



MINUTES OF THE COUNCIL MEETING

HELD ON

MONDAY, 7 MARCH 2011

RELEASED TO THE PUBLIC ON THURSDAY 10 MARCH 2011

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 7 MARCH 2011**

THE MEETING OPENED AT 7.01 P.M.

1. PRESENT

Councillors

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

Council Officers

Rasiah Dev – Chief Executive
Michael Ballock – Director City Works and Development
Vijaya Vaidyanath – Director Corporate and Business Services
Daniel Freer – Director City Design and Environment
Fred Warner – Group Manager People and Performance
Libby Hynes – Manager Environment and Natural Resources
Darren Rudd – Manager City Development
Rhys Thomas – Governance and Corporate Planning Manager
Ron Downes – Council Business Coordinator

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Asmar disclosed a conflict of interest in “General Business” Item 10.4 (Planning Application – 390 High Street Northcote) – see Page 65.

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

COUNCIL RESOLUTION

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

THAT the Minutes of the Ordinary Meeting of Council held on 21 February 2011 be confirmed as a correct record of business transacted.

CARRIED

5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 60

5.1 REPORT OF THE MAYOR, CR. ASMAR

The Mayor, Cr. Asmar, congratulated Cr. Greco on his election as the 'Metropolitan central' representative on the Municipal Association of Victoria (MAV) Board and reported on her attendance at the following functions/activities:

- International Women's Day Councillor Reception.
- Photo competition judging as part of the International Women's Day event.
- Photo session with residents.
- Audit Committee meeting.
- Council Briefing Session.
- Resident meetings regarding rates/planning issues.
- Darebin Community and Kite Festival.
- Councillor Planning Weekend.
- Municipal Emergency Management Planning Committee meeting.
- Meetings with local traders.
- Debrief - Mayoral Event.

5.2 REPORT OF CR. NICK KATSI

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

- Councillor Planning Weekend.
- Council Briefing Session.
- Planning Committee meeting.
- On site meetings with residents.

5.3 REPORT OF CR. VINCE FONTANA

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

- Councillor Planning Weekend.
- Planning Committee meeting as Chair.
- Council Briefing Session.
- 'Mainstreet Australia' workshop.
- Darebin Community and Kite Festival.
- Friends of Baucau Community meeting.
- Preston Business Advisory Committee meeting.

- Northern Business Achievement Awards breakfast.
- Meetings with residents in relation to planning matters.
- International Women's Day Councillor Reception.

5.4 REPORT OF CR. TIM LAURENCE

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

- Planning Committee meeting.
- Council Briefing Session.
- Councillor Planning Weekend.
- Resident issues.

5.5 REPORT OF CR. STEVEN TSITAS

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

- Councillor Planning Weekend.
- Council Briefing Session.
- Planning Committee meeting.
- Various constituent meetings including planning matters involving 205-215 Bell Street Preston, 390 High Street Northcote and 52-60 and 71-79 Gadd Street Northcote.

5.6 REPORT OF CR. BEN MORGAN

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

- Councillor Planning Weekend.
- Council Briefing Session.
- Discussions with residents regarding the Bell City Development proposal.
- Darebin Community and Kite Festival.
- Resident issues in particular relating to planning.

5.7 REPORT OF CR. GAETANO GRECO

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

- Meeting with Objectors regarding the Bell Street Preston Development Plan.
- ApprenticeshipsPlus Board meeting.
- Inner Northern Group Training Board meeting.
- Councillor Planning Weekend.
- Darebin Community and Kite Festival.
- Migrant Heritage Pilot Project meeting.

- Planning Committee meeting.
- Council Briefing Session.
- Meeting with Andrew Mahar, CEO of infoxchange Australia regarding the Darebin Wifi Project.
- Audit Committee meeting.
- Bundoora Homestead Arts Centre Board meeting.
- Victorian Local Governance Association 'Leading Edge' Forum on Community/Affordable Housing.
- International Women's Day activities.
- Victorian Local Governance Association.
- Resident matters.

5.8 REPORT OF CR. TRENT MCCARTHY

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

- International Women's Day activities.
- Meeting with Anglicare regarding foster care funding in Darebin.
- Darebin Creek Management Committee.
- Darebin Environmental Reference Group meeting.
- Councillor Planning Weekend.
- Darebin Community and Kite Festival and spoke about Council's White Ribbon Campaign.
- Council Briefing Session.
- Meeting with the new Director Corporate and Business Services, Vijaya Vaidyanath.
- Meeting with the Architect and local residents regarding the planning application involving 390 High Street Northcote.
- Various resident and trader issues.
- Clean-up Australia Day event.

Cr. McCarthy was pleased to inform Council that required bins had now been installed in Penders Park. Cr. McCarthy also congratulated Cr. Greco on his election to the MAV Board.

5.9 REPORT OF CR. STANLEY CHIANG

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

- Councillor Planning Weekend.
- Council Briefing Session.
- Bundoora Homestead Board of Management meeting.
- Chinese New Year Celebrations involving the Australian Chinese United Association of Business.

- Reception for new Consul General of China in Melbourne.
- Resident issues.

6. PUBLIC QUESTION TIME

MINUTE NO. 61

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

The following questions were submitted:

- Catharine McNab of Preston asked a question about impact of the proposed 205-215 Bell Street Preston development on neighbourhood character. The question was responded to by the Mayor, Cr. Asmar.
- Michael James of Preston asked questions in relation to the status and use of the right of way rear of 18-44 Young Street Preston, issues with the balconies of existing buildings, noise and air pollution, hours of operation and non compliance issues in relation to the site at 205-215 Bell Street Preston. The question was responded to by the Mayor, Cr. Asmar and the Director City Works and Development, Michael Ballock.
- Ivana Csar of Preston asked a question about objects being dangerously thrown from buildings, refuse issues and general disturbance including noise emanating from buildings within the site at 205-215 Bell Street Preston. The question was responded to by the Mayor, Cr. Asmar.
- Craig Kelso of Preston asked a question about the absence of formal community consultation and opportunity for objectors to have a right of review in relation to the amendment to the Development Plan involving 205-215 Bell Street Preston. The question was responded to by the Mayor, Cr. Asmar.
- Marina Barry of Preston asked a question about the visibility of proposed multi-storey buildings (205-215 Bell Street Preston development) from the rear gardens of the residential properties in Young Street Preston. The question was responded to by the Mayor, Cr. Asmar.
- Ann Dornau of Preston asked a question about an independent traffic assessment being undertaken in relation to the development at 205-215 Bell Street Preston. The question was responded to by the Director City Works and Development, Michael Ballock.
- Mark Keogh of Preston asked a question about the possibility of resident only parking applying in streets surrounding the development at 205-215 Bell Street Preston. The question was responded to by the Director City Works and Development, Michael Ballock.
- Michael Fenech of Preston asked a question about responsibility for enforcing vehicle weight limits, closure of several "illegal" crossovers and non-complaint issues involving the development site at 205-215 Bell Street Preston. The question was responded to by the Mayor, Cr. Asmar and the Director City Works and Development, Michael Ballock.
- Raoul Viotto of Preston asked a question about provision of resident permit parking in Young Street Preston. The question was responded to by the Mayor, Cr. Asmar.
- Susan Nash of Preston asked a question about the increased height of buildings associated with the current proposed amendment to the Development Plan compared to the original Development Plan approved by Council in December 2000 (205-215 Bell Street Preston). The question was responded to by the Mayor, Cr. Asmar.
- Lindy De Wijn of Preston asked a question about the development proposal (205-215 Bell Street Preston) achieving the objectives identified in the Municipal Strategic

Statement in relation to housing. The question was responded to by the Mayor, Cr. Asmar.

- Louise Arkles of Preston asked a question about the development proposal (205-215 Bell Street Preston) achieving a balance with stated Council goals in the Council Plan 2009-2013. The question was responded to by the Mayor, Cr. Asmar.
- Annie Bolitho of Preston asked a question about Council consideration of sustainability issues relating to the proposed development (205-215 Bell Street Preston). The question was responded to by the Mayor, Cr. Asmar.

After Public Question Time had concluded, four further questions were submitted in writing.

7. RECORDS OF ASSEMBLIES OF COUNCILLORS

7.1 ASSEMBLIES OF COUNCILLORS HELD

MINUTE NO. 62

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:

- International Women's Day Committee – 16 February 2011
- Municipal Emergency Management Planning Committee – 23 February 2011
- Darebin Environmental Reference Group – 23 February 2011
- Councillor Workshop – 25 and 26 February 2011
- Council Briefing Session – 28 February 2011
- Planning Committee Briefing Session – 28 February 2011
- Preston Business Advisory Committee – 2 March 2011

RECOMMENDATION

THAT the records of Assemblies of Councillors held on 16, 23, 25, 26 and 28 February 2011 and 2 March 2011 be noted and incorporated in the minutes of this meeting.

COUNCIL RESOLUTION

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

THAT the nature of the interest involving Cr. Asmar recorded in the 'Note' relating to the Councillor Workshop held on 25 and 26 February 2011 (Session 5) be amended to read "that her uncle and auntie are the owners of property in the immediate vicinity" and that the records of Assemblies of Councillors held on 16, 23, 25, 26 and 28 February 2011 and 2 March 2011, as amended, be noted and incorporated in the Minutes of this meeting.

CARRIED



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	International Women's Day Committee meeting
	Date:	Wednesday 16 February 2011
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Diana Asmar (Mayor)
	Council Staff:	Deborah Equid
	Other:	Two community members of the committee
APOLOGIES:		Two community members.

The Assembly commenced at 6 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Community Event speakers, logistics and entertainment to celebrate International Women's Day for Wednesday 9 March.	No disclosures were made.

The Assembly concluded at 7 pm

RECORD COMPLETED BY:	Officer Name:	Deborah Equid
	Officer Title:	Civic Events Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Municipal Emergency Management Planning Committee
	Date:	23 February 2011
	Location:	Function Room, Darebin Civic Centre, 350 High Street Preston
PRESENT:	Councillors:	Cr Diana Asmar (Mayor)
	Council Staff:	Michael Ballock, Nik Filips, Alison Duncan, Rod Brazier, Marisa Schiavello and Alice Potter.
APOLOGIES:		Michael Kennedy, Benson Or, Michelle Marinelli and Warren Brooker

The Assembly commenced at 10.10 am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome and Apologies	No disclosures were made
2	Confirmation of Previous Minutes	No disclosures were made
3	Contact List Update and Confirmation	No disclosures were made
4	Business Arising from Previous Minutes	No disclosures were made
5	Change of Arrangements	No disclosures were made
6	Victorian Fire Risk Register	No disclosures were made
7	Feedback on Exercise held at Holmes Street estate	No disclosures were made
8	CERM Review	No disclosures were made
9	After Hours Resource Manual	No disclosures were made
10	Calendar of festivals and events	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
11	General Business/Information Exchange	No disclosures were made
12	Presentation of Audit Certificate	No disclosures were made. Chief Executive Rasiah Dev attended for the presentation.

