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# MINUTES OF THE COUNCIL MEETING

Held on Monday 16 February 2015

Released to the public on Thursday 19 February 2015

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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 16 FEBRUARY 2015**

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**THE MEETING OPENED AT 7.01 PM**

**1. PRESENT**

***Councillors***

Cr Steven Tsitas (Mayor) (Chairperson)  
Cr Vince Fontana  
Cr Gaetano Greco  
Cr Tim Laurence  
Cr Bo Li  
Cr Trent McCarthy  
Cr Angela Villella  
Cr Oliver Walsh (Deputy Mayor) (7.16 pm)  
Cr Julie Williams

***Council Officers***

Rasiah Dev – Chief Executive  
Paul Crapper – Director Corporate and Planning Services  
Sally Jones – Acting Director Culture, Leisure and Works  
Katrina Knox – Director Community Development  
Steve Hamilton – Director Assets and Business Services  
Darren Rudd – Manager City Development  
Jacinta Stevens – Manager Corporate Governance and Performance  
Maureen Devlin – Senior Communications Advisor  
Katia Croce – Coordinator Council Business  
Jody Brodribb – Council Business and Governance Officer

## 2. APOLOGIES

An apology was lodged for the initial absence of Cr. Walsh.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Williams declared an 'interest' in Item 9.7 (Amendments C136 and C137 – Adoption).

Cr. Li declared an 'interest' in Item 9.7 (Amendments C136 and C137 – Adoption).

Cr. Vilella disclosed a conflict of interest in Item 9.8 (Proposed Amendment C143 – Preston Market Planning Controls).

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr. V. Fontana

**SECONDED:** Cr. J. Williams

**THAT** the Minutes of the Ordinary Meetings of Council held on 15 December 2014 and 2 February 2015 be confirmed as a correct record of business transacted.

**CARRIED**

*Cr. Julie Williams declared an 'interest' in the following item as she lives in the vicinity of the area the Amendments relate to.*

*Cr. Bo Li declared an 'interest' in the following item as he lives in the vicinity of the area the Amendments relate to.*

## **9.7 AMENDMENTS C136 AND C137 – ADOPTION**

**MINUTE NO. 100**

**AUTHOR: Manager City Development**

**REVIEWED BY: Director Corporate and Planning Services**

### **SUMMARY**

Amendments C136 and C137 implement land use and built form controls for the Preston Junction, Oakover precinct, St Georges Road and Plenty Road strategic corridors. Council has received the Planning Panel's report for Amendments C136, 137 and C138.

The Panel's report contains a series of recommendations in relation to the three Amendments. A response to the recommendations that directly related to Amendment C138 was reported to the Council 15 September 2014. This resulted in the adoption (with changes) of Amendment C138, which was forwarded to the Minister for Planning for final approval and gazettal.

This report deals specifically with the remaining Panel Report recommendations relating to Amendments C136 and C137. In particular, this report:

- Explains the Panel Report recommendations for Amendment C136 and C137; and
- Identifies areas where there is a divergence from the Panel recommendations and outlines Officers rationale for this change and makes Alternate Proposals.

Based on this review and subsequent changes, Amendments C136 and C137 (**Appendices A – I**) are presented for the adoption.

The Amendments C136 and C137 Council report for the adoption of C136 and C137 concludes an extensive customer centric consultation process with the community and the development and delivery of the 'detailed and strategic planning work that underpinned the preparation of a broad suite of documentation supporting the Amendments' as acknowledged by the Panel.

### **CONSULTATION**

- Council Briefing – 8 December 2014 and 10 February 2015
- Statutory Planning
- Sustainable Transport
- Economic Development
- Community Development
- Department of Transport, Planning and Local Infrastructure

**RECOMMENDATION****THAT Council:**

HAVING prepared and exhibited Amendments C136 and C137 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*;

HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent panel for Amendments C136 and C137 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendments C136 and C137 to the Darebin Planning Scheme in accordance with section 29 of the *Planning and Environment Act 1987*, with changes in response to recommendations of the independent panel, except for recommendations 15, 16, 18, 28, 32, 33, 34, 35, 39, 45, 47, 50, 54, 55, 58 and 59 where there are Alternate Proposals outlined in this report and **Appendices A - I** have been provided.
- (2) Submit Amendments C136 and C137 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*;
- (3) Advise all submitters to Amendments C136 and C137 of Darebin Council's adoption of the amendment;
- (4) Direct that this policy position and Amendments C136 and C137 be considered in the assessment of planning permit applications until the Amendments are gazetted.
- (5) Authorise the Manager City Development to make minor adjustments, where necessary, to the Amendment prior to submission for approval.

**MOTION**

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. V. Fontana

**THAT Council:**

HAVING prepared and exhibited Amendments C136 and C137 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*;

HAVING considered all submissions under section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent panel for Amendments C136 and C137 under section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) (a) Adopt Amendments C136 and C137 to the Darebin Planning Scheme in accordance with Section 29 of the Planning and Environment Act 1987, with changes in response to recommendations of the independent panel, except for recommendations 15, 16, 18, 28, 32, 33, 34, 35, 39, 45, 47, 50, 54, 55, 58 and 59 where there are Alternate Proposals outlined in this report and Appendices B - L have been provided.
- (b) In regard to the Panel recommendation 50 for the north west side of Plenty Road from Hawker Street and Walsall Avenue be reduced from 6 storeys to 3 storeys mandatory maximum building height to better align with the adjoining heritage overlay and Panel Recommendations for the opposite section of Plenty Road extending from Rene Street to Kinkora Road.
- (2) Submit Amendments C136 and C137 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*;
- (3) Advise all submitters to Amendments C136 and C137 of Darebin Council's adoption of the amendment;
- (4) Direct that this policy position and Amendments C136 and C137 be considered in the assessment of planning permit applications until the Amendments are gazetted.
- (5) Authorise the Manager City Development to make minor adjustments, where necessary, to the Amendment prior to submission for approval.

### ALTERNATE MOTION

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. G. Greco

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council.

*Cr. McCarthy proposed to the mover (Cr. Li) and seconder (Cr. G. Greco) to amend the alternate motion as follows. This was accepted by Cr. Li and Cr. Greco.*

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council **as well as the Council proposals not supported by the Panel.**



THE AMENDED ALTERNATE MOTION THEN READ AS FOLLOWS:

**AMENDED ALTERNATE MOTION**

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. G. Greco

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council as well as the Council proposals not supported by the Panel.

*Cr. Laurence proposed to the mover (Cr. Li) and seconder (Cr. G. Greco) to further amend the alternate motion as follows. This was accepted by Cr. Li and Cr. Greco.*

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments **for 4 weeks** in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council as well as the Council proposals not supported by the Panel.

THE FURTHER AMENDED ALTERNATE MOTION THEN READ AS FOLLOWS:

**FURTHER AMENDED ALTERNATE MOTION**

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. G. Greco

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments for 4 weeks in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council as well as the Council proposals not supported by the Panel.

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

**COUNCIL RESOLUTION**

**MOVED:** Cr. B. Li  
**SECONDED:** Cr. G. Greco

**THAT** Council defers the adoption of C136 and C137 planning scheme amendments for 4 weeks in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council as well as the Council proposals not supported by the Panel.

**CARRIED**

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

The receipt of the Panel Report in August 2014 represents a key milestone in the planning scheme amendment process of implementing land use and built form controls for the transport corridors through Amendments C136 and C137. These amendments together with Amendment C138 ensure a coordinated, up to date approach to managing future growth and providing orderly planning in Darebin. The intent is that the Planning Scheme provides certainty to both resident and developer communities as to the preferred locations of particular uses and developments. Quite deliberately the proposed controls particularly in the northern sections of the corridor are ahead of actual development demand which is forecast to occur in Darebin.

Darebin's clear vision on residential, commercial and industrial land uses going forward is now articulated and embedded in a strong policy framework that has been endorsed through several amendment processes. The Panel acknowledged the 'detailed and strategic planning work that underpinned the preparation of a broad suite of documentation supporting the Amendments'.

The Panel in particular noted Council's diligence in:

- *Keeping up with fast moving planning environment which has seen the release of Plan Melbourne and the introduction of new residential zones.*
- *Council's intention in leading the change rather than responding to development, policy and zoning changes currently affecting all Councils.*

The Panel supported 'the idea of managing development along public transport corridors', and 'that managing the built form of development along the corridors is a key driver for the Amendments' and 'that different planning controls will be needed depending on the local conditions'. The Panel concluded that 'Amendments C136 and C137 will provide Council with a robust policy and development control platform that responds to the development pressures in inner and middle Melbourne over the years to come'.

As noted in the Amendment C138 report (15 September 2014) there was strong representation from multiple community groups and individuals into the Panel Hearing process.

The Panel report generally supports Council's proposed intent for the strategic corridors subject to some refinements that necessitated a comprehensive review of the proposed controls.

This report focuses on Amendments C136 and C137, relating to both St Georges Road Corridor and Plenty Road Corridor and explains the implications of the Panel recommendations.

Further work is being undertaken to incorporate the findings of the Panel Report and ensure alignment across all the amendment components is reflected in the two Urban Design Frameworks. These documents will be presented to Council for adoption in a future meeting cycle.

### **Application of the New Residential Zones**

In parallel to processing the Panel Report, Officers have undertaken a number of other projects and planning scheme amendments to ensure Council meets the changing and growing needs of the community.

The new suite of residential zones was rolled out by the State Government on the 1 of July 2014 to provide guidance and greater certainty about the type of development that can be expected in any residential area. Darebin City Council embarked on a staged process, Stage 1 being C144 which introduced the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) with Stage 2 being progressed through Amendment C147, which introduces the Residential Growth Zone (RGZ) to a discrete number of areas adjacent to activity centres. These two Ministerial amendments were presented to the Residential Zones Standing Advisory Committee (RZSAC) which has been tasked with the consideration of submissions and with making recommendations to the Minister about the implementation of the new residential zones in accordance with their terms of reference.

Further submissions have been made on Council's behalf to the Minister for Planning to address some anomalous zoning outcomes from the RZSAC process and to ensure Council has a zoning arrangement that reflects its preferred strategic position.

### **Amendment C136 St Georges Road Corridor**

Amendment C136 seeks to implement the land use and built form directions contained in the St Georges Road Urban Design Framework (UDF). This Amendment C136 proposes to:

- Rezone a number of properties to the Residential Growth Zone 1, General Residential Zone 2, Mixed Use Zone 1 and Commercial 1 Zones.
- Introduce a Design and Development Overlay Schedule 16 to manage built form outcomes along the corridor;
- Apply Development Plan Overlay Schedule 11 to coordinate development of the Oakover Village Precinct; and
- Adjust the local policy framework relating to Neighbourhood Character policy, and the Preston Central Incremental Change Area to support the delivery of the Preferred Future Outcomes identified for the various Precincts in the St Georges Road Corridor Urban Design Frameworks;
- Introduce a new local policy focussing on potentially contaminated land by inserting a new Clause 22.11 Potentially Contaminated Land Policy; and
- Insert the St Georges Road Corridor Urban Design Framework 2013 into the Planning Scheme as a reference document.

### **Amendment C137 Plenty Road Corridor**

Similarly, Amendment C137 seeks to:

- Apply the Residential Growth Zone 1, General Residential Zone 2, Mixed Use Zone 1 and Commercial 1 and 2 Zones to land affected by the Amendment;
- Introduce a Design and Development Overlay Schedule 17 along the corridor and replace DDO3 with an updated overlay to manage built form outcomes in the Junction;
- Adjust the local policy framework relating to Neighbourhood Character policy to support the delivery of the Preferred Future Outcomes identified for the various Precincts in the Plenty Road Corridor UDF;

- Amend Clause 22.01 - The Junction Local Area Plan to remove The Junction Integrated Development Plan (2001) as a reference document;
- Update the Junction Local Area Plan in relation to the Plenty Road Corridor Urban Design Framework 2013; and
- Insert the Plenty Road Corridor Urban Design Framework 2013 into the Planning Scheme as a reference document.

Both Amendments seek to apply the Environmental Audit Overlay to potentially contaminated land along the St Georges Road and Plenty Road corridors based on historical activities on those sites and where the zone changes to a sensitive use.

### **The Panel Report**

The Panel Report dated 31 July 2014 was reported to Council as part of Amendment C138, 15 September 2014. The Panel considered written and oral presentations during the course of the hearings for the two amendments. All submitters to the Amendments together with those who either appeared or were represented are listed within **the Panel Report**.

Overall, the Panel supported the broad strategic intent of the two Amendments, in particular Council's idea of managing development along public transport corridors, and indicated that the Amendments will 'provide a development control platform that will enable Council to respond to development pressures over many years to come'.

The Panel Report contained sixty recommendations for the three Amendments: C136, 137 and C138, of which 28 apply to C136 and 24 related to C137. The Panel recommendations included a number of significant structural changes to the Amendments in relation to the drafting of the Design and Development Overlay provisions. The Panel considered that the DDOs were too ambitious and tended to cover too broad a range of issues that as an alternative could be dealt with through the local policy framework and the zone schedules of the planning scheme. It suggested a number of changes to simplify the DDO schedule provisions.

### ***Planning and Environment Act 1987***

Council has met all its obligations in relation to the receipt and release of the Panel's Report on the three amendments as reported in September 2015. Other obligations under section 27(1) of the *Planning and Environment Act 1987* require that Council must consider the Panel's Report before deciding whether or not to adopt the amendment. In this case it would be the panel recommendations directly relevant to Amendments C136 and C137. Due to the complexity of the changes recommended by the Panel, Council officers have written to the Minister for Planning to seek exemption from the requirement of the Ministerial Direction 15 (usually 40 days to process and respond to the report) to allow Council enough time to review the large number of changes recommended by the Panel pursuant to section 27(3) of the Act.

