



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 19 SEPTEMBER 2011

RELEASED TO THE PUBLIC ON THURSDAY 22 SEPTEMBER 2011

Table of Contents

Item Number	Page Number
1. PRESENT.....	1
2. APOLOGIES	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	2
5. REPORTS BY MAYOR AND COUNCILLORS.....	3
5.1 REPORT OF CR. STEVEN TSITAS.....	3
5.2 REPORT OF CR. VINCE FONTANA	3
5.3 REPORT OF CR. NICK KATSIS	3
5.4 REPORT OF CR. BEN MORGAN	3
5.5 REPORT OF CR. GAETANO GRECO.....	4
5.6 REPORT OF CR. TRENT MCCARTHY	4
5.7 REPORT OF CR. STANLEY CHIANG	4
5.8 REPORT OF THE MAYOR, CR. DIANA ASMAR	5
6. PUBLIC QUESTION TIME	7
7. RECORDS OF ASSEMBLIES OF COUNCILLORS	8
7.1 ASSEMBLIES OF COUNCILLORS HELD	8
8. CONSIDERATION OF REPORTS	12
8.1 FINANCIAL REPORT – 2 MONTHS ENDED 31 AUGUST 2011	12
8.2 DISPOSAL OF ABANDONED VEHICLES	15
8.3 BRUNSWICK TERMINAL UPGRADE.....	26
8.4 COMBINED PLANNING SCHEME AMENDMENT C111 AND APPLICATION FOR PLANNING PERMIT D/243/2011 – 99 HELEN STREET, NORTHCOTE.....	32
8.5 AMENDMENT C115 TO THE DAREBIN PLANNING SCHEME - CONSIDERATION OF SUBMISSIONS AND ADOPTION	41
8.6 SUBMISSION BY COUNCIL TO THE REVIEW OF THE VICTORIAN PLANNING SYSTEM	48
8.7 REVIEW OF COUNCIL'S VENUE HIRING POLICY	57
8.8 EDWARDES LAKE BOATHOUSE	64
8.9 ENVIRONMENT COURT.....	68
8.10 GOOD NEIGHBOUR AND CORPORATE CITIZEN AWARDS	72
9. URGENT BUSINESS	80
9.1 NORTHERN COUNCILS REGIONAL GROUP.....	80
10. GENERAL BUSINESS.....	85
10.1 '1,000 WARRIOR MARCH'.....	85
10.2 STATION STREET FAIRFIELD, FROM DAREBIN ROAD TO HEIDELBERG ROAD ...	85
10.3 LETTER OF CONGRATULATIONS TO SIEMENS AUSTRALIA	86

Table of Contents

Item Number		Page Number
10.4	SPEED REDUCTION AND TRAFFIC MANAGEMENT TREATMENTS – VICTORIA ROAD.....	86
10.5	CITY-WIDE SURVEY – SPEED AND OTHER TRAFFIC MANAGEMENT CONCERNS	87
10.6	PRESTON SOUTH SAFEWAY AND ALDI SUPERMARKETS.....	87
10.7	SPEED LIMIT SIGNS – WOOD STREET PRESTON AND SIMILAR STREETS.....	88
11.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL.....	88
12.	CLOSE OF MEETING.....	88

**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 19 SEPTEMBER 2011**

THE MEETING OPENED AT 7.05 PM.

1. PRESENT

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

Council Officers

Rasiah Dev – Chief Executive
Michael Ballock – Director City Works and Development
Vijaya Vaidyanath – Director Corporate and Business Services
Fred Warner – Group Manager People and Performance
Rhys Thomas – Governance and Corporate Planning Manager
Ron Downes – Council Business Coordinator

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. McCarthy disclosed a conflict of interest in Question 1, Public Question Time – see Page 7.

The Mayor, Cr. Asmar, disclosed a conflict of interest in Report No. 8.4 (Combined Planning Scheme Amendment C111 and Application for Planning Permit D/243/2011 – 99 Helen Street, Northcote) – see Page 32.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. S. Chiang
SECONDED: Cr. N. Katsis

THAT the Minutes of the Ordinary Meeting of Council held on 5 September 2011 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 299

5.1 REPORT OF CR. STEVEN TSITAS

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

- Council Briefing Session.
- Planning Committee meeting.
- 'High Noon' Festival in Northcote.

5.2 REPORT OF CR. VINCE FONTANA

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

- Preston Business Advisory Committee meeting.
- Infrastructure for Shopping Centres Workshop.
- Major projects information session.
- Planning Committee meeting as Chair.
- Council Briefing Session.
- Northcote Structure Plan Steering Committee meeting.
- Darebin Music Feast event in Northcote.
- Meetings with several residents in relation to planning matters.

5.3 REPORT OF CR. NICK KATSIS

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

- Planning Committee meeting.
- Strategic Planning Steering Committee meeting.
- On-site meetings and other constituent concerns.

5.4 REPORT OF CR. BEN MORGAN

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

- 1st Reservoir Scouts Annual General Meeting.
- Darebin Music Feast events.
- Council Briefing Session.
- Local resident issues.

5.5 REPORT OF CR. GAETANO GRECO

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

- Co-chaired Bundoora Homestead Board of Management meeting.
- Book Launch - Intercultural Centre.
- Darebin Ethnic Communities Council meeting.
- Launch of Darebin Aboriginal Advisory Committee.
- Planning Committee meeting.
- Council Briefing Session.
- Chaired Municipal Association of Victoria Multicultural Advisory Committee meeting.
- Selection of Darebin Music Feast performances.
- Grand Finale of Darebin Music Feast Songwriters Award.
- 'High Noon' Festival street party.
- Various residents concerns.

5.6 REPORT OF CR. TRENT MCCARTHY

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

- Meeting with new Manager Communications and Advocacy, Tiffany White.
- Guest speaker at Deakin Environment Forum.
- Launch of Darebin Aboriginal Advisory Committee.
- Infrastructure for Shopping Centres Workshop.
- Strategic Projects Briefing.
- Council Briefing Session.
- Meeting with residents of Jackson Street Northcote.
- 'High Noon' Festival.
- Spoke at Australian Greens Victoria (AGV) State Conference.
- Resident and trader issues regarding rates, roads, rubbish and planning matters.

Cr. McCarthy commended the relevant Council Officers involved with the Darebin Music Feast.

5.7 REPORT OF CR. STANLEY CHIANG

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

- Co-chaired Bundoora Homestead Board of Management meeting.
- Darebin Women in Business Lunch.
- Launch of Darebin Aboriginal Advisory Committee
- Citizenship ceremony.

- Mid-Autumn Festival and Chinese National Day celebrations involving the North East Melbourne Chinese Association and other relevant organisations.
- Six University students Chinese Debate Final and Award ceremony.
- Combined Chinese National Day celebrations involving two Chinese Business Associations.
- Resident matters.

5.8 REPORT OF THE MAYOR, CR. DIANA ASMAR

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

- Resident meetings regarding 2011/2012 Council rates on vacant residential land.
- Resident meeting regarding heritage issues.
- Press meeting.
- Darebin Music Feast launch – Little Big Sing.
- Breavington Memorial Award – All Nations Park.
- Melbourne Times Photo Shoot.
- Fairfield Traders Association meeting.
- Community Grants cheque presentation.
- Semi-Final Award – Darebin Music Feast.
- Synergy Gallery representative meeting.
- Residents meeting regarding planning issues.
- CALD media meeting.
- Mayor's Event.
- Celebrating Women in Business Lunch.
- Launch of Darebin Aboriginal Advisory Committee.
- Bell City meeting.
- 97th Anniversary of Battle of Bita Paka.
- Taste of India.
- Preliminary discussion about Darebin Arts and Entertainment Centre development.
- Melbourne Northern CEOs and Mayors forum.
- Strategic Projects Steering Committee meeting.
- Monash University Lifetime Society Event.
- Citizenship Ceremony on Citizenship National Day.
- 'High Noon' Festival.
- Grand Finale of Darebin Music Feast.
- Function involving the new Indian Consul General of Victoria, Dr. S. Behara.
- Darebin Ethnic Communities Council and Darebin City Council signing of Memorandum of Understanding.

- Council Briefing Session.
- Various interviews involving radio, newspapers and television stations.

6. PUBLIC QUESTION TIME

MINUTE NO. 300

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

The following questions were submitted:

- Andrew Hyde of Preston asked a two-part question about traffic concerns in Robeson Street Preston.

Cr. McCarthy, after becoming aware of the subject matter involved, immediately disclosed a conflict of interest in this matter classifying the interest as a direct interest as there is a reasonable likelihood that, as a resident of the street, his residential amenity will be directly affected if the matter is decided in a particular way. He left the meeting prior to the question being fully asked and responded to - 7.30pm

The question was responded to by the Mayor, Cr. Asmar.

Cr. McCarthy returned to the meeting – 7.32 pm.

- Tony Verlaan of North Essendon asked a series of questions about the level of 2011/2012 Council rates levied on his vacant land property in Clive Street Alphington. The question was responded to by the Mayor, Cr. Asmar and the Director Corporate and Business Services, Vijaya Vaidyanath.
- Keith Coffey of Reservoir asked a question on behalf of Annette Sinclair of Reservoir about the roundabout at the corner of Wood Street and Greenbelt Avenue Reservoir. The question was responded to by the Director City Works and Development, Michael Ballock.
- Dr. Tania Pizzari of Reservoir asked a question about the level of 2011/2012 Council rates levied on her property in Reservoir based on its vacant land status. The question was responded to by the Mayor, Cr. Asmar.

After Public Question Time was concluded, no further questions were submitted in writing.

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 301

An Assembly of Councillors is defined in section 76AA of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Darebin Environmental Reference Group meeting – 10 August 2011
- Council Briefing Session – 12 September 2011

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. V. Fontana

THAT the record of the Assembly of Councillors held on 10 August and 12 September 2011 be noted and incorporated in the minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Environmental Reference Group
	Date:	Wednesday 10 August 2011
	Location:	Rooftop Room, Northcote Town Hall
PRESENT:	Councillors:	Cr Trent McCarthy
	Council Staff:	Libby Hynes, Heidi Hamm
	Other:	Darebin residents – members of the Darebin Environmental Reference Group.
APOLOGIES:		N/A

The Assembly commenced at 7pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Presentation on Darebin Statutory Planning and inclusion of ESD principles	No disclosures were made
2	Discussion of safety issues along St Georges Rd (lighting levels, edge of path drop offs and vegetation on path)	No disclosures were made
3	Attended the Northcote Uniting Church Food Security Forum	No disclosures were made

The Assembly concluded at 10.00pm

RECORD COMPLETED BY:	Officer Name:	Heidi Hamm
	Officer Title:	Acting Environmental Strategy Coordinator



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title: Council Briefing Session Date: 12 September 2011 Location: Conference Room, Darebin Civic Centre
PRESENT:	Councillors: Cr Diana Asmar (Mayor), Cr Gaetano Greco, Cr Ben Morgan, Cr Steven Tsitas, Cr Trent McCarthy, Cr Vince Fontana. Council Staff: Rasiah Dev, Vijaya Viadyanath, Daniel Freer, Darren Rudd, Adrian Burns (7:25 - 7:55pm), Eddy Boscaroli (7:50 – 8:35pm) Other: None
APOLOGIES:	Cr. Stanley Chiang, Cr Tim Laurence, Cr Nick Katsis

The Assembly commenced at 7pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Sport and Recreation Victoria, Community Facilities Funding Program	Cr Fontana disclosed a conflict of interest in the matter, left the meeting before the matter was considered and was absent for the duration of the discussion.
2	Events Local	No disclosures were made
3	Review of Council's Current Venue Hiring Policy	No disclosures were made
4	Submission by Council to the Review of the Victorian Planning System	No disclosures were made
5	Edwardes Lake Boathouse	No disclosures were made
6	Collection of Rates	No disclosures were made
7	Wi-Fi Darebin – Reservoir	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
8	Notice of Application from Moreland Council – 46 King St, Brunswick East (Brunswick Terminal Station)	No disclosures were made
9	Amendment C111 – Proposed Rezoning of Land at 99 Helen St, Northcote	Cr. Asmar disclosed a conflict of interest in the matter, left the meeting before the matter was considered and was absent for the duration of the discussion.
10	Amendment C115 – Proposed Rezoning of Land at 195-209 St Georges Road	No disclosures were made
11	Capital Works June 2011 Performance Report	No disclosures were made

The Assembly concluded at 9.17pm

RECORD COMPLETED BY:	Officer Name:	Daniel Freer
	Officer Title:	Director City Design and Environment

8. CONSIDERATION OF REPORTS

8.1 FINANCIAL REPORT – 2 MONTHS ENDED 31 AUGUST 2011

MINUTE NO. 302

AUTHOR: Chief Financial Officer

REVIEWED BY: Director Corporate and Business Services

SUMMARY:

A comprehensive financial review has been undertaken for the two months ended 31 August 2011 to assess the financial performance of Council year-to-date. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$74.8 million, which is \$0.8 million ahead of budget and capital works expenditure of \$1.9 million, which is \$4.0 million behind the budget. All material variations have been explained in the report.

CONSULTATION:

Managers and Coordinators
Financial Accountant

COUNCIL RESOLUTION

MOVED: Cr. G. Greco
SECONDED: Cr. V. Fontana

THAT the contents of the “Financial Report for the two months ended 31 August 2011” included as **Appendix A** to this report be received and the year-to-date actual and budget operating and capital results be noted.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

Under the Local Government Act 1989, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date. In complying with the Act, the attached report (**Appendix A**) compares the actual and budgeted operating revenues and expenses and the actual and budgeted capital revenues and expenses for the two months ended 31 August 2011. It also compares the actual and budgeted movements in the Balance Sheet and Cash Flow Statement for that period.

ISSUES AND DISCUSSION

Operating Performance

The Operating Performance for the two months ended 31 August 2011 is an operating surplus before capital revenue and other items of \$74.6 million, which is \$0.9 million ahead of budget. The main items contributing to this favorable variance are contributions, employee benefits, material and services, depreciation and other expenses partly offset by unfavorable variances in rates, statutory fees and fines and capital grants and contributions. After capital and other items, the operating surplus is \$74.8 million, which is \$0.7 million ahead of budget.

Capital Performance

The Capital Performance for the two months ended 31 August 2011 shows that a total of \$1.9 million has been expended on the capital works program, which is \$3.0 million behind the budget. The variance is due mainly to timing differences on building and purchase of plant and equipment.

Financial Position

The Financial Position as at 31 August 2011 shows a cash balance of \$25.3 million which is \$4.4 million ahead of budget. The variance is due mainly to the higher opening cash position compared with budget and timing differences in receipts from customers, payments to suppliers and employees and purchase of property, infrastructure, plant and equipment. The net current asset position is \$97.5 million which is \$15.1 million more than budget. The variance is due mainly to the higher cash position, higher trade and other receivables and higher trade and other payables compared with budget. The net asset position is \$1.0 billion, which is \$3.9 million ahead of budget.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The Financial Report for the two months ended 31 August 2011 shows that Council's year-to-date operating result is a surplus of \$74.8 million and \$1.9 million has been expended on capital works.

FUTURE ACTIONS

A further financial report will be presented to Council for the three months ending 30 September 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 Officer reviewing 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

Nil.

8.2 DISPOSAL OF ABANDONED VEHICLES**MINUTE NO. 303****AUTHOR: Manager Economic Development and Employment****REVIEWED BY: Director Corporate and Business Services****SUMMARY:**

At its meeting on 15 August 2011, Council requested a review of its policy regarding the disposal of abandoned vehicles impounded by the City of Darebin.

A report was submitted to Council on 5 September 2011 where it was resolved:

That Council:

- (1) *Defer consideration of this report until the Council meeting on 19 September 2011.*
- (2) *Temporarily lift the restriction on the disposal of low value derelict vehicles to relieve pressure on Council's storage facilities until this matter can be considered.*

The report, which has been updated, is now re-presented for Council's consideration.

The following key findings are provided for Council's information:

- Council has a responsibility under Schedule 11, Clause 3 of the Local Government Act 1989 to move or impound any unregistered or non functioning vehicles left abandoned on the roadway. Council has two abandoned vehicle impound yards (impound yard) where impounded vehicles are stored until they are either reclaimed by their owner or disposed.
- The return of a vehicle and recovery of costs is the preferred process. Local Laws makes a significant effort to see vehicles are returned to their owner in the first instance.
- The majority of the vehicles that are collected by Council are old, and derelict with little market value. These vehicles are often abandoned by the owner because the cost of having the vehicle privately disposed of is greater than the resale value. On a rare occasion Council does impound better quality vehicles but these are usually reclaimed by the owner once advised by an officer to remove it immediately or by Finance companies once alerted that one of their vehicles have been impounded.
- Since 2008, auctions have ceased and Council's impound yards are both at maximum capacity and require clearance immediately otherwise Council will need to store any further abandoned vehicles at a privately operated yard at additional expense. This is not a preferred option as Council is not able to guarantee security, there is increased risk of damage to vehicles and access will be limited depending on third party availability.
- Based on the average price received from scrapping (\$232) and through auction (\$236), it was found that the two processes are similar in cost. The current disposal method of scrapping of unwanted or unclaimed and abandoned vehicles reduces the

likelihood of occupational health and safety costs to staff and insurance claims for injury to the public if they were to hurt themselves when on Council land.

