budget within the two Councils on an ongoing basis. The benefit of continuing ‘as is,’ is that:

- (a) It requires little change in approach and arrangements;
- (b) The perception is that the project benefits from high levels of resourcing; and,
- (c) There could still be a transition to an incorporated community based Friends of Baucau group with significant ongoing support from this officer.

However as discussed, attempting to undertake fundraising and international development within a Council structure, resources are not used efficiently. In addition, with the move towards supporting self-management for the BBH in Baucau the role of the Project Officer in undertaking hands on project management of the BBH centre has reduced significantly. It is not anticipated that the Friends of Baucau would take on this type of activity.

This option does not address the need for sustainability and working towards self-management and is not recommended.

#### Option 2 – End funding to the project

Ending the project funding abruptly would provide financial savings in the short term.

However such a decision would prematurely cut off ties with the District of Baucau creating ill will towards the Cities of Yarra and Darebin. It would also create ill will within the home communities, in particular the supporters who have been involved in the initiative over the past 10 years.

Whilst a community based Friends of Baucau may emerge from this decision it would not have the support needed to properly establish a fundraising base for future activities. This option is not recommended.

Option 3 – Support a transition to a community based project

Financially supporting a transition to a community based project, based on a legally incorporated Friends of Baucau would have a number of benefits including:

- (a) Community development support to reengage community interest in a new Friends of Baucau;
- (b) Allowing resources for setting up basic systems; and
- (c) Removing constraints in fundraising within a local government whilst supporting a transition to a new business plan.

The main disadvantage of this model is that it exposes the Friends of Baucau to the possibility that there is not sufficient commitment within the community to keep activities running on a voluntary basis.

Whilst this is a disadvantage, it is not advisable for Council to support a project that does not have community support. It is expected that the high levels of enthusiasm for the Friends of Baucau that have been seen over the years will be evident again. This is the model that is recommended.

**Proposed transition for Friends of Baucau and new Friendship Agreement**

After a successful 10 years it is timely for Friends of Baucau to become an incorporated organisation and for Council to provide support through the Community Grants Program.

Darebin and Yarra City Councils should sign a new Friendship Agreement with the District of Baucau within the next year. This agreement signing is likely to require a visit to Baucau by Council officers and / or Councillors.

To support this transition it is proposed that:

- (a) During the remainder of 2010 officers work to establish Friends of Baucau as an Incorporated organisation, build a membership base and develop a Business Plan that includes a simple fundraising strategy;
- (b) Darebin City Council provide a \$15,000 community grant to Friends of Baucau in 2011 and in 2012 on signing of a funding agreement to support its development to an independent community group (assuming that Yarra City Council will also agree to this);
- (c) Transfer the balance of Friends of Baucau funds held in trust by Australian Volunteers International to Friends of Baucau in 2011; and
- (d) Transfer any further funds raised by each Council during 2010 to Friends of Baucau in 2011.

From January 2013 Friends of Baucau would be eligible to receive funds from Darebin and Yarra's community grants programs like any other local community group.

**New Friendship Agreement and Local Government Activities**

Further, Darebin and Yarra City Councils will sign a new Friendship Agreement with the District of Baucau in 2011 with the intention to share skills, experience and knowledge to support the transition to local government in Timor-Leste. Both Councils would allocate \$7,500 from the existing FoB budget in 2010-2011 to scope out and report to each Council how this intention may be realised.

Whilst not pre-judging the outcomes of this exercise, possible options could include providing mentoring support to Australian Volunteers or other staff at the district administration, supporting scholarships for staff-exchanges, supporting training provided through other groups in topics such as democratic governance or similar.

**An Incorporated Friends of Baucau**

Support from Council will assist community members to set-up the fundamentals required to run a community organisation and to re-engage community interest in the group.

Officer support during the transition process will help clarify the role of the Friends of Baucau and its relationships, as well as goals and strategies for future activities.

Other partnerships such as with Australian Volunteers International, who currently provide Friends of Baucau with access to Deductible Gift Recipient status (providing the option of tax deductible donations), will support the growth and development of the Friends of Baucau in its new form.

**Relationship with Council**

It is recommended that the Yarra and Darebin Councils continue to have some involvement in an incorporated Friends of Baucau group, and develop a Memorandum of Understanding (MoU) with an incorporated Friends of Baucau group to facilitate such a relationship. A contact officer at each Council may be identified in the MoU to undertake liaison over practical matters.

Friendship Groups in other municipalities use a model where a Councillor has a non-voting role on a community committee. It would be beneficial for a Councillor to be part of a community Friends of Baucau committee to facilitate communication between that Council and the Friends of Baucau.