The Assembly concluded at 11.55 am

RECORD COMPLETED BY:	Officer Name:	Michael Ballock
	Officer Title:	Director City Works and Development



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Environmental Reference Group
	Date:	23 February 2011
	Location:	Conference Room Preston
PRESENT:	Councillors:	Cr Trent McCarthy
	Council Staff:	Libby Hynes, Michelle Bennett, Heidi Hamm
	Other:	Darebin Environmental Reference Group community members
APOLOGIES:		

The Assembly commenced at 7.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Environmental issues including updates on Council environmental programs and projects (as per DERG Agenda 23 February 2011)	No disclosures were made
2	Independent Climate Commission established by Australian Government	No disclosures were made
3	Climate Emergency Round Table	No disclosures were made

The Assembly concluded at 9.00 pm

RECORD COMPLETED BY:	Officer Name:	Michelle Bennett
	Officer Title:	Environmental Strategy Coordinator



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Workshop 2011
	Date:	25 February 2011 to 26 February 2011
	Location:	Bellinzona Conference Centre 77 Main Road, Hepburn Springs
PRESENT:	Councillors:	Cr Diana Asmar (Mayor), Cr Stanley Chiang, Cr Vince Fontana, Cr Gaetano Greco, Cr Nick Katsis, Cr Tim Laurence, Cr Trent McCarthy, Cr Ben Morgan, Cr Steven Tsitas.
	Council Staff:	Michael Ballock, Rasiah Dev, Daniel Freer, Kerrie Jordan, Katrina Knox, Chris Meulblok, Rhys Thomas, Vijaya Vaidyanath, Fred Warner.
	Other:	Brian Haratsis, Peter Hayward, partners of Councillors
APOLOGIES:		none

The Assembly commenced at 1.50pm, 25 February 2011

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	A presentation by Brian Haratsis titled "Big Australia?"	No disclosures were made Brian Haratsis left the assembly at the conclusion of this item.
2	A presentation by Rasiah Dev titled "Opportunities and Challenges"	No disclosures were made Kerrie Jordan left the assembly at the conclusion of this item.

The Assembly adjourned at 4.50pm, 25 February 2011

The Assembly resumed at 7.00pm, 25 February 2011

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
3	A presentation by Peter Hayward about strategic foresight and the City of Darebin.	<p>Peter Hayward joined the assembly at the beginning of this item.</p> <p>A number of partners of Councillors were present during this item.</p> <p>No disclosures were made</p> <p>Cr Laurence joined the assembly at 8.30pm.</p> <p>Cr Katsis joined the assembly at 8.50pm.</p> <p>Peter Hayward left the assembly at the conclusion of this item.</p>

The Assembly adjourned at 9.15pm, 25 February 2011

The Assembly resumed at 9.00am, 26 February 2011

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	A presentation by Vijaya Vaidyanath about Financial Sustainability	No disclosures were made.
5	A presentation by Michael Ballock titled "Signature Projects"	Cr Asmar brought to the assembly's attention a potential interest in one item (see below). No other disclosures were made.
6	A presentation by Vijaya Vaidyanath titled "Connecting with our Community"	No disclosures were made.
7	A presentation by Rasiah Dev titled "Darebin 2020"	No disclosures were made.
8	A facilitated workshop by Rhys Thomas identifying priority issues for Councillors.	No disclosures were made.

The Assembly concluded at 5.10pm, 26 February 2011

Note:

In Session 5, Michael Ballock presented a map showing the locations of a number of car parks around Darebin. This map included car parks in Helen Street Northcote and Mitchell Street Northcote.

Cr Asmar immediately declared that she may have an indirect interest in any discussion relating to these car parks, classifying the type of interest as an indirect interest by close association and describing the nature of the interest as that her ~~uncle is the owner of a property~~ in the immediate vicinity.

↑
uncle and auntie are the owners of property

Michael Ballock explained that these car parks were simply included on a map of identified car parks, and that he did not plan to discuss them further. The assembly did not discuss these sites.

RECORD COMPLETED BY:	Officer Name:	Rhys Thomas
	Officer Title:	Governance and Corporate Planning Manager



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Council Briefing Session
	Date:	Monday, 28 February 2011
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Diana Asmar (Mayor), Cr Trent McCarthy, Cr Stanley Chiang, Cr Laurence, Cr Steven Tsitas, Cr Gaetano Greco, Cr Nick Katsis, Cr Vince Fontana, Cr Ben Morgan (Cr Laurence left the meeting at 8.10pm)
	Council Staff:	Rasiah Dev, Vijaya Vaidyanath, Michael Ballock, Daniel Freer, Fred Warner, Libby Hynes, Chris Meulblok
	Apologies:	Nil

The Assembly commenced at 7.15 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	The Audit's Findings and Recommendations with Darebin's Emergency Management Policies, Plans and Arrangements	No disclosures were made.
2	Northland Structure Plan Project Outputs	No disclosures were made.
3	Evaluation of the Kerbside Recycling Service Tenders (Confidential paper)	No disclosures were made.
4	Amendment to a Development Plan at 205-215 Bell Street, Preston	No disclosures were made.

The Assembly concluded at 8.30pm

RECORD COMPLETED BY:	Officer Name:	Vijaya Vaidyanath
	Officer Title:	Director Corporate and Business Services



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Planning Committee Briefing Session
	Date:	Monday 28 February 2011
	Location:	Councillors Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Vince Fontana (Chair) (5.28pm – 5.32pm), Cr Tim Laurence (present throughout, Cr Nick Katsis (5.27pm – 5.32pm), Cr Steven Tsitas (5.25pm – 5.32pm), Cr Diana Asmar (5.00pm – 5.20pm) and Cr Gaetano Greco (5.21pm – 5.32pm) .
	Council Staff:	Michael Ballock, Peter Rollis and Darren Rudd
APOLOGIES:		Nil

The Assembly commenced at 5.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	88 Rathmines Street Fairfield, 10 – 12 Sparks Avenue Fairfield, 4 Separation Street Northcote, 205 Bastings Street and 948 High Street Reservoir	No disclosures were made NOTE: Crs Fontana, Greco, Katsis and Tsitas were all absent from this discussion
2	52 – 60 and 71 -79 Gadd Street Northcote	Cr Asmar left part of this discussion at 5.20pm, Cr Fontana arrived for part of the discussion at 5.28pm , Cr Katsis arrived for part of the discussion at 5.27pm, Cr Greco arrived for part of the discussion at 5.21pm and Cr Tsitas arrived for part of the discussion at 5.25pm. No disclosures were made.

The Assembly concluded at 5.32pm

RECORD COMPLETED BY:	Officer Name:	Darren Rudd
	Officer Title:	Manager City Development



ASSEMBLY DETAILS:	Title:	Preston Business Advisory Committee
	Date:	Wednesday 2 March 2011
	Location:	Red Room – Level 1, 274 Gower Street Preston.
PRESENT:	Councillors:	Cr Vince Fontana
	Council Staff:	Eddy Boscarior, Sarah-Jade Chung
	Other:	Representatives of Preston Girls Secondary College, Department of Transport, Commonwealth Bank, Preston Marketing Coordinator, Old Fire Station Café, Preston Market, Snap Printing, Westpac, and Bendigo Bank.
APOLOGIES:		Cheaper Party Supplies, Preston Eye Care and Northern Bullants

The Assembly commenced at 4.05pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Marketing Report	No disclosures were made
	<i>Cr Vince Fontana left the meeting at 4:25pm</i>	
2	Preston Festival	
3	Financial Report (information only)	
4	Business Plan	
5	Newsletter (information only)	
6	Operational Matters	
7	Capital Works (information only)	
8	New Developments	
9	Expression of Interest for PBAC membership	

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
10	Other Business	

The Assembly concluded at 5.10pm

RECORD COMPLETED BY:	Officer Name:	Sarah-Jade Chung
	Officer Title:	Economic Development Project Officer

8. CONSIDERATION OF REPORTS

8.1 AMENDMENT TO DEVELOPMENT PLAN - 205-215 BELL STREET PRESTON

MINUTE NO. 63

AUTHOR: Principal Statutory Planner - John Limbach

REVIEWED BY: Director City Works and Development – Michael Ballock

SUMMARY:

The owners (Asian Pacific Property Investment Pty Ltd) of the Bell Centre (formerly PANCH site) are proposing to amend the approved Development Plan.

In essence, the proponent seeks to include an additional three (3) buildings to the north-east corner of the site with heights of seven (7), 12 and 15 storeys and an additional building to the south of the site, with a height of six (6) storeys (Stage 3).

The buildings to the north-east are proposed to be used for offices, a licensed Function Centre, a Food and Drink Premises, Hotel units and dwellings and include three (3) levels of basement car parking. The building to the south is proposed to be used for offices.

CONSULTATION:

Department of Transport
VicRoads

Strategic Planning Unit
Public Realm Unit
Capital Works Unit
Transport Unit
Environmentally Sustainable Design Officer
Compliance and Amenity Unit

RECOMMENDATION

THAT Council approve the amendment to the Development Plan 205-215 Bell Street Preston subject to the following conditions:

- The south facing glazing to the ground, first, second, third, fourth and fifth floors of the southern six (6) storey office building to be obscure to a height of 1.70 metres from finished floor level.
- The provision of privacy screens to a height of 1.70 metres from finished floor level and no more than 25% transparency, to the south, east and west boundaries of the third floor terrace to the southern six (6) storey office building.
- The provision of non-reflective glazing throughout the development.

- An amended landscape plan that shows:
 - Planting details for shrubs, trees and any structural support used for climbers.
 - Specifications of edging between garden beds and lawn or granitic gravel.
 - Removal of proposed trees on the nature strip.

MOTION

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

THAT Council refuse the amendment to the Development Plan 205-215 Bell Street Preston on the grounds that:

- (1) The scale and form of the proposal fails to respect the neighbourhood character of the area
- (2) The proposal will have a detrimental impact on the amenity of adjoining residential properties
- (3) The proposal does not adequately address the Guiding Principles – PANCH Redevelopment Site, as required by the Development Plan Overlay – Schedule 5 of the Darebin Planning Scheme

and Council officers prepare a further report to Council on management issues surrounding the operation of Rydges Hotel Bell City.

WITH LEAVE OF THE MAYOR, CR. ASMAR, THE MOTION WAS WITHDRAWN IN FAVOUR OF THE FOLLOWING MOTION.

FURTHER MOTION

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

THAT Council defer the amendment to the Development Plan 205-215 Bell Street Preston to the Council meeting on 18 April 2011 to seek further advice on:

- (1) Whether the scale and form of the proposal respects the neighbourhood character of the area
- (2) Whether the proposal will have a detrimental impact on the amenity of adjoining residential properties
- (3) Whether the proposal adequately addresses the Guiding Principles – PANCH Redevelopment Site, as required by the Development Plan Overlay – Schedule 5 of the Darebin Planning Scheme

and to allow for an independent traffic study and further consultation with residents, and Officers bring a further report to Council regarding the management issues of the centre.

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

COUNCIL RESOLUTION

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

THAT Council defer the amendment to the Development Plan 205-215 Bell Street Preston to the Council meeting on 18 April 2011 to seek further advice on:

- (1) Whether the scale and form of the proposal respects the neighbourhood character of the area
- (2) Whether the proposal will have a detrimental impact on the amenity of adjoining residential properties
- (3) Whether the proposal adequately addresses the Guiding Principles – PANCH Redevelopment Site, as required by the Development Plan Overlay – Schedule 5 of the Darebin Planning Scheme

and to allow for an independent traffic study and further consultation with residents, and Officers bring a further report to Council regarding the management issues of the centre.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

- **Applicant:** Contour Consultants
PO BOX 1040
CARLTON VIC 3054
- **Owner:** Asian Pacific Property Investment Pty Ltd.
Level 14, 1 Queens Road
MELBOURNE VIC 3004

Planning Controls

Darebin Planning Scheme

State Planning Policy Framework (Clauses 11, 15.01, 15.02, 16, 17.01, 17.03, 18.01)
Local Planning Policy Framework (Clauses 21, 21.03, 21.05-1, 21.05-2, 21.05-3, 21.05-5, 22.02, 22.04, 22.10)
Zone (Clause 32.04)
Overlays (Clauses 43.04, 45.03, 45.06)
Particular Provisions (Clauses 52.06, 52.34, 52.36)
General Provisions (Clause 65.01)

Zone

Mixed Use Zone (Clause 32.04)

Overlays

Development Plan Overlay – Schedule 5 (Clause 43.04)

Environmental Audit Overlay (Clause 45.03)

Development Contributions Plan Overlay (Clause 45.06)

Development Plan History

The original Development Plan relating to the subject land was approved by Council on 5 December 2000. The original Development Plan allowed the development of the subject land for the purpose of a residential building (student housing units and a hotel), conference centre, offices, a medical centre, a restaurant and associated car parking. The student housing units and the hotel component has been constructed and currently operates from the subject land, known as Stage 1.