CONSULTATION:

Coordinator Compliance and Amenity

RECOMMENDATION

THAT Council note the findings of this report, and support the continuance of current practice to dispose of unclaimed, abandoned and derelict vehicles and does not include classic or valuable vehicles.

COUNCIL RESOLUTION

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

THAT Council note the findings of this report, and support the continuance of current practice to dispose of unclaimed, abandoned and derelict vehicles and does not include vehicles of classical, historical or valuable significance.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

In February 2008, a decision was made to move from in-house auctions to crushing unclaimed vehicles for scrap metal predominantly due to the following reasons:

- Occupational health and safety risks to Council Officers and members of the public as the ground is not level at both impound yards. There is a potential for a Council Officer and members of the public to slip while attending an auction. Consideration was given to asphaltting the ground at the two yards but this was not pursued due to costs.
- Crushing vehicles for scrap metal was found to be a more cost effective measure when compared to disposing of vehicles through in-house auctions.
- The auctions caused frustration and anger towards Council staff because attendees felt that the scrap merchants such as Gangemi Asian and Mahoneys Road Auto Salvage should not be allowed to attend. There were a few heated debates between some of the people attending the auction.

ISSUES AND DISCUSSION

One of the functions of the Local Laws Unit is to keep the streets clear of abandoned or derelict vehicles and to preserve the amenity of the City's roads.

Vehicles are impounded by Local Laws Officers as a result of being left in the street without a current registration. Most of these vehicles are easily described as derelict and many of them are left abandoned as a result of being in disrepair and too costly to fix.

Abandoned Vehicles Complaints

The City of Darebin receives complaints on a daily basis about unregistered and abandoned vehicles left on the roadway. These complaints are received most commonly from residents who are;

- Annoyed that a vehicle is left for a period of time in front of their residence
- Frustrated that the vehicle is taking up a parking space
- Unsightly nature of the abandoned vehicle.

Table 1: Number of abandoned vehicle service requests received

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2011	118	90	98	85	78	68	87	85*				
2010	70	76	74	79	86	75	79	71	82	95	72	87
2009	73	86	89	76	57	74	75	58	77	56	77	66
2008	System changed from UNITRAC to CAMS in November 2008										54	63

* Stats are from 1 – 29 August 2011

It should be noted that the majority of service requests received relating to abandoned vehicles require at least two inspections, one to follow up the complaint and place a notice on the vehicle and a second inspection which occurs after one week from the first inspection to ascertain if the vehicle has been removed from the roadway.

Unregistered and Non-Functioning Abandoned Vehicle Process

On first inspection, the Local Laws Officer will contact VicRoads via phone to confirm the registration status. If the vehicle is unregistered either due to a lapsed registration or the registration being cancelled, then an ‘unregistered or abandoned vehicle’ notice is placed on the windscreen advising the vehicle owner that the vehicle must be removed from the street immediately.

If the vehicle is currently registered but has not moved for a period of time or it is non-functioning due to a motor vehicle accident, the vehicle will have a notice attached to the windscreen. Photographs are then taken of the vehicle as part of the documentation process.

The Business Support Officer emails VicRoads requesting the details of the last registered owner. This information is received electronically and includes the name and address details of the last owner.

A second inspection is carried out, usually on the seventh day, however it should be noted that unregistered vehicles can be removed immediately if they pose an immediate danger to the public (eg. wheels have been removed from the vehicle and it is placed up on blocks). If the vehicle is still on the roadway, the Local Laws Officer will again contact VicRoads to confirm current registration in case the registration has been paid since the vehicle was first inspected and notice attached to vehicle.

Where the vehicle is still unregistered, the Local Laws Officer takes additional photographs to document that the vehicle has remained unmoved and contacts Council’s towing contractor

to impound the vehicle. The vehicle is then towed to one of Council's abandoned vehicle yards.

The Local Laws Officer sends a letter via mail to the last registered owner advising that the vehicle has been impounded, as well as an infringement penalty notice for an offence under section 9.4.5 of the General Local Law No. 1 of 2005 - allowing an unregistered vehicle to remain on Council property (the roadway).

The Local Government Act 1989 states that "Council may sell, destroy or give away the vehicle (and anything in, on or attached to, the vehicle) if the owner of the vehicle has not paid the fee within seven days of the Council impounding the vehicle".

Costs incurred by Council

The costs are outlined below:

Costs related to vehicle	Amount
Towing fee (vehicle towed by Contractor to impound yard)	\$66
Towing fee (heavy haulage towed by Contractor to impound yard)	\$495
Owners details from VicRoads (electronic MAVTEL)	\$3.30
Owners details from VicRoads (MAVTEL extract required for Court)	\$13.30
Correspondence	\$2
Salary Local Laws Officer	\$30.82 (hourly rate)
Salary Business Support	\$30.82 (hourly rate)
Salary Supervision 10%	\$3.79 (hourly rate)

Costs which may be incurred by the Vehicle Owner

The costs are outlined below:

Costs which may be incurred by vehicle owner	Amount
Release fee (if reclaiming the vehicle)	\$300
Storage fee (may be charged to the owner)	\$40 per day
Penalty Infringement Notice (fine)	\$200
Penalty Reminder Notice (if fine is not been paid)	\$32.20
Bartels, Taylor & Associates Pty Ltd Debt Collection (unpaid fine)	\$13.20
Magistrates Summons fee	\$44.00 (one offence) \$69.70 (2+ offences)

Process for releasing Impounded Vehicles

The vehicle owner pays the release fee to Council and then arranges a time with the Local Laws Officer for their vehicle to be collected from the impound yard.

Occasionally a vehicle owner will request that personal items be returned while choosing not to reclaim their vehicle. While it is not mandatory to allow this, as a gesture of good customer service, the Local Laws Officer will arrange a time to meet the owner for this to occur.

Below are the numbers of impounded vehicles released back to owners:

Year	No. of Vehicles Released to Owner
2010/2011	23
2009/2010	17
2008/2009	33

Abandoned Vehicle Auction Process

The last in-house auction was held in February 2008. These auctions were held on a Saturday several times a year as required. A total of three staff were required to attend and assist with the auction. The roles of each staff member were as follows:

- Officer acting as 'cashier' and 'lot allocator'
- Officer to 'call' auction
- Officer who acted as a 'spotter'.

Prior to the auction, a flyer was mailed out to interested individuals and businesses. While the mailing list was reviewed annually, in February 2008 when the last auction was held, there were 116 people on the mailing list. Line advertisements were placed in The Age, Preston Leader and Whittlesea Leader a week prior to the auction.

A list of vehicles would be faxed to the Police to ensure no vehicles were listed as stolen. On the rare occasion when a vehicle came up as stolen, the vehicle would be withdrawn from auction and Police would notify the owner to contact Council to claim the vehicle.

Prior to the auction, the attending officers would search all vehicles for any dangerous items such as syringes or weapons. Many vehicles are full of rubbish including dirty clothing and household rubbish. On one occasion there were eleven bags containing faeces and items of apparel with blood stains. This posed an occupational health and safety risk to the officers and public. The bags were removed by officers to ensure that the people attending the auction did not injure themselves.

Any registration plates still on vehicles would be removed prior to the auction. When disposing of a vehicle, Council is responsible for removing the registration plates and returning them in to VicRoads.

The 'cashier' would arrange up to 100 auction bidding numbers and bidding sheets for each auction. Officers would arrive 30 minutes prior to the auction to set up, for example spraying lot numbers on vehicles and placing signs on vehicles not being auctioned.

Interested parties were given 30 minutes to inspect the vehicles before the auction commenced. Officers would also have to monitor closely any vehicles not being sold at auction, as visitors would often try to buy them when they were not part of the auction. Many of the vehicles impounded are not locked. As any vehicle in the impound yard which was not being auctioned had the potential to be reclaimed, there was a risk of items being stolen exposing Council to a claim from the vehicle owner.

The auction itself would run for approximately 30 minutes. One officer would call the auction, while another officer acted as a 'spotter' ensuring the successful bidder's number and winning price was recorded.

The cashier would then write up the purchased lots and receipts so the successful parties could pay for their purchases. No vehicle was allowed to be removed prior to the payment being made. Unless prior arrangements had been made, all vehicles were paid for in cash. This meant that change was required as many people would only carry \$50 or \$100 bills. The cashier would need to ensure that adequate change was available during the auction which meant that there was also potential risk of theft.

Once the auction concluded, officers were still required to remain on-site while attendees waited for a tow truck to remove their vehicles. Officers also needed to remain on site to ensure that vehicles that were not being sold were not taken by the public. Officers would often leave the site at approximately 1:30 to 2:00pm. Once the impound yard was closed, an officer would take the money and deposit it into the Westpac Bank in Preston. If the officer was not able to deposit the cash prior to the bank closing, the officer would have to take the money home and deposit it on the following Monday.

Table 2: Number of vehicles sold and amount received from in-house auctions

	2008		2007		2006		2005		
	Amount	No. of vehicles	Amount	No. of vehicles	Amount	No. of vehicles	Amount	No. of vehicles	
Jan									
Feb	\$7540	24							
Mar			\$7000	29	\$7560	34			
Apr									
May							Unable to locate details		
Jun	Last auction held February 2008		\$8800	24	\$4590	27			
Jul									
Aug									
Sep							\$9090	25	
Oct					\$10690	28			
Nov							\$3950	24	
Dec					\$8580	25			
Totals	\$7540	24	\$26,490	81	\$29,820	111	\$3950	24	

Average amount received for vehicles sold at auction using average cost of \$1,253:

- 2005: \$3,950 - \$1,253 (cost of auction)/24 = \$112 per vehicle
- 2006: \$29,820 - \$5,012 (cost of 4 auctions)/111 = \$224 per vehicle.
- 2007: \$26,490 - \$3,759 (cost of 3 auctions)/81 = \$281 per vehicle.
- 2008: \$7,540 - \$1,253 (cost of auction)/24 = \$262 per vehicle.

Therefore, during 2006 to 2008, Council received an average of \$236 per vehicle sold at auction.

Disposal of Abandoned Vehicles by crushing

Since March 2008, Council has been disposing of unclaimed vehicles through a local business called Norstar Recycling Pty Ltd (Norstar).

A list of vehicles is faxed to Victoria Police to ensure no vehicles are listed as stolen. On the rare occasion when a vehicle is identified as stolen, Victoria Police will notify the owner to contact Council to claim the vehicle. The stolen vehicle is retained to allow the owner opportunity to reclaim the vehicle.

A Local Laws Officer arranges a date for the impound yards to be cleared. This occurs as frequently as required, or when the impound yards are nearly full. The identified vehicles are marked and the Local Laws Officer directs the Norstar tow truck driver to take the vehicle to be recycled at their location in Reservoir.

A cheque is then received from Norstar based on the weight of the vehicles in total by the current rate payable for scrap metal. This amount can vary.

Table 3: Number of vehicles disposed via scrapping

	2011		2010		2009		2008	
	Amount	No. of vehicles	Amount	No. of vehicles	Amount	No. of vehicles	Amount	No. of vehicles
Jan	\$2472.14	10			\$3480.40	20		
Feb	\$2176.68	9			\$2798.40	20		
Mar	\$1978.46	8	\$6197.18	27	\$1889.80	15		
Apr	\$1249.16	5						
May	\$3622.08	15					\$7232.94	14
Jun	\$3622.08	9	3919.52	17			\$9737.20	17
Jul	\$2030.38	8						
Aug			\$3777.40	16	2614.04	15		
Sep								
Oct					2847.90	15		
Nov			\$3910.17	16				
Dec					\$2508.00	13	\$221.10	3
Total	\$17,151	64	\$17,804	76	\$16,139	98	\$17,191	34

Average amount received for vehicles disposed via scrapping using average crushing cost of \$257:

- 2011: $\$17,151 - \$1,799$ (cost of crushing x 7 times)/64 = \$240 per vehicle
- 2010: $\$17,804 - \$1,028$ (cost of crushing x 4 times)/76 = \$221 per vehicle

- 2009: \$16,139 - \$1,542 (cost of crushing x 6 times)/98 = \$149 per vehicle
- 2008: \$17,191 - \$771 (cost of crushing x 3 times)/34 = \$483 per vehicle

Therefore, during 2008 to 2011, Council received an average of \$232 per vehicle disposed via scrapping.

So based on the average price received during the period from scrapping (\$232) and through auction (\$236), it was found that it the two processes are similar in cost.

The reasons Council has been crushing abandoned vehicles are:

- The majority of the vehicles that are collected by Council are old, and derelict with little market value. These vehicles are often abandoned by the owner because the cost of having the vehicle privately disposed of is greater than the resale value. On a rare occasion Council does impound better quality vehicles but these are usually reclaimed by the owner once advised by an officer to remove immediately or by Finance companies once alerted that one of their vehicles have been impounded.
- It reduces the likelihood of occupational health and safety costs to staff and insurance claims for injury to the public if they were to hurt themselves when on Council land.
- Risks of theft and assault on Council staff.
- Increased cost of having to resurface the land at the impound yards and the likelihood of annual maintenance of the asphalt due to the weight and volume of vehicles using the facility.
- The overtime budget which was used previously for attending and operating the auction is currently being used by Local Laws to perform specifically required afterhours and weekend enforcement tasks.

What are other Councils doing?

Ten Councils were recently surveyed to find out how they were managing their abandoned vehicle impound yard. The results of the survey revealed the following;

- The Cities of Banyule, Yarra, Hume, Moreland, Whittlesea, Greater Dandenong, Whitehorse, and Knox use a contractor called AA Recycling which is trading as 'Pick-A-Part'. Moonee Valley City Council sells their vehicles by auction at Manheim. Nillumbik, who have a low number of abandoned vehicles, tender their vehicles and sell them to the highest tenderer.
- AA Recycling organise the towing, store of the vehicle in their yard and liaise with the owner who wants to reclaim their vehicle.
- They charge a \$312 release fee to the owner which is paid directly to AA Recycling.
- Councils who have engaged AA Recycling still have costs associated from investigating the abandoned vehicle complaint, undertaking the Mavtel checks, calls, sending out letters, etc.
- If the abandoned vehicle is not reclaimed, AA recycling has the following three options – scrap the car for recycling; sell privately; or sell for parts.
- If the vehicle is reclaimed from AA Recycling then these Councils receive no income and lose the resale value but still incur the resource cost.

What will it cost if Darebin used a Contractor?

If Darebin Council was using AA Recycling to manage the impound yard and the scrapping of vehicles, then the amount of money that it will cost Council is as follows;

Year	Number of Vehicles	Release fee	Amount Lost
2010/11	23	\$300	\$6,900
2009/10	17	\$295	\$5,015
2008/09	33	\$290	\$9,570
Total amount that would have been lost over 3 years			\$ 21,485

Number and Percentage of Vehicles Scrapped and Released

Year	Total Number vehicles Investigated	Number Scrapped	% Scrapped	Number Released to Owner	% Released to Owner
2010/11	111	88	79%	23	21%
2009/10	104	87	84%	17	16%

Reasons for high number of abandoned vehicles are as follows;

- High student population.
- High number of Department of Housing residences.

POLICY IMPLICATIONS**Environmental Sustainability**

The unclaimed vehicles are recycled with a local business, therefore removing unwanted clutter from the streets and turning these vehicles into something more useful.

Social Inclusion and Diversity

There are no social inclusion or diversity issues arising from the process currently followed.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Council has two Local Laws Officers who are responsible for following up service requests relating but not limited to abandoned vehicles, overgrown vegetation, fire hazards, litter, goods on footpath permits, etc.

Costs to impound a vehicle (based on figures at 1 July 2011)	
Towing	\$66
MAVTEL (electronic)	\$3.30
Correspondence	\$2
Salary (approx 2 hours for 2 inspections and administration)	\$61.64
Total	\$132.94 (approx)

Cost of running an In-house Auction	
Impound costs as per above (if based on current costs)	\$132.94
Sundries (mail out, adverts, etc)	\$400
Salary (approx 5 hours x 3 staff on the Saturday for auction and approx 1 hour preparation)	\$720
Total	\$1252.94 (approx)

Cost of Crushing Abandoned Vehicles	
Impound costs as per above (if based on current costs)	\$132.94
Phone call to arrange crushing	.50c
Salary (approx 4 hours x 1 staff on a Friday)	\$123.28
Total	\$256.72 (approx)

CONCLUSION

After consideration of the options currently available to Council being:

- Disposal via in-house auction; or
- Disposal via scrapping and recycling

it is recommended that Council continue with the current practice to use a local business to crush the abandoned and unclaimed vehicles and recycle the scrap metal while reiterating that no classic or valuable car will be scrapped.