## **ISSUES AND DISCUSSION**

### **Precinct 7 Oakover Village**

This Precinct in particular attracted a high level of response from the local community during and after the exhibition period. The area is currently blighted with former industrial buildings/sites being left idle and there is an ongoing problem with rubbish dumping and feral animals and rodents.

While the Heritage Overlay area to the south of Oakover Road is largely intact there is clear evidence of recent renewal and renovation of properties along Stokes, Penola, Stott, Austral and Erin Streets to the north of the core area.

The character of this neighbourhood is already changing. In several cases there are signs of two lot subdivision occurring as well which will further change the nature of the area. If the desire is to keep the surrounding area in tact (it was nominated as NRZ1 and GRZ2 in C144) as single dwellings on a lot then the role of intensification of the former industrial lots for higher density housing is even more important as a pressure release valve. It is important to point out that none of the residential zones restrict development to the extent of limiting an area to single storey detached dwellings.

The surrounding NRZ1 and GRZ2 areas subject to an assessment of neighbourhood character enables planning applications to be considered for apartments up to 3 storeys in height. A very detailed Development Plan Overlay Schedule 11 (DPO11) control was proposed over the public housing and former industrial to manage this anticipated redevelopment. Following a number of meetings with the local community in December 2013, Council Officers proposed a number of improvements to DPO11 controls to provide greater clarity of expectations and certainty of outcomes regarding future redevelopment proposals.

The Panel agreed with the use of the DPO being the correct planning tool to deliver the desired outcomes and further supported the inclusion of these changes. The Panel noted that:

*“Ad hoc development of individual sites runs the risk of a piecemeal, fragmented approach to the development process, and would reduce the potential for broader benefits to be secured in terms of integrating new local access networks, or involving the community in the planning and delivery of local services.*

*There is a need to balance a reasonable degree of certainty with the need for flexibility to plan for a possible range of future uses across the precinct. The use of the proposed DPO is the best approach to assist with integrated planning while maintaining appropriate respect for the local context through requirements that have been incorporated into the proposed overlay schedule.”*

The area of former industrial lots along Oakover Street is vulnerable while Amendment C136 and the DPO11 remain un-adopted and Council continues to receive strong interest from the development industry for redevelopment in this location.

Having considered all the submissions, the Panel suggested a number of additional changes in relation to further notification of the Development Plan, some additional objectives regarding transition between taller and lower built form and suggested that Showers Street (east side of St Georges Road) be removed from the DPO11 controls. The proposal to restrict the built form street wall to 3 storeys along all frontages with the taller built form being located to the middle of the block has been accepted and will provide a further transition to the surrounding neighbourhood. These changes go some way towards addressing many of the concerns raised by local residents regarding overlooking and overshadowing issues. These proposed controls (**Appendix G**) are over and above what is required by Rescode and will enable Council to more diligently manage the built form outcomes in the Precinct. All of these suggestions have been incorporated into the final amendment documentation attached to this report. This is considered quite a win for the local community achieving a greater level of backyard amenity protection on the DPO site than is potentially available on their side of the boundary under Rescode and the NRZ1 and GRZ2 areas.

## The Junction Precinct

This Precinct has long been identified for mixed use and residential intensification. The updating of Design and Development Schedule 3 (DDO3) to provide more direction for the built form outcomes and greater control in relation to building heights, setbacks and the interface with the public realm was supported by the Panel. The Panel noted that:

*“the current strategic direction for the Junction is well established, supports Council’s review and refinement of the existing planning controls, and agrees that the proposed strategic direction is broadly appropriate and justified.”*

*“Whilst acknowledging concerns from some local residents in relation to the further intensification of the Junction, the Panel considers the interface issues are well resolved through the Amendment and have provided extensive comment and discussion in relation to these general issues.”*

This Precinct has also been nominated to accommodate a taller built form up to 18 Storeys on the key landmark site at 6 – 34 High Street. In relation to this site the Panel noted:

*“This is a key location within an identified activity centre. The site is capable of taking a tall structure of up to 18 storeys without undue impact on adjoining sites.”*

The other key strategic site in this Precinct is the current Woolworths site on Plenty Road. The potential redevelopment of this site raised considerable concern from residents living to the rear of the site on Roxburgh Street. Council Officers met with these residents in December 2013 and as a result proposed further transitional controls as part of DDO3. These controls were proposed in anticipation of the site being redeveloped and to provide a clear direction of Council’s expectations well in advance of redevelopment being considered. The Panel supported this position and commented that:

*“The Panel agrees with the approach to acknowledge the strategic potential of this site by allowing additional height and accepts the site is large enough to accommodate 12 storey buildings to the Plenty Road frontage.”*

On the basis of this support the Panel’s suggested changes have been incorporated into the updated DDO3 (**Appendix H**) and the relevant final amendment documentation attached to this report.

## Changes to Panel Recommendations

The investigative nature of recommendations proposed by the Panel left a level of flexibility in finalising the various aspects of the amendment documentation. As such, there has been scope for Officers to consider several options and provide a revised approach prior to presenting the final amendment package for Council’s consideration.

Accordingly the following sections of the report deal only where the Officers make an Alternate Proposal to the Panel’s recommendations. In general these divergences are created in response to localised responses which, if directly implemented, would create a greater inconsistency with the wider amendment along the corridors or function in conflict with Council’s overall strategic goals.

The Alternate Proposals specifically outlined below include recommendations numbered 18, 28, 32, 33, 34, 35, 39, 45, 47, 50, 54, 55, 58 and 59. The remaining recommendations were either supported or addressed separately through the adoption of Amendment C138 previously.

**Recommendation 18**

*Review whether the MUZ2 should replace RGZ if issues related to building height in the RGZ have been clarified.*

Discussion

The Amendments proposed to alter various land parcels along the two corridors (refer zone maps in **Appendices D and E**) to include the Residential Growth Zone (RGZ), General Residential Zone (GRZ), Mixed Use 1 and 2 Zones (MUZ1, MUZ2) and Commercial 1 and 2 Zones (C1Z, C2Z).

In considering the appropriateness of the land use zones for various areas, the Panel had regard to the Framework Plans in the Urban Design Frameworks for the corridors and supported the broad strategic vision for land use. The Panel supported the rationale used by Council in applying the zones but suggested changing some commercial zoning in areas where it was unclear if the desired future outcome could be achieved.

The Amendments were prepared at a time when there was limited knowledge and in fact confusion over the height limits that could be applied in the RGZ provisions. The Panel viewed Council's solution to the perceived conflict in the purpose of the RGZ provisions (which refers to a limit to 4 storeys) to be addressed through the use of a MUZ2 as unnecessary. The processing of numerous amendments applying the RGZ since C136 and C137 were exhibited have demonstrated there is the ability to vary the height from the four storeys identified in the purpose to that zone.

The Panel suggested that Council apply the RGZ to land intended for solely residential use and include a schedule to the zone to address building height issues.

In light of the recent advice that a RGZ can also accommodate more than 4 storeys through a schedule to the zone, some of the areas designated for MUZ2 have been reviewed and where appropriate, a RGZ is proposed to be applied. There are some instances where the better fit for the desired outcome will be the use of the MUZ1. The Panel recommendation for a review of the proposed zones has been undertaken and is reflected in the approach recommended by Officers.

Alternate Proposal:

Areas exhibited as MUZ2 be changed to either RGZ1 or MUZ1 as identified in **Appendices D and E** to this report.

**Recommendation 28**

*Amend the proposed zoning of residential properties to commercial on the east side of Plenty Road from C1Z to RGZ (Plenty Road Precinct 2).*

Discussion

This recommendation directly related to Amendment C137 and affects three distinct blocks on the eastern side of Plenty Road, which were proposed to change to a commercial zone, specifically land between:

1. Wood Street and Malpas Street, which is currently in the IN3Z, except 600 Plenty Rd, which is currently R1Z;
2. Madeline Street and Rene Street which is R1Z; and
3. Tyler Street and Kinkora Road which is R1Z.

The Tyler Street local convenience centre has the Tyler Street/Plenty Road intersection at its core radiating out from for a distance of some 200m in either direction. The Darebin Economic Land Use Strategy 2013, which was adopted through Amendment C138, identified this local centre to be in a business zone to support existing businesses.

The Panel did not agree with the use of the C1Z to consolidate the core area of this local centre, suggesting that residential uses can sit comfortably within the centre at ground floor level. While this view is understandable, the Panel accepted the same rationale for the C1Z in a number of other similar locations along the two corridors. For instance, the Panel recommended (#25) changes to the land use zone proposed for 375 – 377 St Georges Road corner Normanby Road, on the basis of the existing uses and that the C1Z will relate to other land uses at the intersection. The DELUS does not recognise this intersection as a local centre although with the high volume of passing traffic combined with local residential intensification, it does have the potential to evolve into a local convenience centre. It is also noted that the Panel raised no concern in relation to the C1Z zoning for the properties on the eastern side of the intersection either. These properties are currently within residential zone and have been accepted by the Panel to be rezoned for commercial.

The Panel's Recommendation 28 is not supported for all three locations and instead a MUZ1 or retaining the blocks in C1Z is proposed for the following reasons:

1. The block between Wood Street and Malpas Street should remain in the C1Z as it is currently used for a large yard-based commercial use with few other opportunities for this type of use to relocate in the municipality. The HO243 site on the southern corner of this block (600 Plenty Rd) should be rezoned to GRZ2 to be consistent with Council's approach to other heritage overlay sites. This zone combination directs growth to the larger strategic site which is able to achieve an active frontage condition necessary to support the local centre while facilitating residential intensification at the upper levels and manage the off-site amenity impacts.
2. The block between Madeline Street and Rene Street is proposed to be rezoned from C1Z to MUZ1 to support consolidation of business uses at ground floor level in the core part of the local centre and improve the pedestrian environment by providing an active frontage to new development.
3. The block between Tyler Street and Kinkora Road is proposed to be rezoned to MUZ1 to support consolidation of business uses at ground floor level in the core part of the local centre and improve the pedestrian environment by providing an active frontage to new development.

It is noted that the Panel also recommended a maximum height of 4 storeys for the eastern part of Plenty Road which is discussed in greater detail as part of the response to Recommendation 50 later in this report.

Alternate proposal:

Retain C1Z on the block between Wood Street and Malpas Street, apply MUZ1 to the block between Madeline Street and Rene Street and apply MUZ1 to the block between Tyler Street and Kinkora Road.

**Recommendation 32**

*Review whether the DDO is needed on residentially zoned land or whether the controls can be delivered as a schedule to a residential zone.*



Discussion

The Panel generally agreed with the use of the DDO schedule as a tool to manage design issues and built form outcomes. However, the Panel suggested further consideration be given to using other tools, such as zone schedules, in locations where land is intended for residential uses. Those elements relating to heights, setbacks and vary Rescode requirements where a variation to these controls is required to deliver a particular outcome. The Panel further recommended a review of the DDO structure, in particular how it relates with other policies in the MSS with the view of removing any duplication. The revised DDOs 3, 16 and 17 are attached in **Appendices H, F and I** to this report. Aspects of the Panel's recommendations, where some departures are proposed, are discussed below.

As discussed previously, a review of the built form controls has been undertaken and where appropriate, changes have been made to reflect the Panel's recommendations. In regards to the use of zone schedules to deliver some built form outcomes, it is considered that the DDO tool offers the best solution in this instance and better delivers on the clear instructions from Council to raise the design standards of development where the height of development is to be increased.

The DDOs currently cover many properties with a range of local conditions, the variety of which would generate multiple zone schedules and these would only partially address the full scope of controls provided in the DDO. Using zone schedules in this instance will lead to unnecessary duplication and more complex planning controls. It is considered that the DDO schedules across different zones be retained as this offers a greater level of consistency and provides clear guidance of the Council's and the community's development expectations for Developers.

Alternate Proposal:

This recommendation is supported to the extent that a review of the DDO application in comparison to the use of a zone schedule has been undertaken. It was concluded that in this case the proposed DDO controls would provide a better outcome than the use of multiple zone schedules.

**Recommendation 33**

*Review the interaction between the DDO and built form controls in the zone where a residential zone is applied.*

Discussion

This recommendation relates to Clause 54 and Clause 55 controls that are available for use in the zone schedules. These Clauses relate to Rescode provisions in relation to amenity issues such as overlooking, overshadowing, setbacks and height. It is intended that DDOs will override Rescode provisions where it applies or fill the gap where it does not apply. The Panel's recommendation is supported to the extent that a review of benefits of using Clauses 54 and Clause 55 available through the zone schedules have been considered in comparison to the use of the DDO controls.

It was concluded that in this case the proposed DDO controls would provide a better outcome than the use of variations to the Clauses 54 and 55 provisions in the zone schedule.

Alternate Proposal:

In this case the proposed DDO controls should be retained as they would provide a better outcome than the use of Clauses 54 and 55 in the zone schedule.

**Recommendation 34**

*Amend the requirements of the DDOs to make all requirements discretionary except for maximum building heights.*

Discussion

This recommendation related to mandatory control for building heights, setbacks, minimum lot widths and ESD measures and whether the DDO should include prescriptive measures or not. The Panel found that in relation to heights, mandatory control was appropriate and should be used along the corridors.

The DDOs have been redrafted with the exhibited heights being set as a mandatory control which cannot be varied via a planning scheme permit. The other controls which are prescriptive in nature i.e. using "must", will remain in the DDO but will be applied as discretionary measures which can be varied via a planning permit in the assessment of applications.

Alternate Proposal:

Redraft the DDO with mandatory height controls and all other measures to be applied as discretionary.