The Development Plan has since been amended on nine (9) different occasions, allowing modifications to both development and uses on the land.

1. An amendment to the Development Plan was approved on 25 January 2002 and allowed the following:
 - Previously approved student housing to be substituted with Student Housing and a Hotel.
 - Increase in on-site car parking from 712 to 761 car spaces.
2. An amendment to the Development Plan was approved on 20 December 2002 and allowed for ancillary Function Centre/Education Centre in former nurses education building.
3. An amendment to the Development Plan was approved on 20 December 2002 and allowed for the deletion of the word 'ancillary' in relation to the Function Centre.
4. An amendment to the Development Plan was approved on 5 June 2006 and allowed the following:
 - Undercroft car parking for the medical centre;
 - Re-alignment of the internal accessway;
 - Alterations to the car parking layout; and
 - Additional crossover to Hotham Street.
5. An amendment to the Development Plan was approved on 19 September 2006 and allowed the following:
 - Addition of three (3) storeys to the south wing of the former hospital building;
 - Re-configuration and reduction of floor space at ground floor level and use of the land for a convenience restaurant, restaurant, office and conference centre;
 - Internal reconfiguration of existing approved levels 1-7 containing a total of 308 serviced apartments and 75 student accommodation units;
 - Addition of a new plant area and flagpole on top of the former hospital building;

- Restaurant seating capacity reduced from 150 to 140 with 84 basement car parking spaces; and
 - Revised car parking access and reconfiguration of car parking layout.
6. An amendment to the Development Plan was approved on 21 May 2007 and allowed the following:
- Reduction in the number of car parking spaces from 84 to 76 in the basement level 1 to the car parking area under the restaurant;
 - Construction of new basement levels 2, 3 and 4;
 - Relocation of the water tank to the north-west corner of basement level 1;
 - Addition of a proposed vehicle link at basement level 1;
 - Additional of a pedestrian link at basement level 1 to the existing basement of the former hospital building;
 - Minor re-arrangement of the ground floor plan of the restaurant to accommodate a new lift and stair location; and
 - Amend the condition of the development plan relating to the hours of operation of the conference centre.
7. An amendment to the Development Plan was approved on 15 October 2007 and allowed the following:
- Additional level to the restaurant building to provide for a 200 seat licensed restaurant, a tavern to accommodate 70 patrons and a 300 seat conference/function centre;
 - Internal reconfiguration of approved former hospital building to provide 17 dwellings (Level 7), 291 serviced apartments, 74 student accommodation units, 80 seat café, 1114 square metre office floor space and a 120 person conference/function centre;
 - Addition of the hotel recreation room, hotel theatre room, hotel/student gymnasium, laundromat, hotel laundry and other associated hotel facilities within the basement level beneath the former hospital building;
 - Additional floor-space added to south wing of the former hospital building;
 - Additional roof-top garden adjacent to east façade of south wing at first floor level of the former hospital building;
 - New accessway through the site between the main car park and the area south of the medical centre building;
 - Reconfiguration of the at grade car parking area near the restaurant building and south of the medical centre building with a total loss of eight (8) spaces across the site (Stage 1 car parking remained at 172 spaces) and the relocation of one (1) loading bay from the east of the restaurant building to the west side of the restaurant building;
 - New landscaping works;
 - Revised fence detail surrounding the residential building; and
 - Revised flagpole detail;

8. An amendment to the Development Plan was approved on 23 July 2008 and allowed the following:
 - 542 square metres of office (as approved) or 300 square metres of shop and postal agency (combined area) and 242 square metres of office;
 - Minor external alterations at the western end of the ground floor west wing including a new door, window and canopy; and
 - New external material and finished to the south wing stairs (fire escape).
9. An amendment to the Development Plan was approved on 17 November 2008 and allowed extended opening hours for the Function Centre, tavern and restaurant.

Planning Permit History

The following planning permits have been issued. The permits are all generally in accordance with approved development plans. On occasion the permit application followed the amendment of the Development Plan.

Planning Permit D/234/01 was issued by Council on 20 September 2001 for the development and use of part of the land as a residential building (student accommodation) and ancillary uses.

Planning Permit D/933/02 was issued by Council on 7 March 2002 for the development and use of part of the land as a residential building (student accommodation), hotel and ancillary uses.

Planning Permit D/804/03 was issued by Council on 3 March 2004 to allow the public use of the conference centre associated with the residential building (student accommodation) and hotel.

Planning Permit D/356/2006 was issued by Council on 17 November 2006, to allow the use and development of the land for the purpose of a residential building (serviced apartments and student accommodation), office, conference centre, a 40 seat convenience restaurant and a 140 seat restaurant, to reduce the car parking, bicycle and loading bay requirements and to alter access to a road. This permit has since been amended to allow function centres (totalling 420 seats), a 200 seat restaurant, tavern for 70 persons, 17 dwellings, shops and postal agency (with a maximum combined floor area of 300 square metres) along with other building alterations.

Planning Permit D/250/2007 was issued by Council on 24 May 2007 to allow buildings and works for the construction of a car park and changes resulting from this construction.

Planning Permit D/229/2007 was issued by Council on 17 August 2007 to allow the construction of a flag pole.

Proposal

Approval is sought for a further amendment to the current approved Development Plan. This amendment includes the following changes:

Redevelopment of the north-eastern and central part of the site to accommodate multi level buildings (Stage 3). Building A: 15 storeys, Building B: seven (7) storeys and Building C: 12 storeys, plus a basement of three (3) storeys; comprising:

- 615m² of offices;

Notification

Formal notification of amendments to development plans is not a requirement under the Planning and Environmental Act 1987 (as amended); however the community has been notified via informal notice. Notice has been sent to the owners and occupiers of adjoining and nearby land, two (2) signs have been posted at the site (Bell Street and Hotham Street) and the notice has been placed in two (2) editions of the Preston Leader newspaper.

Submissions

186 submissions have been received in response to the notification of the proposal.

The submissions are summarised as follows:

- Traffic and car parking
- Density
- Neighbourhood character, scale and form
- Views
- Reduce land values
- Overlooking
- Overshadowing
- Loading/unloading
- Noise
- Glare from proposed buildings
- Waste management
- Management of site during construction
- Contract of sale condition requiring day surgery on the site
- Current management of approved uses.

Officer comment on submissions

- The development accords with acknowledged policy for urban consolidation and increased densities. Although it is acknowledged that there will be some impacts due to increased densities (eg. traffic, parking), these are to be managed to a reasonable degree by the imposition of the provisions of the Development Plan Overlay, Clause 52.06 (car parking) of the Darebin Planning Scheme and State and Local Planning Policy Framework. Car parking and traffic are discussed in detail in the assessment section of this report.
- State and Local Planning Policy encourages appropriate mixed use development in well serviced areas such as this. As a result the appearance of streetscapes, and especially those with larger sites, will change over time. The scale of the proposal is in accordance with the predominantly large scale existing buildings and has been designed and located so as to reduce impact on the surrounding low-scale residential streets. The proposal has been designed to create its own character whilst retaining the existing buildings.
- Generally there are no rights to a view, other than those protected by specific Planning Controls (eg. Y on High and All Nations Park).
- Land values are subjective and not a legitimate planning consideration.
- Overlooking and overshadowing are discussed in the assessment section of this report.

- Loading/unloading areas have been shown in acceptable locations within the site and will be discussed in the assessment section of this report.
- Detailed noise attenuation measures will be required as part of the Planning Permit process.
- A condition of any approval will require all glazing to be non-reflective type.
- A Waste Management Plan and Construction Management Plan will be required as part of the Planning Permit process.
- No covenant, Section 173 agreement or other restriction registered on the Certificate of Title requires a fully operational day surgery to be maintained on the site.
- As a result of submissions relating to current management of the site, investigations into compliance with previous planning approvals has been undertaken.

A summary of current management issues:

- Noise (bottles, vehicles, hotel patrons, plant)
- Behaviour of hotel guests
- Vehicle access to right of way
- Waste management (unsightly bins, location of bins, early pick-up)
- Tree removal
- Laundry air vent emissions/odours
- Location of a shipping container
- Use of southern crossover to Hotham Street
- Condition of buildings
- Parking
- Helicopter landings on site.

Council officers have met with the owners and agents to discuss concerns raised in submissions. The owners of the site have acknowledged that the management of the site has been less than adequate and measures have since been taken to address these concerns including waste management, heavy vehicle access, use of the rear laneway, car park access, noise and general delivery times. As with all compliance issues, the owners were given an opportunity to rectify the issues and were informed that any further breaches of the current planning permit conditions would result in penalty fines and the possibility of court action.

Consultation

A consultation meeting was held on 2 February 2011, no resolution was reached between parties, however the proponent has proposed screening to the six (6) storey office building to the south, which is discussed in the assessment section of this report.

Assessment

Development Plan Overlay – Schedule 5

In accordance with Clause 43.04-3 of the Darebin Planning Scheme, the Development Plan may be amended to the satisfaction of the Responsible Authority.

Schedule 5 of the Development Plan Overlay specifies the requirements for the Development Plan as follows:

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

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

The amended Development Plan is generally in accordance with the Guiding Principles – PANCH Redevelopment Site, which state that it is the Council's objective to achieve an integrated mixed-use development, which provides opportunities for residential, medical, community commercial and education uses as well as the preservation of urban character and landscape features. The amendment includes plans which show the above.

Environmental Audit Overlay

The subject site is affected by an Environmental Audit Overlay. The purpose of the Environmental Audit Overlay is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

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

On 24 November 2003, Council was provided with a Statement of Environmental Audit in relation to the eastern portion of the subject land. As the southern office block is not to be used for a sensitive use, there is no requirement for a certificate of environmental audit, or an audit statement.

Strategic Justification

The proposal is consistent with State Planning Policy Framework, in particular Clause 16.01-2 '*Location of residential development*'. The clause emphasises the need to concentrate new housing development in and around;

- Activity Centres,
- Employment corridors, and
- Strategic Redevelopment Sites.

Within a one kilometre radius of *The Bell Centre*, the services and infrastructure available within a walkable catchment include:

- Tram route 86,
- Epping railway line (via Bell Station),
- Tram route 112,
- High Street retail spine, and
- South Preston Primary Neighbourhood Centre (Junction Area).

The abovementioned services and infrastructure located within the vicinity of Bell Centre make the area highly serviceable and appropriate for significant redevelopment.

The proposal is consistent and will achieve the objectives identified in the Municipal Strategic Statement (MSS) in particular Element 2 (housing), 3 (urban design) and 5 (economic development) of Clause 21.05. Page 9 of the 'Bell Centre Development Plan 2010' provides a more detailed overview of these local strategies.

The site is located in the 'Engage Precinct', within the Bell Street Strategy (2006) and the proposal is generally consistent with the preferred future vision of the precinct. Whilst the strategy shows the current approval at the 'PANCH' site is 8 storeys, it is not expressed within the study that this is the 'maximum' building height.

The land use strategy and urban design framework document is designed to assist in the guidance of the future development of land in Bell Street, Darebin. The amended Development Plan is considered to be consistent with the principle of the engage precinct to continue to develop as a mixed use precinct.

Land Use

The proposed amendment is in accordance with the purpose of the Mixed Use Zone to provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.