FUTURE ACTIONS

- Council's impound yards are both at maximum capacity and require clearance immediately otherwise Council will need to store any further abandoned vehicles at a privately operated yard at additional expense. This is not a preferred option as Local Laws is not able to guarantee security, there is increased risk of damage to vehicles and access will be limited depending on third party availability.

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 Officer reviewing 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

- Local Government Act 1989 (Schedule 11 Clause 3).
- General Local Law No. 1 of 2005 (section 9.4.5 allowing an unregistered vehicle to remain on Council property).
- Council Minutes – 15 August 2011 and 5 September 2011

8.3 BRUNSWICK TERMINAL UPGRADE**MINUTE NO. 304****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

Moreland Council has sent through notification of a proposed development at 46 King Street Brunswick East (Application No. MBS/2011/420). The site is occupied by the Brunswick Terminal Station. The application is to construct buildings and works which comprise a rationalisation of existing site conditions to allow the Terminal Station to operate more effectively. The works are considered minor in the context of the site and will improve the appearance of the site. Examination of the proposal and its distance from the nearest residences indicate that the proposed development will not detrimentally impact residents in Darebin or the creek environment.

CONSULTATION:

Moreland Council Statutory Planning Department

RECOMMENDATION

THAT the Council inform the City of Moreland that it has no objection to the planned upgrade works to the Brunswick Terminal provided that it is satisfied that the works and subsequent increased outputs produce no adverse impacts on residents in the City of Darebin.

MOTION**MOVED: Cr. T. McCarthy****SECONDED: Cr. B. Morgan**

THAT the Council inform the City of Moreland that it has no objection to the planned upgrade works to the Brunswick Terminal provided that it is satisfied that the works and subsequent increased outputs produce no adverse impacts on residents in the City of Darebin.

WITH LEAVE OF THE CHAIRPERSON, THE MOTION WAS WITHDRAWN BY THE MOVER, CR. MCCARTHY, AND SECONDER, CR. MORGAN

FURTHER MOTION

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

THAT the Council inform the City of Moreland that it objects to the planned upgrade works to the Brunswick Terminal until it can be satisfied that the works and subsequent increased outputs produce no adverse impacts on residents in the City of Darebin.

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

COUNCIL RESOLUTION

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

THAT the Council inform the City of Moreland that it objects to the planned upgrade works to the Brunswick Terminal until it can be satisfied that the works and subsequent increased outputs produce no adverse impacts on residents in the City of Darebin.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The Brunswick Transfer Station converts electricity from a higher voltage to a lower voltage forming part of the Victorian transmission network. The site has been used for electrical infrastructure since 1939.

A previous planning permit application was lodged with Moreland Council in 2009. This proposal sought to upgrade and increase the capacity of the Transfer Station. The planning report in respect of the current application prepared by Becca Pty Ltd (dated 6 July 2011) describes the previous proposal as follows:

A previous planning permit application (MPS/2009/776) to upgrade and increase the capacity of the Transfer Station was lodged with Moreland City Council in December 2009. This application was based on a design that proposed 12 new 26 metre high pylons. The majority of new equipment was proposed to be outdoors and unconcealed.

The proposal also did not include the removal of any existing redundant buildings or infrastructure on the site. Over 200 objections were received in response to this application. Council refused the application in June 2010 on the basis of:

- *Inconsistency with State and local planning policy objectives;*
- *The increased physical infrastructure would have a detrimental visual impact on the surrounding natural and built environment;*

- *The height and general appearance of the proposed buildings and works would have compromised the environmental values, scenic qualities and visual character of the Merri Creek corridor.*

The proposal set out in the original planning permit application has been abandoned. SP AusNet (supported by CitiPower) now seeks approval for a revised design of the BTS [Brunswick Transfer Station] upgrade. This new proposal seeks to respond to the issues associated with the previous proposal, as raised by Council and the community.

ISSUES AND DISCUSSION

The proposed development includes the following elements (as described in the Planning Report prepared by Becca Pty Ltd dated 6 July 2011):

- *Most of the equipment indoors in three main architecturally treated buildings;*
- *Maximum building height of approximately 10 metres;*
- *Buildings will be located approximately 39 metres from the Alister Street frontage and*
- *approximately 20 metres from the King Street frontage;*
- *Building frontages facing King Street and Alister Street will be no more than approximately 7 metres in height;*
- *No installation of new towers;*
- *Removal of the existing tower inside the site along King Street*
- *Removal of all redundant buildings;*
- *Integration of landscape, fence and building design responding to the surrounding environment.*

In particular, the proposed landscaping is substantial and will create an appropriate visual screen between the site and the Merri Creek which will be an improvement over existing conditions. The landscaping will provide a visual buffer between the new buildings and the creek. The new buildings will be clad in materials that are sympathetic to the landscape character of the adjoining creek environs. Documents submitted to Moreland Council in support of the application indicate that consultation with the Merri Creek Management Committee was undertaken during the design phase. Acoustic assessments submitted in support of the application indicate that noise emissions from the site are within limits set under the relevant State Environment Protection Policy. In addition, the nearest Darebin residences are over 100 metres from the site and will not be affected by the proposed works.

The site is located within the Residential 1 Zone and affected by the Environmental Significance Overlay, Land Subject to Inundation Overlay and Special Building Overlay under the Moreland Planning Scheme including relevant State and Local Planning Policies. However, the site has existing use rights as a utility installation under Clause 63 of the Moreland Planning Scheme. As a result, any consideration of the application is restricted to the buildings and works and their interaction with adjoining properties and the creek environment and not to the operation of the facility itself (particularly as the use is not intensifying).

At the time of writing (7 September 2011), there were no objections lodged with Moreland Council regarding the application and it is expected that a decision will be made by Moreland Council's Urban Planning Committee in October 2011.

Review of the documents submitted in support of the application indicate that the proposed buildings and works will not have detrimental visual or other amenity impacts on adjoining residences in Darebin or the creek environment.

At its meeting of 5 September 2011, Council has also asked that officers investigate the application and include in this report the potential for the expansion proposal to contribute a potential health hazard due to potential electromagnetic radiation. In support of the planning application the proponents have submitted two supporting reports that assess the electromagnetic fields associated with the proposed upgrades.

The first report has been authored by the proponents SPI Ausnet and second report has been authored by Aurecon who were engaged by the Australian Energy Market Operator (AEMO) to undertake an independent assessment of the Electric Magnetic Fields associated with the project. AEMO was established by the Council of Australian Governments (COAG) and developed under the guidance of the Ministerial Council on Energy (MCE). AEMO is run by a skills-based board of nine non-Executive Directors and the Chief Executive Officer.

Given the independence of the second report, this has been relied upon in responding back to Council the potential health hazard risks associated with the Brunswick Terminal Project. The following summary has been extracted from the Aurecon report. The most relevant section to Darebin has been highlighted in bold text (see below)

Current draft Australian health guidelines for magnetic fields stipulate a limit of 1000 milligauss (mG) for general public exposure while the relevant international limit is 2000mG. In addition, recognising the possibility of health effects at levels below these limits, both the World Health Organisation and the Australian regulator (ARPANSA) have supported practical low cost measures to reduce people's exposure to magnetic fields but have cautioned against the adoption of arbitrary limits below those in the standards

Based on the available design and loading information, provided by AEMO, SPAusnet and CitiPower, the magnetic field contribution expected from the terminal station and its associated feeders, in combination with the local distribution lines, has been modelled using the CDEGS software package. Fields have been calculated at a height of 1 metre above ground level in accordance with international practice. Electric fields have also been modelled.

· The fields at the residential property boundaries along King and Alister Streets (Which are both in Moreland CC) will continue to be dominated by the existing distribution lines, with only a minor contribution from the station.

· Both upon commissioning of the proposed works in 2015 and in 2020, when the proposed 220/66kV transformers are fully loaded, the external magnetic fields would be less than 2mG for approximately 40% of the station boundaries and less than 10mG for a further 45%. There would also be a number of localised peaks, the highest of which will range up to 95mG by 2020.

· The highest magnetic field levels at and beyond the station perimeter fence are predicted to occur in localised areas on the eastern boundary, along the northern boundary, and at the south western corner. The two most significant sources are both existing 220kV assets.

· The highest peak, (approximately 95mG) occurs mid-way along the eastern boundary, due to an existing 220kV underground feeder. This field, which is highly localised, is less than 10% of the relevant draft Australian limit for the general public and 5% of the relevant international limit.

· The magnetic field levels along the western perimeter fence are predicted to be in the range of 2 to 9 mG in 2015 and 3 to 9 mG in 2020. The dominant influence on the field along this fence is the overhead distribution lines which run along King Street.

· The magnetic field levels along the majority of the southern perimeter fence are predicted to be less than 2mG under all modelled conditions. There is a predicted peak of approximately 40mG in 2015 and 28mG in 2020 at the south west corner, due to the proposed underground 66kV feeders which exit the station at that point.

· The magnetic field levels along the eastern perimeter fence are predicted to be less than 1mG for approximately 50% of the fence (the southern half), gradually rising to 11mG towards the northern end, due primarily to the 220kV overhead landing span. There are two localised peaks along this fence, 68mG in 2015 and 95mG in 2020 where the existing 220kV underground feeder enters the site and 18mG towards the centre of the fence, where 2 of the proposed 66kV underground feeders exit the site,

The magnetic field levels along the northern perimeter fence are predicted to be primarily influenced by the 220kV overhead conductors which cross this fence and are the principal contributor to a wide peak of approximately 32mG, both in 2015 and 2020. The 22kV feeders that cross this fence towards the north west corner also contribute to the magnetic field levels at that point.

· The magnetic field levels at the bulk of the residential frontages along King Street are predicted to be in the range of 2 to 4 mG, both in 2015 and 2020. The dominant contributor to the magnetic fields appears to be the distribution lines which run along King Street, turning west at Albert Street and causing the field level to rise to 8mG at that point. The actual terminal station has only a minor influence on the magnetic fields at the residential frontages along King Street.

· The magnetic field levels at the bulk of the residential frontages along Alister Street are predicted to be in the range of 3 to 5 mG, both in 2015 and 2020. The dominant contributor appears to be the distribution lines which run along Alister Street, with the actual terminal station having almost no influence.

· With the exception of areas in close proximity to the incoming/outgoing overhead lines, the electric fields at the station boundaries will be negligible. The highest electric fields directly beneath the existing 220kV overhead conductors will be less than 700V/m, which is 14% of the relevant health guideline for the general public. The contribution of the substation to the electric fields along the bulk of the perimeter fence is expected to be negligible.

· The design of the proposed works is considered consistent with the principles of prudent avoidance. Nevertheless, in finalising the design of the project, it would be prudent for the designers to continue to explore all opportunities to further reduce fields but, consistent with the principles of prudent avoidance, only those measures which can be implemented at modest cost and without undue inconvenience need be implemented.

This independent assessment suggests the emissions are negligible and within accepted thresholds. The highest impacts in the City of Darebin are along the 220kV transmission lines which extend north south through the municipality, with the projected impacts being well below relevant health guideline requirements.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The works proposed at 46 King Street Brunswick East are minor and will result in an improvement on existing aesthetic conditions. The proposal is not expected to have a detrimental impact on the residents of Darebin or the Creek environment. In terms of Electric Magnetic Fields the independent report suggests these are well within the levels reported as the thresholds acceptable to ensure there no adverse impacts on public health.

FUTURE ACTIONS

N/A

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 Officer reviewing 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 Minutes – 5 September 2011

The Mayor, Cr. Asmar disclosed a conflict of interest in this matter classifying the type of interest as an indirect interest by close association and describing the nature of the interest as that her auntie resides in Hawthorn Road Northcote and her uncle resides in Elm Street Northcote both potentially affected by the proposal. She left the meeting prior to consideration of the matter – 8.12pm.

APPOINTMENT OF ACTING CHAIRPERSON

The Chief Executive Officer, Rasiah Dev, called for nominations for the position of Acting Chairperson of the meeting.

Cr. Greco was nominated by Cr. Fontana, seconded by Cr. Katsis, and there being no further nominations, was declared Acting Chairperson of the meeting.

Cr. Greco assumed the Chair.

8.4 COMBINED PLANNING SCHEME AMENDMENT C111 AND APPLICATION FOR PLANNING PERMIT D/243/2011 – 99 HELEN STREET, NORTHCOTE

MINUTE NO. 305

AUTHOR: Manager City Development

REVIEWED BY: Director City Works and Development

SUMMARY:

Planning Scheme Amendment C111 and Draft Planning Permit D/243/2011 were recently exhibited. Thirty six submissions were received overall, thirty three being from the community with the majority of these opposing the proposal. Council consent is sought to refer all submissions to the Planning Panel.

The proposal is a combined planning scheme amendment and planning permit request pursuant to Section 96(A) of *the Planning and Environment Act 1997* at the request of Glossop Town Planning Pty Ltd acting on behalf of the owners Builtmore Investments Pty Ltd. Amendment C111 proposes to rezone the land at 99 Helen Street, Northcote from the Industrial 3 Zone to the Business 2 Zone, whilst the planning permit application will enable the use of the existing building for nine dwellings.

Under the Planning and Environment Act (1987), Council must consider these submissions and decide if it wants to progress the planning scheme amendment. In light of the submissions received, it is recommended that Council, under section 23(1) of the *Planning and Environment Act 1987*, requests the Minister for Planning to appoint a Panel to consider all submissions to Amendment C111.

The Panel will provide an appropriate independent forum that will provide a review of all submissions and the opportunity for submitters to be heard in relation to their submissions.

This report summarises the submissions and the issues raised and considers the options available to Council.

CONSULTATION:

Statutory Planning
Planning Enforcement

RECOMMENDATION

THAT Council, having considered all submissions to the combined Planning Scheme Amendment C111 and Application for Planning Permit D/243/2011, requests the Minister for Planning to appoint an Independent Panel in accordance with Section 23(1) (c) of the *Planning and Environment Act 1987* to consider the submissions.

COUNCIL RESOLUTION

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

THAT Amendment C111, which proposes to amend the Darebin Planning Scheme by rezoning the land at 99 Helen Street Northcote from Industrial 3 Zone to Business 2 Zone, be abandoned.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Glossop Town Planning Pty Ltd acting on behalf of the owners 99 Helen Street Northcote (Builtmore Investments Pty Ltd) made a formal combined request pursuant to Section 96(A) of the *Planning and Environment Act 1997* ("**the Act**") to rezone the land from Industrial 3 Zone (IN3Z) to Business 2 Zone (B2Z), and to apply for a Planning Permit to change the use of the existing building for residential purposes. This proposal is supported in the context of the Northcote Activity Centre Structure Plan ("**NACSP**").

Recent Development and Use of the Land

The current building on the site was approved as a commercial building in the IN3Z and the recent history of the land has been an ongoing series of planning permits, plan approval, a Section 173 Agreement, further amendments to conditions and plans, enforcement investigations and hearings, and various Orders from VCAT and the Magistrates Court.

The original Planning Permit D/915/2001 for the development was issued on 6 May 2003 and allowed for *the development and use of the land comprising 9 offices with workrooms and garages and the reduction of two car parking spaces*. A subsequent Section 173 Agreement executed on 1 August 2003 has prohibited the use of the land for either a dwelling or a caretaker's house.

More recent events include:

- Amended Planning Permit No D/915/2001A issued by Darebin Council on 2 January 2007 at the direction of VCAT which essentially allowed for a fourth storey; and
- The enforcement hearing at the Magistrates Court on 17 April 2009 regarding the illegal use of the building for residential purposes which was won by Council with the owner ordered to pay a \$5,000 fine and \$3,000 in costs.

The land has also been affected by the development of the Northcote Activity Centre Structure Plan (NACSP) and the subsequent Planning Scheme amendments which were approved on 3 March 2011 – Amendment C81 which implemented the NACSP and included changes to local planning policy, and a number of rezonings; and Amendment C91 which rezoned industrial land to the north of Arthurton Road to Mixed Use Zone. The recommendations of the Planning Panel for Amendments C81 and C92 which was released in November 2009 made specific recommendations relating to rezoning 99 Helen Street.