**Recommendation 35**

*Redraft the DDOs to:*

- c) Focus content on:*
  - *Site width (discretionary)*
  - *Building height (mandatory)*
  - *Building setback (discretionary)*
  - *Site coverage (discretionary)*
  - *Walls on boundaries (discretionary)*
  - *Street interface (discretionary)*
- d) Delete provisions from the DDOs that duplicate Clause 22.09 and Clause 22.10*
- g) Use reference to other policies or ResCode requirements where possible, in particular refer to ResCode to manage overlooking and overshadowing impacts.*
- h) Remove requirements related to ESD and internal amenity.*
- i) Avoid or minimise the need for maps in the schedule by showing the precincts on the planning scheme maps, and delete (or simplify) the maps in the DDO schedule by:*
  - *Relating Active frontage to zone*
  - *Applying a standard set back requirement*

Discussion

In general, Officers have accepted the intent and suggestions of the Panel to redraft the DDOs to be more streamlined and clear. The points of Recommendation 35 where there is some divergence are explained below.

The DDOs have been redrafted to be more streamlined and simpler to use which was the overall outcome sought by the various Panel recommendations. A redrafted DDO 16 is attached at **Appendix F** to show the revised format. The specific content suggested in Recommendation 35 c) is drawn from the headings used in the zone schedule and are included within the body of the DDO. This approach keeps the bulk of the assessment controls in the one planning tool rather than spreading the requirements across multiple tools. See response to Recommendations 32 and 33 for further details regarding this approach.

Recommendation 35 g) directly relates to Recommendation 33 and has resulted in greater clarity being provided in the DDOs where a requirement reverts to an existing ResCode requirement.

Recommendation 35 h) has been accepted in part with most of the ESD references relocated to the new policy 22.06 in Amendment C147. The Panel recommended the removal of the ESD measures and internal amenity controls from the DDOs on the basis that ESD be included in the revised Clause 22.09 Residential and Mixed Use Development of Less than Four Storeys Policy and Clause 22.10 Residential and Mixed Use Development of Four or More Storeys Policy include some sustainability measure and this should continue to apply. The Panel believed that ESD measures should be applied on a municipal-wide approach, not just specific locations.

The Panel acknowledged that work is currently being undertaken at the State level in regards to a state-wide apartment guideline which will address internal amenity. The timeframe for the introduction of such a provision is unknown. It is considered prudent to include minimum standards to cover internal amenity issues such as borrowed light and cross ventilation in the DDOs to address this clear policy gap and to ensure the internal amenity of future apartment buildings are ensured.

Recommendation 35 i) suggested the removal of maps embedded in the DDOs. It should be noted that the maps have been retained as a means of specifically identifying where maximum heights are to be applied. However, the rear building envelope condition has been removed from the maps making them easier to read.

These simplified maps show the following content:

- DDO boundary
- Maximum heights
- Future pedestrian/cycle link
- Strategic Sites
- Active frontages

A fully detailed map will be kept in the UDF for further reference should greater explanation of the strategic context and preferred future outcome for a particular precinct be required.

Alternate proposals:

Recommendation 35 g) – greater clarity is provided regarding the use of Rescode;

Recommendation 35 h) – remove some EDS references and retain internal amenity controls in DDOs;

Recommendation 35 i) – retain simplified maps and delete tables with duplicated information.

**Recommendation 39**

*Amend DDO3 to:*

- c) *Remove the requirement for landscaped setbacks at ground level front property boundaries*

**Discussion**

This recommendation is not supported and this provision is proposed to be retained in DDO3. This recommendation relates to the Junction Precinct where the existing 3m landscape setback on High Street is proposed to be extended further north to Warrs Avenue.

This concept was first established and supported through the original Junction Local Area Plan in 2002 with additional pedestrian spaces being suggested on the corners of Raglan Street. The revised DDO3 identified further setback requirements along small sections of High Street in front of properties between 53 and 81 High Street.

This would allow adequate space for the planting of canopy trees and create a green respite in what is becoming a compact urban environment. A second stretch along Plenty Road in front of the existing Woolworths car park is proposed to provide additional space at ground floor level near the busy Plenty Road intersection and adjacent to a tram stop. In both of these locations redevelopment is yet to occur and the potential to integrate these spaces in the early stages of the redevelopment design process is still possible. This additional space allocation is further supported by the Junction Urban Master Plan which has identified "Greening the Junction" as a key goal that was adopted by Council in June 2014.

**Alternate Proposal:**

Retain the urban landscape treatment with canopy trees setback requirement in DDO3.

**Recommendation 45**

*Amend DDO16 to apply a 4 storeys height limit to Precinct 7 (St Georges Road Precinct 7).*

**Discussion**

This recommendation is supported in part for all land except the two strategic sites on either end of the precinct. These large strategic sites will retain a 6 storey maximum height while the remainder of land in between will have 4 storey height restrictions. This would mean that properties facing St Georges Road between 1 to 19 and 39 to 69 will have a maximum 4 storey height limit applied.

The land on the corner of Millers Road and St Georges Road is 46m deep and has a frontage to St Georges Road of over 95m creating a strategic site approximately 4300m<sup>2</sup>. This site has been flagged by the Department of Human Services for the future development of minimum 90 bed aged care facility.

The site on the corner of Bell Street and St Georges Road is zoned for commercial uses and is currently occupied by McDonalds and it's location on this extremely busy intersection makes it a strategic site. Both of these sites have adequate capacity to support more intense development of greater than 4 storeys and still manage the potential for off-site impacts on the surrounding neighbourhood.

**Alternate Proposal:**

Retain the 6 storey height limit of the strategic sites at 18a Miller Street corner St Georges Road and at the corner of Bell Street and St Georges Road.

**Recommendation 47**

*Remove the block bounded by St Georges Road, Cramer Street, Edith Street and Bruce Street from the DDO (St Georges Road Precinct 8).*

Discussion

The Panel's recommendation is not supported on the basis that these lots are the only ones requested to be removed from the DDO, which appears to be inconsistent with the recommendation in other areas with similar attributes.

Given the size of the allotments, the block should be subject to the lot consolidation requirements of the DDOs in order to achieve the minimum lot width objective being sought through Amendment C136. Exclusion of this block would leave these lots without a clear policy direction and minimal built form controls and this ambiguity could lead to unrealistic development expectations that Council would be left to manage on an ad hoc basis.

Alternate Proposal:

Retain the block bounded by St Georges Road, Cramer Street, Edith Street and Bruce Street within the DDO 16 controls.

**Recommendation 50**

*Amend DDO17 Precinct 2 to show a building height of 4 storeys for the east side of Plenty Road, except for the strategic site located on the south east corner of Tyler Street and Plenty Road (Plenty Road Precinct 2).*

Discussion

This recommendation relating to DDO 17 (**Appendix I**) is not supported for the reasons explained below:

- As previously discussed in comments regarding Recommendation 28 above, this Precinct forms the core area of the Tyler Street local centre. The eastern side of Plenty Road contains several blocks with strategic sites apart from the one on the south east corner of Tyler Street and Plenty Road.
- Implementation of this recommendation for all strategic sites other than the one identified would create a disproportional development expectation on large sites. The ability for strategic sites to better manage the off-site amenity impact has been acknowledged by the Panel in numerous locations along both corridors.
- Retaining the 6 storey height exhibited between Wood Street and Malpas Street (608-616 Plenty Road) is justified as there are a number of lots in a single ownership creating a large strategic site of sufficient size and dimension that is able to manage this 6 storey height and reduce the amenity impact on the surrounding residential area. Further guidance regarding transition of built form height should be provided for this site which has a sensitive interface with a HO property to the south. The exception is the heritage overlays site identified at 600 Plenty Road where a 3 storey height should be applied to be consistent with Council's approach to managing heritage overlay properties.
- Lots fronting Plenty Road between Malpas Street and Rene Street are proposed to be retained at a maximum 6 storey height as exhibited. This is to facilitate the consolidation of local businesses at ground floor level into the centre and allow residential intensification to occur at the upper levels.

- Lots fronting Plenty Road between Rene Street and Robb Street are proposed to be reduced to a 4 storey height limit except the strategic site on the corner of Tyler Street and Plenty Road as per the Panel's recommendation. This reduced height is in recognition of the greater potential for impact of the steep gradient generally from north to south on this site giving further consideration to the impact of the bulk of new development above 4 storeys being too great on the surrounding lower residential neighbourhood.

#### Alternate Proposal:

Retain 6 storey height exhibited between Wood Street and Malpas Street (608-616 Plenty Road);

Retain 6 storey height exhibited between Malpas Street and Rene Street;

Reduce to 4 storeys the built form height between Rene Street and Robb Street except the strategic site on the corner of Tyler Street and Plenty Road as per the Panel's recommendation.

#### **Recommendation 54**

*Amend DDO17 to remove the nominated pedestrian links shown on the Precinct 4 Map 2 for 1091 Plenty Road (Plenty Road Precinct 4).*

#### Discussion

The Panel viewed the inclusion of pedestrian links as shown on the Map 2 for Precinct 4 as inappropriate given the plan is high level and not 'strategically targeted'. The Panel considered that the DDO should not mandate location of pedestrian links but could be provided as a negotiated outcome through the development application process. The Panel recommended the inclusion of a broader objective of providing pedestrian links in the schedule where block lengths exceeds 100m.

For Precinct 3, the Panel supported nominating pedestrian links on the map based on the arguments that the connections are shown as indicative, logical and achievable including a design objective for blocks lengths exceeding 100m. It is unclear from the Panel report why Precinct 4 pedestrian link has been treated differently. The site has a frontage of over 100m, aligns with the cadastral boundaries between the block and Plenty Road and will provide improve connections with the public park. This recommendation is not supported but with an added notation included in the provisions states that the nominated alignment is indicative and that the final position will be determined at the development planning stage to provide the necessary flexibility.

This recommendation has been considered and is not supported. It is proposed that Council retain the pedestrian links on the map 2 for Precinct 4 to ensure a consistent approach across the whole amendment towards pedestrian connections.

#### Alternate Proposal:

Retain the pedestrian links on the map 2 for Precinct 4 to ensure a consistent approach across the whole amendment towards pedestrian connections.

**Development Plan Overlay Schedule 11****Recommendation 55**

*h) Remove the east-west pedestrian link east of St Georges Road.*

Discussion

This recommendation is supported in part by the relocation of where pedestrian connections are shown in the DPO11. The overall principle of providing pedestrian connections on sites with lot dimension greater than 100m has been supported by the Panel on a number of strategic sites along the corridors.

The intent of showing indicative pedestrian connections in the DPO will facilitate further consideration of good and safe connections to be provided at the earliest stages of the redevelopment design and not to be introduced as an afterthought.

The Panel's concern with the particular "east-west" link shown on the exhibition documents related to its connection into what is currently a rear lane and the limited potential for this to be redeveloped into a safe space in the short term. This concern is acknowledged and the link has been relocated to show a possible connection further south across the site. A copy of the revised DPO is included at **Appendix G** to this report.

Alternate Proposal:

Provide for a repositioned link showing a possible connection further south across the site as shown on the map in DPO11.

**Recommendation 58**

*Amend the application of the DPO11 to exclude land on the north side of Showers Street east of St Georges Road.*

Discussion

This recommendation is supported and extended to include both sides of Showers Street. This approach will enable consistent development expectations to be provided on both sides of the street. Instead the Panel recommended (#46) that this area be included in the DDO16 controls. The boundary of the DPO11 has been changed accordingly see **Appendix G**.

Alternate Proposal:

Remove the north side of Showers Street from DPO11 and include both sides of Showers Street in DDO16.

**Recommendation 59**

*Apply a Road Closure Overlay to facilitate the closure of redundant roads on 800 Plenty Road.*

### Discussion

The original submission for 800 Plenty Road raised issues in relation to the proposed built form outcomes for the site. Discussion during the Panel Hearings was also directed towards obtaining changes to the overall built form potential of the site. It was during this discussion that the issue of a road closure was raised by the developer and in-principle support was sought from Council Officers. At this time Officers were unaware that a separate process to formally discontinue the roads within the site had already commenced with Council's Asset and Properties Unit. The addition of a Road Closure Overlay would create another layer in the Planning Scheme which is unnecessary for this site. This Panel recommendation is not supported on the basis that this issue was not raised in the original submission and that this issue is being addressed through a separate process via the *Local Government Act 1989*. Inclusion of this recommendation in the planning scheme amendment would be prejudicial to Council's interests and undermine other processes that are under way.

### Alternate Proposal:

Do not apply the Road Closure Overlay to the site at 800 Plenty Road.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The amendments will have positive environmental effects through:

- Ensuring development maximises use of existing infrastructure, facilities and services by better leveraging the housing potential of land closest to public transport, employment, services and facilities;
- Facilitating compact built form which brings a range of urban efficiency features that improve our overall sustainability;
- Facilitation of uses and developments that are more compatible with adjoining and nearby residential uses and minimise unreasonable amenity impacts on residential use in the vicinity;
- Integrating land use and transport via new mixed use developments that are located within a walkable catchment to Activity Centres to promote more sustainable forms of transportation including walking, cycling and using public transport; and
- The Amendment is consistent and in line with:
  - Going Places – Darebin Transport Strategy 2007 – 2027;
  - Darebin City Council Climate Change Action Plan (2007 – 2009);
  - Darebin Community Climate Change Action Plan; and
  - Green Business Attraction Strategy 2012.

### **Human Rights, Equity and Inclusion**

As part of Darebin's commitment to social inclusion, an Equity and Inclusion Tool (EIPAT) has been developed to be considered and applied to all new major projects and to ensure that groups at risk of exclusion are considered as part of project planning, engagement and policy outcomes.



The UDF and Amendments provides for a range of universal solutions and design responses that consider the human rights, equity and inclusion of the entire community, noting that particular consideration has also been undertaken regarding the following groups:

- Aboriginal Community;
- CALD (newly arrived, refugee, asylum seekers, non-english speakers, faith groups);
- People living on low income or socio economic status;
- Homeless people and/or people in housing stress;
- Young people.