In accordance with the guidelines as set out in Schedule 5 of the Development Plan Overlay, in assessing the development plan the Responsible Authority should consider the Guiding Principles – PANCH Redevelopment Site, Development Principles Lot 1, Development Principles Lot 2, Development Principles Lot 3:

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

The amended Development Plan does not contradict the guiding principles, the former hospital buildings are to be retained, housing diversity is to be further increased and the proposed land uses are integrated.

The proposed uses are considered to complement each other and those already approved on the site. Synergy is likely to occur between uses, an example being the likelihood of office workers and hotel patrons using shops, restaurant and function centre.

Urban Design

The site is characterised by the re-furbished former PANCH buildings that are eight (8) storeys in height. The proposed 15 and 12 storey buildings to the north-east (and the mostly hidden seven (7) storey building) are considered an improvement when compared to the existing buildings in architectural and neighbourhood character terms as they provide a transitional and articulated form to the street. The buildings to the north east are located so as to have limited impact on the character of the nearby residential areas to the north, south, east and west and are mostly contained within the existing enclosure created by the existing buildings on site.

The proposed Stage 3 buildings are modulated and provide transitional setbacks to the east and to Bell Street at the north, with the highest building comparatively recessive and pushed toward the middle of the site.

A useable internal open space area has been proposed between Building A and Building B, and whilst it is acknowledged that it will be in shade most of the day, provides an area for employees, customers and visitors to congregate and meet.

The proposed six (6) storey building to the south is designed so that it presents a similar three (3) storey form to that of the existing three (3) storey building (which adjoins properties on the north side of Young Street). The proposed building steps up from 10.80 metres (less than the existing building height) to 20.20 metres in its transition from three (3) to six (6) storeys. The six (6) storey component will be generally invisible from the rear gardens of the residential properties in Young Street. The contemporary appearance is considered suitable for an office building and relates to the glazed finishes of the existing buildings on site.

Details such as materials, colours and landscaping will be considered as part of the Planning Permit process.

Neighbourhood Character

The property is within Neighbourhood Character Precinct B4. This precinct is based on the residential development which is situated to the north, east, south-west and west of the site and does not reflect larger-scale commercial buildings that are located on the existing site. The form, scale, design and siting of development on the site is a very different character to that of the surrounding residential area and it is considered that an assessment of the application against the provisions of the Character Study are not relevant to this case. Accordingly, a Neighbourhood Character Precinct Assessment has not been undertaken as part of this report.

Amenity

As the 15 storey, 12 storey and seven (7) storey buildings are shielded from adjoining residential properties by the existing eight (8) storey buildings, they will have limited impact on residential amenity.

The six (6) storey office building to the south is similar in height and scale to the existing three (3) storey building where adjacent to residential properties to the south.

Overshadowing

The 15, 12 and seven (7) storey buildings will overshadow adjoining residential properties to the east from 2pm-3pm on 22 September. The buildings will overshadow a large proportion of the rear gardens of two (2) residential properties from between 2pm and 3pm. Any overshadowing is, however, in compliance with the standard at Clause 55.04-5 (overshadowing open space) of the Darebin Planning Scheme, which is used as a guide and therefore considered acceptable. This is confirmed by the submitted shadow analysis.

The six (6) storey office building to the south will overshadow adjoining residential properties to the south, however the three (3) storey height at the boundary ensures that, for most of the day, the building will overshadow less of the nearby secluded private open space than the existing building. The building will have a larger shadow than existing from 9am to 11am, affecting 84 Hotham Street and 44 Young Street, however the proposal is in compliance with the standard at Clause 55.04-5 (overshadowing open space) of the Darebin Planning Scheme, which is used as a guide, and therefore considered acceptable. This is confirmed by the submitted shadow analysis.

It is noted that the submitted plans contain errors with regard to the positioning of structures on the adjoining residential properties that front Young Street, however this has been taken into account as part of the assessment and overshadowing is still considered to be within acceptable limits as discussed above.

Overlooking

The 15 and seven (7) storey buildings are to be located approximately 45 metres minimum from nearby residential properties to the east and any views are generally shielded by the existing buildings to the south and west and the proposed 12 storey building to the west. To the north is Bell Street, with mostly non-residential uses located directly opposite.

The 12 storey building is to be located a minimum 14.40 metres from the adjoining properties to the east (the building adjoins property occupied by a medical centre for most of the east boundary), which is in compliance with the standard at Clause 55.04-6 (overlooking) of the Darebin Planning Scheme, which is used as a guide. It is important to note that none of the Stage 3 buildings will be visible from Young Street and so there will be no overlooking impact to the residential properties fronting this street.

As the proposed six (6) storey office building to the south is located adjacent to the rear secluded private open space areas of residential properties that front Young Street, it is recommended that 1.70 metre high screening and obscure glazing be required to south facing ground, first, second, third, fourth and fifth floor glazing, and the south, east and west boundaries of the third floor terrace.

Further detail regarding noise, management plans, waste management and the like will be considered as part of the Planning Permit process.

A condition of any approval will require non-reflective glazing to be used throughout the development, to prevent glare from entering surrounding residential properties.

Car Parking

Section 8.5 of the approved Development Plan outlines the car parking requirements on the site.

Use	Quantity	Rate	Schedule 5 Requirement
Serviced apartments	105 units	0.6 per room	63
Dwellings	296 units	1 space per dwelling plus 1 visitor space per 5 dwellings	355
Function Centre	380m ² /200 people	0.35 spaces per person	70
Restaurant	120m ² /80 seats	2 staff places	2
Business Centre	615m ²	3.5 spaces per 100 square metres net	22
Total			512 spaces

As the café is considered to be ancillary to Bell City, it is considered acceptable for staff car parking to be provided only.

The three (3) buildings to the north-east (Stage 3) have a requirement of 512 spaces, of which 507 are to be provided within the proposed three (3) level basement car park and the balance accommodated within the existing basement car park, which is to be linked to the proposed.

The proposed southern office block has a requirement of 181 spaces, of which 60 are to be provided on the southern block, with the balance of up to 121 spaces accommodated elsewhere in the Bell City Site.

The proposal will result in the provision of 956 car parking spaces on the site (Stage 1 + Stage 2 + Stage 3 + office building); the proponent has provided information to show that peak existing and proposed car parking demand at 760 spaces. Council's Transport Unit has no objection to the number of car parking spaces provided within the development.

Traffic Impact Assessments for both Stage 3 and the southern office block have been submitted as part of the proposal, detailing internal roads, manoeuvrability, road connections to the adjoining road network and the location and nature of transport facilities. Council's Transport Unit has assessed vehicle manoeuvrability and access and has no objection to the proposal. Further detail will be required as part of the Planning Permit process.

Bicycle Parking

The Stage 3 buildings require 63 resident/employee bicycle parking spaces, plus 34 visitor/customer bicycle parking spaces (97 in total) in accordance with Clause 52.34 (bicycle parking) of the Darebin Planning Scheme. Parking for 109 bicycles is proposed within the Stage 3 basement car parking, with a further 26 at ground level. Of these spaces, 45 are to be provided for Stage 2 uses.

The southern six (6) storey office building requires 17 employee bicycle parking spaces, plus five (5) visitor/customer bicycle parking spaces (23 in total) in accordance with Clause 52.34

(bicycle parking) of the Darebin Planning Scheme. 23 bicycle parking spaces are proposed on the site, in accordance with the standard.

Loading/Unloading

Drop off areas for Stage 1, 2 and 3 buildings will be provided for in set down areas and short term parking spaces along the continuation of the internal road from the Bell Street signalised access. This access is to be also used for delivery vehicles and coaches with the Stage 3 loading dock and service vehicle/coach turning area to be located between the Stage 2 and western Stage 3 buildings.

Further detail regarding loading/unloading will be required as part of the Planning Permit process.

Sustainability

The proposal is inheritably sustainable as it encourages higher density, mixed-use development in an area that is well served by public transport.

Sustainable Design Statements (SDS), Sustainable Tools for Environmental Performance Strategy (STEPS) assessments and the like will be required and assessed by Council as part of the Planning Permit process.

Landscaping

A comprehensive landscape plan has been submitted as part of the proposal and indicates acceptable areas for landscaping. Council's Public Realm Unit have requested a condition requiring an amended landscape plan that shows:

- Planting details for shrubs, trees and any structural support used for climbers.
- Specifications of edging between garden beds and lawn or granitic gravel.
- Removal of proposed trees on the nature strip inspected for planting opportunities. When Council is notified by the applicant that construction is complete, the site will be inspected for planting opportunities.

POLICY IMPLICATIONS

Environmental Sustainability

Issues relating to the environmental sustainability of this proposal including built form, access to public transport and sustainable design have been presented in the body of this report.

Social Inclusion and Diversity

The guiding principles of the PANCH redevelopment site include the opportunity to cater to diverse housing types to meet the needs of a variety of households including students and the aged. Under the proposal, this housing diversity is to be increased.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The amended Development Plan is generally in accordance with the Guiding Principles – PANCH Redevelopment Site, which state that it is the Council’s objective to achieve an integrated mixed-use development, which provides opportunities for residential, medical, community commercial and education uses as well as the preservation of urban character and landscape features.

The amended Development Plan is consistent with, and will achieve the objectives identified in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and local policy including the Bell Street Corridor Strategy.

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

Darebin Planning Scheme

Municipal Strategic Statement

Planning and Environment Act 1987

Bell Street Corridor Strategy – December 2006

Briefing Paper – Council Briefing Session on 28 February 2011 – Amendment to Development Plan at 205-215 Bell Street Preston

Appendix A – Aerial Plan and Attachments

**8.2 NORTHLAND STRUCTURE PLAN PROJECT OUTPUTS -
BACKGROUND ISSUES REPORT AND VISION SCENARIOS
PAPER**

MINUTE NO. 64

AUTHOR: Senior Strategic Planner – Gilda Di Vincenzo

REVIEWED BY: Director City Works and Development – Michael Ballock

SUMMARY:

The purpose of this report is to provide Council with an overview of the *Northland Structure Plan Project: Vision Scenarios Paper* and its preceding work, including the *Northland Structure Plan: Background Issues Report*. This report also outlines a proposed public consultation program to be held over the next few months.

The *Northland Structure Plan Project: Vision Scenarios Paper* (the 'Vision Paper') is structured to set out aspirations for the Northland Principal Activity Centre (PAC) to address future needs and resolve issues in the areas of housing, community services and infrastructure, economy, transport and open space, and translate these into physical possibilities across precincts and key redevelopment sites.

The aspirations and scenarios in the Vision Paper are the culmination of the findings of the *Northland Structure Plan: Background Issues Report* (the 'Background Report') and a visioning process undertaken collectively with key stakeholders and the community.

The Vision Paper is intended to elicit community discussion about future possibilities for Northland PAC and will form the foundation for the preparation of a Draft Structure Plan for the centre. A public consultation program will run across March and April 2011 where the background work and the vision scenarios will be available to the public for discussion and debate.

CONSULTATION:

The following Council staff members were consulted in preparing this report:

- Director City Works and Development
- Manager City Development
- Coordinator Strategic Planning Unit

COUNCIL RESOLUTION

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

THAT Council:

- (1) Endorse the *Northland Structure Plan: Background Issues Report*, dated April 2010 and the *Northland Structure Plan Project: Vision Scenarios Paper*, dated February 2011 attached as **Appendices A and B** to this report.
- (2) Authorise officers to undertake a consultation program based on the *Vision Scenarios Paper* as outlined in this report.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

The preparation of structure plans by local Councils for their activity centres is a requirement under *Melbourne 2030*, the State Government's metropolitan strategy for the future sustainable growth of Melbourne.