Recommendations of Amendments C81 and C92 Panel

The owner of 99 Helen Street made a submission to Amendment C81 requesting a rezoning of the land in accordance with the NACSP, and appeared at the joint Amendments C81 and C92 Panel. The Panel heard that the owner *“constructed nine ‘dwellings’ on the land sometime after 2007 on the understanding, it is said, that this use would be allowed in an imminent amendment to the Planning Scheme.”*

Whilst the Panel did not support the rezoning as part C81, they made a number of points in their discussion of the submission within the Panel Report in favour of this being considered in a further amendment including:

- The owner is in an *“invidious position”* and that *“some urgent statutory change is required to regularise the residential use for which the units are best suited.”*
- That it was *“fair and reasonable to recognise and give statutory authorisation to the existing development on this land and its potential use for residential purposes”*;
- That the *“issues associated with the site at 99 Helen Street should be resolved by a separate site specific amendment as soon as practicable.”*

The Panel therefore concluded that *“(t)he land at 99 Helen Street should be subject to a site specific Scheme amendment as soon as practicable to regularise residential use of the existing buildings on the site.”*

In regard to other land in the Arthurton Road Precinct, the Panel recommended that Council *“should lead and expedite a planning process to inform a rezoning in the southern part of the Arthurton Road precinct including investigations into traffic and parking capacity as well as physical infrastructure requirements.”*

Amendment C111 and Planning Permit D/243/2011

The current proposal in detail comprises the following:

- Amendment C111 proposes to amend the Darebin Planning Scheme by rezoning the land at 99 Helen Street Northcote from IN3Z to the B2Z.
- Application for Planning Permit application D/243/2011 proposes the use of the existing building on the land (which is subdivided into nine allotments) within the B2Z for residential purposes and a reduction of the car parking requirement under Clause 52.06-5 of two spaces per dwelling.

Authorisation

The combined rezoning and planning permit for the land at 99 Helen Street Northcote Amendment C111 was authorised on 10 February 2011.

Previous Council Resolutions

At its meeting on 16 August 2010, Council resolved to adopt Amendments C81 and C92, with a number of changes. This resolution included seeking authorisation at the request of the land owner to prepare a planning scheme amendment to rezone 99 Helen Street to Business 2 Zone, support the removal of the Section 173 Agreement for the land which currently prohibits residential uses and support the future use for residential purposes once the land has been rezoned.

At its meeting on 18 April 2011, Council resolved that:

- (1) Council seek to satisfy the conditional authorisation of Amendment C111 from the Minister for Planning.
- (2) When full authorisation is received, officers are directed to arrange for the public exhibition of Amendment C111 to the Darebin Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*.

Public Exhibition and Community Consultation

The combined Amendment C111 and draft Planning Permit D/243/2011 were exhibited for one month between 19 May 2011 and 20 June 2011 in accordance with Section 19 of the *Planning and Environment Act (the 'Act'), 1987*. Notice of the Amendment was provided in the following manner:

- Victoria Government Gazette on 19 May 2011.
- Notice via post to owners and occupiers in the area including all industrial properties within the Artherton Road Precinct, and the adjoining and adjacent residential area to the south and east including all properties in Turnbull Grove.
- Notice via post to all authorities and Ministers prescribed in the Act.
- Notices in the Preston Leader and the Northcote Leader on 17 May 2011.

Amendment documents were available for viewing at the Strategic Planning Customer Service Counter, Preston and, electronically via the websites of Darebin City Council and the Department of Planning and Community Development.

A total of thirty six submissions were received at the close of the exhibition period, which are detailed below. It is recommended that all submissions are referred to a Planning Panel.

ISSUES AND DISCUSSION**Compliance with Planning and Environment Act 1987**

As has been detailed above, Council has exhibited Amendment C111 and Draft Planning Permit D/243/2011 in accordance with the requirements of the Act.

Council now must consider all submissions to Amendment C111 and after considering a submission which requests a change, Council must (section 23(1)):

- a) Change the amendment in the manner requested; or
- b) Refer the submission to an independent panel; or
- c) Abandon the amendment or part of the amendment.

In accordance with Section 23 (2) of the Act, Council may refer to the Panel submissions which do not require a change to the amendment. Council may also decide to modify parts of the amendment in response to issues raised in the submissions and Council can present this modified position to the Panel.

It is recommended that Council refer submissions to a Planning Panel, however with several changes to the draft Planning Permit in response to the submissions.

Submissions

Of the 36 submissions received at the close of the exhibition period, thirty three of these were from the community. Most of the community submissions raised concerns with the proposal and included a signed form letter submitted by 25 of the submitters and a single petition containing a further six signatories. One submission from landowners of industrial land in the area was generally in support of the rezoning, however questioned the process of rezoning this individual parcel as opposed to looking at the whole Arthurton Road Precinct to the south of Arthurton Road.

Key themes of the submissions objecting to the proposal can be summarised as follows:

- Loss of amenity – noise, overlooking, garbage collection
- Car parking
- Circumvention of the planning process
- Building design – inappropriate for a residential building, building height exceeds the NACSP (which is two storeys).
- The joint amendment and planning permit process.
- Questions over Council's role in the development and current amendment.

An additional three submissions were received from Ministers or agencies. No objections were lodged, though Department of Business and Innovation noted that residents should be notified of the changes.

Response to the submissions

Amenity Issues

Submitters have raised a number of existing amenity problems, mainly stemming from past illegal uses of the building with fears that these problems will get worse when residential use is legitimised.

Whilst a number of amenity conditions have been included in the draft Planning Permit, Council has limited capacity to further respond to the amenity issues raised for the following reasons:

- The building is mostly completed and is constrained in its location on the southern edge of the existing industrial area and the Arthurton Road Precinct which has meant that there has been little alternative than the approved orientation of windows and balconies to the south and east.
- Through the Planning Permit process for the development, the developer has complied with relevant design criteria regarding overlooking and Council's Statutory Planners are satisfied that the building complies with these standards.
- With the rezoning and change of use, future residents of the building will need to respect the amenity of other residents within the building as well as residents in the surrounding area. Breaches of noise controls by any resident of the building will be a matter for the Victorian Police rather than planning enforcement.

The issue of garbage collection however is one matter which is proposed to be included in an amended draft Planning Permit. In the added condition, a Waste Management Plan will be required before the land is occupied and arrangements for private waste collection will need to be made by the owner. This is considered an appropriate change to the exhibited permit given the higher density of the development to surrounding residential uses.

The land owner has also expressed a willingness to install fittings to each front door to reduce any problems from slamming doors.

Circumvention of Planning Process

Due to a convoluted series of processes in the development and use of the land, it has been difficult for members of the public to follow what is going on. Many of the objectors feel that they have not had a suitable opportunity to comment on the building as a residential building and that it is has been an intentional circumvention of the planning process.

In response to this, the original Planning Permit preceded the preparation of the NACSP and subsequent decisions made by either Council or VCAT were largely independent of this strategic process.

The current amendment and Planning Permit proposal would therefore be a positive step in resolving the ongoing issues involving the illegal use of the land for residential purposes.

Building Design

As mentioned previously, the building has been designed primarily as a residential building in anticipation for changes brought about by the NACSP which recommends the area become a mixed use area. Whilst the Arthurton Road Precinct recommends a two storey interface on the southern boundary (which includes 99 Helen Street), the development of the site has been well established by a series of decisions by Council and VCAT.

Car Parking

The issue of car parking reduction is also complex. Submitters have listed car parking as a major concern with the change of use likely to put pressure on an area already short of on-street parking. The current commercial uses are likely to be converted to three bedroom dwellings. Each of the proposed dwellings, with the exception of Dwelling 1, provides one car space which is less than what is required under Clause 54 of the Darebin Planning Scheme (Standard A9 at clause 54.03-7). In accordance with the residential parking scheme

for new developments post-2004 (as amended 20 December 2004), residents of the buildings will not be eligible for residential parking permits.

The applicants have calculated that the car parking credit associated with the approved office use for each of the proposed dwellings is 1.6 spaces. A reduction in car parking was approved with the original Planning Permit, as the total car parking requirement for the original design with the combined workshop floor area and office floor area was calculated at 14 car spaces. The approved design however allowed for a single garage per unit, two visitor car spaces and a loading bay.

In addition to the existing parking credits, Clause 52.06 also lists the availability of public transport as another guideline for Council to consider when assessing parking reductions or waivers. The subject site is very well located within the Northcote Activity Centre to tram, train and bus services.

The assessment complies with the car parking guidelines under Clause 52.06 and the applicant's argument that the car parking situation is adequate and satisfactory is therefore accepted. The car parking situation for future owners can however be further clarified in a Section 173 Agreement condition stating that future residents will not be eligible for residential parking permits. It is proposed to add this condition to the draft Planning Permit.

The combined permit and amendment process

Council has been criticised for allowing the amendment and permit processes to be combined. The combined process is provided for under Division 5 of Part 4 of the Act with Section 96A of the Act provides for a planning authority to consider an application for a planning permit concurrent with an amendment to a planning scheme. Notice must be given both of the preparation of the amendment and the permit application. The Minister may grant a permit at the same time as the amendment is approved.

The combined process allows for all issues relevant to the proposal to be dealt with at one time. It should also be noted that the Amendment C81 and C92 Panel supported the urgent rezoning of the land.

Proposed changes to Draft Planning Permit

Several changes are now proposed to the draft planning permit in response to the submissions, being:

- Changing the requirements for landscape boxes. This will ensure that the permits issued for the land are consistent and that the residential amenity of the building is enhanced.
- Adding a condition requiring a Waste Management Plan, including privately communal garbage collection. This will have the affect of minimising the garbage bin problem as referred to in several submissions.
- The requirement for a Section 173 Agreement to place a restriction on title that the owner acknowledge that residents will not be granted a resident parking permit by Council.

Appointing a Panel

Under *the Act*, Council must consider these submissions and decide if it wants to progress the planning scheme amendment by requesting the appointment of a Panel. In light of the submissions received, it is recommended that under Section 23(1) of the *Act*, Council requests the Minister for Planning to appoint a Panel to consider all submissions to Amendment C111.

The Panel will provide an appropriate independent forum to assess the proposal and review of all submissions. Submitters also have the opportunity to be heard.

POLICY IMPLICATIONS**Environmental Sustainability**

The amendment and the associated Planning Permit will involve the reuse of an existing building and will provide for a mix of housing and commercial use with convenient access to the Northcote Activity Centre and public transport.

Social Inclusion and Diversity

The amendment and the associated Planning Permit will increase the stock of residential properties within the Northcote Activity Centre and will provide greater diversity and choice in the housing provided locally. The change of use of the existing building will also create an appropriate buffer between the lower density residential uses to the south and the higher density mixed use developments to the north, enhancing liveability and better amenity in the area, in line with Council's commitment to respecting community diversity and wellbeing.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The preparation and processing of the planning scheme amendment is funded by the proponent, being the owner of the land at 99 Helen Street, Northcote.

CONCLUSION

The appointment of a Panel is considered the best option for the Council to follow.

Council is in a limited position to respond to the submissions to Amendment C111 and Draft Planning Permit D/243/2011. The position to rezone the land and to permit residential use is supported by the NACSP and previous decisions and resolution by Council and VCAT as well as the recommendation of the Amendments C81 and C92 Panel. It will also allow the opportunity to resolve some of the long running issues associated with 99 Helen Street, Northcote.

This independent forum will allow the applicant and all submitters to have their points heard.

FUTURE ACTIONS

The recommendation of this report is for all submissions to be referred to an Independent Planning Panel.

All parties will be invited to present to the Planning Panel.

A Panel Report will need to be ratified by the Council being the amendment proceeds.

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 Officer reviewing 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 Planning Scheme Amendments C81 and C92 – Panel Report, November 2009*
- Council Minutes (20 December 2004), Item 7.7: *Parking Permit Policy for New Residential Developments*
- Council Minutes (19 August 2010), Item 7.2: *Amendment C81 Northcote Structure Plan and Amendment C92 Australian Horizons Sites – Proposed Adoption*
- Council Minutes (18 April 2011), Item 8.3: *Amendment C111 to the Darebin Planning Scheme – Rezoning of 99 Helen Street, Northcote*
- *Planning and Environment Act, 1987.*
- **Appendix A** – Draft Planning Permit D/243/2011 – 99 Helen Street, Northcote

The Mayor, Cr. Asmar, returned to the meeting and resumed the Chair – 8.31pm

**8.5 AMENDMENT C115 TO THE DAREBIN PLANNING SCHEME
- CONSIDERATION OF SUBMISSIONS AND ADOPTION****MINUTE NO. 306****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

The purpose of this report is for Council to consider submissions made in regard to the exhibition of Amendment C115 to the Darebin Planning Scheme and to decide on how to proceed with the amendment under the provisions of the Planning and Environment Act.

Amendment C115 affects the land at 195-209 St Georges Road Northcote and proposes to:

- Rezone the land from Industrial 3 Zone (IN3Z) to Business 2 Zone (B2Z),
- Amend the Schedule to the Business 2 Zone to require a planning permit for office use on the site should the area occupied by offices exceed a leasable floor area of 2000m²,
- Apply a Design and Development overlay to the land, and
- Apply an Environmental Audit Overlay to the land.

Council resolved at its meeting on 20 December 2010 to request the Minister for Planning to authorise the preparation of Amendment C115 to the Darebin Planning Scheme. The authorisation was granted on 31 May 2011.

In addition, a Section 173 Agreement, requiring future development of the site to incorporate a social housing component, accompanies this planning scheme amendment. Council resolved to prepare the planning scheme amendment subject to the owner of the land entering into an agreement to make provision for social housing on the land. The owner of the land has now signed the agreement and it can be executed on the approval of the amendment by the Minister for Planning.

Notice of Amendment C115 was given under the provisions of the Planning and Environment Act 1987 ('the Act'), with a formal exhibition period of 14 July 2011 to 15 August 2011. A total of 4 submissions were received during the public exhibition process raising no objections. One submission was received which requested changes to the amendment.

Under Section 23(1) of the Act, after considering a submission which requests a change to the amendment, Council must;

- a) Change the amendment in the manner requested; or
- b) Refer the submission to a panel appointed by the Minister for Planning; or
- c) Abandon the amendment or part of the amendment.

Council is recommended to adopt the amendment with changes.

CONSULTATION:

Internal consultation was undertaken with Strategic and Statutory Planning staff.

The following external parties and personnel were consulted during the exhibition of Amendment C115:

- Department of Planning and Community Development
- Minister for Planning
- Minister for Environment and Climate Change
- Minister for Agriculture and Food Security
- Minister for Water
- Minister for Energy and Resources
- Member for Northcote
- Member for Preston
- Members for Northern Metropolitan Region
- Federal Member for Batman
- Environment Protection Authority
- CitiPower
- AGL
- TRUenergy
- Yarra Valley Water
- Melbourne Water
- Telstra
- VicRoads
- Origin Energy
- SP AusNet
- Heritage Victoria
- Department of Transport
- Department of Business and Innovation
- Property owners and occupiers affected by Amendment C115

COUNCIL RESOLUTION

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

THAT Council:

- (1) Modify Amendment C115 as requested by the submission from VicRoads pursuant to Section 23(1) of the Planning and Environment Act ('the Act').
- (2) Adopt Amendment C115 with changes pursuant to Section 29(1) of the Act.
- (3) Write to the Minister for Planning requesting approval of Amendment C115 to the Darebin Planning Scheme under Section 31 of the Act.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

Amendment C115 affects the land at 195-209 St Georges Road Northcote and proposes to:

- Rezone the land from Industrial 3 Zone (IN3Z) to Business 2 Zone (B2Z),
- Amend the Schedule to the Business 2 Zone to require a planning permit for office use on the site should the area occupied by offices exceed a leasable floor area of 2000m²,
- Apply a Design and Development overlay to the land, and
- Apply an Environmental Audit Overlay to the land.

Rezoning the subject site to the Business 2 Zone will facilitate the regeneration of an underutilised industrial site, in accordance with the State and Local Planning Policy Framework of the Darebin Planning Scheme that supports mixed use development on strategic redevelopment sites close to public transport. The rezoning of the site will allow for the establishment of a mix of uses, including space for new business in growing economic sectors. The establishment of residential land use will assist in supporting existing commercial activity in the area.

Council resolved at its meeting on 30 December 2010 to:

- (1) Write to the Minister for Planning to request authorisation to prepare Amendment C115 to the Darebin Planning Scheme in accordance with the *Planning and Environment Act 1987*. When authorisation is received officers are directed to arrange for the public exhibition of the amendment in accordance with Section 19 of the Act.
- (2) Delegate officers to develop a program of actions necessary to ensure a Section 173 agreement, enabling the provision of social housing on the site as part of its future development, is signed by the proponents prior to the adoption of Planning Scheme Amendment C115.

Authorisation to Prepare

Council received authorisation from the Department of Planning and Community Development to prepare Amendment C115 on 31 May 2011.

Section 173 Agreement

Council resolved to prepare this planning scheme amendment subject to the owner of the land entering into an agreement to make provision of social housing on the site as part of its future development.

The Section 173 Agreement was prepared by Maddocks Lawyers, and reviewed and accepted in principle by the land owners prior to authorisation to prepare the amendment being sought.