### **Economic Development**

Both amendments implement a mix of zones that will facilitate opportunities for the establishment of new local businesses along the strategic corridors. The proposed increased residential density along the corridors will have the flow-on effect of increasing the local catchment, often within a short walking distance of many facilities further supporting local businesses.

This approach is linked to the implementation of the Darebin Economic Land Use Strategy and the corporate *Goal 1. Vibrant City and Innovative Economy* identified in Council Plan.

### **Other**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The amendment is expected to have a positive impact on the resource and administrative costs of Council's Statutory Planning Unit. The Amendment will provide a clear set of guidelines that provide a greater level of certainty to the community and the development sector of Council's expectations in regards to residential development and is likely to result in a reduced number of applications contested at VCAT. The proposed amendment would therefore reduce lengthy timeframes in negotiating outcomes with developers and the community and have a positive impact on the resource and administrative cost of the responsible authority. These are the clear benefits of having mandatory maximum height controls in place.

## **CONCLUSION**

The majority of the controls proposed through Amendments C136 and C137 have been supported by the Panel's Report. This includes a transparent and highly consultative approach with the community who have had the opportunity to express and have their views independently considered by an Independent Planning Panel. Officers have been contacted by several submitters since the release of the Panel Report last July, expressing concern with the content of the Panel Report, specifically that the report does not include all points that submitters made to the Panel. The Panel has considered all the submissions lodged during exhibition and those presented at the Hearings and has put forward their recommendations based on a balanced approach. Council now has the benefit of this independent and expert view on submissions to inform its final opinion on these two planning scheme amendments.

This report outlines the few remaining and relatively minor points of divergence from the original Panel recommendations. These points of divergence are made with the intent of maintaining an overall consistent approach along the corridors and to deliver on Council's strategic goals.

Many of the Panel's recommended actions were to undertake further analysis and consideration prior to finalising the Amendment controls. This additional work has been triggered in part by Council's early use of the new residential zones ahead of patterns of usage or clear guidance being established.

It should be noted that the processing of this report has occurred during an intensely busy period for the Strategic Planning unit. This has included the implementation of several other amendments which have influenced the final amendment package for the two amendments subject of this report. In essence, this extended processing time has afforded Officers the ability to incorporate several improvements in policy and proposed controls from knowledge gained from drafting other amendments, Panel Reports and the RZSAC reports.

There is a level of risk of poor and inconsistent development outcomes if the controls in the amendment packages are further fragmented through additional changes for individual sites. The Alternate Proposals have in numerous instances ensured that there is a robust and consistent rationale for how the range of planning controls have been applied across the corridors and ensures Council has a strong policy platform going forward.

On the whole Amendment C136 and C137 will provide Council with a sound policy base and a suite of tools to direct growth to specific locations and better manage built form outcomes to the obligation to accommodate future housing needs. This full amendment package is put before Council for adoption and forwarding to the Minister for Planning for approval.

## **FUTURE ACTIONS**

- Monitor outcomes from Amendments C138, C147 and C149 and assess if there are any further implications for the implementation of Amendment C136 and C137.
- Finalise the relevant Urban Design Frameworks and bring back to Council for adoption.
- Once the Amendments and Urban Design Frameworks have been adopted, Officers will submit the amendments to the Minister for Planning for approval.
- All submitters will be notified of Council's decision in relation to the Amendments.

## **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 Author of the Briefing Paper, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this briefing paper.

**RELATED DOCUMENTS**

- Revised MSS (**Appendix A**)
- C136 Local Planning Policy Framework (**Appendix B**)
- C137 Local Planning Policy Framework (**Appendix C**)
- Amended Planning Scheme Maps C136 (**Appendix D**)
- Amended Planning Scheme Maps C137 (**Appendix E**)
- Schedule 16 Design and Development Overlay (**Appendix F**)
- Schedule 11 Development Plan Overlay (**Appendix G**)
- Schedule 3 Design and Development Overlay (**Appendix H**)
- Schedule 17 Design and Development Overlay (**Appendix I**)
- *Planning and Environment Act 1987*
- *Local Government Act 1989*



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# MINUTES OF THE COUNCIL MEETING

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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 16 MARCH 2015**

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**THE MEETING OPENED AT 7.23 PM**

**1. PRESENT**

***Councillors***

Cr. Steven Tsitas (Mayor) (Chairperson)  
Cr. Vince Fontana  
Cr. Gaetano Greco  
Cr. Tim Laurence  
Cr. Bo Li  
Cr. Trent McCarthy  
Cr. Angela Villella  
Cr. Oliver Walsh (Deputy Mayor)  
Cr. Julie Williams

***Council Officers***

Rasiah Dev – Chief Executive  
Tiffany White – Acting Director Corporate and Planning Services  
Sally Jones – Acting Director Culture, Leisure and Works  
Katrina Knox – Director Community Development  
Steve Hamilton – Director Assets and Business Services  
Darren Rudd – Manager City Development  
Dave Bell – Senior Media Advisor  
Katia Croce – Coordinator Council Business  
Jody Brodribb – Council Business and Governance Officer

## 2. APOLOGIES

Nil

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Li declared an 'interest' in Item 8.5 (Amendment C137 – Further Information and Adoption) and disclosed a conflict of interest in Item 12.3 (Agreement for the Supply of Menu Items).

Cr. McCarthy declared an 'interest' in Item 9.3 (AH Capp and Robinson Reserves)

Cr. Williams declared an 'interest' in Item 8.3 (Feasibility of Improved Streetscape – Plenty Road between Tyler and Albert Streets, Preston) and Item 8.4 (Amendment C136 – Further Information and Adoption).

Cr. Walsh declared an 'interest' in Item 8.5 (Amendment C137 – Further Information and Adoption).

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** Cr. V. Fontana  
**SECONDED:** Cr. B. Li

**THAT** the Minutes of the Ordinary Meetings of Council held on 16 February 2015 and the undisposed items from 16 February 2015 meeting held on 2 March 2015 be confirmed as a correct record of business transacted.

**CARRIED**

## ACKNOWLEDGEMENT OF THE PASSING OF DR. ALF BAMBLETT (UNCLE ALF)

With leave of the Chairperson, Cr. Tsitas offered condolences on the passing of Aboriginal Elder, Dr. Alf Bamblett (Uncle Alf) and acknowledged his commitment to improving Aboriginal services in the community.

A minutes silence was observed in honour of Uncle Alf.



*Cr. Williams declared an 'interest' in the following item as she lives in the vicinity of the area described in the report.*

**8.5 AMENDMENT C137 – FURTHER INFORMATION AND ADOPTION**

**MINUTE NO. 160**

**AUTHOR: Manager City Development**

**REVIEWED BY: Director, Assets and Business Services**

**SUMMARY**

At its meeting 16 February 2015 the Council resolved to defer the adoption of Amendment C137 Plenty Road Corridor. This was to allow for further consideration of the independent Planning Panel recommendations, including an understanding of where the Council's position had been supported and areas where there was divergence from the Council's original position. The resolution also requested a report on "lowered mandatory heights" and the impact these would have on heritage areas. This further information was presented to a Council Briefing session 10 March 2015 and is summarised in this report. On this basis the Amendments package is presented to the Council for consideration and adoption.

**CONSULTATION**

- Council Briefing – 8 December 2014, 10 and 16 February 2015 and 10 March 2015
- Statutory Planning
- Sustainable Transport
- Business Development
- Department of Environment, Land, Water and Planning (DELWP)

**RECOMMENDATION**

**THAT** Council:

HAVING received a further briefing on the matters raised at its meeting 16 February 2015 and which are summarised in this report;

HAVING prepared and exhibited Amendment C137 to the Darebin Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

HAVING considered all submissions under Section 22 of the *Planning and Environment Act 1987*; and

HAVING considered the report of the independent Panel for Amendment C137 under Section 27 of the *Planning and Environment Act 1987*;

Resolves to:

- (1) Adopt Amendment C137 to the Darebin Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, without changes to the following Panel Recommendations: 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 36, 37, 38, 40, 41, 42, 43, 44, 46, 48, 49, 51, 52, 53, 56, and 57 and **Appendices A - G**.
- (2) Adopt Amendment C137 to the Darebin Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, with changes resulting from the Alternate Proposals to the following Panel Recommendations previously presented in the body of this report: 18, 28, 32, 33, 34, 35, 39, 45, 50, 54, and 59.
- (3) Note that Panel Recommendations 1 – 14, 19, 20, and 60, were addressed through the adoption of C138.
- (4) Submit Amendment C137 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.
- (5) Advise all submitters to Amendment C137 of Darebin Council's adoption of the amendment.
- (6) Direct that this policy position and Amendment C137 be considered in the assessment of planning permit applications until the Amendment is gazetted.
- (7) Authorise the Manager City Development to make minor editorial adjustments where necessary to the Amendments for the purpose of clarification, or strengthening Council position and in discussion with the Department of Environment, Land Water and Planning to support approval.

## COUNCIL RESOLUTION

**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. J. Williams

**THAT** the item deferred to allow for the provision of further information as requested by Councillors.

**CARRIED**  
**REFER MINUTE NO. 155**

## REPORT

### INTRODUCTION AND BACKGROUND

After several alternate motions, at its meeting 16 February 2015 Council resolved:

*'That Council defers the adoption of C136 and C137 planning scheme amendments for 4 weeks in order to receive a report on lowered mandatory heights in those proposed amendments, particularly in areas adjacent to heritage overlay areas and details of the rationale for the 16 panel recommendations for rejection by the Council as well as the Council proposals not supported by the Panel.'*

## Amendment History

The origin of the two corridor amendments can be found in several previous resolutions from Council. It was reported at its meeting 4 March 2013 that a response to Council's request to the Minister for Planning for interim 3 storey height controls had been received. This request was subsequently declined on 22 November 2012 on the basis it was not in the "interest of the state" and was not an issue where notice should be exempted.

The response from the Department of Planning and Community Development (now DELWP) suggested "that Council undertake the work required to run a standard amendment process with full community consultation".

At this meeting 4 March 2013, it was resolved:

*'That Council:*

- (1) Adopts the project process outlined in this report as the basis for further work.*
- (2) Refer to the 2013/2014 budget process the additional costs associated with the Planning Scheme Amendments for St Georges Road and Plenty Road Corridors as outlined in this report.'*

This resolution led to the comprehensive amendment process that included a two month extended exhibition period, over 250 submissions being received, that were considered by an independent Panel at Hearings in March 2014 and a report provided to Council in July 2014.

The receipt of the Panel Report in August 2014, represents a key milestone in the planning scheme amendment process of implementing land use and built form controls for the transport corridors through Amendments C136 and C137. These amendments together with Amendment C138 ensure a coordinated, up to date approach to managing future growth and providing orderly planning in Darebin. The intent is that the Planning Scheme provides certainty to both resident and developer communities as to the preferred locations of particular uses and developments. Quite deliberately the proposed controls particularly in the northern sections of the corridor are ahead of actual development demand which is forecast to occur in Darebin.

Darebin's clear vision on residential, commercial and industrial land uses going forward is now articulated and embedded in a strong policy framework that has been endorsed through several amendment processes. The Panel acknowledged the "...detailed and strategic planning work that underpinned the preparation of a broad suite of documentation supporting the Amendments". The Panel in particular noted Council's diligence in:

*"Keeping up with fast moving planning environment which has seen the release of Plan Melbourne and the introduction of new residential zones.*

*Council's intention in leading the change rather than responding to development, policy and zoning changes currently affecting all Council".*

The Panel supported "...the idea of managing development along public transport corridors", and "...that managing the built form of development along the corridors is a key driver for the Amendments" and "...that different planning controls will be needed depending on the local conditions". The Panel concluded that "...Amendments C136 and C137 will provide Council with a robust policy and development control platform that responds to the development pressures in inner and middle Melbourne over the years to come".

As noted in the Amendment C138 report (15 September 2014) there was strong representation from multiple community groups and individuals into the Panel Hearing process.

The Panel report generally supports Council's proposed intent for the strategic corridors subject to some refinements that necessitated a comprehensive review of the proposed controls.

This report focuses on Amendment C137 relating to the Plenty Road Corridor and explains the implications of the Panel recommendations.

Further work is being undertaken to incorporate the findings (**Appendix G**) of the Panel Report and ensure alignment across all the amendment components is reflected in the Urban Design Framework. This document will be presented to Council for adoption in a future meeting cycle.

### **Application of the New Residential Zones**

In parallel to processing the Panel Report, Officers have undertaken a number of other projects and planning scheme amendments to ensure Council meets the changing and growing needs of the community.

The new suite of residential zones was rolled out by the State Government on 1 July 2014 to provide guidance and greater certainty about the type of development that can be expected in any residential area. Darebin City Council embarked on a staged process, Stage 1 being C144 which introduced the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) with Stage 2 being progressed through Amendment C147, which introduces the Residential Growth Zone (RGZ) to a discrete number of areas adjacent to activity centres.

These two Ministerial amendments were presented to the Residential Zones Standing Advisory Committee (RZSAC) which has been tasked with the consideration of submissions and with making recommendations to the Minister about the implementation of the new residential zones in accordance with their terms of reference. Further submissions have been made on Council's behalf to the Minister for Planning to address some anomalous zoning outcomes from the RZSAC process and to ensure Council has a zoning arrangement that reflects its preferred strategic position.