Council commenced the preparation of a structure plan for Northland Principal Activity Centre (PAC) in February 2009. The structure plan will guide long term changes to land use, built form and public spaces in Northland PAC, with strategic directions to address the key issues in the centre. Future developments and improvements will aim to achieve economic, social and environmental objectives for the centre to meet changing community needs. The Structure Plan will establish a framework for future investment in the centre including major infrastructure upgrades, housing, commercial and civic developments, streetscape improvements, and community development projects.

The Northland Structure Plan project is being undertaken through a five-stage work program and is supported by a comprehensive consultation strategy. Since Council endorsed commencement of the project at its meeting on 2 February 2009, work has proceeded as follows:

Project Stages

Stage 1 (Project Planning) and Stage 2 (Background Research) culminated with the production of the Background Report in April 2010. The tasks in Stage 2 included undertaking a literature review and conducting research and consultation in order to understand the centre's existing role and function. These steps enabled a comprehensive analysis of the centre's existing and potential future strengths, weakness, opportunities and threats.

The third and current stage of the project is 'Analysing and Developing Future Options'. This stage is about analysing the findings of the research in Stage 2 and, in consultation with stakeholders, developing them into strategic principles and objectives for the Centre's future, and also considers development options and scenarios to address critical issues and sites within Northland PAC. This work is documented in a Vision Paper, which will be the subject of further stakeholder consultation over March-April 2011 to test the Vision and options put forward.

Stage 4 of the project, to be commenced in April 2011, involves the selection of preferred future options for the Centre based on stakeholder and community consultation and from this the development of a draft structure plan along with urban design principles for public display and comment. Stage 5 involves the review of the exhibited draft structure plan and completion of the final structure plan for adoption by Council.

Consultation

The views of a wide range of Northland PAC stakeholders have been sought over the course of the project, including:

- City of Darebin Councillors and officers
- Land owners, business tenants and the residential community in and around the centre
- City of Banyule
- La Trobe University
- Northland Secondary College
- Community institutions in and around the centre, including health providers and other schools
- Community service providers and support groups
- State Government Departments, including Planning and Community Development, Transport, Education and Human Services (which includes Office of Housing)
- Land and public utility managers, including Melbourne Water, and VicRoads
- General visitors to the centre (shoppers, users of recreational facilities etc).

Consultation activities over the course of the project have included:

- Northland Activity Centre Survey, conducted in July 2008 with households in the study area
- Internal consultation (individual and facilitated group discussions) across all Council departments in December 2008
- Community Listening Posts and Information Displays - conducted in March and April 2009 at the Darebin Kite and Community Festival and in the Northland Shopping Centre mall. Local press releases on the listening post consultation activities
- Two community newsletters to all residents in the study area
- Focus Group meetings in May and June 2009, in the areas of economic development, transport, and community and social needs
- Vision Development Workshop October 2009 - one day intensive design workshop attended by key individuals, Darebin Councillors and officers, local business operators, government and community organisations, and community mailing list members
- Vision Development Workshop February 2010 - internal design workshop attended by Darebin Councillors and officers to further vision development

- One-on-one meetings with key stakeholders, November 2009 - April 2010
- Department of Transport Workshop about bus interchange and transport priorities, July 2010

ISSUES AND DISCUSSION

Background Research Findings

The Background Issues Report highlights a range of issues and opportunities that the Northland Structure Plan should address to unlock the economic, social and urban design potential of Northland PAC and ensure it meets Melbourne 2030 objectives.

The extensive community consultation undertaken at this stage of the project was important to gain a clear understanding of the key challenges affecting the future planning of Northland PAC. The top issues and concerns expressed by the centre's local community and visitors included:

- Improving personal safety and surveillance
- Improving the quality of open spaces
- Encouraging community interaction
- Maintaining sufficient housing provision
- Improving transport connections
- Improving the amenity of the main retail area.

The community's views are reinforced by the professional research and findings of the project team.

Most of the problems in Northland PAC are symptomatic of the centre's origins as a freestanding retail shopping centre built in the 1960s. Such centres are designed to be rigid and deliberately segregated from the surrounding urban area. They are dominated by retail uses and do not offer the employment numbers or diversity of more conventional (mixed use) centres. Northland PAC has evolved from this model of development and there are problems with car dependency, lack of land use diversity, poor accessibility and low quality public spaces.

At present the commercial 'heart' of the centre is highly disconnected from the surrounding residential area, and is difficult to walk around. The quality and accessibility of leisure and recreation spaces is poor within the study area. Traditional 'big-box' shopping centre buildings are designed for indoor activity, resulting in blank walls, signage and large areas of car parking on the outside. These spaces are visually unattractive and feel unsafe to be in.

The centre is disadvantaged through a lack of convenient access to a fixed rail or tram service. Facilities for public transport services are secondary to those for private motor vehicles and freight. Connections across the centre are poor and with vehicles dominating, pedestrian amenity and comfort is low.

This present environment of Northland is at odds with the Melbourne 2030 vision for a *multifunctional* centre where people shop, work, meet, recreate and live.

It has become clear that Northland PAC has a major challenge. Extensive change is required to improve the centre's amenity, accommodate more residents as the population grows, provide a wider variety of land uses and better cater for walking and sustainable transport.

There are many areas ripe for change across the Northland PAC that will help it evolve into a more authentic multifunctional 'town centre'. There are opportunities for economic diversification, improvements to the public realm, and a variety of housing opportunities to meet future community needs.

Development of a Vision: From Shopping Centre to Town Centre

Planning Northland PAC to resolve present day issues and also meet the *Melbourne 2030* goal for a multifunctional centre where people choose to shop, work, meet, recreate and live in the next 20 years will require substantial change to its current land uses and physical environment.

The Vision for Northland PAC sets a path to revitalisation and sustainability, showing how issues might be tackled and how opportunities could be maximised for the centre's development in line with economic and demographic possibilities. These changes can take place in a way that is environmentally sustainable, socially equitably and economically resilient.

The Vision for Northland was informed by collaborative discussion with other Council departments, key stakeholders and the local community. The consultative process enabled all parties to work through issues and possibilities in an open and constructive way.

The proposed Vision for Northland PAC in 2030 is bold and transformative.

It articulates aspirations to address future needs and resolve issues in the areas of housing, community services and infrastructure, economy, transport and open space, and explore the translation of these aspirations into physical possibilities across precincts and key redevelopment sites.

In the accompanying urban and land use response, illustrated in Figure 1 below, the existing commercial precinct and T.W. Blake Reserve will be encouraged to undergo significant change in its land use composition, with the introduction of new housing, commercial, retail, educational uses and improvement to useability of recreational space. Densities in this area will substantially increase. The land use changes will be supported by improvements in movement (pedestrian and vehicular) in and around the centre.

It should be noted that there are various options regarding the development of some sites and these are discussed in the Vision Paper. The concept plan below illustrates a long term development scenario that makes optimal use of opportunities for change.

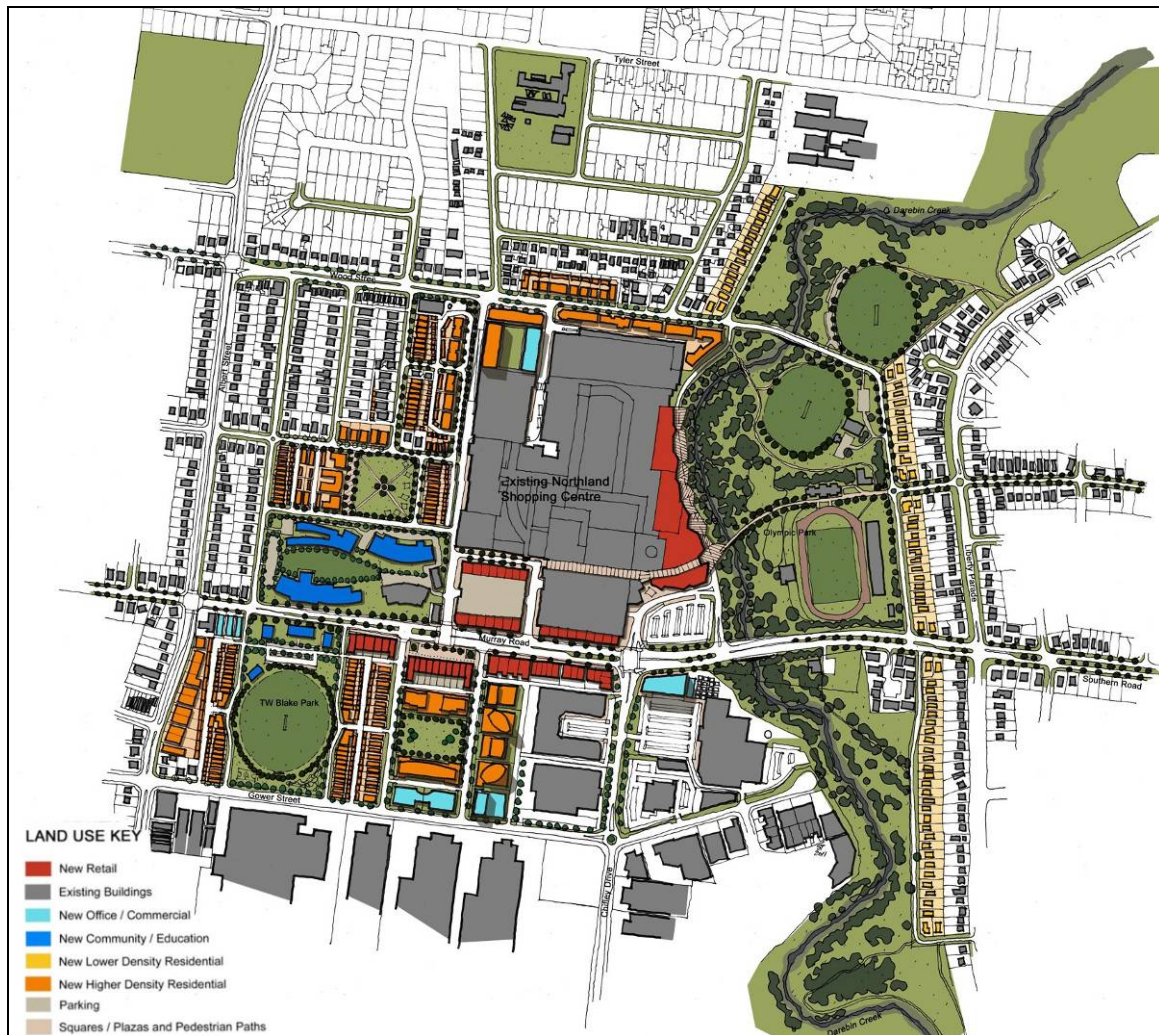


Figure 1: Vision for Northland PAC - overall concept plan (showing optimal change scenario)

Key Opportunities in the proposed Vision include:

Creation of a Town Heart and Business Diversification

The centre will gain a civic and physical heart via the transformation of Murray Road into a 'main street' environment with the feel of a traditional town centre. Active business frontages, with shop top offices and housing, will be supported by a pedestrian-friendly street with kerbside parking, landscaped medians and wide footpaths.

Activation of Interfaces and Spaces

The Northland Shopping Centre mall will have redeveloped edges accommodating housing and business uses which will reduce the negative visual impact of the 'big box' commercial building and provide active frontages to streets. Redevelopment of the Northland Homemaker Centre and Bunnings sites over time will result in positive interfaces to address Murray Road and the introduction of a greater mix of land uses.

New Housing Development

Existing residential land around the commercial centre and surplus land associated with Northland Secondary College present major medium density housing redevelopment opportunities, complemented by the addition of new urban park spaces. Additional housing opportunities identified for the east and west edges of the Darebin Creek area can provide for passive surveillance of the parklands. The majority of change will be accommodated in and around the existing commercial part of the activity centre, and most of the existing residential land in the centre will require direction through the structure plan to deliver the most preferred planning outcome. For example, there are consolidated ownerships with the Office of Housing that could be investigated for redevelopment.