The draft (unsigned) Agreement (refer to copy attached – see **Appendix A**) was subsequently exhibited with the planning scheme amendment. The owner of the land has now signed the Agreement.

Exhibition of Amendment

In accordance with the requirements of Section 19 of the Act, Notice of Amendment C115 was given as follows:

- Letter to the Minister for Planning advising of the exhibition with copies of all exhibition documentation on 20 June 2011.
- Letter to all Prescribed Ministers, service authorities and local Members of Parliament on 6 July 2011.
- Letter to surrounding property owners and occupiers considered to be directly affected by the amendment on 6 July 2011 (being 188 identified owners and occupiers within a 100 metre radius of the site).
- Publication of the Notice of Amendment in the public notices section and a page 4 advertisement in both the Northcote and Preston Leader newspapers on 12 July 2011.
- Publication of the Notice of the Amendment in the Victoria Government Gazette on 14 July 2011.

The amendment documentation was formally exhibited from 14 July 2011 (date of Gazette notice) until 15 August 2011. A copy of the exhibited amendment documentation is attached.

Submissions could be made about the amendment until 15 August 2011.

Submissions

A total of four submissions were received during the exhibition of Amendment C115 to the Darebin Planning Scheme. The submissions to the amendment are summarised in the table below.

Who	Nature of submission	Recommendation
Department of Sustainability and Environment	No objection to the amendment	-
Department of Business and Innovation	No objection to the amendment	-
Melbourne Water	No objection to the amendment	-
VicRoads	No objection to the amendment, subject to changing Schedule 15 to the Design and Development Overlay, Clause 6.0 Decision Guidelines to include the following (or the like): <ul style="list-style-type: none"> • In deciding whether the development plans are satisfactory, the Responsible Authority must consider the views of VicRoads. • The extent to which the development minimises the impact of traffic and parking on the road network. 	Change the amendment in the manner requested, pursuant to <i>section 23(1)(a)</i> of the Act

ISSUES AND DISCUSSION

Consideration of Submissions

Of the four submissions received, three did not object to nor request any changes to the amendment.

VicRoads have requested that wording in the proposed Design and Development Overlay (DDO) schedule be changed. VicRoads does not object to the proposed amendment, but wish for greater provision in the proposed DDO be made for consideration of their views and the impact of future development on the road network.

Given that the site directly adjoins St Georges Road, which is a major arterial road, zoned as Road Zone Category 1 and managed by VicRoads, this appears to be a reasonable request.

It should be noted that VicRoads would have statutory referral authority powers under the Darebin Planning Scheme for any proposal to alter access to St Georges Road from this site. The decision guidelines requested to be added into the DDO would ensure that VicRoads' views are considered whether access to the road is altered or not in a future development application.

Change to the amendment

Under Section 23 of the 'Act', Council is required to make a decision after considering all submissions. After considering a submission which requests a change to the amendment, Council must:

- a) Change the amendment in the manner requested; or
- b) Refer the submission to a panel appointed by the Minister for Planning; or
- c) Abandon the amendment or part of the amendment.

In consideration of VicRoads' submission, the 'Decision Guidelines' section of the proposed DDO could be modified as follows, with new lines inserted shown as underlined:

6.0 Decision guidelines

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Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- The architectural quality and innovative response of the building design.
- The proposed streetscape design.
- The layout and appearance of areas set aside for car parking, vehicular access and loading and unloading.
- The design and location of pedestrian and vehicular access and egress from the site.
- The extent to which the development minimises the impact on traffic and parking on the road network.
- The views of the relevant road management authority.
- The effect of new development on the amenity of neighbouring residential properties.
- The height and form of development to the public realm.
- The environmental performance of the development.
- The extent to which the development achieves the design objectives set out in the *Design Guidelines for Higher Density Residential Development* published by the Department of Sustainability and Environment (2004).

Use of the term 'relevant road management authority' instead of the 'VicRoads' corporate name follows standard practice for Victorian Planning Schemes.

The revised DDO has been reviewed by VicRoads who are satisfied with the changes.

It is therefore recommended that Amendment C115 be modified as shown above, generally in accordance with the submission by VicRoads. No other changes to the amendment are required.

Under Section 29(1) of the 'Act', Council can adopt Amendment C115 as modified.

There will be no requirement for the amendment to be referred to a Planning Panel.

Section 173 Agreement

The owner of the land has signed the Agreement, a draft of which was exhibited alongside the amendment documentation.

Should Council adopt this amendment, Council officers will arrange for the Agreement to be countersigned by Council and executed (ie. registered on title) on approval of the amendment by the Minister for Planning.

POLICY IMPLICATIONS

Environmental Sustainability

The proposed amendment will encourage environmentally sustainable design and facilitate new housing and commercial uses in an area with convenient access to public transport.

Social Inclusion and Diversity

The proposed amendment will encourage a range of housing types and forms suitable for diverse household types. The proposed amendment will also encourage enhanced liveability and better amenity in the area, in line with Council's commitment to respecting community diversity and wellbeing.

The ability of Council to facilitate the provision of social housing on this site as an outcome of the planning scheme amendment will deliver significant benefit for the disadvantaged population and is consistent with the objectives of *Responding to Housing Stress – a local action plan 2010-2013* and the current *Integrated Housing Strategy*.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

There are financial implications associated with the preparation and processing of a planning scheme amendment. In this case, the costs of the amendment are funded by the proponent.

CONCLUSION

The proposed planning scheme amendment is considered appropriate and it is recommended that Council adopt the amendment with changes as outlined in this report.

FUTURE ACTIONS

Should council decide to adopt Amendment C115 with changes as outlined, the amendment will then be submitted to the Minister for Planning for approval.

On approval of Amendment C115 by the Minister, the Section 173 agreement for the provision of social housing on the site as part of future development will be countersigned by Council and executed (ie. registered on the title of the land).

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 Officer reviewing 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 Darebin City Council meeting on 20 December 2010
- Planning and Environment Act 1987
- Darebin Planning Scheme
- **Appendix A** – Copies of Notice of Preparation of Amendment C115, Explanatory Report, List of changes to the Darebin Planning Scheme and relevant Extracts, and Section 173 Agreement

8.6 SUBMISSION BY COUNCIL TO THE REVIEW OF THE VICTORIAN PLANNING SYSTEM**MINUTE NO. 307****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

This report outlines the details of a submission proposed to be submitted on the Council's behalf for the review by the Ministerial Advisory Committee of the Victorian Planning System with a particular focus on the operation of the Victoria Planning Provisions and Planning Schemes. The submission sets out opportunities for reform and improvement, highlighting policy gaps such as sustainable development and affordable housing.

CONSULTATION:

There has been limited external consultation in relation to the preparation of this submission, however elements do reflect sections of the Council Plan and customer feedback in relation to the performance of the planning scheme and general planning issues.

COUNCIL RESOLUTION

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

THAT Council provide a written submission to the Ministerial Advisory Committee for the review of the planning system in Victoria that highlights a City of Darebin perspective of improvements and policy gaps that need to be addressed.

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

The Victorian Planning System, including the structure and content of planning schemes, was last reviewed in the mid 1990s and resulted in the introduction of the Victoria Planning Provisions. Since then, and on a similar path to the complexity and length of taxation legislation, there has been many changes made to the Planning and Environment Act (1987) and the Victorian Planning System.

The Minister for Planning has appointed an Advisory Committee to undertake a a review of the planning system and as part of this process, the Advisory Committee is consulting with the community and industry to consider all parts of the planning system.

The Advisory Committee is being asked to invite submissions on what works and what does not work with the planning system and how it should be modified for the future.

The Advisory Committee has been appointed to review the whole planning system including the provisions of the Planning and Environment Act 1987 and how it works; the State and local policy provisions; the operation of zones and overlays; the use of incorporated and reference documents; and the way permit applications and rezoning requests are dealt with.

The Advisory Committee has asked that submissions generally cover the following points:

- What's good about the system?
- What works well and what doesn't?
- What are the ways to fix the problems and improve the system?
- How can the planning system be more effective and efficient?
- How can the planning system be made easier to access and understand?
- Is the present planning system right for Victoria?
- Are the respective roles of the State and Local Government in the planning system still appropriate?

A three page terms of reference has been issued and canvasses the scope of the review in more detail, in addition to outlining the general review process, consideration of submissions and outputs to be achieved. The Advisory Committee is required to submit a preliminary report to the Minister for Planning by 30 November 2011.

ISSUES AND DISCUSSION

The following section outlines the suggested format and content for Council's submission to the Advisory committee.

Submission Introduction

The City of Darebin welcomes the opportunity to have input into the review by the Ministerial Advisory Committee of the planning system in Victoria and trusts that the issues and opportunities raised in its submission will deliver a more simplified and relevant planning framework. In general the structure of the Planning and Environment Act and Victoria Planning Provisions seems to serve the State well and Council submits that the changes required are substantial but not wholesale. A number of simple 'quick fix' measures can be undertaken to streamline processes and simplify the system for the benefit of Victoria. These relatively simple changes should be made without delay and independent of a more holistic review process. The key issue seems to be the way the planning system handles relatively minor applications and how it fails to adequately reward good planning outcomes. Both instances are put through the same rigour and exhaustive process to the detriment of progress. Many minor works and development should be simply removed from the planning system and a fast track process provided for development that through an assessment process demonstrates a good planning outcome.

What is good about the Current System?

The general approach and intent of a standardised planning scheme framework to a large extent has been successful, however with time it is struggling to meet its original intentions of providing greater certainty and being relatively simple to implement. The legislation through the Planning and Environment Act (1987) also to a large extent has achieved its general objectives and has achieved good levels of public participation and has driven a greater focus on planning outcomes at a local level. Its set out and rationale for the planning approval process is generally sound and achieves a good balance between promoting social, environmental and economic outcomes.

What works well?

The general structure of the Victoria Planning Provisions, including the standardisation of zones, overlays, definitions and some general and particular provisions have been effective in guiding good planning outcomes. The State Planning Policy Framework has also achieved the general need to provide a consistent policy framework across the State, despite specific policy shortcomings.

What changes should be made?

Residential Provisions – With the increase in urban renewal activity around the inner and middle suburbs it has highlighted a number of flaws in the ResCode provisions. These provisions are becoming dated and should be comprehensively reviewed and done so from a point of view of simplifying the planning process.

Some of the issues Darebin has been facing with ResCode provisions include the need to more flexible with open space provisions in activity centre locations, the level of protection that should be afforded to secluded private open space and issues with two storey development going into low density single storey residential areas. ResCode implies a commitment to good urban design outcomes yet it lacks clarity and effect in preventing garage dominated development and blank walls addressing street frontages.

Suggestion for improvement

Undertake a comprehensive review of ResCode increasing the strength of urban design and urban amenity requirements and simplify the provisions to assist in streamlining of applications.

Environment Audit Overlay (EAO) is placed like a blanket even in areas that are not affected by environmental risk. This not only generates unnecessary applications but also increases the cost of development and impedes development opportunities. A review of Ministerial Direction No1 should be undertaken to streamline EAO processes.

Suggestion for improvement

Removal of EAO from the planning system and a separate legislative system to administer the land contamination process that assigns full responsibility with the polluter or land owner for the clean up of sites. Alternatively the guidelines should be clarified to only require an audit or statement for a change to a sensitive use .

The system could be improved by streamlining the planning scheme amendment process to ensure that sites with completed audits or statements allowing a sensitive use are removed from being affected by an overlay by regular State-wide based planning scheme amendments.

Special Building Overlay and Land Subject to Inundation Overlay (SBO and LSIO)

SBO and LSIO are applied in areas that are no longer affected by flooding. They are applied in a way for Melbourne Water to burden the planning system with minor approval requirements utilising Councils as an agency to vet building activity in areas where its infrastructure or where drainage capabilities may be impacted.

Suggestion for improvement

- In collaboration with respective water authorities and Councils, the SBO and LSIO should be removed in areas that are no longer affected by flooding.
- Planning requirements should be replaced by a code assess system which may annul permit triggers subject to the proponents first having their building plans stamped 'as approved' by relevant water authority (eg. Melbourne Water or Yarra Water). The floor levels for such developments can be determined as part of the building permit. This effectively writes a whole host of minor works out of the planning system, particularly for development where the only permit trigger is the SBO/LSIO – such as single dwellings on lots with an area in excess of 300m².
- Where a planning permit is required (for other matters such as the construction of two or more dwellings on a lot) Melbourne Water should simply be a referral authority rather than triggering a permit on its own.

Clause 52.06 - Car parking Council welcomes the recent announcement and urges the Government to ensure that this important body of work is completed. The car parking requirements are excessive and inconsistent with practical requirements and levels of parking consistently adjudicated by Victorian Civil and Administrative Tribunal (VCAT). These levels were set 11 years ago, they are outdated and are triggering unnecessary planning permits. They are triggering many minor applications requiring permits to be issued for situations where there are section 1 (permit not required) uses that require a permit because existing use rights cannot be proven and car parking is not available in accordance with the planning scheme.

Suggestion for improvement

The Clause 52.06 - Car parking provisions review is completed with a more common sense basis provided to the requirements and clear exemptions provided for any section 1 use.

Liquor licensing: Assessment of liquor licensing applications at local government level adds no value to land use planning. Local governments should only be a referral authority in the liquor licensing process to comment on social issues as opposed to an assessment authority.

Suggestion for improvement

Liquor licensing assessments should be transferred to Liquor Licensing Victoria and not duplicated in the planning system. The agency should refer applications to local governments for comments on any local social issues require consideration.

Heritage Overlay and Neighbourhood Character – Further work can be undertaken to provide a code assess approach or State-wide exemptions to remove unnecessary permit triggers for minor works. Minor works include rear extensions, garden sheds, solar panels, water tanks and potentially rear home extensions that have no impact on the heritage streetscape. Currently many Councils are using Incorporated Plans to get around these impediments when a State-wide solution is warranted.

Neighbourhood character requirements are often misinterpreted as the need to retain the existing single scale character. This contradicts the directions provided in the State Planning Policy Framework via Amendment VC75, which in Clause 16 requires to:

Increase the proportion of housing in metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at strategic sites..., and

“Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport”.

Suggestions for improvement

- Amend the Heritage Overlay to provide a number of code assess options or general exemptions for low impact works from planning requirements. These works would include minor extensions, carports and rear yard structures.
- Uses such as water tanks, solar panels, garden sheds, swimming pools, decks, pergolas and rear home extensions that are not visible from the street should be exempted from requiring a planning permit.
- Alternatively, a deemed to comply process could be applied to a range of minor works that are exempted from advertising and require a letter of satisfaction from the responsible authority.
- Clear direction is required from the State indicating that Neighbourhood Character requirements should be discouraged in key areas that are identified in a Housing Strategy as areas for ‘High Change’.

Lots under 300m² – Currently a planning permit is required for minor developments such as external awnings, garden sheds, rear carports and any form of extension to a house on a lot under 300m². This requirement generates a number of unnecessary planning applications that demand an excessive amount of officer time.

Suggestion for improvement

Councils should have the flexibility to free up their planning departments by removing the requirement for a permit for a number minor works including single storey house extensions, carports, sheds, awnings and other similar works. Alternatively, a deemed to comply process could be applied to a range of minor works that are exempted from advertising and require a letter of satisfaction from the responsible authority.

Notice provisions under Section 52 of the Planning and Environment Act, 1987 – Under the current provisions if one person/property is deemed to be affected then all adjoining properties are deemed to be affected which results in unnecessary notification for a number of less complicated matters and can result in unnecessary delay. The provisions should be modified to be more consistent with Section 57A of the Act which allows Council to determine who will be affected and notify only those owner/occupiers.

Exempt notice and review for adopted structure plans and precinct plans - Structure Plans and Precinct Plans are larger versions of Development Plans however, under Development Plans, proposed developments are exempted from notice and review requirements if developments are deemed to be consistent with the approved Development Plan. In contrast, developments within the adopted Structure Plans or Precinct Plans areas are not exempted from notice and review requirements even if the proposed developments are in accordance with the adopted Structure Plans or Precinct Plans. Development that is consistent with a structure plan that has been through an independent panel review process

and supported by mechanisms in the planning scheme, such as an Activity Centre Zone, should be exempted from notice and review requirements. Under the current situation a form of over consulting is generated and there is confusion in the community where residents get consulted on numerous occasions, both at the planning scheme amendment as well as development stages. This practice does not provide certainty to developers, causing significant delays in approvals and is obstructive to implement the outcomes of structure plans and precinct plans.

Suggestion for improvement

The State Government could provide exemptions from notice and review requirements for developments that are inconsistent with the adopted structure plans and precinct plans on a similar basis to development plans.