### **Amendment C137 Plenty Road Corridor**

Similarly, Amendment C137 seeks to:

- Apply the Residential Growth Zone 1, General Residential Zone 2, Mixed Use Zone 1 and Commercial 1 and 2 Zones to land affected by the Amendment;
- Introduce a Design and Development Overlay Schedule 17 along the corridor and replace DDO3 with an updated overlay to manage built form outcomes in the Junction;
- Adjust the local policy framework relating to Neighbourhood Character policy to support the delivery of the Preferred Future Outcomes identified for the various Precincts in the Urban Design Framework 2015;
- Amend Clause 22.01 - The Junction Local Area Plan to remove The Junction Integrated Development Plan (2001) as a reference document;
- Update the Junction Local Area Plan in relation to the Plenty Road Corridor Urban Design Framework 2015; and

- Insert the Urban Design Framework 2015 into the Planning Scheme as a reference document.

This Amendment seeks to apply the Environmental Audit Overlay to potentially contaminated land along the Plenty Road corridor based on historical activities on those sites and where the zone changes to a sensitive use.

### **The Panel Report**

The Panel Report dated 31 July 2014 was reported to Council as part of Amendment C138, 15 September 2014. The Panel considered written and oral presentations during the course of the hearings for the two amendments. All submitters to the Amendments together with those who either appeared or were represented are listed within the Panel Report.

Overall, the Panel supported the broad strategic intent of the two Amendments, in particular Council's idea of managing development along public transport corridors, and indicated that the Amendments will 'provide a development control platform that will enable Council to respond to development pressures over many years to come'.

The Panel Report contained sixty recommendations for the three Amendments: C136, 137 and C138, of which 28 apply to C136 and 24 related to C137. The Panel recommendations included a number of significant structural changes to the Amendments in relation to the drafting of the Design and Development Overlay provisions.

The Panel considered that the DDOs were too ambitious and tended to cover too broad a range of issues that as an alternative could be dealt with through the local policy framework and the zone schedules of the planning scheme. It suggested a number of changes to simplify the DDO schedule provisions.

### ***Planning and Environment Act 1987***

Council has met all its obligations in relation to the receipt and release of the Panel's Report on the three amendments as reported in September 2015. Other obligations under Section 27(1) of the *Planning and Environment Act 1987*, require that Council must consider the Panel's Report before deciding whether or not to adopt the amendment. In this case it would be the panel recommendations directly relevant to Amendment C137. Due to the complexity of the changes recommended by the Panel, Council officers have written to the Minister for Planning to seeking and receiving exemption from the requirement of the Ministerial Direction 15 (usually 40 days to process and respond to the report) to allow Council enough time to review the large number of changes recommended by the Panel pursuant to Section 27(3) of the Act.

## **ISSUES AND DISCUSSION**

### ***Lowered mandatory heights***

This issue was raised at the Council Meeting 16 February 2015 and discussed in the Council Briefing 10 March 2015. The following is a summary of the associated considerations:

- A fundamental premise of the mandatory height controls was to accommodate additional intensification and that within the proposed built form envelope there was sufficient flexibility to provide for a range of contextual design responses. In cases where there is scope between existing heights and maximum limits, the proposed controls encourage the bulk and mass of the development be positioned toward the front of the lot away from the sensitive rear interface. This allows a high yield to be achieved while the impact of the built form at the rear interface is managed.

This also assists in reducing expectations that more intense development could spill over into abutting residential streets.

If this flexibility is removed with lower heights then there will be greater pressure to maximise the yield within the restricted envelope. There will be increased pressure to intensify development in a lesser envelope which risks eroding the rear setback provision. Design responses may result in the bulk and mass being closer to the rear of the property and an increase in the number of applications contesting the rear built form setbacks (which are discretionary). The likely fall-back that may be used if contested at VCAT is the scope between the DDO setbacks and the less stringent Rescode requirements. If discretion is exercised to limits of Rescode then the result would potentially be a higher proportion of development constructed on the rear boundary sensitive interface without the 3m buffer and thus undermining the preferred strategy for both corridors.

- Planning Practice Note 59 – Requirements for Mandatory Heights sets out the requirements for justifying the application of mandatory controls. The strategic justification for the exhibited built form heights was presented to the Panel at the Hearings held in March 2014. The Panel noted that it was "...generally satisfied that Council has demonstrated a sufficient level of analysis in relation to building heights to justify mandatory maximum height provisions." On this basis and Panel Recommendation 34, the built form heights were set as mandatory maximum height limits in the redrafted DDOs.

The Panel did not support the concept of a built form height range and so the minimum height references have been removed from the DDOs. It is unlikely that a 3 storey mandatory building height would be supported by the Department of Environment, Land, Water and Planning given Council's request was previously declined. This notion also undermines the directions already in Council's MSS that direct intensification along the Plenty Road corridor.

- If Council decides to reduce the heights recommended through this report further analysis will be required to assess the impact of a reduced residential density capacity will have on the local areas in the corridors. In many cases the proposed intensification is to support a revitalisation of a centre by facilitating more people to live in proximity to public transport and local shops and businesses. This is particularly cases for centres such as Tyler Street which through economic analysis is highly dependent on residential intensification for its rejuvenation.

### ***Built Form Height***

The height limits that have been mandated in the DDO are not an as-of-right control and are applied on the basis of each application's merits. It is also important to emphasize that sites will redevelop at a range of heights and it is unreasonable to expect that the maximum height will be developed from street block to street block. The granting of a permit for a mandatory maximum height is subject to meeting other requirements in relation to:

- Lot width;
- Lot depth;
- Side and rear setbacks;
- Site access and function; and the
- Ability to accommodate on site car parking capacity among other requirements.

There are several locations along the corridor where a reduction in the overall built form height has been supported.

## Positive outcomes from Panel Recommendations

### Zone Changes

A number of land use zones along the corridors have changed as a result of accepting the Panel recommendations. The Panel suggested further investigation of the Residential Growth Zone 1 as the preferred tool to the Mixed Use Zone Schedule 2 (MUZ2) to achieve intensification given the schedule to the zone can be used to vary the built form height. Further analysis demonstrated that where the overall intensification intent can be retained the land use zone was been changed from MUZ2 to RGZ1 which has similar built form outcomes without the loss of capacity.

On sites with a specific Heritage Overlay (e.g. 572 Plenty Road) the land use zone has been changed to a General Residential Zone Schedule 2 (GRZ2). This allows some redevelopment potential but gives a clear indication that maximising the yield on these sites is not desirable.

### The Junction Precinct

This Precinct has long been identified for mixed use and residential intensification. The updating of Design and Development Schedule 3 (DDO3) to provide more direction for the built form outcomes and greater control in relation to building heights, setbacks and the interface with the public realm was supported by the Panel.

The Panel noted that:

*“...the current strategic direction for the Junction is well established, supports Council’s review and refinement of the existing planning controls, and agrees that the proposed strategic direction is broadly appropriate and justified.”*

*“Whilst acknowledging concerns from some local residents in relation to the further intensification of the Junction, the Panel considers the interface issues are well resolved through the Amendment and have provided extensive comment and discussion in relation to these general issues.”*

This Precinct has also been nominated to accommodate a taller built form up to 18 Storeys on the key landmark site at 6 – 34 High Street. In relation to this site the Panel noted:

*“This is a key location within an identified activity centre. The site is capable of taking a tall structure of up to 18 storeys without undue impact on adjoining sites.”*

The other key strategic site in this Precinct is the current Woolworths site on Plenty Road. The potential redevelopment of this site raised considerable concern from residents living to the rear of the site on Roxburgh Street. Council Officers met with these residents in December 2013 and as a result proposed further transitional building height and setback controls as part of DDO3. These controls were proposed in anticipation of the site being redeveloped and to provide a clear direction of Council’s expectations well in advance of redevelopment being considered. The Panel supported this position and commented that:

*“The Panel agrees with the approach to acknowledge the strategic potential of this site by allowing additional height and accepts the site is large enough to accommodate 12 storey buildings to the Plenty Road frontage.”*

On the basis of this support the Panel’s suggested changes have been incorporated into the updated DDO3 (**Appendix C**) and the relevant final amendment documentation attached to this report.

### ***Transition Buffers***

The concept of a buffer area where additional consideration is given specifically to the tapering down of a taller built form to the lower surrounding residential area was agreed to by the Panel. The Panel has supported the inclusion of additional generous transitional buffers in the Junction area. These transition buffers are shown on the maps within, and relate to design requirements, in the DDO.

### ***30 Degree built form envelope***

This tool was developed for situations where there is an additional sensitivity in the residential area adjoining the development site that warrants a further constraint on the built form outcome are the rear. Several submitters argued that this built form envelope was too restrictive and placed an onerous burden on the development to comply. The Panel agreed and recommended that the use of this envelope be limited to very select site conditions such as steeply sloping sites with adjacent residential development on the lower side. There are no sites exhibiting this characteristic on St Georges Road and only a small section between Rene Street and Kinkora Road. The 30 degree setback was reduced to apply to limited locations as per Recommendation 35 f).

### **Changes to Panel Recommendations**

The investigative nature of recommendations proposed by the Panel left a level of flexibility in finalising the various aspects of the amendment documentation. As such, there has been scope for Officers to consider several options and provide a revised approach the controls in the DDO as part of the final amendment package presented in this report for Council's consideration.

However there are some recommendations where there was less alignment with Council's strategic goals and these are discussed in the following sections of the report. To address these matters Officers have put forward Alternate Proposals to the Panel's recommendations which follows the consideration of options and where there is sufficient strategic justification. In general these divergences from the Panel recommendations are the result of wanting to achieve a localised response which will lead to a greater consistency of control application with the wider amendment along the corridor.

The Alternate Proposals specifically outlined below address recommendations numbered 18, 28, 32, 33, 34, 35, 39, 50, 54, and 59. The remaining recommendations were either supported or addressed separately through the adoption of Amendment C138 previously.

### **Recommendation 18**

*Review whether the MUZ2 should replace RGZ if issues related to building height in the RGZ have been clarified.*

#### Discussion

The Amendment proposed to alter various land parcels along the corridor (refer zone maps in **Appendix B**) to include the Residential Growth Zone (RGZ), General Residential Zone (GRZ), Mixed Use 1 and 2 Zones (MUZ1, MUZ2) and Commercial 1 and 2 Zones (C1Z, C2Z).

In considering the appropriateness of the land use zones for various areas, the Panel had regard to the Framework Plans in the Urban Design Framework for the corridors and supported the broad strategic vision for land use. The Panel supported the rationale used by Council in applying the zones but suggested changing some commercial zoning in areas where it was unclear if the desired future outcome could be achieved.



The Amendment was prepared at a time when there was limited knowledge and in fact confusion over the height limits that could be applied in the RGZ provisions. The Panel viewed Council's solution to the perceived conflict in the purpose of the RGZ provisions (which refers to a limit to 4 storeys) to be addressed through the use of a MUZ2 as unnecessary. The processing of numerous amendments applying the RGZ since C137 was exhibited have demonstrated there is the ability to vary the height from the four storeys identified in the purpose to that zone.

The Panel suggested that Council apply the RGZ to land intended for solely residential use and include a schedule to the zone to address building height issues.

In light of the recent advice that a RGZ can also accommodate more than 4 storeys through a schedule to the zone, some of the areas designated for MUZ2 have been reviewed and where appropriate, a RGZ is proposed to be applied. There are some instances where the better fit for the desired outcome will be the use of the MUZ1. The Panel recommendation for a review of the proposed zones has been undertaken and is reflected in the approach recommended by Officers.

#### Alternate Proposal:

Areas exhibited as MUZ2 be changed to either RGZ1 or MUZ1 as identified in **Appendix B** to this report.

#### **Recommendation 28**

*Amend the proposed zoning of residential properties to commercial on the east side of Plenty Road from C1Z to RGZ (Plenty Road Precinct 2).*

#### Discussion

This recommendation is directly related to Amendment C137 and affects three distinct blocks on the eastern side of Plenty Road, which were proposed to change to a commercial zone, specifically land between:

1. Wood Street and Malpas Street, which is currently in the IN3Z, except 600 Plenty Rd, which is currently R1Z;
2. Madeline Street and Rene Street which is R1Z; and
3. Tyler Street and Kinkora Road which is R1Z.

The Tyler Street activity centre has the Tyler Street/Plenty Road intersection at its core radiating out from for a distance of some 200m in either direction. The Darebin Economic Land Use Strategy 2014 (DELUS), which was adopted through Amendment C138, identified this local centre to be in a business zone to support existing businesses.

The Panel did not agree with the use of the C1Z to consolidate the core area of this local centre, suggesting that residential uses can sit comfortably within the centre at ground floor level. While this view is understandable, the Panel accepted the same rationale for the C1Z in a number of other similar locations along the two corridors. For instance, the Panel recommended (#25) changes to the land use zone proposed for 375 – 377 St Georges Road corner Normanby Road, on the basis of the existing uses and that the C1Z will relate to other land uses at the intersection. The DELUS does not recognise this intersection as a local centre although with the high volume of passing traffic combined with local residential intensification, it does have the potential to evolve into an activity centre.

It is also noted that the Panel raised no concern in relation to the C1Z zoning for the properties on the eastern side of the intersection either. These properties are currently within residential zone and have been accepted by the Panel to be rezoned for commercial.

The Panel's Recommendation 28 is not supported for all three locations and instead a MUZ1 or retaining the blocks in C1Z is proposed for the following reasons:

1. The block between Wood Street and Malpas Street should remain in the C1Z as it is currently used for a large yard-based commercial use with few other opportunities for this type of use to relocate in the municipality. It is suggested that as the site at the southern corner of this block (600 Plenty Rd) contains HO243 it should be rezoned to GR22 to be consistent with Council's approach to other heritage overlay sites. However, it should also be noted that there is an existing planning permit for an integrated 5 storey apartment building on this site as well. The specific site Heritage Overlay notes its significance use as a former "State Savings Bank of Victoria" and that the building while architecturally distinct, has had some recent additions made to the exterior. The citation does not mention the need for any particular curtilage (retaining the setting of the building in space) to be protected around the core building therefore the integrated proposal was considered appropriate.