Rediscovered Open Spaces

The Darebin Creek area will be revitalised into an ecologically sound landscape and recreational destination. Along with movement links, active interfaces will face onto the creek corridor as a result of redevelopment of the Northland Shopping Centre mall along the west edge and the potential introduction of new housing on the east edge in the Banyule municipality to front the creek.

Local Connections and Sustainable Transport Links

Northland PAC will become an attractive and safe environment for walking and cycling as viable local sustainable transport alternatives to private motor vehicles.

Local street connections in the centre will be increased and become highly walkable - that is, convenient, direct and safe. Redevelopment in the commercial area will provide for finer-grained street patterns and greater choice of walking routes through the area. The 'main street' redesign of Murray Road means it will no longer be a walkability barrier between parts of the centre. East-west local links across Darebin Creek will substantially improve the access to the centre from West Heidelberg.

In addition to local accessibility, the transport network and infrastructure will provide support to regional public transport and cycling networks.

Public Consultation Period

It is important to recognise that the Vision Paper has been purposely produced to enable the community and other stakeholders to discuss and debate future scenarios to inform the preferred direction for the development of the Structure Plan.

The community is invited to discuss and debate the ideas put forward. A consultation period will run from 8 March 2011 until the end of April 2011. It is envisaged that the 2 month period will provide the time required to develop an understanding about the visioning work and enable community discussion about the future options.

Following consultation, Council will then be able to refine the Vision and make decisions about preferred options and direction for the Structure Plan. The Vision is the foundation for the Structure Plan preparation which is the next stage of this project. The proposed consultation methods are as follows:

Method	March	April
Media release	X	
Project website	X	X
Bulletins delivered to residents and traders	X	

Method	March	April
Page 4 advertisement in Leader newspapers	X	
Vision Report sent to key Government agencies	X	
Information at Preston Municipal Offices and Library	X	X
Activities at Northland Shopping Centre	X	X
Static Display at Northland Customer Service Centre	X	X
Dedicated information sessions for business, community and other relevant groups	X	X
One-on-one meetings with stakeholders as required	X	X

POLICY IMPLICATIONS

Environmental Sustainability

The Northland Structure Plan project seeks to maintain and enhance the long term environmental sustainability of Northland PAC via a number of strategies including but not limited to:

- Creating an environment where appropriate land uses and linkages are arranged so as to promote walking and cycling for local journeys and public transport for access to nearby Activity Centres and the CBD
- The development of appropriate design principles that will provide directions for future development to ensure ecologically sustainable development and practices, such as passive design
- Direction for how the above principles may be incorporated into streetscape design such as relating to public spaces, public lighting, water sensitive urban design and the like
- Direction for how ecological systems around Darebin Creek can be respected and ecological conditions improved with future development in the centre
- Identification of opportunities for reducing waste generation.

Social Inclusion and Diversity

The City of Darebin aspires to develop a physical, social and economic environment that supports and enhances the health and wellbeing of Darebin residents and will strive for a just and inclusive community that feels connected understood and valued. Commitment to this principle is particularly important for Northland PAC, where the resident population currently experiences high levels of socio-economic disadvantage. It is a priority of the Structure Plan project to deliver a strategy for future development Northland PAC which will minimise the barriers to community participation in and access to jobs, services and facilities in Northland PAC as part of tackling disadvantage and ensuring fair access to the benefits of growth and change.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The Northland Structure Plan consultation program is within the project budget.

CONCLUSION

The project team has worked closely with a range of stakeholders to develop a detailed understanding of the role of Northland PAC and opportunities and challenges regarding its future development.

The proposed Vision for the Northland PAC which has emerged from this analysis and consultation advocates a bold departure from the centre's inward-focussed mall-style environment into a vibrant and diverse town centre. The activity centre will gain a sense of local identity, greater choices for housing, improved community facilities and outdoor environments where people can comfortably walk or relax.

The Vision Report has been appropriately structured for public consultation purposes to enable the community and other stakeholders to have further input into the future planning of Northland PAC.

FUTURE ACTIONS

- The public consultation period for the Vision is to commence on 8 March 2010.
- Councillors will be informed of the actual dates for any community meetings running as part of the public consultation period.
- Following conclusion of the public consultation period, Council will receive a report discussing the submissions made by the community.

DISCLOSURE OF INTERESTS

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 Plan 2009 – 2013
- Draft Structure Planning for Activity Centres Practice Note (DPCD, 2008)
- Structure Planning for Activity Centres (DSE, December, 2004)
- Melbourne 2030 (State Government of Victoria, 2002)
- Melbourne 2030: a Planning Update, Melbourne @ 5 Million (State Government of Victoria, 2008)
- Council Minutes, 2 February 2009, Northland Structure Plan and Reservoir Structure Plan – Commencement of Projects
- Northland Structure Plan: Background Issues Report, April 2010
- Northland Structure Plan: Urban Design Context Report (Design Urban Pty Ltd 2009)
- Northland Structure Plan: Transport Issues Assessment (TTM Consulting 2009)
- Northland Structure Plan: Economic Assessment (Charter Keck Cramer and Jebb Consultants 2009)

- Northland Activity Centre Demographic Profile (Metropolis Research 2008)
- Northland Structure Plan Survey (Metropolis Research 2008)

8.3 TREE PROTECTION CONTROLS – DAREBIN PLANNING SCHEME**MINUTE NO. 65****AUTHOR: Manager City Development – Darren Rudd****REVIEWED BY: Director City Works and Development – Michael Ballock****SUMMARY:**

In applying tree protection controls through the planning scheme the merit of applying these controls must be strategically justified. This involves undertaking the process of preparing a significant tree register, consulting with the community, undertaking the planning scheme amendment process and then providing the resources to monitor and ensure compliance with the tree protection controls in the planning scheme.

Given the size of the City of Darebin the Council would need to allocate \$200,000 in the budget to undertake the survey and fund the costs associated with a planning scheme amendment to apply the controls. At this point in time there are more pressing strategic planning issues that require resourcing.

CONSULTATION:

Compliance and Amenity Department
Coordinator Streetscapes and Arboricultural Planning
Yarra City Council
Banyule City Council
Hume City Council
Moreland City Council
Whittlesea City Council
Bayside City Council

COUNCIL RESOLUTION

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

THAT the Council not proceed with using the planning scheme as a mechanism to protect significant trees.

CARRIED

REPORT**INTRODUCTION AND BACKGROUND**

This report responds to a resolution from the Council meeting on 20 December 2010 requesting that: *“Officers prepare a further report in February 2011 on the options available using the provisions of the Darebin Planning Scheme to control mature tree removal in Darebin on private property in general, as well as controls that might apply to established areas with mature exotic and native trees, such as Alphington.”*

The resolution arises from the consideration of a report that investigated the use of a Local Law to protect large mature trees on private land. This previous report highlighted some of the challenges, costs and risks associated with the application of a Local Law to protect significant trees on private land. Similar issues arise from a wholesale tree protection being applied through the planning scheme. In addition to the above resolution the Council also resolved to: *“Continue to apply the current approach under the current Planning controls where new developments occur on a case-by-case basis”.*

There is already sufficient capacity in the planning scheme to assess the protection of mature trees where land is being redeveloped for a purpose that requires a planning permit. For example multi dwelling developments are required to consider and respond to site attributes such as large mature trees. There are numerous instances where planning authorities have successfully applied changes to plans to ensure the retention of large trees.

There is also a number of specific mechanisms in the Darebin Planning Scheme that protect trees. These include the Vegetation Protection Overlay, Environmental Significance Overlay and Heritage Overlay. These Overlays currently impact on over 10 percent of properties in the City of Darebin.

This report assumes that trees on public land are already protected and the content therefore relates to trees on private land.

ISSUES AND DISCUSSION

The protection of significant trees on private land is already undertaken to some extent within the planning scheme through a number of overlays. The Heritage Overlay in particular includes approximately 50 properties where a permit is required to lop or remove a tree. The Environmental Significance Overlay affects a number of properties that share a common boundary with the creek reserves of Merri and Darebin Creeks. In each case a permit is required to lop or remove a tree on private land. Similarly the Vegetation Protection Overlay applied to over 400 properties in the Springthorpe, Lancaster Gate and Mount Cooper Estates requires a permit for the removal or lopping of native vegetation.

The Overlays in some instances have been a cause of frustration for some residents who are also required to obtain planning permits. This is typically an issue for planning scheme overlay controls where permit triggers occur for outbuildings, rear home extension and some minor works. The City of Darebin already processes in excess of 1,200 planning applications and a further 500 amendments, extension to permits and secondary consents each year. Council needs to be conscious of not overloading the planning system and ensuring the planning scheme is freed up to some extent to enable a proper focus on key planning issues. There also needs to be some consideration given to the average home owner and in particular the mum and dad developers. Council should attempt wherever possible to

minimise the trigger points requiring a planning permit for what are essentially home improvements.

A number of Councils across the metropolitan area have undertaken and implemented a register of significant trees through their planning scheme. Below is a brief summary of these examples together with a general comment on the performance of these controls.

Banyule City Council:

Tool used: Environmental Significance Overlay (ESO).

Details: The City of Banyule has an ESO which relates to significant vegetation removal. Schedule 4 of the ESO (Significant Trees and Areas of Vegetation) seeks to protect trees included in the *Banyule Significant Trees Register* by requiring a permit for their removal, destruction or lopping, as well as for construction and/or works within critical root zones. This Overlay applies to parts of the municipality and was suggested to be a more effective tree protection mechanism than a local law because it triggers the need for a planning permit for any buildings or works, vegetation removal, or subdivision proposal, and is enforceable at Victorian Civil and Administrative Tribunal. Conversely it tends to increase the number of minor planning applications that need to be processed.

Performance: One of the benefits of an ESO compared to a Vegetation Protection Overlay (VPO) is that the ESO provisions allow for controls on building footprints around trees, whereas the VPO only controls tree removal or lopping and does not control construction or works near a tree. In terms of the Significant Tree Register, Banyule only receives around 2-3 applications a year to remove significant trees and around 5 a year to undertake works within the canopy dripline radius. They receive 250-300 applications a year under the other tree controls within Council, which are mostly area specific vegetation controls. Schedule 8 to their Design and Development Overlay relates well with the ESO as it triggers a permit for buildings or works within the canopy dripline of significant trees, which Banyule's ESO4 does not.

Maroondah City Council:

Tool used: Heritage Overlay (HO)

Details: The City of Maroondah has a number of tree protection controls within their Planning Scheme. They have a HO which relates to a specific list of significant trees, both native and non-native. The HO is effective in preserving the selected list of significant trees as it triggers a permit for both vegetation removal and buildings and works. However, in order to include trees in the HO, Council needs to demonstrate that they have heritage significance.

Performance: Maroondah stated that their municipality has a variety of controls in place to preserve significant vegetation, including VPOs and SLOs for significant areas and a heritage overlay for specific trees of significance. Maroondah recommend that, in some areas of high development growth (activity centres), it is a better option to ensure appropriate planting rather than preserve significant vegetation

Mornington Peninsula City Council:

Tool used: Vegetation Protection Overlay (VPO)

Details: Mornington Peninsula Shire has a VPO, which relates to both native and non-native vegetation. VPO1 covers the majority of the municipality, with an exception being existing paddocks which have been previously cleared at the time of the introduction of the Overlay.

Performance: Although this control has been successful for Mornington in preserving significant vegetation due to its broad scope, it attracts a large number of permit applications and places a significant strain on Council resources. Mornington processes over 800 planning applications per annum (in 2008/2009) associated with tree and native vegetation clearance.