However, immediate neighbours can still have an opportunity to comment on certain design details of developments that could detrimentally affect them (eg. colour, materials, overlooking and overshadowing). These concerns can be addressed through design solutions and by revising the plans without compromising the preferred height, scale and overall development capacity of key sites.

- This will save a lot officers' time and resources on community consultation, negotiation and on VCAT proceedings,
- This will improve the assessment time,
- Will provide certainty to landowners and developers which are critical to encourage developments, and
- It will also avoid the confusion caused to the community through over consulting in the planning process

Quality of Planning Permit Applications

The biggest delay in the planning process in Darebin is associated with the quality of planning applications lodged and requests for further information. Records at Darebin show that the average planning application that requires further information is delayed by four months. Often the information required is simple and follows basic requirements of the planning scheme. Of further concern is that these applications are lodged by so called professionals.

It is suggested that the review should also include an examination of this issue and in particular measures that can be put in place to ensure planning applications from professional based applicants adhere to planning scheme requirements in order to be formally lodged as an application. There should be a stronger process to return applications that are lodged on an incomplete basis. Further requirements need to be specified and referred to in the scheme and legislation to ensure that a higher percentage of applications are lodged without the need for a further information request. As an example, Darebin regularly receives applications for unit development that excludes the lodgement of details such as elevation plans. Under the regulations, the applications lodged without elevation plans have to be accepted and this wastes time and resources.

Planning scheme amendment process - Amendment processes are inefficient and too slow, with many unnecessary steps that simply add delay and not value to the process. A comprehensive process review should also be undertaken within the Department of Planning and Community Development (DPCD) to remove the blockages and delays to the planning scheme amendment process. The authorisation process is a clear example adding no value when clearly DPCD maintains the right to refuse an amendment that does not accord with State Policy or is not strategically justified.

A fast track amendment process should be provided for amendments that implement clear actions in the MSS and can demonstrate a clear record of prior consultation with the community. In these instances a process similar to Ministerial approval should be provided to ensure key strategic implementation measures are delivered in a timely manner.

Minor changes to amendments in response to the comments received during public exhibition are often treated by DPCD as inappropriate and the stance is taken to go back to the start of the process. The exhibition process is in place to encourage public comment from the affected parties and Council is bound by the Act to either agree to these comments or require the appointment of a Panel. DPCD should exercise greater flexibility and enable Council's to make reasonable and justifiable changes after the public exhibition process. This latitude should be increased where a Panel is appointed and the opportunity provided to consider the proposed changes in this public forum.

Suggestion for improvement

Undertake a comprehensive review of the planning scheme amendment process in consultation with local government, to implement a more efficient process that removes unnecessary steps and establishes timelines for actions by both DPCD and Councils in planning scheme amendment process.

Implement a fast track amendment process to make changes that are in accordance with actions determined in an MSS or that have been through an extensive consultation process.

Panel process

A panel should not be required for a planning scheme amendment that implements a direction that is clearly articulated in an MSS.

VCAT and plan changes – There is concern in the community and at a Council level in regard to the practice of developers making substantial amendments to plans on the day of VCAT hearings. This practice is insincere and should be occurring prior to a Council making its initial decision. When this practice occurs, VCAT should be directing proponents to make a fresh application to act as incentive to ensure that appropriate plan changes are made earlier rather than at the end of the planning process.

Affordable Housing

One of the purposes of Clause 16 for Housing in the State Planning Policy Framework requires "*Planning for housing should include providing land for affordable housing*". However, within the current planning system there are no mandatory requirements that allow this policy directive to be achieved. The option of Inclusionary Zoning should be considered within the VPPs to guarantee the provision of affordable housing.

New Residential Zones – This previous work seemed to have merit and enabled Councils through a housing strategy to define areas in their municipality where major redevelopment or higher density development would occur through to areas where relatively little change would be accommodated through the planning scheme. This work should be recommenced and refined for applications across the metropolitan area. These potential planning tools would be complementary to the new metropolitan strategy and will assist in delivering a greater level of certainty to the community.

Ecologically Sustainable Design – Clear and strong directions for Ecologically Sustainable Design (ESD) in developments should be provided with the ability for Councils to require ESD compliant development for larger projects of 20 or more dwellings.

State planning directions – State-wide planning directions contain a number of inconsistencies with a number of objectives that are contradictory. These create a lot of confusion at a local level and lead to different interpretations by planners, developers and the community. For example the purpose of Residential 2 Zone as set in Clause 32.02 are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage residential development at medium or higher densities to make optimum use of the facilities and services available.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

In the above example, dot points 2 and 3 contradict each other ie. higher densities cannot be achieved with any certainty if residential development is required to respect the neighbourhood character.

Suggestion for improvement

Inconsistencies and contradictory clauses should be removed to provide greater clarity and certainty. Where varying objectives are to be encouraged, the policy statements should be written to avoid contradicting directions and to allow flexibility where necessary.

Cultural Heritage Management Plans – The requirement for Cultural Heritage Management Plans to be completed prior to the issue of a planning permit should be removed and left independent of the planning process. This change in process has seen major cost increases and has served to delay rather than inform planning processes. Despite the good intentions of the legislation it is fair to conclude that this requirement has burdened the planning system and has not yielded its intended benefits.

The above suggested changes to the planning system are relatively simple and will improve the efficiency of the Planning System in Victoria by removing unnecessary planning triggers and facilitating faster permit and amendment approvals. These initiatives will also reduce the cost of development and save resources at both Council and State Government level.

POLICY IMPLICATIONS

Environmental Sustainability

The submission considers opportunities to improve the sustainability of development approved through the planning system.

Social Inclusion and Diversity

The submission seeks to have issues related to social housing considered as part of the planning process.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The changes outlined in Council's submission deliver relatively simple solutions and will improve the efficiency of the Planning System in Victoria by removing unnecessary planning triggers and facilitating faster permit and Planning scheme amendment approvals.

FUTURE ACTIONS

Council should take advantage to promote the changes put forward in the submission in any future meetings with the Minister for Planning.

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 Officer reviewing 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

Planning and Environment Act (1987)

During discussion, several Councillors raised issues which were noted by the Director City Works and Development, Michael Ballock, to be incorporated into the Submission to the Ministerial Advisory Committee being prepared, to be circulated to Councillors as soon as possible and ultimately "signed-off" by Council at its Briefing Session next Monday night, 26 September 2011.

8.7 REVIEW OF COUNCIL'S VENUE HIRING POLICY**MINUTE NO. 308****AUTHOR: Manager Leisure, Public Realm and Venues****REVIEWED BY: Director City Design and Environment****SUMMARY:**

At its meeting on 1 August 2011, Council resolved that:

- (1) *Council officers provide a report to Council that outlines the process for reviewing the Council's current venue hiring policy, including the methods of consulting with the community, with a view to ensuring that the future use of community facilities does not promote the sexual objectification of children.*
- (2) *The report include a definition of the term 'sexual objectification', guided by State and Federal Government precedents.*
- (3) *The report be provided to Council within one month.*

Officers have reviewed Council's current venue hiring documents and policies as they apply to the various community facilities and conducted research to identify any State, Federal and Local Government precedents relating to a definition of the term 'sexual objectification'.

This report proposes a method for consulting the community and suggests policy wording to be tested through the consultation process. The policy is intended to set Council's benchmark expectation on use of its community facilities and to develop a policy statement for Council's consideration.

CONSULTATION:

Manager, Leisure, Public Realm and Venues
Venue Manager, Northcote Town Hall
Acting Manager Libraries, Learning and Youth
Coordinator, Civic Services
Coordinator, Reservoir Civic Centre
Manager, Community Planning, Partnerships and Performance
Coordinator, Equity and Diversity
Venue Coordinator, Chapel off Chapel, Prahran
Acting Director Programming, the Arts Centre Melbourne
Victorian Association of Performing Arts Centres (VAPAC) 61 members' delegates
Office of the Child Safety Commissioner

COUNCIL RESOLUTION

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

THAT:

- (1) Council note this report relating to ensuring that the future use of community facilities does not promote the sexual objectification of children.
- (2) Council endorse the method proposed for consultation with the community and with Council's Advisory Committees.
- (3) Council note that a further report, following consultation with the community, will consider new policy wording for the future use of venues facilities.

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

An event, Universal Royalty Beauty Pageant, was held at Northcote Town Hall on 29 and 30 July 2011. The event generated a significant number of complaints from residents together with wide media coverage and a public protest gathering in Fitzroy Gardens. Council received a number of complaints regarding its venue hire policy, particularly based on the view that the event exploited and objectified children.

Council's existing venue hiring controls are implemented when based on legal precedence. Hiring policy encapsulates five human rights protected by the Victorian Charter of Human Rights and Responsibilities. They are:

- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Peaceful assembly and freedom of association
- Take part in public life
- Cultural rights.

Council's facilities provide for social inclusion and serve the diversity of community activities as places for public gatherings, celebrations, public performances, meetings, conferences, art exhibitions, trade expos, seminars and workshops. They contribute to community wellbeing, providing a range of different experiences and opportunities to residents.

ISSUES AND DISCUSSION

Council's Current Venue Hiring Policy

Council's current venue hiring policy is contained in the following documents:

Community Facilities Policy and Guidelines
Conditions of Hire – Preston City Hall and Preston Shire Hall
Reservoir Civic Centre Hiring Policy and Guidelines
Northcote Town Hall Conditions of Hire
Darebin Arts & Entertainment Centre Hiring Agreement

Aspects of these documents address behaviours and activities that are either prohibited or limited, such as smoking, consumption of alcohol, gambling, noise levels, disorderly behaviour, use of candles or open flames, damage to furniture or building, and performing rights.

While the documents provide for inclusion of any further Council condition of use, or right to refuse any booking, none of the documents specifically addresses the assurance that use of the facilities does not promote the sexual objectification of children.

This report provides consideration for the inclusion of an additional hiring policy clause being added to each of the documents to ensure that no future event held in the facilities promotes the sexual objectification of children. In addition, the proposed consultation will provide the opportunity to develop a set of standard conditions of hire for all Council community facilities.

Process to Review Venue Hiring Policy, including Consultation with the Community

The review of the venue hiring policy documents will be informed through consultation with the community.

It is proposed:

- That a draft statement be provided to the community (at venues, libraries, website, customer service centres.) for community comment – 28 day period.
- That a survey of the community, to identify the types of activities/events they do not want to see held in Council facilities, accompany the draft statement.
- That the Darebin Women's Advisory Committee, Active and Healthy Ageing Advisory Committee, Darebin Aboriginal Advisory Committee, Darebin Arts Forum, Darebin Disability Advisory Committee, Darebin Early Years Reference Group, Darebin Housing Advisory Committee, Darebin Interfaith Council, Darebin Local Safety Committee, Darebin Women's Advisory Committee, Darebin Health (Municipal Public Health and Wellbeing Plan) Steering Committee and Darebin Ethnic Communities Council be consulted.

As a starting point for consultation, the following statement will be proposed:

Council will not allow any of its community venues to be used for an event wherein any child competes on the basis of; are judged upon; or may receive prizes, titles or accolades for; any aspect of their physical appearance.

Events such as eisteddfods, dance or calisthenics or talent competitions may allow children to participate under the following conditions:

- a) *Adjudication must be based solely upon the demonstrated skills, talents or abilities of the child;*

- b) *Organisers must ensure routines, music, costumes, hair and makeup are age-appropriate;*
- c) *All such competitions must be carried out in a spirit of encouragement, participation and cooperation.*

Any event seen to be breaching any of the above conditions may be evicted immediately without notice and in full forfeiture of the entire hiring fee.

Definition of the Term ‘Sexual Objectification’

The Australia Council for the Arts has developed ‘*Protocols for working with children in art (2010)*’; however no definition of sexual objectification is contained therein.

The Arts Law Centre of Australia has no case studies that relate to sexual objectification.

State and Federal Governments have laws and guidelines relating to children in advertising, employment and art preparation, however ‘*sexual objectification*’ is a term linked by governments to issues relating to pornography. Research of State and Federal Government precedents relating to a definition of ‘*sexual objectification*’ produced the following result:

The Senate Standing Committee on Environment, Communications and the Arts - Inquiry into the Sexualisation of Children in the Contemporary Media Environment June 2008.

While this far-ranging inquiry focussed on the contemporary media environment, the Committee did consider various definitions of sexualisation and submitted its view of sexualisation at Recommendation 1.28:

Thus the committee has viewed sexualisation as a continuum from the explicit targeting of children with images, attitudes and content that inappropriately and prematurely seek to impose a sexual identity on a child, through the presentation of one-dimensional and stereotypical images of children and young people, predominantly girls, in content, products and advertising directed at them, to what might be described as the ‘background noise’ of society at large where products, advertising and other materials made for and directed at adults are readily accessed by children and reinforce the sexualising messages they are receiving.

Further research did not identify any government precedents that provided a definition of the term ‘sexual objectification’.

In the context of Council’s intent, it is appropriate to consider the following definition from Webster’s Dictionary:

Sexual objectification is the act of treating and judging a person with values generally appreciated in animals or objects with an emphasis on physical appearance whilst deemphasising intelligence, problem solving skills, talents, abilities, individual emotion and feelings.

The Child Safety Commissioner attended, and reported to the Minister for Housing, Children and Early Childhood Development, on the Northcote Town Hall event – see **Appendix A**.

The Commissioner reported that he saw nothing sinister, unsafe or degrading in the event, however stated that vigilance be maintained around children’s pageants because they are based on a perception of competitive beauty and personal appearance.

CONCLUSION

No event organiser will ever concede that their event promotes the sexual objectification of children, regardless of how perverse it appears to a large sector of the community.

It is important to avoid the suggestion that 'bad parents / bad people' are at fault, thus a focus on setting Council's benchmark expectation on use of its community facilities appears the most appropriate way forward.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Council's commitments to respect, community diversity and wellbeing will be well served by a policy that ensures that the future use of community facilities does not promote the sexual objectification of children.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Expenditure will be incurred for producing consultation documents. These costs will be covered through the Council's existing operating budget.

Any impact on foregone venue hiring income resulting from excluding events that promote the sexual objectification of children from Council's community facilities will be negligible. Four events in the past 10 years (one in 2004 and two in 2005 at Preston Shire Hall and one in 2011 at Northcote Town Hall) could be classified as events that Council would have refused use of a community facility. The total value of these bookings was \$4,205.

CONCLUSION

A focus on setting Council's benchmark expectation on use of its community facilities appears the most appropriate way forward.

By suggesting a starting point for consultation with the community, Council's position and intent is made clear and will promote a way forward for the consultation process.

The suggested wording for such starting point is:

Council will not allow any of its community venues to be used for an event wherein any child competes on the basis of; are judged upon; or may receive prizes, titles or accolades for; any aspect of their physical appearance.

Events such as eisteddfods, dance or calisthenics or talent competitions may allow children to participate under the following conditions:

- a) *Adjudication must be based solely upon the demonstrated skills, talents or abilities of the child;*
- b) *Organisers must ensure routines, music, costumes, hair and makeup are age-appropriate;*
- c) *All such competitions must be carried out in a spirit of encouragement, participation and cooperation.*

Any event seen to be breaching any of the above conditions may be evicted immediately without notice and in full forfeiture of the entire hiring fee.

Following consultation with the community and Council's Advisory Committees, officers will prepare a further report for Council consideration that will recommend policy wording to ensure that future use of community facilities does not promote the sexual objectification of children.

FUTURE ACTIONS

- Prepare and implement consultation with the community.
- Liaise with officers responsible for the administration of Council's advisory groups to consult with the various groups.
- Collate feedback from the consultation process
- Prepare a Council Report recommending policy wording, informed by community consultation.

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 Officer reviewing 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

- Community Facilities Policy and Guidelines
- Reservoir Civic Centre Hiring Policy and Guidelines
- Northcote Town Hall Conditions of Hire
- Darebin Arts & Entertainment Centre Hiring Agreement
- Protocols for working with children in art (Australia Council for the Arts 2010)
- The Senate Standing Committee on Environment, Communications and the Arts - Inquiry into the Sexualisation of Children in the Contemporary Media Environment (June 2008)
- www.websters-dictionary-online.com/definitions
- Victorian Charter of Human Rights and Responsibilities Act 2006

- **Appendix A** - Child Safety Commissioner's report to the Minister for Housing, Children and Early Childhood Development on the event at Northcote Town Hall on Saturday 30 July 2011.
- Council Minutes – 1 August 2011

8.8 EDWARDES LAKE BOATHOUSE**MINUTE NO. 309****AUTHOR: Director City Design and Environment****REVIEWED BY: Chief Executive****SUMMARY:**

Council has a prime opportunity to rejuvenate the Edwardes Lake Boathouse, Reservoir as a key recreation and economic development opportunity in the north of the municipality. The once dormant facility has the potential and ability to become an attractive investment for a business partner, reusing this building as a café/restaurant and function facility.