This zone combination was intended to direct growth to the larger strategic site which is able to achieve an active frontage condition necessary to support the local centre while facilitating residential intensification at the upper levels and manage the off-site amenity impacts. Nevertheless this integrated development proposal demonstrates that not all Heritage Overlay sites should be excluded from the consideration of further redevelopment if the design is suitably responsive to the local context.

2. The block between Madeline Street and Rene Street is proposed to be rezoned from C1Z to MUZ1 to support consolidation of business uses at ground floor level in the core part of the centre and improve the pedestrian environment by providing an active frontage to new development.
3. The block between Tyler Street and Kinkora Road is proposed to be rezoned to MUZ1 to support consolidation of business uses at ground floor level in the core part of the centre and improve the pedestrian environment by providing an active frontage to new development.

It is noted that the Panel also recommended a maximum height of 4 storeys for the eastern part of Plenty Road which is discussed in greater detail as part of the response to Recommendation 50 later in this report.

#### Alternate proposal:

Retain C1Z on the block between Wood Street and Malpas Street, apply MUZ1 to the block between Madeline Street and Rene Street and apply MUZ1 to the block between Tyler Street and Kinkora Road.

#### **Recommendation 32**

*Review whether the DDO is needed on residentially zoned land or whether the controls can be delivered as a schedule to a residential zone.*

#### Discussion

The Panel generally agreed with the use of the DDO schedule as a tool to manage design issues and built form outcomes. However, the Panel suggested further consideration be given to using other tools, such as zone schedules, in locations where land is intended for residential uses. Those elements relating to heights, setbacks and vary Rescode requirements where a variation to these controls is required to deliver a particular outcome.

The Panel further recommended a review of the DDO structure, in particular how it relates with other policies in the MSS with the view of removing any duplication. The revised DDOs 3, and 17 are attached in **Appendices C and D** to this report. Aspects of the Panel's recommendations, where some departures are proposed, are discussed below.

As discussed previously, a review of the built form controls has been undertaken and where appropriate, changes have been made to reflect the Panel's recommendations. In regards to the use of zone schedules to deliver some built form outcomes, it is considered that the DDO tool offers the best solution in this instance and better delivers on the clear instructions from Council to raise the design standards of development where the height of development is to be increased.

The DDO currently covers many properties with a range of local conditions, the variety of which would generate multiple zone schedules and these would only partially address the full scope of controls provided in the DDO. Using zone schedules in this instance will lead to unnecessary duplication and more complex planning controls. It is considered that the DDO schedules across different zones be retained as this offers a greater level of consistency and provides clear guidance of the Council's and the community's development expectations for Developers.

Alternate Proposal:

This recommendation is supported to the extent that a review of the DDO application in comparison to the use of a zone schedule has been undertaken. It was concluded that in this case the proposed DDO controls would provide a better outcome than the use of multiple zone schedules.

**Recommendation 33**

*Review the interaction between the DDO and built form controls in the zone where a residential zone is applied.*

Discussion

This recommendation relates to Clause 54 and Clause 55 controls that are available for use in the zone schedules. These Clauses relate to Rescode provisions in relation to amenity issues such as overlooking, overshadowing, setbacks and height. It is intended that DDO will override Rescode provisions where it applies or fill the gap where it does not apply. The Panel's recommendation is supported to the extent that a review of benefits of using Clauses 54 and Clause 55 available through the zone schedules have been considered in comparison to the use of the DDO controls. It was concluded that in this case the proposed DDO controls would provide a better outcome than the use of variations to the Clauses 54 and 55 provisions in the zone schedule.

Alternate Proposal:

In this case the proposed DDO controls should be retained as they would provide a better outcome than the use of Clauses 54 and 55 in the zone schedule.

**Recommendation 34**

*Amend the requirements of the DDOs to make all requirements discretionary except for maximum building heights.*

Discussion

This recommendation related to mandatory control for building heights, setbacks, minimum lot widths and ESD measures and whether the DDO should include prescriptive measures or not. The Panel found that in relation to heights, mandatory control was appropriate and should be used along the corridors.

The DDO has been redrafted with the exhibited heights being set as a mandatory control which cannot be varied via a planning scheme permit. The other controls which are prescriptive in nature i.e. using "must", will remain in the DDO but will be applied as discretionary measures which can be varied via a planning permit in the assessment of applications.

Alternate Proposal:

Redraft the DDO with mandatory height controls and all other measures to be applied as discretionary.

**Recommendation 35**

*Redraft the DDOs to:*

- c) *Focus content on:*
  - Site width (discretionary)*
  - Building height (mandatory)*
  - Building setback (discretionary)*
  - Site coverage (discretionary)*
  - Walls on boundaries (discretionary)*
  - Street interface (discretionary)*
- d) *Delete provisions from the DDOs that duplicate Clause 22.09 and Clause 22.10*
- g) *Use reference to other policies or ResCode requirements where possible, in particular refer to ResCode to manage overlooking and overshadowing impacts.*
- h) *Remove requirements related to ESD and internal amenity.*
- i) *Avoid or minimise the need for maps in the schedule by showing the precincts on the planning scheme maps, and delete (or simplify) the maps in the DDO schedule by:*
  - Relating Active frontage to zone*
  - Applying a standard set back requirement*

Discussion

In general, Officers have accepted the intent and suggestions of the Panel to redraft the DDOs to be more streamlined and clear. The points of Recommendation 35 where there is some divergence are explained below.

The DDO has been redrafted to be more streamlined and simpler to use which was the overall outcome sought by the various Panel recommendations. The redrafted DDOs 3 and 17 are attached at **Appendix C and D** to show the revised format. The specific content suggested in Recommendation 35 c) is drawn from the headings used in the zone schedule and are included within the body of the DDOs.

This approach keeps the bulk of the assessment controls in the one planning tool rather than spreading the requirements across multiple tools. See response to Recommendations 32 and 33 for further details regarding this approach.

Recommendation 35 g) directly relates to Recommendation 33 and has resulted in greater clarity being provided in the DDOs where a requirement reverts to an existing ResCode requirement.

### ***Environmentally Sustainable Design (ESD) Requirements***

A number of prescriptive design requirements relating to ESD were exhibited in the DDOs for the corridor. It was intended that these requirements be applied as mandatory controls. The Panel did not support this approach and recommended these requirements be removed from the DDOs. Recommendation 35 h) which suggests the removal of the mandatory ESD measures from the DDOs has been accepted in part with most of the ESD references relocated to the new policy 22.06 in Amendment C147.

The Panel recommended the removal of the ESD measures and internal amenity controls from the DDOs on the basis that ESD be included in the revised Clause 22.09 Residential and Mixed Use Development of Less than Four Storeys Policy and Clause 22.10 Residential and Mixed Use Development of Four or More Storeys Policy include some sustainability measure and this should continue to apply. These policies have since been revised and amalgamated into a new city-wide policy as Clause 22.06 forming part of Amendment C147. The Panel believed that ESD measures should be applied as a municipal-wide approach, not just specific locations. As it was not the Panel's intent to leave a policy vacuum some reference to ESD in the Objectives, Design Requirements and Decision Guidelines in the DDOs has been retained.

The Panel also acknowledged that work is currently being undertaken at the State level in regards to a state-wide apartment guideline which will address internal amenity. The timeframe for the introduction of such a provision is unknown. It is considered prudent to include minimum standards to cover internal amenity issues such as borrowed light and cross ventilation in the DDOs to address this clear policy gap and to ensure the internal amenity of future apartment buildings are secured.

### ***DDO Maps***

Recommendation 35 i) suggested the removal of maps embedded in the DDOs. It should be noted that the maps have been retained as a means of specifically identifying where maximum heights are to be applied. However, the rear building envelope condition has been removed from the maps making them easier to read. These simplified maps show the following content:

- DDO boundary
- Maximum heights
- Future pedestrian/cycle links
- Strategic Sites
- Active frontages

A fully detailed map will be kept in the UDF for further reference should greater explanation of the strategic context and preferred future outcome for a particular precinct be required.

Alternate proposals:

- Recommendation 35 g) – greater clarity is provided regarding the use of Rescode;
- Recommendation 35 h) – remove some ESD references and retain internal amenity controls in DDOs;
- Recommendation 35 i) – retain simplified maps and delete tables with duplicated information.

**Recommendation 39**

*Amend DDO3 to:*

*c) Remove the requirement for landscaped setbacks at ground level front property boundaries*

Discussion

This recommendation is not supported and this provision is proposed to be retained in DDO3. This recommendation relates to the Junction Precinct where the existing 3m landscape setback on High Street is proposed to be extended further north to Warrs Avenue. This concept was first established and supported through the original Junction Local Area Plan in 2002 with additional pedestrian spaces being suggested on the corners of Raglan Street. The revised DDO3 identified further setback requirements along small sections of High Street in front of properties between 53 and 81 High Street.

This would allow adequate space for the planting of canopy trees and the creation of a green respite in what is becoming a compact urban environment. A second stretch along Plenty Road in front of the existing Woolworths car park is proposed to provide additional space at ground floor level near the busy Plenty Road intersection and adjacent to a tram stop.

In both of these locations redevelopment is yet to occur and the potential to integrate these spaces in the early stages of the redevelopment design process is still possible. This additional space allocation is further supported by the Junction Urban Master Plan which has identified “*Greening the Junction*” as a key goal that was adopted by Council in June 2014.

Alternate Proposal:

Retain the urban landscape treatment with canopy trees setback requirement in DDO3.

**Recommendation 50**

*Amend DDO17 Precinct 2 to show a building height of 4 storeys for the east side of Plenty Road, except for the strategic site located on the south east corner of Tyler Street and Plenty Road (Plenty Road Precinct 2).*

Discussion

This recommendation relating to DDO 17 (**Appendix D**) is not supported for the reasons explained below:

- As previously discussed in comments regarding Recommendation 28 above, this Precinct forms the core area of the Tyler Street activity centre. The eastern side of Plenty Road contains several blocks with strategic sites apart from the one on the south east corner of Tyler Street and Plenty Road.

- Implementation of this recommendation for all strategic sites other than the one identified would create a disproportional development expectation on large sites. The ability for strategic sites to better manage the off-site amenity impact has been acknowledged by the Panel in numerous locations along both corridors.
- Retaining the 6 storey height exhibited between Wood Street and Malpas Street (608-616 Plenty Road) is justified as there are a number of lots in a single ownership creating a large strategic site of sufficient size and dimension that is able to manage this 6 storey height and reduce the amenity impact on the surrounding residential area. Further guidance regarding transition of built form height should be provided for this site which has a sensitive interface with a HO property to the south.
- Lots fronting Plenty Road between Malpas Street and Rene Street are proposed to be retained at a maximum 6 storey height as exhibited. This is to facilitate the consolidation of local businesses at ground floor level into the centre and allow residential intensification to occur at the upper levels.
- Lots fronting Plenty Road between Rene Street and Robb Street are proposed to be reduced to a 4 storey height limit except the strategic site on the corner of Tyler Street and Plenty Road as per the Panel's recommendation. This reduced height is in recognition of the greater potential for impact of the steep gradient generally from north to south on this site giving further consideration to the impact of the bulk of new development above 4 storeys being too great on the surrounding lower residential neighbourhood.

#### Alternate Proposal:

- Retain 6 storey height exhibited between Wood Street and Malpas Street (608-616 Plenty Road);
- Retain 6 storey height exhibited between Malpas Street and Rene Street;
- Reduce to 4 storeys the built form height between Rene Street and Robb Street except the strategic site on the corner of Tyler Street and Plenty Road as per the Panel's recommendation.

#### **Recommendation 54**

*Amend DDO17 to remove the nominated pedestrian links shown on the Precinct 4 Map 2 for 1091 Plenty Road (Plenty Road Precinct 4).*

#### Discussion

The Panel viewed the inclusion of pedestrian links as shown on the Map 2 for Precinct 4 as inappropriate given the plan is high level and not 'strategically targeted'. The Panel considered that the DDO should not mandate location of pedestrian links but could be provided as a negotiated outcome through the development application process. The Panel recommended the inclusion of a broader objective of providing pedestrian links in the schedule where block lengths exceeds 100m.

For Precinct 3, the Panel supported nominating pedestrian links on the map based on the arguments that the connections are shown as indicative, logical and achievable including a design objective for blocks lengths exceeding 100m. It is unclear from the Panel report why Precinct 4 pedestrian link has been treated differently. The site has a frontage of over 100m, aligns with the cadastral boundaries between the block and Plenty Road and will provide improve connections with the public park.

This recommendation is not supported but with an added notation included in the provisions states that the nominated alignment is indicative and that the final position will be determined at the development planning stage to provide the necessary flexibility.

This recommendation has been considered and is not supported. It is proposed that Council retain the pedestrian links on the map 2 for Precinct 4 to ensure a consistent approach across the whole amendment towards pedestrian connections.

Alternate Proposal:

Retain the pedestrian links on the map 2 for Precinct 4 to ensure a consistent approach across the whole amendment towards pedestrian connections.

**Recommendation 59**

*Apply a Road Closure Overlay to facilitate the closure of redundant roads on 800 Plenty Road.*

Discussion

The original submission for 800 Plenty Road raised issues in relation to the proposed built form outcomes for the site. Discussion during the Panel Hearings was also directed towards obtaining changes to the overall built form potential of the site. It was during this discussion that the issue of a road closure was raised by the developer and in-principle support was sought from Council Officers. At this time Officers were unaware that a separate process to formally discontinue the roads within the site had already commenced with Council's Asset and Properties Unit.