Whitehorse City Council

Tool used: Vegetation Protection Overlay (VPO)

Proposed: The VPO was introduced as Amendment C83 to the Whitehorse Planning Scheme. The VPO affects 548 individual properties within the municipality on a permanent basis. The VPO has been removed from 29 properties where vegetation has been removed either through the issue of a planning permit, or in accordance with an exemption under the current overlay or prior to the introduction of the interim provisions under Amendment C82.

Performance: This change has increased planning permit applications and has added to pressures already being experienced in meeting planning permit workloads.

Conclusion

In most cases private home owners value the amenity and inherit quality of a mature tree in the backyard. Under this situation it is contended there is no need to apply additional controls through the planning scheme. Redevelopment and development interests tend to pose the greatest threat to maintaining significant trees in the urban landscape. Apart from the redevelopment of single home there is already substantial weighting given in the planning scheme for the maintenance of significant trees where two or more dwellings are proposed to be developed. These can be considered on a case-by-case basis.

It is contended that the real level of threat and potential loss of amenity is low and not reflective of the cost to undertake a proper tree survey to prepare and implement a register of significant trees within the planning scheme. At an estimated cost of \$200,000 to undertake the tree survey and planning scheme amendment work, there are more pressing strategic priorities for Council to fund and pursue.

As outlined in the report of 20 December 2010 there is also the risk management issue to confront where Council can potentially be held liable where it has previously insisted that a protected tree be retained and subsequently causes damage to life or property. This highlights a certain level of ambiguity in the application of planning controls impacting of what a person can or cannot do with a tree in their own backyard.

POLICY IMPLICATIONS

Environmental Sustainability

The maintenance of trees and in particular large mature trees offers benefits to both the natural environment and urban amenity.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The cost of implementing a significant tree register within the planning scheme will be in the vicinity of \$200,000.

CONCLUSION

The real level of threat to significant trees on private land and the potential loss of amenity is considered to be low and not reflective of the cost required to undertake a proper tree survey to prepare and implement a register of significant trees within the planning scheme. Undertaking the work required to use the planning scheme to protect significant trees is not considered a prudent use of financial and human resources at this point in time.

It is also important to consider that the pressures associated with the loss of significant trees comes through redevelopment and most redevelopment occurring already requires a planning permit and consideration toward the maintenance of significant vegetation.

FUTURE ACTIONS

The issue needs to be monitored and considered in the context of other budget priorities.

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

8.4 COMMUNITY GRANTS PROGRAM 2011 - 2012**MINUTE NO. 66****AUTHOR: Community Grants Coordinator - Roberto Malara****REVIEWED BY: Group Manager People and Performance – Fred Warner****SUMMARY:**

The Darebin Community Grants Program encourages and supports the development of community programs and activities enabling the active participation of Darebin residents. Further the program contributes to the Council's relationship-building with the community and acts as a key vehicle for Council to achieve its goals and priorities as outlined in the Council's plan.

In the 2010/2011 funding round a new model was introduced which had new categories with funding limits and different grant ranges that groups can apply for. An evaluation of this new model was carried out by the Grants Project Committee, which led to a number of recommendations to be applied to the 2011/2012 funding round as part of the program's continuous improvement process.

This report seeks endorsement of the timelines and process for seeking and assessing the 2011/2012 Community Grants Program applications.

CONSULTATION:

The following officers were consulted in preparing this paper:

- Manager, Community Planning, Partnership and Performance
- Manager Arts and Culture
- Arts and Cultural Development Officer
- Environmental Education & Promotions Coordinator
- Social Policy Coordinator
- Coordinator Civic Services
- Sports Development Coordinator
- Coordinator Community Access, Health and Safety

RECOMMENDATION

THAT Council approve:

- (1) The following changes to the 2010/2011 Community Grants Program to apply to the 2011/2012 Program:
 - To remove the term (Recurrent) from the Recurrent Three-year Cash-grant Category (**Appendix A** - Table 1, B) introduced in the 2010/2011 funding round.
 - To add to the three year cash-grant Category a 'No Cap' sub-category to which all organisations (currently listed in **Appendix A** - Table IV, A & B) can apply at the end of every three year cycle.
 - That partial funding of applications is re-introduced in the 2011/2012 funding round.
 - That applicants who have received Three-year Large Size Grant (**Appendix A** - Table I, B) are not eligible to apply for any further cash-grant until the completion of the three year funding cycle.
 - That only one cash-grant and one venue subsidy application are approved for applicants submitting multiple applications.
- (2) The following timelines for the 2011/2012 Community Grants Program:
 - Opening on 8 March 2011.
 - Closing on 2 May 2011.

COUNCIL RESOLUTION

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

- (1) **THAT** Council approve:
 - a. The following changes to the 2010/2011 Community Grants Program to apply to the 2011/2012 Program:
 - To remove the term (Recurrent) from the Recurrent Three-year Cash-grant Category (**Appendix A** - Table 1, B) introduced in the 2010/2011 funding round.
 - To add to the three year cash-grant Category a 'No Cap' sub-category to which all organisations (currently listed in **Appendix A** - Table IV, A & B) can apply at the end of every three year cycle.
 - That partial funding of applications is re-introduced in the 2011/2012 funding round.
 - That applicants who have received Three-year Large Size Grant (**Appendix A** - Table I, B) are not eligible to apply for any

further cash-grant until the completion of the three year funding cycle.

- That only one cash-grant and one venue subsidy application are approved for applicants submitting multiple applications.
- b. The following timelines for the 2011/2012 Community Grants Program:
- Opening on 8 March 2011.
 - Closing on 2 May 2011.
- (2) **THAT** consideration be given to all meetings of the Community Grants Committee being publicly advertised and open to members of the public.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

In 2008 Council approved the Community Grants Review, the scope of which concentrated on the community grants model and framework. The Review was completed in December 2009 and introduced a series of changes regarding the program's structure, the size of grants available and a clear assessment criteria. The resulting Community Grants Program was better aligned with the Council Plan and enhanced the transparency and accountability of the grants program.

One of the improved aspects of the program was that it placed clear boundaries on the amount of money available for applicants seeking funds in the cash grant categories. These cash grants were broken down into two sub-categories:

- Annual Cash-grants One-year Category; and
- Recurrent Three-year Cash-grants Category.

Each of these sub-categories had varying grant sizes that organisations could apply for: Small, Medium and Large (**Appendix A** - Table I A & B).

Community groups could also apply for either a cash grant and subsidy hire or both combined.

The Community Grants money pool also covers allocations given to a number of organisations funded through either a Memorandum of Understanding (MOU) or Service or Partnership Agreement.

Groups currently receiving support under this category are required to apply formally every three years and provide annual progress reports.

The Community Grants Review which was completed in December 2009 did not review those organisations under this category.

Council made a decision on 1 March 2010 to extend funding agreements with existing groups for a further one year pending a review of this type of Community Grant category. Detailed information regarding these organisations will be submitted to Council prior to the closing date for this funding round.

FUNDING ROUND 2010/2011

In 2010/2011 the total budget for the community grants pool was \$616,920. It was distributed as follows:

- \$198,634 in cash grants (**Appendix A** – Table II, A) and
- \$403,370 to organisations with MOU or Service Agreement (**Appendix A** – Table IV, A and B)
- \$14,916 to the Quick Response Grants Program.

Table V (**Appendix A**) provides a summary of the allocation of funds for the 2010/2011 funding round.

ISSUES AND DISCUSSION

1. Assessment Criteria

The assessment criteria introduced in the new model for the 2010/2011 funding round resulted in fewer applications being approved, compared to previous years due to the new model not permitting part-funding (in previous years assessing officers could recommend either the total amount requested or part of it). This year 50% of applications submitted were approved (See Table III) whereas in previous years the rates of approval varied between 70% and 75%.

2. Availability of funding

For the 2011/2012 Community Grants Program, and going by estimates of a total of \$616,920 budget as per 2010/2011 funding, the following amount is already committed:

- \$41,451 is committed to 15 organisations that applied for three year funding last year (**Appendix A** - Table III, B)

If a similar amount is approved in the 2011/2012 cycle, the non-committed funds for the 2012/2013 funding round will be further reduced. Therefore, it is important that only new organisations are approved in every three year cycle to ensure equity and fairness for all applicants.

3. Recurrent funding of organisations

In relation to the organisations who receive funding administered through either a funding or service agreement or a Memorandum of Understanding, a comprehensive briefing paper is being prepared for Council's consideration regarding the history and process used to fund this category of organisations which include: Bands and Orchestras, Neighbourhood Houses, Catchment Players, Synergy Gallery, Darebin Ethnic Communities Council and Darebin Information Volunteer & Resource Service (DIVRS).

The paper will provide information on the benefits derived by Council in funding these organisations and the outcomes they are expected to achieve. The paper will be presented to a Council Briefing session on 11 April 2011 and will assist Councillors on the Community Grants Project Committee in deciding the future of funding to these organisations.

In the 2011/2012 funding round, the above-mentioned organisations will be invited to apply for a category that suits their funding needs. Due to the cap of \$8,000 that applies to the

large cash grant category, a new Three Year Open Category (no cap) is being proposed in this funding round which would suit applicant organisations such as neighbourhood houses.

Recommendations for 2011/2012 Community Grants Program

Following an evaluation of the 2010/2011 funding round the following changes are recommended for 2011/2012.

Recommendation 1:

To remove the term (Recurrent) from the Recurrent Three-year Cash-grant Category (**Appendix A** - Table 1, B) introduced in the 2010/2011 funding round as it is misleading and gives the impression to groups that at the end of the three year cycle the funding will be automatically renewed, which is not the case.

Recommendation 2:

To add to the three Year cash-grant Category a 'No Cap' sub-category to which all organisations (currently listed in **Appendix A** - Table IV, A & B) can apply at the end of every three year cycle. This category of applicants needs to meet very strict eligibility criteria described as follows:

- (1) Demonstrated history of providing services/programs in the City of Darebin which have a direct benefit to the Darebin community
- (2) Demonstrated commitment to being inclusive, in both the management of the organisation/group and its activities, of Darebin residents who would otherwise have limited opportunities to participate, including, but not limited to: Aboriginal and Torres Strait Islanders, people with a disability and people from Culturally and Linguistically Diverse backgrounds.
- (3) A track record of successful management of projects funded by the Darebin Community Grants program.

The applicants will need to provide:

- (1) A statement on how they meet the eligibility criteria above
- (2) A business plan which clearly outlines:
 - a. The group's objectives
 - b. Strategies for implementing the objectives
 - c. Expected outcomes
 - d. Expected completion dates
- (3) Evidence of Incorporation, details of membership, office bearers and most recent Annual Report with a financial statement of the organisation.
- (4) A budget which outlines all actual and expected income and expenditure for the period in which funding is sought.

Proposed process of application:

Prior to submitting an application in this category, applicants are required to contact the Grants Officer to discuss their project and to ascertain their eligibility to apply under this category.

After discussion with the Grants Officer, applicants may then proceed to submit an application that requires them to prove their eligibility to apply and then respond to the selection criteria. The applications in this category will be subjected to the same assessment criteria like other applicants.

Recommendation 3:

That partial funding of applications is re-introduced in the 2011/2012 funding round. The applicant will be contacted and invited to provide a revised budget and plan for the implementation of the project. This will help in increasing the number of successful applications which dropped by 25% from previous years.

Recommendation 4:

That applicants who have received Three-year Large Size Grant (**Appendix A** - Table I, B) are not eligible to apply for any further cash-grant until the completion of the three year funding cycle.

Recommendation 5:

That only one cash-grant and one venue subsidy application are approved for applicants submitting multiple applications.