It is proposed that an expression of interest process be undertaken to seek out interested parties to redevelop the site. A further invitation to tender will be undertaken with a shortlisted group of proponents with the ongoing terms and conditions for the use of the site subject to a further decision of Council.

CONSULTATION:

Director Corporate and Business Services
Group Manager Community Services
Manager Economic Development
Manager Leisure, Public Realm and Venues
Property Manager

COUNCIL RESOLUTION

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

THAT Council:

- (1) Proceed with an expression of interest for the future use of the Edwardes Lake Boathouse.
- (2) Receive a further report with findings of the expression of interest process and shortlist of proponents to be invited to tender for the ongoing use of the Edwardes Lake Boathouse as a food service facility.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The Edwardes Lake Boathouse is located on the north-west corner of Edwardes Lake, Reservoir, and previously used as a rowing club, the building has been underutilized for some years. During this period the building has stored equipment for various Council departments.

The building is of a solid brick construction, replacing a timber building on the site which was destroyed by fire. In recent years, Council has undertaken a number of attempts to attract community and commercial activity to the site seeking contribution to redevelop the building and operate a food service venue. Each of these processes has been inconclusive for various reasons, and has diminished Council's reputation, particularly with the commercial proponents that submitted.

In 2010 Council sought community ideas for the future use of the boathouse, with the majority of responses supporting the use of the site for a café, restaurant, retail or art related use of the site.

ISSUES AND DISCUSSION

An internal workshop has been held to review the past processes and the potential future uses of the site with the prevailing view being that a food service offering would be the most appropriate future use. A key decision for Council to take in pursuing this use is the consideration of community or commercial use. It is possible to engage with providers from both sectors however in order to make a fair and consistent evaluation of the offerings, a distinction between sectors should be made.

Key to this development will be the long-term economic investment made by and return to the successful proponent. In pursuing this direction it is understood that there would be minimal Council investment required and a swift process for establishment on the site. It is recommended that a commercial model be pursued.

Preliminary discussions have been held with both community based and commercial groups whom have expressed strong interest in a future occupancy of the site. In each case, there is a willingness to work with Council to establish the site through a clearly defined and timely process. The terms and conditions of future occupancy would be determined through this process as part of the evaluation assessment.

In order to progress this proposal Officers will:

- Review previous proposals Complete
- Invite select expressions of interest October 2011
- Assessment of proposals November 2011
- Select invitation to tender November 2011
- Tender assessment and appointment February 2012

Given the existing level of interest through previous processes, an expedient resolution will provide confidence to the community in resolving the future use of this site. The expression of interest document for the site provides details of scope of development, along with roles and responsibilities of the parties.

The expression of interest process will be assessed by Officers from Leisure and Public Realm, Economic Development, and and Properties. The parties recommended to be invited to tender will be presented to Council for consideration before proceeding further.

POLICY IMPLICATIONS

Environmental Sustainability

Any proposed redevelopment of the site will be required to consider Ecologically Sustainable Development (ESD) elements in their submission.

Social Inclusion and Diversity

The boathouse is located in a key recreation parkland and lake area. The opportunity to introduce a food offering to the site brings about rich social outcomes as a focal meeting point and social opportunity.

Other

This report is consistent with the Council Plan.

FINANCIAL AND RESOURCE IMPLICATIONS

The principle of engaging with a commercial proponent for the future use of the site is to limit Council's financial exposure. In similar developments in Melbourne, a low return is experienced in the early years of establishment of the operations with 'back-ended' returns received by Council in later years.

CONCLUSION

The opportunity to develop the Edwardes Lake Boathouse is unique for Council and presents a prime opportunity to rejuvenate the area as a key recreation and economic development opportunity. In order to maximise this outcome it is recommended that a commercial business model be pursued for the site.

FUTURE ACTIONS

- Proceed with Expression of Interest process.
- Presentation of findings to Council.
- Invitation to tender.
- Presentation of recommended tenderer to Council.

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 Officer reviewing 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

Nil.

8.9 ENVIRONMENT COURT**MINUTE NO. 310****AUTHOR: Manager Environment and Natural Resources****REVIEWED BY: Director City Design and Environment****SUMMARY:**

Council resolved at its meeting on 4 July 2011 that Council receive a report on the concept of an Environment Court and the potential benefits to Darebin residents and our local environment. This report provides an overview of Environmental Courts and potential benefits.

CONSULTATION:

Director City Works and Development
Manager Community Partnerships, Planning and Performance

RECOMMENDATION

THAT Council note this report on the concept and potential benefits of an Environment Court.

COUNCIL RESOLUTION

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

THAT:

- (1) Council note this report on the concept and potential benefits of an Environment Court.
- (2) Council write to the State Environment Minister expressing Council's support for the establishment of an Environment Court and seek Ministerial consideration of this.
- (3) Council lobby on this policy position with the Municipal Association of Victoria and Victorian Local Governance Association.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

This report is in response to the Council resolution on 4 July 2011 that Council receive a report on the concept of an Environment Court and the potential benefits to Darebin residents and our local environment.

An Environment Court is simply a specialist court which considers environmental matters. Matters considered will depend on the Court's jurisdiction including whether it considers civil, administrative and/or criminal issues, which acts and legislation pertaining to the court and the size and/or seriousness of cases considered.

Currently in Victoria, environmental breaches under the Environment Protection Act such as pollution or waste offences and licence breaches are considered in the general court system, with most considered in the Magistrates Court of Victoria. Planning and environmental disputes are considered in the Planning and Environment List of Victorian Civil and Administrative Tribunal (VCAT) which has a civil and administrative jurisdiction. Environmental disputes arising under Commonwealth laws are dealt with by the Federal Court of Australia.

In Australia, three states (Queensland, New South Wales, and South Australia) have created formal, separate environment courts and the remaining five states and territories (Tasmania, Western Australia, Victoria, the Northern Territory, and the Australian Capital Territory) have created specialized tribunals or "lists" within a tribunal to decide environmental conflicts. Examples of Environment Courts in other States include the NSW Land and Environment Court (LEC) and the Planning and Environment Court of Queensland (PEC).

ISSUES AND DISCUSSION

Environment Courts are promoted to be more effective in considering environmental issues as judges in these courts are generally environmental law specialists/experts rather than having general law expertise. This can provide benefits with judgements being better informed around environmental issues and flow on improvements to consistency in decision making in this issues. As environmental issues become more complex, more specialist knowledge is required to understand and make determinations on cases.

The criticisms of specialised courts, such as environment courts are that they can be expensive, suffer from insufficient caseload and could be more at risk of being influenced by special interests. More generally there have been community concerns raised with the legal system in regard to the speed of process and determinations, cost and access.

Recently lawyers from DLA Phillips Fox and Slater and Gordon have written separate opinion pieces calling for consideration of an Environment or Environment and Land Court in Victoria. Notably the latter opinion piece was based on the experience of the Brookland Greens Estate case where residences were affected by a former landfill in the City of Casey and requests consideration for a separate court that could consider more substantial planning and environment disputes than Victorian Civil and Administrative Tribunal (VCAT) which currently hears all planning disputes.

VCAT, similar to the New South Wales based Land and Environment Court enables commissioners, experienced in the area of local government or environmental management or town planning experts to sit with the judge in the resolution of planning appeals.

The Environmental Defender's Office, an independent, non-profit, community legal service specialising in public interest environmental law make the following comments on the issue.

The VCAT has many very positive features. Its relative informality and 'no costs' jurisdiction have allowed many community members the opportunity to make their case, which would otherwise only be afforded to business and government... Our experience is that not all VCAT members have the expertise in environmental law and science that is needed in environmental cases. In the event of legal errors on the part of VCAT, clients have the choice between seeking judicial review in the Supreme Court, which is expensive and complicated, or leaving the error unresolved. Both of these problems could be avoided by the creation of a Land and Environment Court...with specialist planning and environment knowledge, and combined merits and judicial review jurisdiction..

Apart from integrated land planning and environmental issues the other benefit of an environmental court could be a dedicated court to deal with criminal prosecutions under the Environment and Protection Act. The need for this type of court in Victoria is determined by the prosecution behaviour of Victoria's Environment Protection Authority (EPA). Only 12 prosecutions were launched by EPA Victoria in 2009/2010. Following a number of external reviews that found its regulatory approach inadequate, EPA Victoria has recently reviewed its compliance and enforcement activities and is currently working on an implementation plan. It should be noted that the EPA have also recently received new powers to enter into enforceable undertakings (EUs) as an alternative to prosecution. EUs can achieve positive environmental outcomes at significantly less cost and in less time than a court process in some instances.

POLICY IMPLICATIONS

Environmental Sustainability

Increased environmental expertise and knowledge being brought into court decisions around environmental and land planning decisions would be beneficial to the environment.

Social Inclusion and Diversity

Cost, language and information can be barriers to our community participating effectively and accessing legal proceedings. Advocacy for an Environment Court should consider how these community barriers will be lessened or removed.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Council resources are not expected to be impacted by this report.

CONCLUSION

This report provides an overview of Environmental Courts and potential benefits. Increased environmental expertise and knowledge being brought into court decisions around environmental and land planning decisions would be beneficial to the environment. This should not however be at the expense of higher costs and increased community barriers to legal proceedings.

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 Officer reviewing 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

ABC article *The case for the specialist environmental court in Victoria*, By Mark Beaufoy

<http://www.abc.net.au/environment/articles/2010/05/24/2907888.htm>

<http://www.slatergordon.com.au/media/news-media-releases/vic-act-sa-tas-nt/Cranbourne-case-sparks-call-for-Land-and-Environment-Court-in-Victoria006>

Council Minutes – 4 July 2011

8.10 GOOD NEIGHBOUR AND CORPORATE CITIZEN AWARDS**MINUTE NO. 311****AUTHOR:** Manager Community Planning, Partnerships and Performance**REVIEWED BY:** Group Manager, People and Performance**SUMMARY:**

On 2 May 2011, Council passed a resolution under 'General Business' seeking the following:

Council Officers report to Council within three months on the feasibility of establishing good neighbour and good corporate citizen awards to recognize and celebrate acts of exceptional community contribution carried out by both individual residents and businesses within the City of Darebin.

This report provides a proposal on establishing and administering two Awards to recognise efforts made to foster positive neighbourly relations and improve community life and wellbeing.

CONSULTATION:

Spectrum Migrant Resource Centre
Darebin Social and Community Development Officer
Equity and Diversity Coordinator
Community Development Coordinator
Manager Community Planning, Partnerships and Performance
Darebin Youth Services Officer
Darebin Children Services Coordinator
Research Project Officers
Social Media Officer
Marketing Officer
Events Manager
Member of the Darebin Aboriginal Advisory Committee
Aboriginal Policy Officer

COUNCIL RESOLUTION

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

THAT Council:

- (1) Establish the *Better Neighbourhoods Award* and *Corporate Citizen Award* and the necessary supporting procedures as outlined in this report.

- (2) Endorse the composition of the Selection Committee, comprising two Councillors (one of whom is the Mayor of the Day), four community representatives and four Council officers
- (3) Appoint members to the Selection Committee (an advisory Committee of Council) at its meeting on 5 December 2011.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

The Good Neighbour Award initiative was first implemented by Council as a Community Safety Month event in October 1998. The event aimed to recognise and celebrate the positive impact that good neighbours have on improving safety in the Darebin community and provided residents with the opportunity to nominate their own neighbours for an award at a community presentation night.

The Awards also presented residents with an opportunity to meet with Council staff, Police Officers and other community group representatives across Darebin in an effort to raise the profile of health and safety initiatives within the municipality.

The event was last implemented in October 2007 as part of Community Safety Month. The Awards were discontinued as the pool of nominations became increasingly smaller, with the same people nominated each year.

Council runs Citizenship Awards as part of its Australia Day Citizenship ceremonies annually which recognises the significant and outstanding contribution that community members have made to the Darebin Community. Nominations for this award are accepted under three categories:

1. Citizen of the Year
2. Young Citizen of the Year
3. Community Group of the Year.

Council has not previously run awards for local businesses demonstrating social responsibility.

ISSUES AND DISCUSSION

This report responds to Council's resolution to revisit the concept of a 'Good Neighbour Award' adding to it a new category of 'Good Corporate Citizen' Award. The proposed awards took into consideration the importance of avoiding duplication with the Australia Day Citizens Awards.

Rationale for having such awards

Neighbour Day

Neighbour Day was founded in Melbourne, Australia in March 2003 by Andrew Heslop after the remains of an elderly woman were found inside her suburban home.

Mrs Elsie Brown had been dead for two years. It was not until a neighbour eventually realised she had not seen Mrs Brown for an extended period of time that Victoria Police were notified. Sadly, when officers broke into her home they found Mrs Brown's skeletal remains still wrapped in a blanket on her sofa.

The first Neighbour Day was observed on Sunday 30 March 2003. It has become Australia's annual celebration of community held on the last Sunday in March every year.

There are five key aims that have shaped Neighbour Day:

1. Strengthen communities and build better relationships with the people who live around us.
2. Create safer, healthier and more vibrant suburbs and towns.
3. Promote tolerance, respect and understanding.
4. Break down community barriers.
5. Protect the elderly, the vulnerable and the disadvantaged.

There continues to be news reports and academic research highlighting the growing extent of detachment of members in the community – particularly isolated and otherwise marginalised people – to the extremes of individuals dying at home alone and their bodies being found up to two years later, often only incidentally. There are also concerns that this lack of community integration has had and continues to have a negative effect on the settlement processes for recently arrived migrants from Culturally and Linguistically Diverse (CALD) Communities.

Additionally, the feeling of being able to participate in community activities as an equal member of society is often lacking in these communities as well as those in ageing communities, Aboriginal communities and members of society with a disability.

The Good Neighbour Award and the new Good Corporate Citizen Award are proposed as an additional measure to be used by Council to develop and reward community engagement, social responsibility and civic participation from all sections of the Darebin community.

The Good Neighbour Award to be named as Better Neighbourhoods Award (BNA)

Award Objectives:

1. To provide an incentive to volunteers (within community organisations) to build on and/or develop and implement innovative projects that stimulate community engagement and interaction in Darebin's neighbourhoods.
2. To recognise those volunteers who are passionate and committed to make a difference to their local community.
3. To generate street and neighbourhood based activities that alleviate social isolation, break down barriers and improve community connectedness.

Details of the BNA

The BNA will be held annually and will utilise existing Council networks and form new networks in reaching out to all members of society regardless of their affiliation or non-affiliation to a particular group or community. This will be under the premise of promoting ideas and projects that celebrate community and espouse engagement, inter-culturalism and at a fundamental level of getting to know who lives in your street, neighbourhood, suburb and the community at large.

The benefits of the BNA is that it gives Council the opportunity to pro-actively generate interest and provide incentives for neighbourhood building and community connectedness. The funding, detailed below, will go towards continuing an existing initiative or the implementation of a new idea.

Examples of BNA projects***Lonely Singles Club***

Setting up the Lonely Singles Club where people who live alone in their neighbourhood can meet up with similarly isolated people for dinner and other social events. As part of this club, members would pool together funds and other resources to be shared amongst other neighbours in the club which often included shared lawnmowers, group dinners; group/bulk purchasing and engagement/volunteer work with disadvantaged groups and people. In addition to combating isolation and loneliness, the group have cemented lifelong friendships with people they otherwise would never have known about who live right on their street!

Reading Club

Setting up a Reading and conversation club in a neighbourhood with newly arrived refugees and migrants to assist them with English language learning and comprehension. It is an opportunity for cultural exchange and socialising. The meetings also provided time to discuss settlement experiences, and the exchange of recipes, tips and tricks.

Award Assessment

It is proposed that a committee is established to review submitted applications and decide upon the most promising idea.

Submitted projects will be assessed according to the following criteria:

- Criteria 1 – Alleviates social isolation
- Criteria 2 – Supports marginalized residents
- Criteria 3 – Makes Darebin a more inclusive community
- Criteria 4 – Actively works to improve perceptions of safety
- Criteria 5 – Quality of Project management and execution plan

Award for the BNA

The winning project will be awarded

- Up to \$5,000 towards project implementation
- Help and support from Council Staff in terms of assistance in the management, marketing and promotion of the proposed initiative
- Award Certificate

- Promotion and publicity in local paper and other Darebin media.

The Good Corporate Citizen Award to be named as Corporate Citizen Award (CCA):

Award Objectives:

1. To promote the benefits of social procurement by recognising local businesses that incorporate social procurement principles and practices as part of their business practices
2. To promote the benefits of productive diversity by recognising local businesses that have developed and implemented equity and diversity programs (ie. Hiring Aboriginal/Torres Strait Islanders, Culturally and Linguistically Diverse people, people with Disabilities, etc)
3. To promote corporate social responsibility by recognising businesses that have incorporated best-practices approaches as part of their organisational culture (i.e. environmental consideration, etc)

The Corporate Citizen Award will reward one Commercial Organisation within the City of Darebin for contributing to the wealth, wellbeing and integrity of the City of Darebin.