It is anticipated that a new Friendship Agreement between the Cities of Yarra and Darebin and the District of Baucau would be developed in partnership with the Friends of Baucau and would encompass the community based Friendship activities as well as the Council agreement.

**Conclusion**

The Friends of Baucau has been a successful project within Council structures over the past 10 years. It is now at a time when it is advisable for the sake of sustainability that Council support a transition over the course of 2 ½ years to a fully independent, incorporated and sustainable community group.



## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

No environmental sustainability implications are anticipated.

### **Social Inclusion and Diversity**

The Friends of Baucau project promotes community participation and volunteerism. While the major focus is capacity building for the people of Baucau there is also a significant amount of capacity building that take place within the communities of Yarra and Darebin.

It is anticipated that the proposed changes to the project would increase the level of community engagement with the project by opening up the avenues for community participation and leadership. Friends of Baucau provide opportunity for community members in Yarra and Darebin to develop improved understanding of the needs of the people of Baucau.

Through involvement with the Friends of Baucau, community members can understand more about East Timorese culture and the history of Australia's relationship with Timor-Leste. This enhances the understanding of the situation of the East Timorese community in Melbourne, and allows connections to form between individuals and groups.

By implication community members can gain a greater understanding of post-conflict societies and the needs of refugee communities here in Melbourne, as many parallels can be drawn between the needs of communities in East-Timor and with communities who have suffered conflict elsewhere.

Community ownership of the fundraising, planning and governance of the Friends of Baucau increases the capacity of community members to undertake community based initiatives in the future.

### **Other**

No strategic, Council Plan or policy implications are anticipated.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Darebin City Council currently spends \$38,400 per annum on the Friends of Baucau project.

A 0.8 EFT Project Officer is employed at Darebin City Council to support the FoB Committee, with Yarra City Council providing \$28,602 per annum as its contribution to the salary. Allowing for fundraising contributions, FoB has a further budget of \$9,746 at Yarra to support the Committee and fund other operational costs of the project. Darebin City Council has a similar level of expenditure.

The financial impact of the recommended transition outlined in this report for Darebin City Council from July 2010 to December 2012 will be a total cost of \$52,500. Broken down into financial years this amounts to:

- (a) 2010- 2011 Financial Year allocation \$30,000 including Project Officer allocation and budget for transition of \$15,000 between July – December 2010 and budget for scoping of a new Friendship Agreement of \$7,500. Community grant of \$7,500 for the 6 months from January – July 2011.
- (b) 2011 – 2012 Financial Year allocation is \$15,000 which is a transitional grant to the Friends of Baucau.
- (c) 2012 Financial Year allocation is \$7,500 which is a transitional grant to the Friends of Baucau for the 6 months from July 2012 – December 2012.

All allocations assume that these figures are to be matched by the City of Yarra.

## **FUTURE ACTIONS**

Nil

## **DISCLOSURE OF INTERESTS**

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

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

## **RELATED DOCUMENTS**

- Council Briefing Paper, Friendship Relationship with Baucau, East Timor, 12 April 2010.

*Cr. Tsitas temporarily left the meeting during discussion of the above item – 8.20pm.*

**7.10 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**

MINUTE NO. 179

**AUTHOR:** Council Business Coordinator – Ron Downes**DIRECTOR:** Director Corporate Services – Bruce Dobson**SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at April 2010.

**CONSULTATION:**

Executive Management Team

**COUNCIL RESOLUTION****MOVED:** Cr. S. Chiang**SECONDED:** Cr. N. Katsis

**THAT** the status report on Reports and 'General Business' items outstanding as at April 2010, attached as **Appendix A** to this report, be received and noted.

**CARRIED****REPORT****INTRODUCTION AND BACKGROUND**

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

**ISSUES AND DISCUSSION**

A schedule of the reports and actions outstanding as at April 2010 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 AND RESOURCE IMPLICATIONS**

Nil.

**FUTURE ACTIONS**

The next status report will be submitted to Council at its meeting on 7 June 2010.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Minutes of previous meetings of the Council.

**8. URGENT BUSINESS**

Nil

**9. GENERAL BUSINESS****9.1 PARKING – BALLANTYNE STREET THORNBURY****MINUTE NO. 180****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. T. Laurence**

**THAT** Council review the current parking restrictions along Ballantyne Street Thornbury, between High and Stott Streets.