The addition of a Road Closure Overlay would create another layer in the Planning Scheme which is unnecessary for this site. This Panel recommendation is not supported on the basis that this issue was not raised in the original submission and that this issue is being addressed through a separate process via the Local Government Act 1989. Inclusion of this recommendation in the planning scheme amendment would be prejudicial to Council's interests and undermine other processes that are under way.

Alternate Proposal:

Do not apply the Road Closure Overlay to the site at 800 Plenty Road.

**Consultation**

Officers have been contacted by several submitters since the release of the Panel Report last July, expressing concern with the content of the Panel Report, specifically that the report does not include all points that submitters made to the Panel.

**Amendment Implementation**

At the time this report was written there were several planning permit applications being appealed to VCAT. Without a clear and seriously entertained policy position on the corridor there will be additional cases being referred to VCAT for planning permit decisions, with several cases currently under review. The deferral of the amendment has already had repercussions on a review case that was heard on 2 and 3 March 2015 at 629 Plenty Road, Preston (west side, north Hawker Avenue). This involves a Council decision to refuse a planning application for a 6 storey mixed use development.



On the basis of the 16 February 2015 deferral motion, VCAT have seriously questioned the status of the whole of Amendment C137 and in particular the ambiguity over potential building heights and the final form of the controls. VCAT have also questioned how genuine Council's commitment is to Amendment C137 with the decision potentially having implications for the Junction precinct and St George's Road.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

There have been no policy changes since this matter was reported 16 February 2015.

### **Human Rights, Equity and Inclusion**

There have been no policy changes since this matter was reported 16 February 2015.

### **Economic Development**

There have been no policy changes since this matter was reported 16 February 2015.

### **Other**

There have been no policy changes since this matter was reported 16 February 2015.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There have been no policy changes since this matter was reported 16 February 2015.

## **CONCLUSION**

This report has provided additional information and has allowed for further consideration of the key issues by Council at its briefing 10 March 2015. The few remaining and relatively minor points of divergence from the original Panel Recommendations have been further considered and explained in this report. These points of divergence are made with the intent of maintaining an overall consistent approach along the corridor and to deliver on Council's strategic goals.

The majority of the controls proposed through Amendment C137 have been supported by the Panel's Report. This concludes a transparent and highly consultative approach with the community who have had the opportunity to express and have their views independently considered by an Independent Planning Panel. The Panel has considered all the submissions lodged during exhibition and those presented at the Hearings and has put forward their recommendations based on a balanced approach. Council now has the benefit of this independent and expert view on submissions to inform its final opinion on this planning scheme amendment.

There is limited scope to make additional changes to the Amendment without a clear strategic justification. By keeping any changes suggested to only a minor departure from the Panel recommendations, Officers have put forward an amendment package that balances growth demand with amenity protection. If sufficient justification is lacking it is likely that the Department of Environment, Land, Water and Planning will revert to the original Panel recommendations.

This positively responds to the Panel Report as well as delivering on Council's strategic goals and maintains the integrity of the amendment and compliance with State requirements for strategic justification to be clearly demonstrated (*Planning Practice Note 46: Strategic Assessment Guidelines*).

There is a level of risk of poor and inconsistent development outcomes if the controls in the amendment packages are further fragmented through additional changes for individual sites. The Alternate Proposals have in numerous instances ensured that there is a robust and consistent rationale for how the range of planning controls have been applied across the corridor and ensures Council has a strong policy platform going forward.

On the whole Amendment C137 will provide Council with a sound policy base and a suite of tools to direct growth to specific locations and better manage built form outcomes to the obligation to accommodate future housing needs. This full amendment package is put before Council for adoption and forwarding to the Minister for Planning for approval.

### **FUTURE ACTIONS**

- Monitor outcomes from Amendments C138, C147 and C149 and assess if there are any further implications for the implementation of Amendment C137.
- Finalise the relevant Urban Design Framework and bring back to Council for adoption.
- Once the Amendment and Urban Design Framework have been adopted, Officers will submit the amendment to the Minister for Planning for approval.
- All submitters will be notified of Council's decision in relation to the Amendment.

### **DISCLOSURE OF INTERESTS**

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

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

### **RELATED DOCUMENTS**

- Council Minutes – 4 March 2013 and 16 February 2015
- C137 Local Planning Policy Framework (**Appendix A**)
- C137 Amended Planning Maps (**Appendix B**)
- C137 Design and Development Overlay Schedule 3 (DDO3) (**Appendix C**)
- C137 Design and Development Overlay Schedule 17 (DDO17) (**Appendix D**)
- C137 Explanatory Report (**Appendix E**)
- C137 Clause 61.03 (**Appendix F**)
- Planning Panel Report Executive summary (**Appendix G**)



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# MINUTES OF THE COUNCIL MEETING

Held on Wednesday 29 April 2015

Released to the public on Friday 1 May 2015

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**MINUTES OF THE SPECIAL MEETING OF THE  
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH ST, PRESTON ON MONDAY 29 APRIL 2015**

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**THE MEETING OPENED AT 7.00 PM**

## **INTRODUCTION**

The Council meeting held on 20 April 2015 concluded before all items were dealt with. This Special meeting finalised the items outstanding from that meeting.

## **1. PRESENT**

### ***Councillors***

Cr. Steven Tsitas (Mayor) (Chairperson)  
Cr. Vince Fontana  
Cr. Gaetano Greco  
Cr. Tim Laurence  
Cr. Bo Li  
Cr. Trent McCarthy  
Cr. Angela Villella  
Cr. Oliver Walsh (Deputy Mayor)  
Cr. Julie Williams

### ***Council Officers***

Rasiah Dev – Chief Executive  
Tiffany White – Acting Director Corporate and Planning Services  
Sally Jones – Acting Director Culture, Leisure and Works  
Katrina Knox – Director Community Development  
Steve Hamilton – Director Assets and Business Services  
Darren Rudd – Manager City Development  
Lauren Close – Acting Manager Corporate Governance  
Dave Bell – Senior Media Advisor  
Katia Croce – Coordinator Council Business  
Jody Brodribb – Council Business and Governance Officer

## 2. APOLOGIES

Nil

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Li declared an 'interest' in Item 8.8 (Café Voucher Pilot Program).

Cr. Villella disclosed a conflict of interest in Item 8.2 (Preston Market Planning Controls).

~~Cr. McCarthy declared an 'interest' in Item 8.3 (Northland Urban Renewal Precinct Relationship to the Corridor Amendments C136 and C137).~~



**Council on 4 May 2015 (see Council Minutes Page 2) resolved to make a correction (in italics below to the 29 April 2015 Special Council meeting**

*Cr. McCarthy declared an 'interest' in Item 8.13 – Robinson-Capp Reserves Playspace Consultation and Master Plan Development*

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

To be confirmed at the Ordinary meeting of Council on 4 May 2015.

## 5. REPORTS BY MAYOR AND COUNCILLORS

Refer to Minutes of Council meeting held 20 April 2015.

## 6. PUBLIC QUESTION TIME

Refer to Minutes of Council meeting held 20 April 2015.

## 7. RECORDS OF ASSEMBLIES OF COUNCILLORS

Refer to Minutes of Council meeting held 20 April 2015.

**8.3 NORTHLAND URBAN RENEWAL PRECINCT –  
RELATIONSHIP TO THE CORRIDOR AMENDMENTS C136  
AND C137****MINUTE NO. 198****AUTHOR: Manager City Development****REVIEWED BY: Director Assets and Business Services****SUMMARY**

This report responds to the resolution moved at the 16 March 2015 Council meeting seeking to better understand the overall population growth, housing supply and demand picture for Darebin in relation to the Northland Urban Renewal Precinct and the Strategic Corridors of St Georges Road and Plenty Road. This report provides information about how key land use and development strategic directions are being translated through the regulatory amendment and urban renewal processes.

Areas identified for residential growth are generally in the Activity Centres as a priority and then along the Strategic Corridors. The Northland Urban Renewal Precinct has been identified to take a substantial amount of future residential growth however, there is a 5 – 10 year time delay before the area is ready to provide a suitable environment for residential uses. Therefore this precinct is unable to be considered to meet the short term demand for apartment-style development.

The two Strategic Corridors, St Georges Road and Plenty Road provide substantial capacity for residential intensification near existing public transport and services/jobs in the immediate future. Any further constraining of capacity in the Corridors may have unintended consequences from growth pressure impacting established residential areas. The adoption of Amendments C136 and C137 will enable Council to better manage the built form outcomes of this proposed residential development and reduce pressure on sensitive residential neighbourhoods.

**CONSULTATION**

- Council Briefing - 30 March 2015

**RECOMMENDATION****THAT** Council:

- (1) Note the further information provided at the briefing held 30 March 2015 and in this report regarding the Northland Urban Renewal Precinct – Relationship to the Corridor Amendments C136 and C137.
- (2) Confirm the growth management direction set out in the Municipal Strategic Statement and the Darebin Housing Strategy for the Northland Urban Renewal Precinct and the two strategic corridors of Plenty Road and St Georges Road.

**MOTION****MOVED: Cr. G. Greco****SECONDED: Cr. T. McCarthy****THAT** Council:



- (1) Note the further information provided at the briefing held 30 March 2015 and in this report regarding the Northland Urban Renewal Precinct – Relationship to the Corridor Amendments C136 and C137.
- (2) Confirm the growth management direction set out in the Municipal Strategic Statement and the Darebin Housing Strategy for the Northland Urban Renewal Precinct and the two strategic corridors of Plenty Road and St Georges Road.
- (3) Write to the Minister for Planning, Mr Richard Wynne MP requesting support to accelerate the redevelopment of the Northland Urban Renewal Precinct.

*Cr. McCarthy proposed to the mover (Cr. Greco) that point (2) be amended as follows. This was accepted by Cr. Greco.*

- (2) Write to the Minister for Planning, Mr Richard Wynne MP seeking an update on the Andrews Government's proposed increase in population and the target number of dwellings for Darebin.

THE AMENDED MOTION THEN READ AS FOLLOWS:

<b>AMENDED MOTION</b>
-----------------------

**MOVED: Cr. G. Greco**

**SECONDED: Cr. T. McCarthy**

**THAT Council:**

- (1) Note the further information provided at the briefing held 30 March 2015 and in this report regarding the Northland Urban Renewal Precinct – Relationship to the Corridor Amendments C136 and C137.
- (2) Write to the Minister for Planning, Mr Richard Wynne MP seeking an update on the Andrews Government's proposed increase in population and the target number of dwellings for Darebin.
- (3) Write to the Minister for Planning, Mr Richard Wynne MP requesting support to accelerate the redevelopment of the Northland Urban Renewal Precinct.

*Cr. Li requested it be noted that he was denied his right to speak for the second time this evening.*

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

### COUNCIL RESOLUTION

**MOVED: Cr. G. Greco**

**SECONDED: Cr. T. McCarthy**

**THAT** Council:

- (1) Note the further information provided at the briefing held 30 March 2015 and in this report regarding the Northland Urban Renewal Precinct – Relationship to the Corridor Amendments C136 and C137.
- (2) Write to the Minister for Planning, Mr Richard Wynne MP seeking an update on the Andrews Government's proposed increase in population and the target number of dwellings for Darebin.
- (3) Write to the Minister for Planning, Mr Richard Wynne MP requesting support to accelerate the redevelopment of the Northland Urban Renewal Precinct.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

At its meeting on 16 March 2015, Council resolved:

*That Council:*

- (1) *Endorse the timetable outlined in Table 1 to this report, to align Council's work program with the planning scheme amendment being proposed by the Metropolitan Planning Authority.*
- (2) *Note that the separate Northland Urban Renewal Precinct Structure Plan planning scheme amendment and the preparation of a submission to the Metropolitan Planning Authority proposed amendment are subject to 2015/2016 budget considerations.*
- (3) *Receive a briefing on the implementation of the Northland Urban Renewal Precinct Structure Plan and its interactions with the proposed amendments of C136 and C137, particularly in relation to housing supply, social and affordable housing and population and jobs growth.'*

This report addresses the matters raised in the third point of this resolution.

#### **Growth pressures in Darebin**

Development pressure has increased over the last ten years with a significant amount of growth occurring in the southern portion of the municipality. There are several key drivers sitting behind Darebin's growth management response which are outlined in the MSS and the Darebin Housing Strategy. Council is implementing these directions through several methods.

### Key Drivers of Growth

Key strategic drivers for Darebin in addressing the challenges of population growth and demographic changes include:

- Managing housing growth proactively and responding to shifts in housing development patterns;
- Initiating economic transformation to delivering on local jobs in line with population growth;
- Delivery on housing diversity;
- Supporting the La Trobe National Employment Cluster planning by the State Government; and
- Providing for a diverse and socially inclusive municipality.

In particular the Housing Vision outlined in the revised MSS (adopted through C138) responds to these drivers and links Council's corporate goals to support a vision that:

- Balances the needs of current as well as future residents;
- Is affordable, equitable and accessible for all residents;
- Exhibits best practice environmental design and urban design excellence;
- Is appropriate to its location;
- Is considerate of its context; and
- Provides for diverse housing needs and preferences.

### Changing Demographic Profile

As Darebin is experiencing strong growth, the consequences are for the following changes to the population profile:

- The main increase will be from couples without children, creating demand for one and two bedroom dwellings in a mix of typologies and locations;
- More group households, needing internal layouts that can support multiple adults sharing facilities;
- More lone person households combined with a policy of "aging in place" – means more three bedroom stock being occupied by a single person; and a
- Lesser increase in couples with children predominantly occupying a separate house.

The Housing and Population Report 2014, produced by the Department of Transport, Planning and Local Infrastructure (DTPLI) identified that noticeable trends of aging and gentrification are likely to impact household sizes and continue the downward trend in average household sizes, noting that "compared to the Melbourne average, Darebin has a higher proportion of lone person households and group households".