POLICY IMPLICATIONS**Environmental Sustainability**

The Community Grants program seeks to encourage and support community groups that demonstrate environmental sustainability practices into their projects.

The Community Grants Program is still predominately a paper based system and hence utilises paper resources throughout the submission and assessment components of the Program. Future work will be undertaken into the possibility of providing a paperless online means of submitting an application in the future.

Social Inclusion and Diversity

The Community Grants Program provides funding to a range of groups which include some of Darebin's most diverse groups include people with a disability, people from Culturally and Linguistically Diverse Communities and Aboriginal people. These projects are important in creating and enhancing community connections for a whole range of Darebin residents in addition to those mentioned above.

Other

The Community Grants Program enables Council to fulfil a range of objectives under three key areas of the City of Darebin Council Plan 2009 - 2013. They include: Community Health & Wellbeing, Celebration & Participation, and Environmental Sustainability.

FINANCIAL AND RESOURCE IMPLICATIONS

The budget for the 2011/2012 funding round is yet to be determined but based on estimates from the 2010/2011 funding round, it is anticipated to be around \$620,000.

CONCLUSION

The five recommendations and timelines for the 2011/2012 funding round contained in this report, for which Council approval is being sought, have been discussed by the Community Grants Program Project Committee. They are in line with the Council's Celebration and Participation goals and its strategy: "We will support Darebin wide network of community groups and agencies in recognition of their important contribution to community identity, health and wellbeing".

FUTURE ACTIONS

- Announce the opening of the 2011/2012 grants program on 8 March 2011 and closing on 2 May 2011.
- Invite previous applicants to apply, place advertisements in local newspapers and hold a series of formal and informal public information sessions for intending applicants.
- Information on the program, eligibility and selection criteria, guidelines and application forms will be available from Council's website as well as hard copies from Council's Libraries and Customer Service Centres.
- Present a Briefing paper to Council on the organisations that receive funding under a service or partnership agreement or MOU on 11 April 2011.
- Conduct a review of all grants and funding support currently occurring across Council and through various departments in 2011 to further improve and streamline Council's support for community groups, individuals and activities. This review will also consider requests for donations and sponsorships received by Council from time to time and for which there is no existing guidelines for response

DISCLOSURE OF INTERESTS

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

Appendix A – Tables: 2010/2011 and 2011/2012 Funding Rounds

8.5 EXTENSION OF CONTRACT FOR THE PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES – CT0670**MINUTE NO. 67****AUTHOR: Tendering and Contracts Specialist - Fred Olsen****REVIEWED BY: Director Corporate and Business Services - Vijaya Vaidyanath****SUMMARY:**

At Council's meeting on 29 November 2010, the cleaning services umbrella contract for the provision of cleaning services for Council facilities incorporating individual agreements to five cleaning contractors was extended for a four month period ending 1 April 2011.

The provision of cleaning services for Council facilities tender CT201069 process commenced after the Council resolution. The objective of the Tender was to review the current provision of cleaning services across the whole of Council for all key Directorates and complete the tender process by recommending the final recommended tenderers by the end of February 2011.

To allow the tender evaluation panel to request further information from tenderers, negotiate and confirm the final recommended tenderers and provide sufficient transition to new contractors, should the current contractors not be successful, this report seeks Council endorsement to extend the current cleaning services umbrella contract incorporating individual agreements to five cleaning contractors for a further two (2) month period ending 31 May 2011 to:

- Centrepont Cleaning Pty Ltd
- Ikon Services Australia Pty Ltd
- Laurel Cleaning Services Pty Ltd
- MDC Property Services Pty Ltd
- ISS Facilities Services Australia Ltd

CONSULTATION:

- Facility and Contract Managers – Corporate and Business Services, City Design and Environment, Community Services and City Works and Development

COUNCIL RESOLUTION**MOVED: Cr. V. Fontana****SECONDED: Cr. N. Katsis****THAT:**

- (1) Council resolves to extend the umbrella contract incorporating individual agreements to five (5) cleaning contractors for a two month period ending 31 May 2011 to:-
 - Centrepont Cleaning Services
 - Ikon Cleaning Services

- Laurel Cleaning Services
- MDC Cleaning Services
- ISS Cleaning Services

for a total annual cost of \$700,399 (excluding GST).

- (2) The Director Corporate and Business Services be authorised to finalise documentation to extend to the contract for a further two month period ending 31 May 2011.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

At Council's meeting on 29 November 2010, the cleaning services umbrella contract for the provision of cleaning services for Council facilities incorporating individual agreements to five cleaning contractors was extended for a four month period ending 1 April 2011.

The provision of cleaning services for Council facilities tender CT201069 process commenced after the Council resolution. The objective of the Tender was to review the current provision of cleaning services across the whole of Council for all key Directorates and complete the tender process by recommending the final recommended tenderers by the end of February 2011.

ISSUES AND DISCUSSION

To allow the tender evaluation panel to request further information from tenderers, negotiate and confirm the final recommended tenderers and provide sufficient transition to new contractors, should the current contractors not be successful, this report seeks Council endorsement to extend the current cleaning services umbrella contract incorporating individual agreements to five cleaning contractors for a further two (2) month period ending 31 May 2011 to:

- Centrepont Cleaning Pty Ltd
- Ikon Services Australia Pty Ltd
- Laurel Cleaning Services Pty Ltd
- MDC Property Services Pty Ltd
- ISS Facilities Services Australia Ltd.

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

To extend the umbrella contract incorporating agreements to five cleaning contractors for a further two month period from 1 April 2011 ending 31 May 2011 at the total cost of \$116,734 (excluding GST).

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.

FUTURE ACTIONS

A final tender recommendation report, with a recommendation reported to Council by 16 May 2011.

RELATED DOCUMENTS

- Council Report Minute No. 438 - Council meeting 29 November 2010
- Council Report Minute No. 37 - Council meeting 21 December 2009

8.6 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING**MINUTE NO. 68****AUTHOR: Council Business Coordinator – Ron Downes****REVIEWED BY: Director Corporate and Business Services – Vijaya Vaidyanath****SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at February 2011.

CONSULTATION:

Executive Management Team

COUNCIL RESOLUTION

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

THAT the status report on Reports and 'General Business' items outstanding as at February 2011, attached as **Appendix A** to this report, be received and noted.

CARRIED

REPORT

INTRODUCTION AND BACKGROUND

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

ISSUES AND DISCUSSION

A schedule of the reports and actions outstanding as at February 2011 attached as **Appendix A**.

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

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

POLICY IMPLICATIONS

Environmental Sustainability

Nil.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is recommended that this status report on Reports and 'General Business' items outstanding as at February 2011 be received and noted.

FUTURE ACTIONS

The next status report will be submitted to Council at its meeting on 4 April 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

Minutes of previous meetings of the Council.

9. URGENT BUSINESS

Nil.

10. GENERAL BUSINESS**10.1 LETTER OF APPRECIATION TO MERRAN KELSALL****MINUTE NO. 69**

COUNCIL RESOLUTION

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

THAT the Mayor write a letter of appreciation to Merran Kelsall thanking her for her contributions as chair of the Audit Committee.

CARRIED**10.2 FORMER LAKESIDE SECONDARY COLLEGE****MINUTE NO. 70**

COUNCIL RESOLUTION

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

THAT the Mayor write to the Minister of Education and the Principal of William Ruthven Secondary College expressing Council's disappointment at the manner in which the former Lakeside Secondary College was left when vacated in December 2010 and that efforts are made to secure the site to prevent further acts of vandalism and other anti-social activities.

CARRIED

10.3 PLANNING APPLICATION – 52-60 AND 71-79 GADD STREET NORTHCOTE**MINUTE NO. 71****COUNCIL RESOLUTION**

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

THAT the planning application for 52-60 and 71-79 Gadd Street Northcote be referred to Council to form a view.

THE MOTION WAS PUT AND LOST

The Mayor, Cr. Asmar, upon receiving initial indication of the following item being raised, disclosed a conflict of interest in the item classifying the type of interest as an indirect interest by close association and describing the nature of the interest as that her uncle lives in Elm Street Northcote who may be affected by the development proposal.

The Mayor, Cr. Asmar, left the meeting prior to consideration of the matter – 9.27pm.

The Chief Executive, Rasiah Dev, called for nominations for the position of Acting Chairperson of the meeting. Cr. Fontana was nominated by Cr. Laurence, seconded by Cr. Chiang, and there being no further nominations, was duly declared Acting Chairperson during the absence of the Mayor, Cr. Asmar.

Cr. Fontana assumed the Chair.

10.4 PLANNING APPLICATION – 390 HIGH STREET NORTHCOTE**MINUTE NO. 72****MOTION**

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

THAT the planning application for 390 High Street, Northcote be referred to Council for a decision.

WITH LEAVE OF THE ACTING CHAIRPERSON, CR. FONTANA, THE MOTION WAS WITHDRAWN.

The Mayor, Cr. Asmar, returned to the meeting at the conclusion of the above item and resumed the Chair – 9.35pm.

10.5 ILLEGAL BROTHELS

MINUTE NO. 73

COUNCIL RESOLUTION

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

THAT Council write to the State and Federal Governments seeking increased effort in relation to investigating illegal brothels in the northern region by State and Federal agencies.

Furthermore, that Council write to the local Member the Hon. Martin Ferguson MP to seek information regarding the Federal Government's current approach to combating human trafficking in Darebin.

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

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

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

11.1 Award of recyclables services contracts.

CARRIED

The meeting was closed to members of the public at 9.45pm.

The Council considered and resolved on Report Item 11.1 (Award of recyclables services contracts) which had been circulated to Councillors on Thursday 3 March 2011 with the Council Agenda Paper.

RE-OPENING OF MEETING

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

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

CARRIED

The meeting was re-opened to members of the public at 9.47pm.

CONFIDENTIAL**11.1 AWARD OF RECYCLABLES SERVICES CONTRACTS****MINUTE NO. 74****AUTHOR: Manager Environment and Natural Resources - Libby Hynes****REVIEWED BY: Director City Design and Environment - Daniel Freer****SUMMARY:**

Tenders were invited for Council's Recyclables Services, incorporating collection services and the acceptance and sorting of recyclables, in October 2010. Seven tenders were received for the services at the close of tenders on 2 December, 2010.

Tenders received have been evaluated, and this report recommends awarding contracts to the preferred tenderer for the Recyclables Collection Services Contract and the Recyclables Acceptance and Sorting Services Contract.

CONSULTATION:

Executive Management Team

Manager City Works

Coordinator Water and Waste Strategy

Chief Financial Officer

Coordinator

Procurement and Contracting

Tendering and Contract Specialist

Senior Coordinator Corporate Risk Management

Referees for Contractors from Metropolitan Waste Management Group, Councils of Moonee Valley, Nillumbik, Whitehorse and Glen Eira.

RECOMMENDATION

THAT the Council Resolution be made available to the public but the report remain confidential.

COUNCIL RESOLUTION

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

THAT the following Council Resolution:

“That:

- (1) Council resolves that, subject to final contract agreement, Thiess Services Pty Ltd is the preferred tenderer for the Recyclables Collection Services Contract CT 201062 for a 7 year period from 8 September 2011 to 7 September 2018.*
- (2) Council resolves that, subject to final contract agreement, SKM Industries, trading as SKM Recycling, is the preferred tenderer for the Recyclables Acceptance and Sorting Services Contract CT 201062 for a 7 year period from 8 September 2011 to 7 September 2018.*
- (3) The Director City Works and Development be authorised to finalise and execute the contract documentation for these contracts with the preferred tenderers.*

be made available to the public but the report remain confidential.

CARRIED

12. CLOSE OF MEETING

The meeting closed at 9.48pm.