**CARRIED****9.2 REVIEW OF COUNCIL'S TREE AND NATURESTRIP PLANTING POLICIES****MINUTE NO. 181****COUNCIL RESOLUTION****MOVED: Cr. T. McCarthy**  
**SECONDED: Cr. N. Katsis**

**THAT** a comprehensive review of Council's Street Tree and Naturestrip Planting Policies be undertaken. The review will be assisted by a community reference group and will be jointly supported by Council's Environmental Sustainability and Open Space Planning Units. The review will include, but not be limited to, consideration of issues such as biodiversity, heritage, fruit trees and urban orchards, peak oil, climate change, indigenous plantings and alternative varieties, public safety and public access requirements, as well as processes for decision-making and communication with residents.

**CARRIED**

*Cr. Tsitas returned to the meeting during discussion of the above item – 8.25pm.*

9.3

**AMENDMENT C92 – AUSTRALIAN HORIZONS SITE  
DEVELOPMENT****MINUTE NO. 182****MOTION**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** –

**THAT** Council officers report back on what the attitude of the proponent of Amendment C92 is, and in light of the start of the major cases list at the Victorian Civil and Administrative Tribunal of proposals above \$5 million, what is the risk that the proponent may wish to take advantage of this new 'streamlined' process.

AT THE SUGGESTION OF THE MAYOR, CR. FONTANA, AND WITH CR. TSITAS' ACCEPTANCE AS THE MOVER OF THE PROPOSED MOTION, THE DIRECTOR DEVELOPMENT AND AMENITY, MICHAEL BALLOCK, PROVIDED A VERBAL RESPONSE WHICH NEGATED THE NEED FOR A WRITTEN REPORT AS PROPOSED.

CR. TSITAS SUBSEQUENTLY WITHDREW HIS PROPOSED MOTION.

**EXPRESSION OF THANKS TO ACTING CHIEF EXECUTIVE OFFICER, JAN  
BLACK**

The Mayor, Cr. Fontana, on behalf of the Council, expressed thanks to Jan Black, Acting Chief Executive Officer, noting that newly appointed Chief Executive Officer, Mr Rasiah Dev, will be in attendance at the next Ordinary Council Meeting on 17 May 2010.

The Mayor's expression of thanks to Jan Black was greeted with applause.

## 10. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

### CLOSE OF MEETING

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. T. Laurence

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

10.1 Extension to the Clifton Street Child Care Centre, Northcote – CT201011.

**CARRIED**

The meeting was closed to members of the public at 8.35pm.

*The Council considered and resolved on Report Item 10.1 (Extension to the Clifton Street Child Care Centre, Northcote – CT201011) which had been circulated to Councillors on Thursday 29 April 2010 with the Council Agenda Paper.*

### RE-OPENING OF MEETING

**MOVED:** Cr. S. Chiang  
**SECONDED:** Cr. N. Katsis

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

**CARRIED**

The meeting was re-opened to members of the public at 8.43pm.

**CONFIDENTIAL****10.1 EXTENSION TO THE CLIFTON STREET CHILD CARE CENTRE, NORTHCOTE – CT201011****MINUTE NO. 183****AUTHOR: Coordinator Facilities Design – Carlo Donnoli****DIRECTOR: Director Infrastructure – Geoff Glynn****SUMMARY:**

Tenders have been called for the construction of a building extension to the Clifton Street Child Care Centre, Northcote.

This report recommends that the tender submission from Donnan Design and Construction Professionals Pty Ltd be accepted by Council along with an appropriate contingency sum.

**CONSULTATION:**

- Manager Major Projects and Transport
- Early Years and Children's Services Manager
- Department of Education and Early Childhood Development
- Committee of Management and staff for the Clifton St Child Care Centre
- K20 Architecture

**RECOMMENDATION**

**THAT** the Council Resolution be made available to the public but the report remain confidential.

**COUNCIL RESOLUTION**

**MOVED: Cr. N. Katsis**  
**SECONDED: Cr. S. Chiang**

**THAT** the following Council Resolution:

“That:

- (1) Council resolves to accept the tender submission of Donnan Design and Construction Professionals Pty Ltd.



- (2) Council resolves to enter into contract for the extension to the Clifton Street Child Care Centre, Northcote [CT201011] for the amount of \$769,890 (including \$69,990 GST).
- (3) Council resolves to allocate a contingency amount of \$70,000 (excluding GST), being approximately 10% of the contract sum.
- (4) Council resolves to sign and seal the contracts under the Common Seal of Darebin City Council.”

be made available to the public but the report remain confidential.

**CARRIED**

**11. CLOSE OF MEETING**

The meeting closed at 8.44pm.