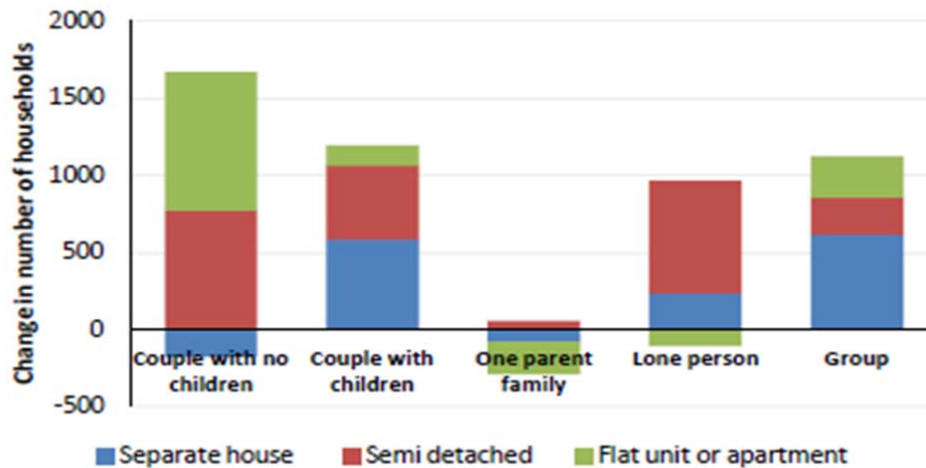
Examples of these trends can be found in the changes in Northcote over the last ten years:

- Population increasing by 1,466 additional people from 2006 to 22,801 in 2010.
- More Australian born residents increasing from 66.5% in 2006 to 69% in 2011.
- More educated residents with 36.7% in 2006 having higher education degrees and 44.4% in 2011.
- There are more professionals and managers than any other occupation living in this suburb. They make up 55.6% of the workforce in 2011 increasing from 51.2% in 2006.
- There are more couples with children making up 27.3% of the population in 2011 increasing from 25.6% in 2006.
- There are more households without children with 22.9% of the households in 2011 increasing from 21.6% in 2006.

- There are fewer single parents making up 7.6% of the households in 2011 and 9.5% in 2006.
- Fewer lone person households making up 26.7% in 2011 in the mix compared with 28.6% in 2006.
- Overall house prices are going up significantly, reaching \$897,500 in June 2014 compared with \$616,000 at June 2008.

These changes are illustrated in the graph below.

**Figure 5 Household growth and dwelling type 2001 to 2011<sup>6</sup>**



Source: DTPLI Amendment C144 Housing and Population Report, 2014

## ISSUES AND DISCUSSION

### Northland Urban Renewal Precinct (NURP)

This Precinct has long been marked for significant urban renewal in the form of residential intensification with a particular focus on employment creation. However, the current existing industrial uses and zone controls means there is a considerable lead time required in transforming this area as residential uses are currently prohibited. Over the next 5 – 10 years the following processes are necessary prior to any residential development being habitable:

- Planning Scheme Amendment(s) to rezone land to introduce residential uses and manage built form outcomes;
- Site clean-up and amelioration due to existing contamination;
- Infrastructure construction to provide roads and drainage, etc.;
- Development proposals being lodged via planning permit process;
- Pre-sales process to secure financing for the overall development to proceed;
- Built form construction; and
- Completion with final occupancy certification being granted.

Based on these assumptions, this renewal Precinct cannot be relied on as a source of residential land redevelopment supply in the next ten years.

### NURP Objectives

Council has invested heavily in this flagship project over the past six years. Significant opportunities exist with the redevelopment of the Precinct including increased job opportunities, improved urban realm, investment opportunities, transport connections and associated municipal outcomes. These objectives need to be balanced with the desire to establish several residential neighbourhoods within the Precinct. Without a fully integrated Structure Plan and supporting regulatory control package there is the risk the whole Precinct could become a residential enclave.

While having the potential to meet the residential growth pressures for the next couple of decades, this approach would deny a number of other community benefits such as a strengthened local economy, local employment choices and would reduce the ability to create a sustainable community. A lack of local jobs will force a large portion of future residents to commute outside the precinct for employment, generating traffic congestion and greenhouse gases.

### **Social and Affordable Housing Objectives**

Both the Darebin and Banyule City Council sides of the Darebin creek exhibit a high rating on the SEIFA index of disadvantage. This means that any future housing and renewal in this area needs to give further consideration to the housing diversity, the mix of house typologies and the distribution across this large precinct. As the planning for this Precinct is in the early stages there is scope to set the context for provision of social and affordable housing through a comprehensive suite of policy and planning controls to be introduced through the NURP Structure Plan. Achievement of this goal would also depend on the ability to provide in a timely manner a sufficient level of community infrastructure in the form of services, facilities, open space and in particular a high quality public transport system. This community infrastructure is currently absent in the NURP area.

### **Strategic Corridors**

The St Georges Road and Plenty Road corridors provide an immediate source of residential intensification land supply, suitable for a multi-storey apartment typology. Earmarked for a "substantial" level of change in the MSS, there is a greater focus on managing redevelopment proposals towards a new urban character which is different from the existing. These locations lend themselves to urban apartment style development because the increasing traffic volume indicates that a suburban level of amenity cannot be maintained.

Increasingly residents are seeking out locations that are well served by public transport and have good access to a range of goods and services nearby. Proximity to these attributes offers a choice and significantly improved environmental outcomes through reduced reliance on private motor vehicles for commuting and local trips. Through land use policy Council can assist with creating choices and diverse options in the location and type of housing that is available for diverse current and future generations. This will assist with the long term affordability for different income brackets to live in and around centres.

The biggest difference Council can make in achieving its sustainability and social inclusion objectives is to support more housing in existing transport and services rich locations.

The intent of Amendment C136 and C137 was to provide substantial capacity for apartment development along the corridors. This capacity is enabled by the proposed building height in combination with the 30 or 45 rear setback envelopes specified in the DDO. The Panel recommendations seek to modify the capacity through height reductions in some areas and changing most of the 30 degree rear envelopes to 45 degree setback requirements, resulting in reduction of potential development capacity.

If Council has an appetite to further modify the capacity outcomes then there are risks of development pressure being deflected to other areas. Further justifications for any deviations from the Panel recommendations will need to be provided to the DELWP in seeking approval from the Minister for Planning.

In addition the Corridors act as a pressure release valve for this type of apartment development which is discouraged in the adjoining residential areas. Land adjoining these corridors is either zoned for General or Neighbourhood Residential Zones (GRZ or NRZ) which have a greater focus on aligning redevelopment with the identified local character. There are already a number of examples of additional apartment development pressure being experienced in the abutting NRZ and GRZ areas.

The priority for apartment-style development, to be appropriately located along the Corridors will be reinforced by the approval of amendments C136 and C137.

### Supply and Demand

Table 1 below shows the areas identified to take residential growth at an increased density and the yield distribution in the short term. It should be noted that minimal and incremental residential infill development will still occur in the areas with GRZ and NRZ. The potential yield of 28,000 dwellings, proposed to be delivered over the next 20 years, depends on a number of planning scheme changes and the staging of these actions will impact on the level of supply available at any one time. At the current time there are still a number of locations where supply is constrained and this affects where short term development pressure is directed.

Apart from the Preston Central and Northcote activity centres, High Street and the two strategic corridors offer the greatest and most readily available supply of land suitable for apartment typologies. As noted in the Table below Council is receiving numerous applications (745 approved apartments on St Georges Road and 955 approved apartments along Plenty Road) for apartment-style redevelopment without the proposed built form controls to be introduced through C136 and C137 being in place. Further reduction of capacity along these Corridors will increase this demand pressure in more sensitive areas and undermines Council's overall strategic directions and sustainability aspirations.

**Table 1 – Housing Growth Areas and Potential Yield\***

Location	Relevant Zones	Dwelling Yield	Delivery	Availability
Preston Central Activity Centre	PDZ	3,000	Various development in the pipeline and under construction	Short-medium term
Northcote Activity Centre	C1Z, MUZ	2,000	Requires some rezoning 3 – 5 years	Short-medium term
Plenty Road corridor	C1Z, MUZ1, RGZ, GRZ	2,000	Already 955 approved dwellings in pipeline, relies on C137 to effect built form controls	Short-medium term
The Junction	C1Z, MUZ1, RGZ	1,500		Short term

Location	Relevant Zones	Dwelling Yield	Delivery	Availability
St Georges Road Corridor	C1Z, MUZ1, RGZ, GRZ	2,000	Already 745 approved dwellings in pipeline, relies on C136 to effect built form controls	Short-medium term
Oakover Village	MUZ1, RGZ	1,000		Short term
High Street Corridor	C1Z	2,000	Various development in the pipeline and under construction	Short-medium term
Keon Park local centre	C1Z, MUZ	200	Incremental, low impact	Medium term
Fairfield Neighbourhood Centre	C1Z, RGZ	300	Subject to DDO controls being prepared and approval of C147	Medium term
Reservoir Activity Centre	C1Z	1,000	Requires rezoning 3 – 5 years	Medium term
La Trobe University and Polaris	MUZ, PUZ, RGZ	4,000	Requires some rezoning 3 – 10 years	Medium-long term
Summerhill Village Neighbourhood Centre	C1Z, MUZ	400	Recent retail development means that residential development is unlikely to be delivered in the next ten years.	Medium-long term
Heidelberg Road Corridor	C1Z, MUZ	600	Requires some rezoning 3 – 5 years	Medium-long term
Northland Urban Renewal Precinct	C1Z, ACZ, RGZ	8,000	Requires rezoning and site remediation 5 – 10 years	Medium-long term
<b>Total</b>		<b>28,000</b>		

\* Assumes that delivery is over the next twenty years

### Growth Area Relationships

The growth areas above have been identified on the basis of the substantial change criteria in the MSS Strategic Housing Framework Plan. These areas are generally focussed on the Activity Centres as a priority and then along the Strategic Corridors. The scale and intensity of residential growth will differ across each of these areas depending on their strategic capacity to accommodate growth, existing local conditions, amenity and services, and future housing needs. Generally, residential growth in Darebin adheres to the following hierarchy:

1. Preston Central and Northland East Preston Activity Centres;
2. Reservoir and Northcote Activity Centres;
3. Neighbourhood Centres;
4. Strategic Corridors including Plenty Road and St Georges Road; and
5. Other substantial change areas as identified in the Strategic Housing Framework Plan.

This hierarchy allows growth to be distributed to localities across the municipality and contribute to a greater diversity of housing stock within different neighbourhoods. This approach enables Council's policy position on supporting "aging in place" and enabling people to move through different types of housing during their life cycle. This includes allowing older residents to relocate to smaller houses and remain connected to their local community networks and allowing young adults to establish their independence from the traditional family home.

This diversity of housing stock offers other benefits of a price differential within a particular location which in part contributes to matters of affordability and equity. This increase in the mix of population in and around local activity centres further adds to the local catchment and potentially the ongoing viability of local centres as a community focal point.

The above Table demonstrates that all the identified areas for growth with similar attributes (i.e. adjacent train/tram/smart bus routes, in centres, close to jobs) are intrinsically linked as competitive locations for change. If Council does not enable sufficient capacity or is constraining capacity then the market will set its own direction. The risk is without a sufficient choice or certainty for higher order

development (i.e. apartments), then the market will likely disperse into quieter suburban residential streets to achieve the similar yields. To achieve the same level of yield in suburban areas a greater number of lots will be required for redevelopment.

This will erode the availability of detached homes as an important part of the mix of typologies available in Darebin. The challenge for Council is to balance its desire to control apartment housing with giving enough scope to the market to make it viable for this type of development to be realised in preferred locations.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

The biggest difference Council can make in achieving sustainability objectives is to support more housing in existing transport rich locations and close to employment to reduce the reliance on private motor vehicles and the generation of greenhouse gas emissions.

### **Human Rights, Equity and Inclusion**

The way in which Council manages growth has a direct impact on the availability of a range of housing stock to meet the needs of diverse current and future populations, including the ongoing provision for economically disadvantaged population to remain in Darebin.

### **Economic Development**

The relationship between the accommodation of residential growth and the creation of new local employment opportunities in the NURP and bolstering local economic catchments through increased housing development has been discussed in the body of this report.

### **Other**

There are no other implications generated as a result of the further information provided in this report.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no direct financial implications from the further information provided in this report.

## **CONCLUSION**

There is now a strong policy alignment between the Council Plan 2013- 2017, the revised MSS and the Darebin Housing Strategy. The strategic growth management direction, set through the MSS and the Darebin Housing Strategy, is based on all elements being delivered in an integrated way. All the locations identified to accommodate growth are near existing public transport services and with some access to shops and other services. The balancing of supply across these locations is connected and any departures from a strategic direction may cause a range of unintended consequences.

Although the Northland Urban Renewal Precinct has been identified to take a substantial amount of future residential growth, there is a 5 – 10 year time delay before the area is ready to provide a suitable environment for residential uses. Council is in a good position to set the context for its aspirations of social and affordable housing through a comprehensive suite of policy and planning controls to be introduced through the NURP Structure Plan. As NURP cannot deliver the necessary short term supply of housing the ability to meet this growth pressure falls on the Centres and Corridors.

The two Strategic Corridors, St Georges Road and Plenty Road provide capacity for residential intensification near existing public transport and services/jobs in the immediate future. Any further



constraining of capacity in the Corridors may have unintended consequences from growth pressure impacting established residential areas.

The adoption of Amendments C136 and C137 will enable Council to better manage the built form outcomes of this proposed residential development and reduce pressure on sensitive residential neighbourhoods.

### **FUTURE ACTIONS**

- Final Amendment documentation to be presented to Council for adoption in May 2015.

### **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**

- Municipal Strategic Statement
- Darebin Housing Strategy
- Council Minutes – 16 March 2015