Details of the CCA

The CCA will be held annually along with the Better Neighbourhoods Award on Neighbour Day. Unlike the BNA which looks at promising new ideas yet to be implemented, the CCA aims to recognise and reward existing initiatives that have contributed to the wellbeing of the Darebin community.

Individuals and organisations can nominate business organisations they feel have provided an excellent contribution to society; through service provision and involvement in community initiatives besides their core business.

Award Assessment

Both Awards will be held in tandem and so the same selection committee will decide the outcomes for both events.

The two Awards will be held at a ceremony on Neighbour Day. Submitted CCA projects will be judged through the following criteria:

- Criteria 1 – Depth of contribution; the vision/reasoning behind the initiatives existence.
- Criteria 2 – Impact of contribution; the quantitative/qualitative results of the nominated initiative(s).
- Criteria 3 – Broadness of impact; how many people/groups have benefited or are benefiting
- Criteria 4 – Leadership/Initiative; the qualities that the nominees exhibit in implementing their initiative(s).
- Criteria 5 – Role model potential for other businesses

A score sheet will be handed out to Selection Committee members to provide a standardized approach to assessing Award winners that is fair and unbiased.

Award for the CCA

Recipients of the CCA will receive

- \$5000 cash award to be used towards promoting, increasing and/or improving their corporate responsibility portfolio (Conditions will be stipulated by Darebin Council Awards Selection Committee)
- Promotion in the local Press and other Darebin media
- Award Certificate for display.

Awards nominations and promotion

Announcement of the Awards will be promoted via the following:

- Advertisements in local newspapers seeking project proposals
- Information to be included in Mayor's Column in lead up to awards opening
- Distribution of information regarding the Awards through existing mailing lists and database lists within Council
- Distribution of information regarding the Awards via external committees and networks
- Promotion of the Awards on the City of Darebin Website
- An A4 flyer will be developed which will contain information on the eligibility and judging criteria with the nomination form on the back.

The application form will be made available to download from the Darebin website as well as hard copies being made available at the Customer Service sites, Darebin Libraries and key local businesses (ie. Preston Market).

Ceremony

After the recipients of funding for the Good Neighbour Award and the Award for Corporate Citizen are decided, a ceremony will be held to announce the winners as well as handing out prizes/incentives (gift certificates, etc) for nominating people and organisations.

The ceremony will include speeches by the Mayor and/or Chief Executive, a cast of high profile invitees, nominees, winners of the awards, their friends, family and supporters, general members of the community and members of the press. It will be characterised by an atmosphere of celebration featuring music, entertainment, food and focus presentation on the winners and their contributions.

Proposed Timeline

1 November 2011:	Nomination period opens
30 January 2012:	Nomination period closes
1 - 28 February 2012:	Assessment period

Awards Ceremony will be held on Neighbour Day Australia which has a theme of 'Celebrating Communities'

Selection Committee

It is proposed that a Council Committee is set up and include at least two (2) Councillors, one of whom is the Mayor of the day, four Council Officers from relevant departments and four community members nominated from the Business Advisory Council, Darebin Ethnic Communities Council, Darebin Disability Advisory Committee and Darebin's Local Safety Committee

POLICY IMPLICATIONS**Environmental Sustainability**

Assessment of both Awards will include consideration of environmental impact of the proposed project and the nominated business. Especially the Good Corporate Citizen Award assesses contributions made by corporate sector to environmental sustainability. The implementation of the awards program will adhere to Darebin City Council's environmental policy by maximising the use of on-line methods for nominations, utilising recyclable products and providing environmentally-friendly prizes and products.

Social Inclusion and Diversity

For these events to have meaningful impact in Darebin there has to be equal opportunity to participate. Both Awards are conducted with special consideration and sensitivity in removing barriers to participation. Before these Awards can proceed, significant community engagement and consultation will be conducted to ensure that the nomination process is accessible to CALD, ATSI, Ageing Communities and People with a Disability. One of the purposes of these events is also to have greater interaction between the many groups and communities that exist within Darebin.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The budget required for this project:

Better Neighbourhoods Award.....	\$5,000
Corporate Citizen Award.....	\$5,000
Event publicity, promotion, venue hire, catering, prizes.....	\$10,000
Nomination process, assessment, printing and stationery.....	\$5,000
TOTAL.....	\$25,000

CONCLUSION

The implementation of the two proposed Awards will promulgate a series of interrelated cycles; one where community building ideas are harvested, funded and implemented and one where existing community initiatives are recognised and rewarded, plus a variety of interaction with the Council, community members and organisations that are providing a good example of corporate citizenship. In time, such recognition will most likely spin off and/or stimulate many independent community building projects which will allow for greater inclusion, access, reduction of barriers and interaction for Darebin's many communities.

FUTURE ACTIONS

Following Council approval, preparations will begin to launch the Awards in November 2011 and call for nominations.

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 Officer reviewing 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 Minutes – 2 May 2011

9. URGENT BUSINESS

THE FOLLOWING ITEM WAS CIRCULATED TO COUNCILLORS ON MONDAY 19 SEPTEMBER 2011 PRIOR TO THE MEETING.

ON THE MOTION OF CR. CHIANG, SECONDED BY CR. TSITAS, COUNCIL RESOLVED THAT THE ITEM BE ADMITTED FOR CONSIDERATION AS URGENT BUSINESS.

9.1 NORTHERN COUNCILS REGIONAL GROUP

MINUTE NO. 312

AUTHOR: Executive Coordinator

REVIEWED BY: Chief Executive

SUMMARY:

This report recommends that the group of Northern Councils be formed to advocate, provide support to key priorities in the North that will achieve greater productivity and quality of life for those that live and work in the North.

The report also recommends that the Mayor and the Chief Executive travel to Canberra to represent Darebin as part of a Northern Councils delegation to meet with Ministers and senior bureaucrats of the Commonwealth Government to advocate for projects that will benefit Melbourne's northern suburbs.

CONSULTATION:

Mayors and Chief Executive Officers of Banyule, Hume, Moreland, Whittlesea and Yarra City Councils and the Shire of Nillumbik

COUNCIL RESOLUTION

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

THAT Council:

- (1) Participate in the formation of a group of Northern Councils comprising Banyule City Council, Darebin City Council, Hume City Council, Moreland City Council, the Shire of Nillumbik, Whittlesea City Council and the Yarra City Council.
- (2) Via the Mayor and the Chief Executive, join the Northern Councils' delegation to Canberra to meet with key Government Ministers and advocate for priority matters affecting Melbourne's north.

- (3) Contribute up to \$2,500 towards the fee of the consultant to prepare an advocacy submission for Ministers as part of the visit to Canberra as well as to arrange and co-ordinate appointments with Ministers and senior Commonwealth Government bureaucrats.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

There currently exists no Northern Councils led group to advocate for key priorities for Melbourne's northern suburbs. A similar group representing the Western Region Councils (Brimbank, Hobson's Bay, Maribyrnong, Melton, Moonee Valley, and Wyndham) has been operating for the past decade.

It is proposed that a Northern Councils group be formed to provide a greater level of advocacy for projects in the north. It is important that the profile of the north is known by Commonwealth Government and that a coordinated, unified approach is used so as to provide community benefits to those that live and work in the area.

ISSUES AND DISCUSSION

The Chief Executive Officers of the northern region councils have met on a number of occasions and over the last few months the Mayors of these municipalities have also been included. There is a genuine commitment and energy amongst the group to unify as a region to set key priorities and jointly advocate, with particular regard to:

- Influencing outcomes for the Metropolitan Strategy being undertaken by the State Government
- Delivering better transport outcomes and strategies
- Influencing economic development opportunities including arts and culture
- Advocating for better health services for communities including services related to drug and alcohol concerns and HACC services
- Providing for better planning and land use
- Protecting the green wedges and ensuring the Government is aware of the need for more regional recreation and open space
- Promoting the benefits of education and learning.

There is a range of work that is required to be undertaken to support the advocacy actions, including building a profile for the Northern Councils group. It is expected that such a profile would include details on the various residents/communities who are represented by the north, economic data supporting initiatives by the north, age demographics and groups that exist so as to better inform key Government Ministers of the north's importance.

The formal creation of the group would allow the north to be represented by a united voice, enabling the Commonwealth Government to understand the importance of Melbourne's north. It would also provide the basis for the group to advocate for funding on a regional basis and to show that matters are planned and advocated for the good of the northern region rather than the seven individual voices of the councils concerned. The formation of

this group would also provide a united front to advocate to Government to fund initiatives to deliver productivity improvements and a better quality of life for those that live and work in the region.

Canberra Delegation

It is proposed that in order to influence the Federal Government process for budget 2012/2013 that the Northern Group travel to Canberra to meet with key Ministers and advisors.

The purpose of the delegation is to ensure that Melbourne's north is strongly considered by Ministers and the Expenditure Review Committee (ERC) in the framing of the 2012/2013 Budget.

The delegation program and meetings would:

- Be delivered under the umbrella of the seven regional councils and NORTH Link with assistance from the Northern Melbourne office of Regional Development Australia (RDA)
- Provide a unified voice and consistent messages about the north to MPs and senior government officials
- Utilise the infrastructure and offices of NORTH Link and RDA
- Liaise with and utilise the support local federal MPs.

As this will be the first Northern Councils led visit, it is important that the Mayors and Chief Executive Officers of each Council attend to demonstrate a strong, united, unified voice, advocating and supporting projects for the north. The delegation would comprise the seven northern metropolitan councils and NORTH Link (with possible involvement of the Northern Melbourne RDA).

It is proposed that the delegation would leave Melbourne early in the morning to arrive in Canberra mid morning. It is expected that meetings would be held during the day with elected Members and senior government bureaucrats. Following the meetings, the Mayor and Chief Executive would fly out of Canberra late that afternoon/early evening.

Advocacy Consultant

A considerable amount of work needs to be prepared for the delegation to be successful. As a consequence, a consultant will be used to draw together the profile of the north, a list of key priorities, to establish the meetings with Ministers and assist the delegation with the Canberra visit.

Discussions have been held with an experienced consultant who could provide the delegation with:

- The strategy, pathway and plan to maximise the chance of success
- Assist with the organisation and delivery of the meetings in Canberra
- Timetable of meetings over a full day with key MPs and senior officials.

The group, (of Mayors and Chief Executive Officers), is scheduled to meet in early October to work with a consultant to put together the priority areas for the Canberra visit.

POLICY IMPLICATIONS

Environmental Sustainability

Aside from advocacy for improved environmental outcomes in the northern region, the recommendations from this report present no environmental impacts.

Social Inclusion and Diversity

The advocacy role envisaged to be undertaken by the formation of a Northern Councils regional group is expected to increase opportunities for social inclusion and also to provide greater support for diverse communities of the north.

Other

The objectives of this delegation are supported by several strategies in the Council Plan, particularly in the area of Leadership and Engagement:

- *We will advocate about issues affecting the Darebin community*
- *We will provide strong and unambiguous leadership on issues of strategic importance to the Darebin community*
- *We will build on our close partnerships with other levels of government to improve outcomes for the Darebin community*

The importance of Council's ability to undertake advocacy on behalf of the community is also recognised in other shared goals including:

- Community Wellbeing – *We will support local employment and education opportunities through training, employment and economic development programs, supported by effective advocacy.*
- Liveability and Regeneration – *We will advocate for a municipality that is well served by effective transport systems that are efficient, safe and accessible.*
- Environmental Sustainability – *We will undertake effective and informed advocacy and engagement in wider environment debates.*

It is expected that the draft Darebin Advocacy Plan would include reference to Council's participation in the Northern Councils advocacy activities.

FINANCIAL AND RESOURCE IMPLICATIONS

Costs for airfares, transfers and other expenses relating to the Mayor's and Chief Executive's participation in the Northern Councils' delegation to Canberra are to be borne by each Council. It is estimated that Darebin's costs would be in the order of \$1,500, which is capable of being funded from existing allocations.

Darebin's share of the costs for the engagement of an advocacy consultant by the Northern Councils would be no greater than \$2,500. This cost would be funded from the advocacy plan allocation within the 2011/2012 budget.

CONCLUSION

It is recommended that Council join the Northern Councils regional group to add our municipality's voice to those of other northern Melbourne metropolitan councils in seeking improved outcomes for our greater community. At the Commonwealth level, funding and program allocations are more likely to be made on a regional basis, particularly for regional priorities.

Representation of Darebin by the Mayor and Chief Executive as part of a Northern Councils delegation to Canberra to meet with Commonwealth Ministers and senior bureaucrats will demonstrate a strong, united, unified voice, advocating and supporting projects for Melbourne's north.

Organisation and co-ordination of meetings with Ministers and senior bureaucrats to occur over the course of a single day is a reasonably difficult task. The engagement of a specialist advocacy consultant by the Northern Councils will greatly increase the likelihood of successful achievement of proposed outcomes.

FUTURE ACTIONS

- Mayor and Chief Executive to meet with the proposed advocacy consultant shortly.
- Information on Darebin's key priorities and signature projects to be prepared for inclusion in the information pack to be provided to the Ministers. There will be a limited opportunity for each council to add a project or two for short term funding from the Commonwealth. If this opportunity is provided, Darebin is expected to include one or more of the following projects – Darebin Arts and Entertainment Centre redevelopment, Reservoir interchange remodelling and the Reservoir Leisure Centre co-generation plant.
- Delegation's attendance in Canberra.
- Report to Council on the details of the delegation's meetings to follow upon the return of the Mayor and the Chief Executive.

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 Officer reviewing 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

'Our People. Our Place. Our Future. City of Darebin Council Plan 2009-2013', Darebin City Council, 2009

'Darebin Advocacy Plan', Darebin City Council, (draft to be prepared in early 2012)

10. GENERAL BUSINESS**10.1 '1,000 WARRIOR MARCH'****MINUTE NO. 313****COUNCIL RESOLUTION**

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

THAT Council endorse the '1,000 Warrior March' initiated by a group of local Aboriginal leaders, including several members of Council's own Aboriginal Advisory Committee. Council officers will liaise with the organisers regarding any practical support that can be provided.

CARRIED**10.2 STATION STREET FAIRFIELD, FROM DAREBIN ROAD TO HEIDELBERG ROAD****MINUTE NO. 314****COUNCIL RESOLUTION**

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

THAT Council write to VicRoads to receive an update on the status review of Station Street Fairfield, from Darebin Road to Heidelberg Road. The letter should also request State Government financial contribution to the asset maintenance and traffic improvement of this road, if it is reclassified as a local road (with Council to be the responsible authority).

CARRIED

10.3 LETTER OF CONGRATULATIONS TO SIEMENS AUSTRALIA

MINUTE NO. 315

COUNCIL RESOLUTION

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

THAT Council write to Siemens Australia congratulating the company on their decision to withdraw from the nuclear industry in the wake of the Fukushima Japan nuclear disaster, and to instead support clean, renewable energy.

CARRIED

10.4 SPEED REDUCTION AND TRAFFIC MANAGEMENT TREATMENTS – VICTORIA ROAD

MINUTE NO. 316

COUNCIL RESOLUTION

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

THAT Council receive a report on whether Victoria Road should be added to Council's list of priority roads for speed reduction and other traffic management treatments, given recent traffic monitoring results and the fatal crash that occurred last week.

WITH LEAVE OF THE CHAIRPERSON, THE MOTION WAS WITHDRAWN BY THE MOVER, CR. MCCARTHY AND THE SECONDER, CR. GRECO

10.5 CITY-WIDE SURVEY – SPEED AND OTHER TRAFFIC MANAGEMENT CONCERNS

MINUTE NO. 317

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. S. Tsitas

THAT Council receive a comprehensive report on the feasibility, cost and the complexity of undertaking a city-wide survey to gauge all resident opinions on reducing speed limits and other traffic management concerns or issues pertaining to Darebin and their respective local areas

CARRIED

10.6 PRESTON SOUTH SAFEWAY AND ALDI SUPERMARKETS

MINUTE NO. 318

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. B. Morgan

THAT Council write to the management of Preston South Safeway and ALDI Supermarkets requesting a meeting to discuss the feasibility of them introducing a shared path or access cross-over between the two businesses for the benefit and safety of the residents.

CARRIED

**10.7 SPEED LIMIT SIGNS – WOOD STREET PRESTON AND
SIMILAR STREETS**

MINUTE NO. 319

COUNCIL RESOLUTION

MOVED: Cr. N. Katsis
SECONDED: Cr. B. Morgan

THAT Council undertake an investigation as to why Wood Street Preston has no signage that informs motorists of the speed limit from High Street through to Albert Street and that the investigation also involve other similar streets.

CARRIED

11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

12. CLOSE OF MEETING

The meeting closed at 10.08pm.